



**CITY OF JACKSON**  
**PLANNING & ZONING COMMISSION MEETING AGENDA**

**Wednesday, June 14, 2023 at 6:00 PM**

**City Hall, 101 Court Street, Jackson, Missouri**

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Bill Fadler  
Tony Koeller  
Michelle Weber  
Tina Weber

**Harry Dryer, Chairman**  
Joe Baker, Alderman Assigned  
Mike Seabaugh, Alderman Assigned  
Larry Miller, Staff Liaison

Angelia Thomas  
Heather Harrison  
Beth Emmendorfer  
Eric Fraley

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES**

1. Approval of May 10, 2023, regular minutes

**PUBLIC HEARINGS**

**OLD BUSINESS**

**NEW BUSINESS**

2. Update on Comprehensive Plan - Houseal Lavigne
3. Request to remove the CO-1 Enhanced Commercial Overlay District zoning from the properties on E Main Street, I-55, Old Orchard Rd, area.
4. Consider a text amendment to the City of Jackson Ordinance section 65-28 Zoning Board of Adjustments.
5. Consider a request for rezoning the southwest corner of E Main Street and S Shawnee Boulevard (county parcel number 15-113-00-16-001.00-0000). Currently known as the Penrod William J Trust from an R-4 General Residential District to a C-2 General Commercial District as submitted by William J. Penrod Sr.
6. Request to prohibit tiny homes in the City of Jackson by the Board of Alderman.

**CONSIDER A MOTION TO ADD ITEMS TO THE AGENDA**

**ADJOURNMENT**

This agenda was posted at City Hall on June 9, 2023, at 12:00 PM.

JOURNAL OF THE PLANNING & ZONING COMMISSION  
CITY OF JACKSON, MISSOURI  
WEDNESDAY, MAY 10, 2023, 6:00 P.M.  
REGULAR MEETING  
CITY HALL COUNCIL ROOM, 101 COURT STREET, JACKSON, MISSOURI

The Planning and Zoning Commission met in regular session with Chairman Harry Dryer presiding and Commissioners Beth Emmendorfer, Michelle Weber, Heather Harrison, Tina Weber, Tony Koeller, and Eric Fraley present. Commissioners Angelia Thomas and Bill Fadler were absent. Administrative Assistant Markie Sharrock was present as staff liaison. Alderman Mike Seabaugh and Alderman Joe Bob Baker were present. The citizen attending was Bob Lichtenegger.

Approval of April 12, 2023 )  
regular meeting minutes )

The minutes of the previous meeting were unanimously approved on a motion by Commissioner Tina Weber, seconded by Commissioner Harrison.

PUBLIC HEARINGS )

None

OLD BUSINESS )

None

NEW BUSINESS

Consider a request for a comprehensive )  
rezoning of 403 and 409 East Main )  
Street and 108 South Georgia Street )  
from an I-2 Heavy Industrial District )  
to a C-3 Central Business District as )  
submitted by the City of Jackson. )

Chairman Dryer asked if anyone would like to speak on this rezoning. Commissioner Koeller explained that these lots currently have single-family residential homes on them, and if 65% or more of the house is destroyed, they would not be able to rebuild. He said the banks wouldn't want to lend money if the property owners wanted to sell their house because of the non-conforming use.

Chairman Dryer said the Board of Alderman requested to correct properties with non-conforming uses and to provide more consistent zoning areas.

Commissioner Koeller motioned to approve the rezoning, which Commissioner Emmendorfer seconded.

Vote: 7 ayes, 0 nays, 0 abstentions, 2 absent



Consider a request for rezoning of )  
204, 207, 208, 212 Cherry Street, and )  
211, 219 N. Missouri Street from R-4 )  
General Residential District to C-3 )  
Central Business District submitted )  
by Cape Girardeau County. )

Chairman Dryer asked if anyone from the County would like to speak, and no one came forward. Since no one came forward, Chairman Dryer explained that Cape Girardeau County acquired these properties, and they wanted to use them as parking for their new jail. He said a parking lot on the south corner of Cherry St and N Missouri St is an R-4 and is under a special use permit. Rezoning these, along with the other properties, would make the zoning more uniform in that area.

