

AN ORDINANCE APPROVING THE PROPOSED REZONING FOR A SPECIAL USE PERMIT FOR CERTAIN PROPERTY IN THE CITY OF JACKSON, MISSOURI, DESCRIBED IN EXHIBIT A; SETTING FORTH THE AREA FOR SPECIAL USE AND THE CONDITIONS OF SPECIAL USE; ALL IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSOURI.

WHEREAS, the City Board and the Planning and Zoning Commission have considered a special use permit for property described as 957 West Independence Street, as set out in Exhibit A which is attached hereto and incorporated herein by reference; and,

WHEREAS, a public hearing was held on said special use permit in accordance with Chapter 65 of the Code of Ordinances of the City of Jackson, Missouri; and,

WHEREAS, a special use permit for a community unit plan for a high-density mixed residential development in a C-2 General Commercial District at 957 West Independence Street may be granted by virtue of Chapter 65 of the Code of Ordinances of the City of Jackson, Missouri; and,

WHEREAS, after duly considering the recommendations of the City Planning and Zoning Commission and other input received at the required public hearing, the Board of Aldermen of the City of Jackson, Missouri, has decided it is in the best interests of the citizens of the City of Jackson, Missouri, to grant a special use for said property.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOWS:

Section 1. That an application for a special use permit, which said application is marked Exhibit A and attached hereto, is hereby approved, and a special use permit is hereby issued to Brennon Todt, Applicant.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit for a high-density mixed residential development in a C-2 General Commercial District at 957 West Independence Street.

The aforesaid special use permit is subject to the following specific conditions:

1. The community unit plan shall conform with Section 65-25 Community unit plan regulations.
2. The community unit plan shall remain under one ownership and no individual dwelling, collection of dwellings, dwelling lot(s) or space, or other portion of the parent property shall be sold or otherwise transferred without including the entire property included in this special use permit.
3. The optional layouts provided as part of this application are conceptual and not regulatory. Other layouts and combinations of mobile homes, single-family, attached-single-family, and multi-family dwellings which conform with Section 65-25 and the special conditions of this permit are allowed.
4. Mobile homes in this community unit plan shall be allowed to be owner-occupied or shall be rental mobile homes owned only by the holder of the special use permit.
5. All buildings within this community unit plan shall be limited to two stories with a maximum total height of 35'.
6. All construction related to single-family homes, multi-family dwellings, mobile homes, accessory structures, and alteration to any of these shall be constructed in conformance with the city building code effective at the time of their construction.
7. All new mobile homes shall be compliant with the requirement for new installations as regulated by the Missouri Public Service Commission.

8. All newly installed older mobile homes shall have their original HUD sticker and shall be installed in accordance with all codes of the City of Jackson for mobile home installation, except as varied by this special use permit.
9. The property owner shall have permanent markers for all property corners and for the Barks Street right-of-way found or re-established by a surveyor.
10. All utility upgrades required to service this development shall be the responsibility of the property owner and shall conform with all city requirements and approvals for multi-family utility installations.
11. The following building setbacks shall be maintained:
 - a. Building street/access road setbacks:
 - i. All building setbacks herein shall exclude the tongue of a mobile home.
 - ii. All building setbacks herein shall include porches, decks and other extensions, enclosed or unenclosed.
 - iii. Multi-family buildings with front parking:
 1. Barks Street public street right-of-way: 20' from property line
 2. Private access streets: 20' from edge of private street
 - iv. Single-family dwellings with offset parking:
 1. Barks Street public street right-of-way: 16' from property line
 2. Private access streets: 16' from edge of private street
 - b. Minimum setback between buildings: 16'.
 - c. Minimum setback to exterior property lines: 20'.

d. Exceptions:

- i. Existing mobile homes which do not meet these setbacks shall be allowed to remain. When replaced with another mobile home or other type of dwelling, the above setbacks shall apply.
- ii. No other setback exceptions established by the zoning code apply.

12. No portable or permanent structures shall be installed or maintained within the public Barks Street right-of-way.

13. All units other than the management office shall be used only for single family or multi-family residential dwellings and the following home occupations which comply with the definition of home occupations:

- a. Dressmaking or tailoring.
- b. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
- c. Teaching, not including music instruction, limited to not more than two (2) pupils at a time.
- d. Telephone, computer, or internet occupations which comply with the zoning code definition of a home occupation.
- e. Supporting office operations for a business conducted at other locations when the office operations comply with the zoning code definition of a home occupation.
- f. Other home occupations which comply with the general requirements for a home occupation but are not within the listed allowable home occupations of the City of Jackson zoning code, with a special use permit only.

14. No construction fill grading structure installation or other work shall encroach into the floodplain or floodway shown on the currently effective FEMA map without issuance of a floodplain development permit.
15. Number of off-street parking spaces for each building shall conform with the zoning code requirement for minimum parking spaces effective at the time of the building's construction.
16. Off-street parking layout shall conform with the parking requirements of Chapter 65, with the following exception(s):
 - a. Parking for any multiple-family dwelling units located along Barks Street public street right-of-way shall not be required to be set back 10' from the street right-of-way.
17. Installed shipping containers used for long-term storage shall require a separate special use permit in accordance with the city's zoning code.
18. Exterior lighting shall be subject to the following limitations:
 - a. Maximum illuminance at street line – five footcandles
 - b. Maximum illuminance at property line adjacent to residential district – one-half footcandle
 - c. Maximum illuminance at any other property line – one footcandle
19. All codes of the City of Jackson, Missouri shall apply, except as varied by this special use permit.

Section 3. That the City Clerk of the City of Jackson, Missouri, shall and is hereby directed to indicate on the "Official Zoning District Map" of the City of Jackson, Missouri, the above special use permit and the date of issuance thereof and to certify same and to keep said map on file in the

office of the City Clerk and a copy displayed in City Hall, City of Jackson, Missouri; and that said City Clerk is further directed to indicate on said "Official Zoning District Map" the existence of special conditions on the use of the aforesaid property.

Section 4. Violation of the special conditions listed above shall result in revocation of the special use permit and/or prosecution and/or fine under the zoning ordinances.

Section 5. This special use permit is issued to the applicant and shall not be assigned or otherwise transferred by said applicant. This special use permit runs with the applicant and not the land.

Section 6. If construction is required for the special use granted hereunder, this special use permit shall expire in the event construction does not commence within six months of the date of issuance of this special use permit and is not completed within two years of the issuance of this permit.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 8. That this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: July 18, 2022.

SECOND READING: July 18, 2022.

PASSED AND APPROVED this 18th day of July, 2022, by a vote of _____ ayes, _____ nays, _____ abstentions, and _____ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

BY: _____
Mayor

ATTEST:

City Clerk