

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-6 (SINGLE FAMILY RESIDENTIAL) TO DISTRICT R-12 (TWO FAMILY RESIDENTIAL) FOR THE PROPERTY AT 701 N. FOREST AVENUE IN INDEPENDENCE, MISSOURI.

WHEREAS, an application submitted by Walter Bethay requesting approval of a rezoning from District R-6 (Single Family Residential) to District R-12 (Two Family Residential) for the property at 701 N. Forest Avenue 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 January 10, 2023, and rendered a report to the City Council recommending that the rezoning be approved by a vote of 4-1; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on February 20, 2023 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-6 (Single Family Residential) to District R-12 (Two Family Residential) and shall be subject to the regulations of said district:

ALL OF THAT PART OF THE NW 1/4 OF SECTION 03-TWP 49-RNG 32, INDEPENDENCE, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF FOREST STREET AND THE NORTH RIGHT-OF-WAY LINE OF COLLEGE TERRACE; THENCE N 01°-18'-51" E, ALONG THE WEST LINE OF SAID NW 1/4, 149.23 FEET (DEED = 154'±) TO THE WESTERLY PROLONGATION OF THE SOUTH LINE OF LOT 4, JOSEPH R. WARREN ADDITION, A SUBDIVISION IN SAID INDEPENDENCE; THENCE S 88°-41'-09" E, ALONG SAID SOUTH LINE AND ITS WESTERLY PROLONGATION, 123.10 FEET (DEED & PLAT = 123'±) TO THE SOUTHEAST CORNER OF SAID LOT; THENCE S 01°-18'-51" W, ALONG THE SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID JOSEPH R. WARREN ADDITION, 123.86 FEET (DEED = 137'±) TO THE NORTHERLY LINE OF MINDRUP HEIGHTS, A SUBDIVISION IN SAID INDEPENDENCE, SAID LINE ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF THE ABANDONED KANSAS CITY SOUTHERN RAILWAY; THENCE SOUTHWESTERLY, ALONG SAID LINES ON A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF S 49°-42'-21" W, AN ARC DISTANCE OF 39.71 FEET (DEED = 28'±) TO THE NORTH RIGHT-OF-WAY LINE OF SAID

COLLEGE TERRACE; THENCE N 87°-32'-30" W, ALONG SAID LINE, 84.05 FEET (DEED = 90'±) TO THE POINT OF BEGINNING. CONTAINING 18,089 SQUARE FEET OR 0.4153 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 _____, 2023, 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