Commissioner Tina Weber motioned to approve the rezoning, which Commissioner Michelle Weber seconded.

Vote: 7 ayes, 0 nays, 0 abstentions, 2 absent

#### ADDITIONAL ITEMS

Discussion about the Tiny Homes )  
Ordinance being returned to the )  
Planning and Zoning Commission )

Chairman Dryer said the newspaper wrote that the Board of Alderman sent back the ordinance to the P&Z Commission because the Board of Alderman didn't want Tiny Houses inside the city limits. Chairman Dryer said he thought P&Z sent a restrictive ordinance, and it would make it difficult for someone wanting a Tiny Home to do so.

Commissioner Koeller said he thinks P&Z should send the ordinance back to the Board of Aldermen, and they can decide if they want to accept it.

Alderman Joe Bob Baker said some on the Board of Aldermen felt there was no need for tiny homes inside the city limits. He said Alderman Paul Sanders stated that tiny homes would be beneficial in a big city because of the lack of space, but in Jackson, that problem doesn't exist.

Bob Lichtenegger came forward and discussed why he didn't favor the ordinance for tiny homes. He said he isn't against Tiny Homes. He is against getting a special use permit for a Tiny Home. Mr. Lichtenegger said he would like the code left the way it is and let each residential zone and the building code decide what is permissible.

The Commission explained to Mr. Lichtenegger that they created the ordinance to restrict tiny homes. They could only be placed in an R-4 and above as a community unit plan with a special use permit so the city would have some control over them. They said tiny homes could also be placed in a Mobile home District, but they had to be moveable. The commission said the city currently doesn't have a mobile home district.

Mr. Lichtenegger said why not make the ordinance so you wouldn't have to have a special use permit.

The Commission said they wanted the special use permit so they could decide on every one of them. They said that with a community unit plan, the Commission could attach special restrictions as part of the special use permit.

Chairman Dryer told the Commission this topic would be on the agenda for next month and to come up with any questions you might have about the ordinance. He also told the Commission to think about what they wanted to do with the ordinance.

Consider a motion to add items )  
to the agenda )

No items were added to the agenda.

Consider a motion to adjourn )

Commissioner Koeller motioned to adjourn, seconded by Commissioner Tina Weber, and unanimously approved.

Respectfully submitted,

Tony Koeller  
Planning and Zoning Commission Secretary

Attest:

Markie Sharrock  
Building and Planning Administrative Assistant

*NOTE: ACTION (IF ANY) ON LAND EXCHANGE CERTIFICATIONS, COMPREHENSIVE PLAN, AND MAJOR STREET PLAN IS FINAL APPROVAL; ALL OTHER ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION SERVES AS A RECOMMENDATION TO THE BOARD OF ALDERMEN AND NOT AS FINAL APPROVAL OF THE ITEMS CONSIDERED AT THIS MEETING.*

## **Staff Report**

**ACTION ITEM:** Request to remove the CO-1 Enhanced Commercial Overlay District zoning from the properties on E Main Street, I-55, and Old Orchard Rd, area.

**APPLICANT:** City of Jackson

**APPLICANT STATUS:** Municipal Governing Authority

**PURPOSE:** To remove the CO-1 Enhanced Commercial Overlay District from the C-2 General Commercial District

**SIZE:** Varies

**PRESENT USES:** CO-1 Enhanced Overlay District

**PROPOSED USE:** C-2 General Commercial District

**SURROUNDING LAND USE:** Varies

**HISTORY:** In 2007, this CO-1 Enhanced Overlay District was placed on these properties to promote the development of aesthetically appealing areas dedicated to commercial development. The Overlay was not intended to discourage development but to provide a consistently enhanced development area to protect property owners and benefit the city.

**TRANSPORTATION AND PARKING:**

**APPLICABLE REGULATIONS:** Zoning Code (Chapter 65)

**2009 COMPREHENSIVE PLAN:** Reginal Center

**FLOODPLAIN INFORMATION:** These properties

**PHYSICAL CHARACTERISTICS:**

**COMMENTS:** The CO-1 Enhanced Overlay District has additional regulations on parking, height, area, lot size, accessory structures, landscaping, screening, utility services, pedestrian circulation, maintenance, and plans. These added regulations are like a subdivision with covenants that have a Home Owners Association (HOA).

