

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-A (RESIDENTIAL-AGRICULTURAL) AND DISTRICT R-4/PUD (SINGLE-FAMILY LOW DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) TO DISTRICT R-A (RESIDENTIAL-AGRICULTURAL) FOR THE PROPERTY AT 2631 S. LOBB CEMETERY ROAD IN INDEPENDENCE, MISSOURI.

WHEREAS, an application submitted by Kevin Perrin requesting approval of a rezoning from District R-A (Residential-Agricultural) and District R-4/PUD (Single-Family Low Density Residential/Planned Unit Development) to District R-A (Residential-Agricultural) for property at 2631 S. Lobb Cemetery Road was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning 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 public hearing for the consideration of the request on September 13, 2022, and rendered a report to the City Council recommending that the rezoning be approved by a vote of 6-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on October 17, 2022, and rendered a decision to approve the rezoning of the said property; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning was consistent with the review criteria in Section 14-701-02; and,

WHEREAS, no legal protests were signed, acknowledged, and presented for the application.

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

SECTION 1. That the following legally described property is hereby rezoned from District R-A (Residential-Agricultural) and District R-4/PUD (Single-Family Low Density Residential/Planned Unit Development) to District R-A (Residential-Agricultural) and shall be subject to the regulations of said district:

All that part of the Southeast quarter of Section 12, Township 49, Range 31, in the City of Independence, Jackson County, Missouri, more particularly described as;

Commencing at the Southwest corner of the Southeast quarter of said Section 12, thence North 02 degrees 15 minutes 23 seconds East, along the West line of said quarter section, a distance of 286.94 feet, to the Point of Beginning; thence North 02 degrees 15 minutes 23 seconds East, along the West line of said quarter section, a distance of 709.06 feet; thence South 88 degrees 30 minutes 21 seconds East, a distance of 1274.63 feet, to a point on the West Right-of-Way line of Missouri Highway No. 7, as now established; thence South 02 degrees 09 minutes 38 seconds West, along said West Right-of-Way line, a distance of 709.04 feet; thence South 04 degrees 57 minutes 46 seconds East, along said West Right-of-Way line, a distance of 283.54 feet; thence North 88 degrees 30 minutes 21 seconds West, a distance of 465.14 feet, thence North 02 degrees 15 minutes 23 seconds East, a distance of 133.11 feet; thence North

88 degrees 30 minutes 21 seconds West, a distance of 531.57 feet; thence North 63 degrees 05 minutes 13 seconds West, a distance of 346.28 feet, to the Point of Beginning. Containing 26.00 acres.

SECTION 2. 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 3. 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 4. 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