

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT R-30/PUD (HIGH DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY AT 10101 E. KENTUCKY ROAD, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted to the City of Independence requesting approval of a rezoning from District C-1 (Neighborhood Commercial) to District R-30/PUD (High Density Residential/Planned Unit Development) and a preliminary development plan for 10101 E. Kentucky 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 and preliminary development plan 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 March 28, 2023, and rendered a report to the City Council with its vote to recommend approval of this application passed 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 May 15, 2023, and rendered a decision to approve the rezoning and preliminary development plan for the said property; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning and preliminary development plan was consistent with the review criteria in Section 14-701-02 and 14-703-05 respectively; 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 tract of real estate is hereby rezoned from District C-1 (Neighborhood Commercial) to R-30/PUD (High Density Residential/Planned Unit Development) and shall be subject to the regulations of said district:

The West 35 feet of Lot 27, Fairmount, a subdivision in Independence, Jackson County, Missouri.

SECTION 2. That the Preliminary Development Plan, in the form of photographs of the site, is attached hereto and is incorporated by reference as if fully set out herein, is hereby approved with the following conditions:

1. The number of dwelling units in the building is limited to three units.
2. Install a six foot privacy fence along the southern (rear) property line.
3. The City Council approves a 30% density increase to allow the building to retain three dwelling units.

4. If required by the Fire Department, the dumpster must be relocated to a safer site.
5. The owners must obtain and maintain the proper City business and landlord licenses.
6. Before any business/landlord licenses are approved however, the 10101 and the 10103 properties must be replatted to shift the common lot line east five to ten feet to provide more area for the 10101 lot and the necessary parking for this structure. The distance for the line relocation will depend on the distance between the structures on the two lots.

SECTION 3. 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 4. 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 5. 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