**ACTION REQUIRED:** The Commission shall study this application and return a recommendation to the Board of Aldermen, where a public hearing is mandatory. A public hearing is optional at the P&Z level. However, P&Z holding a public hearing would allow input from the property owners and the surrounding properties.



## REZONING / SPECIAL USE PERMIT APPLICATION

### City of Jackson, Missouri

APPLICATION DATE: 6-5-2023

TYPE OF APPLICATION: ☒ Rezoning ☐ Special Use Permit

PROPERTY ADDRESS (Other description of location if not addressed):

Various properties on E Main Street, I-55, Old Orchard Rd, area.

CURRENT PROPERTY OWNERS (all legal property owners as listed on current deed, including trusts, LLCs, etc):

Property Owner Name(s): Various Owners

Mailing Address:

City, State ZIP:

PROPOSED PROPERTY OWNERS (if property is to be transferred, name(s) in which property will be deeded):

Proposed Property Owner(s):

Mailing Address:

City, State, ZIP

#### CONTACT PERSON HANDLING APPLICATION:

Contact Name: City of Jackson (Larry Miller)

Mailing Address: 101 Court St

City, State ZIP: Jackson, MO 63755

Contact's Phone: 573-243-2300

Email Address (if used): lmillar@jacksonmo.org

CURRENT ZONING: (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> R-1 (Single-Family Residential)               | <input type="checkbox"/> C-1 (Local Commercial)        |
| <input type="checkbox"/> R-2 (Single-Family Residential)               | <input type="checkbox"/> C-2 (General Commercial)      |
| <input type="checkbox"/> R-3 (One- And Two-Family Residential)         | <input type="checkbox"/> C-3 (Central Business)        |
| <input type="checkbox"/> R-4 (General Residential)                     | <input type="checkbox"/> C-4 (Planned Commercial)      |
| <input type="checkbox"/> MH-1 (Mobile Home Park)                       | <input type="checkbox"/> I-1 (Light Industrial)        |
| <input type="checkbox"/> O-1 (Professional Office)                     | <input type="checkbox"/> I-2 (Heavy Industrial)        |
| <input checked="" type="checkbox"/> CO-1 (Enhanced Commercial Overlay) | <input type="checkbox"/> I-3 (Planned Industrial Park) |

**CURRENT USE OF PROPERTY:** \_\_\_\_\_  
CO-1 Enhanced Commercial Overlay

**PROPOSED ZONING:** (check all that apply)

- |                               |                                   |   |                           |
|-------------------------------|-----------------------------------|---|---------------------------|
| <input type="checkbox"/> R-1  | (Single-Family Residential)       | <input type="checkbox"/> C-1            | (Local Commercial)        |
| <input type="checkbox"/> R-2  | (Single-Family Residential)       | <input checked="" type="checkbox"/> C-2 | (General Commercial)      |
| <input type="checkbox"/> R-3  | (One- And Two-Family Residential) | <input type="checkbox"/> C-3            | (Central Business)        |
| <input type="checkbox"/> R-4  | (General Residential)             | <input type="checkbox"/> C-4            | (Planned Commercial)      |
| <input type="checkbox"/> MH-1 | (Mobile Home Park)                | <input type="checkbox"/> I-1            | (Light Industrial)        |
| <input type="checkbox"/> O-1  | (Professional Office)             | <input type="checkbox"/> I-2            | (Heavy Industrial)        |
| <input type="checkbox"/> CO-1 | (Enhanced Commercial Overlay)     | <input type="checkbox"/> I-3            | (Planned Industrial Park) |

**PROPOSED USE OF PROPERTY:** C-2 General Commercial

**LEGAL DESCRIPTION OF TRACT** (attach a copy of the deed or other legal description):  
\_\_\_\_\_  
\_\_\_\_\_

**REASON FOR REQUEST:** State the reason(s) why you believe the requested use will be beneficial to the neighborhood and the City of Jackson. Attach additional page(s) as needed.

