

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A USED CAR LOT AT 9300 E. US 40 HIGHWAY, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by the City of Independence, requesting approval of a Special Use Permit to allow the operation of a used car lot on property at 9300 E. US 40 Highway, was referred to the Planning Commission; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a Special Use Permit by the City following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a virtual public hearing for the consideration of the request on December 14, 2021, and rendered a report to the City Council recommending the Special Use Permit be approved by a vote of 5-2; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on January 18, 2022, and rendered a decision to approve the Special Use Permit for the said property; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request was consistent with the review criteria in Section 14-704-09.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. The following described tract of real estate is hereby declared subject to the Special Use Permit approved by this ordinance. The site is legally described as follows:

Ashland Addition: Lots 63 and 65, lying North of US Highway 40

SECTION 2. That the Special Use Permit is hereby approved with the conditions listed below.

1. In the parking and vehicle storage area, one of the spaces must be designated a Van-accessible ADA space with proper markings and signage.
2. No vehicles shall be displayed, stored or parked in the right-of-way.
3. The parking lot shall be striped in accordance with the UDO.
4. At least 2 customer parking spaces shall be provided; one of which shall be a van accessible space with markings and applicable signage.
5. Parking lot and building landscaping must be provided in accordance with the UDO.
6. Upgrade the exterior and paint.
7. For any trash removal service, a masonry trash enclosure must be constructed.
8. All site improvements shall be completed prior to a City business license being approved for the vehicles sales business.

SECTION 3. Any other uses on the property described by Section 1 of this Ordinance shall be governed by the base zoning district and other applicable regulations of the Unified Development Ordinance.

SECTION 4. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 6. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2022, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager