

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP AS TO A TRACT OF GROUND LOCATED AT 1917 AND 1919 S. SCOTT AVENUE FROM DISTRICT R-12 (TWO-FAMILY RESIDENTIAL) TO DISTRICT R-18/PUD (MODERATE DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND APPROVE A PRELIMINARY DEVELOPMENT PLAN, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

WHEREAS, the hereinafter described property have been classified by the City Council in the Code of the City of Independence, Missouri, as lying and being within District R-12 (Two-Family Residential) and being subject to the regulations of District R-12 (Two Family Residential) as specified in Section 14-300 of the Code of the City of Independence, Missouri; and an application was filed on January 4, 2019, with the Community Development Department requesting that the district boundaries of the Zoning District Map be amended so that the entire said property will lie and be in District R-18/PUD (Moderate Density Residential/Planned Unit Development) and be subject to the regulations of said district as specified in Sections 14-300 and 14-902 of the Code of the City of Independence, Missouri; and,

WHEREAS, the Independence Planning Commission did cause to be published on January 26, 2019, a notice of the time and place of such hearing notifying all interested parties that a hearing on such proposed rezoning would be held by the Planning Commission on February 12, 2019 and by the City Council on March 18, 2019, at 6:00 p.m., in the City Hall Council Chambers, at 111 E. Maple Avenue in Independence, Missouri, which said notice proposed that the property described hereinafter be so rezoned from District R-12 (Two-Family Residential) as specified in Section 14-300 of the Code of the City of Independence, Missouri, to District R-18/PUD (Moderate Density Residential/Planned Unit Development) as specified in Sections 14-300 and 14-902 thereof; and,

WHEREAS, at the Independence Planning Commission public hearing, all parties in interest were given an opportunity to be heard; and,

WHEREAS, at the Independence City Council public hearing, all parties in interest and citizens with new information were given an opportunity to be heard and the matter has been duly submitted and considered by the City Council, and no legal protest was 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 City Council hereby makes the following findings:

1. That, the rezoning is consistent with the review criteria listed in Section 14-902-01 of the City Code.
2. That, a public hearing was held pursuant to a notice duly published according to law, at which time all interested parties were given the full opportunity to be heard.
3. That, the R-12 zoning classification allows for single- and two-family dwellings and various other uses (cemeteries, schools, government facilities and some agricultural activities).
4. That, the proposed R-18/PUD zoning permits two-family, multi-family dwellings and other civic and governmental uses.
5. That, at the Planning Commission hearing, no one spoke in opposition to the rezoning

application.

6. That, at the hearing, no protest petition was submitted in opposition to the application.
7. That, at its February 12, 2019 Planning Commission meeting, the Commission voted 4-2 to recommend approval of this application with the conditions listed below.

SECTION 2. That the Boundaries of the Zoning District Map as incorporated in the Code of the City of Independence, Missouri, relating to the zoning of properties within the corporate limits, are hereby amended as to property legally described as follows:

All of Lot 79 and the south 36 feet of Lot 80, West End Addition, a subdivision in Independence, Jackson County, Missouri

causing the same to be zoned District R-18/PUD (Moderate Density Residential/Planned Unit Development) as defined Section 14-300 and 14-902 of the Code of the City of Independence, Missouri with the following conditions:

1. The use of the property is limited to only three dwelling units: two units in the main floor of the building and one dwelling above the main floor.
2. The water service curb box needs to be raised to ground level and the top section replaced. Contact the City Water Department for further details.
3. All proper permits must be taken out to allow for future construction work on the property, as required by the City Building Codes.

SECTION 3. That the Preliminary Development Plan, as defined in Section 14-703 of the Code of the City of Independence, Missouri, attached hereto and is incorporated by reference as if fully set out herein, is hereby approved. No building permit shall be issued until a Final Development Plan is approved that shall be in general compliance with the Preliminary Development Plan.

PASSED THIS _____ DAY OF _____, 2019, 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