Removing the CO-1 Overlay will get rid of the added restrictions some potential buyers do not like. A few buyers have been interested in some properties in this Overlay District, but once they found out there was an Overlay attached, they weren't interested in moving forward with buying the land.

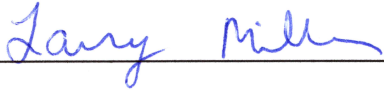
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DRAWINGS (FOR SPECIAL USE PERMITS ONLY):** If one or more buildings or other structures are to be added to the property for a special use permit, attach a scaled plat of the tract(s) showing the location of all buildings. If any buildings are to be less than the standard minimum setbacks, include these distances on the drawing. Any approved special use permit will be based on this building layout. Changes to the layout will require a new special use permit.

**SURROUNDING PROPERTY OWNERS:** A map of the property location and a map and list of all owners of property within 185' of the property in question will be incorporated by the City as part of this application. The 185' distance is exclusive of right-of-ways. The City will prepare this map based on the most current tax information published by the Cape Girardeau County Assessor.

**OWNER SIGNATURES:**

I state upon my oath that all of the information contained in this application is true. *(Signatures of all persons listed on the current property deed and the authorized signer(s) for any owning corporation or trust.)*



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Please submit this application along with appropriate non-refundable application fee to:

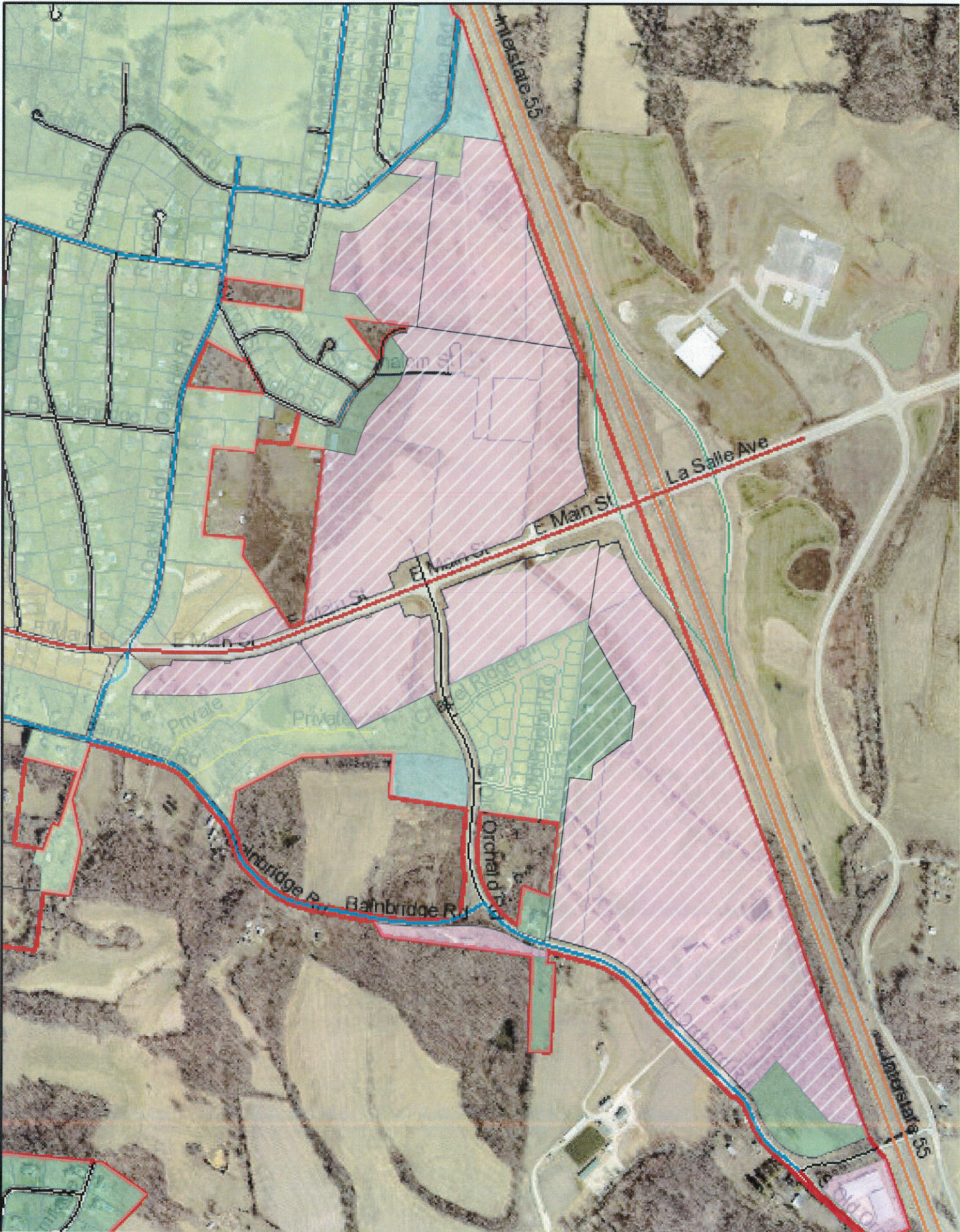
Larry Miller  
Building & Planning Manager  
City of Jackson  
101 Court Street  
Jackson, MO 63755

