

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING REZONINGS FROM DISTRICT R-30/PUD (HIGH DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) FOR THE PROPERTIES LOCATED AT 137 E. COLLEGE STREET; 110, 116, 118 AND 120 E. FARMER STREET; 112, 113, 116, 118, 120, 121, 125, 127, 130, 134 AND 137 E. WALDO AVENUE; AND 501, 507, 601, 605, 609, 615, 617, 619 AND 623 N. MAIN STREET; IN INDEPENDENCE, MISSOURI.

WHEREAS, the City is requesting approval of rezonings from District R-30/PUD (High Density Residential/Planned Unit Development) and District C-2 (General Commercial) to District R-6 (Single-Family Residential) for the properties at 137 E. College Street; 110, 116, 118 and 120 E. Farmer Street; 112, 113, 116, 118, 120, 121, 125, 127, 130, 134 and 137 E. Waldo Avenue; and 501, 507, 601, 605, 609, 615, 617, 619 and 623 N. Main Street 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 February 14, 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 April 5, 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-30/PUD (High Density Residential/Planned Unit Development) and District C-2 (General Commercial) to District R-6 (Single-Family Residential) and shall be subject to the regulations of said district:

JOHNSONS 1ST ADD; BEG AT A PT 165.8' W OF NE COR LOT 25 TH W 52.25' TH S 150'; TH E 52.25' TH N TO POB

MCCOY'S ADD E 60' OF S 50' LOT 5

JOHNSONS 1ST ADD; W 40' OF S 1/2 LOT 13

JOHNSONS 1ST ADD E 40' OF W 80' OF S 100' MOL LOT 13

JOHNSONS 1ST ADD; W 45' OF E 85' OF S 100' MOL LOT 13

MCCOY ADD; E 60' OF N 50' OF S 51.75' LOT 8

JOHNSON 1 ADD; W 48' OF N 94' OF LOT 13

JOHNSONS 1ST ADD; W 1/2 LOT 28 (EX N 15')

JOHNSONS 1ST ADD; E 1/2 AND N 15' OF W 1/2 OF LOT 28
JOHNSONS 1ST ADD; PT LOTS 25 AND 29 DAF: BEG SW COR LOT 29 TH E 104' TH N 125'; TH W 104' TH S 125' TO POB
JOHNSONS 1ST ADD; E 60' OF W 108' OF N 94' LOT 13
JOHNSONS 1ST ADD; E 56.9' OF W 164.9' OF TH N 100' MOL LOT 13
JOHNSONS 1ST ADD; W 70' OF N 108.2' OF LOT 32
JOHNSONS 1ST ADD; LOT 25 DAF: BEG 22' E SW COR TH E 55' TH N 135' TH W 55' TH; S 135' TO POB
JOHNSONS ADD; LOT 25 DAF: BEG 135' E OF SW COR TH W 55' TH N 145' TH S POB
JOHNSONS 1ST ADD PT LOT 32 DAF: BEG AT NE COR TH W 95' TH S 108.5' TH E 50' TH N 9' MOL TH E 45' TH N TO POB
MCCOY ADD; S 50' LOT 5 (EX E 60')
MCCOY ADD; S 48' OF N 65.25' LOT 6
MCCOYS ADD --- W 100' OF N 50' OF S 51.75' LOT 8
MCCOY ADD; LOT 8 (EX S 51.75') AND LOT 9 (EX N 50')
MCCOY ADD; N 50' LOT 9
MCCOY ADDS 32.53' LOT 10
MCCOY ADDN 48.3' OF LOT 10 & S 2.63' OF LOT 11
MCCOY ADDS 38.2' OF N 78.2' LOT 11
MCCOY ADDN 40' OF LOT 11

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:

Rezoning – City of Independence – N. Main Street Area
Case #23-100-06
03/06/23 – JF

City Counselor

REVIEWED BY:

City Manager