573-243-2300 ext.29 (ph)  
573-243-3322 (fax)  
[lmiller@jacksonmo.org](mailto:lmiller@jacksonmo.org)

**APPLICATION FEE: \$200.00**

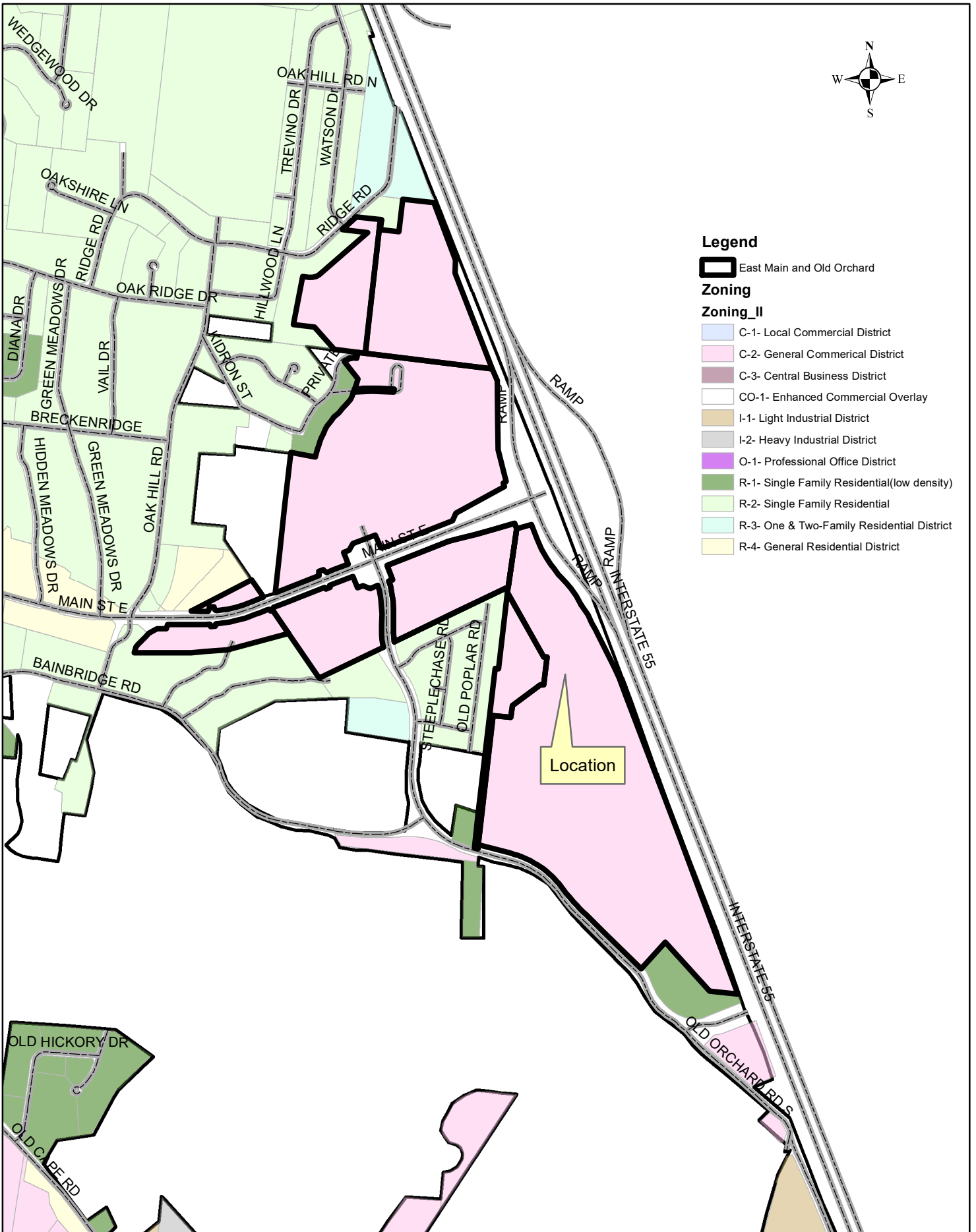
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# East Main and Old Orchard Road Proposed Zoning Change from CO-1 to C-2





## **Staff Report**

**ACTION ITEM:** Consider a text amendment to the City of Jackson Ordinance section 65-28 Zoning Board of Adjustments

**APPLICANT:** City of Jackson

**APPLICANT STATUS:** Municipal Governing Authority

**PURPOSE:** To comply with Missouri State Statute Section 89.050 regarding notice of a public hearing which is the enabling authority.

**APPLICABLE REGULATIONS:** Zoning Code (Chapter 65)

**COMMENTS:** Staff learned that the City Code notice requirement for hearings before the Zoning Board of Adjustment needs to be revised according to State statute. Section 89.050, RSMo. requires notice of hearing at least fifteen (15) days published in the newspaper. City Code Sec. 65-28 (b) requires only seven (7) days.

Currently, the City Code Sec. 65-28 (b) states that any meeting at which an appeal is to be heard shall be a public meeting with public notice of said meeting and business to be carried on and published in a newspaper of general circulation in the city at least one (1) time, seven (7) days prior to the meeting for the Zoning Board of Adjustment. This needs to be corrected regarding the Missouri State Statute, which states that at least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such municipality.

The proposed code amendment adds a subsection for notice that complies with the State statute.

**ACTION REQUIRED:** The Commission shall vote to recommend approving or denying this request. A public hearing on text amendments is optional at the P&Z level and mandatory at the Board of Alderman level.

**Sec. 65-28. Zoning board of adjustment.**

- (a) A zoning board of adjustment is hereby created. The word 'board' when used in this section shall be construed to mean the zoning board of adjustment. The board shall consist of five (5) members, who shall be resident property owners, appointed by the mayor and approved by the board of aldermen, each to be appointed for a term of five (5) years; with the exception that when the board shall first be created one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. Three (3) alternate members may be appointed to serve in the absence or disqualification of the regular members. Alternate members shall be appointed for a term of three (3) years, with the exception that when the alternate terms are first created the longest serving alternate shall be appointed for a term of one (1) year, the second longest serving shall be appointed for a term of two (2) years, and the third longest serving shall be appointed for a term of three (3) years. All members and alternates shall be removable for cause by the mayor and board of aldermen upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term only of any member whose term becomes vacant. The board shall elect its own chairman and vice chairman who shall serve for one (1) year.
- (b) The zoning board of adjustment shall adopt rules for the conduct of its business, establish a quorum and procedures, and keep a public record of all findings, decisions, and minutes of its meetings. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine, and all meetings shall be open to the public. ~~Any meeting at which an appeal is to be heard shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city at least one (1) time, seven (7) days prior to the meeting, as well as due notice to the parties in interest. Upon the hearing, any party may appear in person or by agent or attorney. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.~~
- (c) An appeal may be taken to the zoning board of adjustment by any person, group or organization, public or private, affected by a decision of the building and planning superintendent. Such appeal shall be taken within such time as prescribed by the board by general rule by filing with the building and planning superintendent a notice of appeal specifying the grounds thereof. A fee of fifty dollars (\$50.00) shall accompany all notices of appeals. The building and planning superintendent shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- (d) An appeal stays all proceedings in furtherance of the action appealed from unless the building and planning superintendent certifies to the zoning board of adjustment, after the notice of appeal shall have been filed with said building and planning superintendent, that, by reason of facts stated in the certificate, a stay would, in the building and planning

superintendent's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the zoning board of adjustment or by a court of record on application or notice to the building and planning superintendent and on due cause shown.

(e) The zoning board of adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decisions, or determination made by the building and planning superintendent in the enforcement of this chapter, and may affirm or reverse, in whole or part, said decision of the building and planning superintendent.
- (2) To hear and decide all matters referred to it or upon which it is required to pass under the provisions of this chapter.
- (3) To hear requests for variances from the literal provisions of the zoning ordinance that would cause undue hardship due to circumstances unique to the individual property under consideration and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. The zoning board of adjustment shall not permit, as a variance, any use in a district that is not permitted under this chapter. The zoning board of adjustment may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.
- (4) To hold public hearings on and decide the following exceptions to or variations of this chapter:
  - a. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of the adoption of this chapter.
  - b. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning district map, where the street layout on the ground varies from the street layout as shown on this map.
  - c. Permit reconstruction of a nonconforming building otherwise prohibited by section 65-23.
  - d. Vary the yard regulations where there is an exceptional or unusual physical condition of a lot not generally prevalent in the neighborhood, which condition, when related to the yard regulations of this chapter, would prevent a reasonable or sensible arrangement of buildings on the lot.
  - e. Vary the parking regulations by not more than fifty (50) percent where it is conclusively shown that adequate off-street parking to serve a particular use has been provided by or is controlled by the municipality.
- (5) In exercising the above-mentioned powers, the zoning board of adjustment may reverse or affirm wholly or partly, or may modify, the order, requirement, decision, or

determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the building and planning superintendent. In considering all appeals to the provisions of this chapter, the board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the zoning district map and will not impair an adequate supply of light and air to adjacent property; or increase congestion in public streets; or increase the danger of fire; or materially diminish or impair established property values within the surrounding area; or in any other respect impair the public health, safety, comfort, morals, and welfare of the City of Jackson. Every change granted or denied by the board shall be accompanied by a written finding of fact, specifying the reason for granting or denying the variation. The decision of the board shall be made a part of any building permit in which the variation is allowed. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the building and planning superintendent or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

- (6) A hearing requesting an appeal or variance shall be a public hearing at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper of general circulation in the city. Written notice of the public hearing shall be provided to all property owners and residents within one hundred eighty-five (185) feet of the subject property.
- (7) Any person or persons jointly or severally aggrieved by any decision of the zoning board of adjustment, or any officer, department, board, or bureau of the municipality, may present to the Circuit Clerk of Cape Girardeau County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the zoning board of adjustment. Upon presentation of such petition, the court may allow a writ of certiorari directed to the zoning board of adjustment to review such decision of the board and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown grant a restraining order. The zoning board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and materials to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to

the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence, or appoint a referee to take such evidence as it may direct, and report the same to the court with the findings of fact and conclusions of law which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

( Ord. No. 21-25 , § 1, 5-17-21)

## **Staff Report**

**ACTION ITEM:** Consider a request for rezoning the southwest corner of E Main Street and S Shawnee Boulevard (county parcel number 15-113-00-16-001.00-0000). Currently known as the Penrod William J Trust from an R-4 General Residential District to a C-2 General Commercial District as submitted by William J. Penrod Sr.

**APPLICANT:** William J. Penrod Sr.

**APPLICANT STATUS:** Property Owner

**PURPOSE:** To rezone from an R-4 General Residential District to a C-2 General Commercial District

**SIZE:** 1.91 acres

**PRESENT USES:** R-4 General Residential

**PROPOSED USE:** C-2 General Commercial

**SURROUNDING LAND USE:** North – R-4 General Residential; South – R-4 General Residential; East – R-4 General Residential and R-2 Single Family Residential; West – R-4 General Residential

**HISTORY:** There are currently four (4) duplex units and one single-family residence on this property. There are two (2) duplex units, one (1) single-family residence on E Main Street, and then two (2) duplex units on S Shawnee Boulevard.

### **TRANSPORTATION AND PARKING:**

**APPLICABLE REGULATIONS:** Land Subdivision Regulations (Chapter 57); Zoning Code (Chapter 65)

### **2009 COMPREHENSIVE PLAN:**

**FLOODPLAIN INFORMATION:** This property is in a floodplain per FEMA panel 29031C0144E dated 9/29/11. See attached map

### **PHYSICAL CHARACTERISTICS:**

**COMMENTS:** The owner wants to make offices from the two (2) duplexes on E Main.

**ACTION REQUIRED:** The Commission shall vote to recommend approving or denying this request. A public hearing at this level is optional. A public hearing is required at the Board of Aldermen level.



## REZONING / SPECIAL USE PERMIT APPLICATION

### City of Jackson, Missouri

APPLICATION DATE: 4-24-2023

TYPE OF APPLICATION: ✓ Rezoning        Special Use Permit

PROPERTY ADDRESS (Other description of location if not addressed):

Corner of East Main & Shawnee

**CURRENT PROPERTY OWNERS** (all legal property owners as listed on current deed, including trusts, LLCs, etc):

Property Owner Name(s): William J Penrod-Sr

Mailing Address: 707 County Rd 533

City, State ZIP: Jackson Mo, 63755

**PROPOSED PROPERTY OWNERS** (if property is to be transferred, name(s) in which property will be deeded):

Proposed Property Owner(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, ZIP \_\_\_\_\_

#### CONTACT PERSON HANDLING APPLICATION:

Contact Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State ZIP \_\_\_\_\_

Contact's Phone: \_\_\_\_\_

Email Address (if used): \_\_\_\_\_

**CURRENT ZONING:** (check all that apply)

☐ R-1 (Single-Family Residential)

☐ R-2 (Single-Family Residential)

☐ R-3 (One- And Two-Family Residential)

☒ R-4 (General Residential)

☐ MH-1 (Mobile Home Park)

☐ O-1 (Professional Office)

☐ CO-1 (Enhanced Commercial Overlay)

☐ C-1 (Local Commercial)

☐ C-2 (General Commercial)

☐ C-3 (Central Business)

☐ C-3 (Central Business)

☐ C-4 (Planned Commercial)

☐ I-1 (Light Industrial)

☐ I-2 (Heavy Industrial)

☐ I-3 (Planned Industrial Park)



CURRENT USE OF PROPERTY: Rental

**PROPOSED ZONING:** (check all that apply)

- |      |                                   |            |                           |
|------|-----------------------------------|------------|---------------------------|
| R-1  | (Single-Family Residential)       | C-1        | (Local Commercial)        |
| R-2  | (Single-Family Residential)       | <u>C-2</u> | (General Commercial)      |
| R-3  | (One- And Two-Family Residential) | C-3        | (Central Business)        |
| R-4  | (General Residential)             | C-3        | (Central Business)        |
| MH-1 | (Mobile Home Park)                | C-4        | (Planned Commercial)      |
| O-1  | (Professional Office)             | I-1        | (Light Industrial)        |
| CO-1 | (Enhanced Commercial Overlay)     | I-2        | (Heavy Industrial)        |
|      |                                   | I-3        | (Planned Industrial Park) |

PROPOSED USE OF PROPERTY: For people to have offices.

**LEGAL DESCRIPTION OF TRACT** (attach a copy of the deed or other legal description):

**REASON FOR REQUEST:** State the reason(s) why you believe the requested use will be beneficial to the neighborhood and the City of Jackson. Attach additional page(s) as needed.

~~For people to have offices.~~

To give the people communitie a reasonable price. for comereceal property.

**DRAWINGS (FOR SPECIAL USE PERMITS ONLY):** If one or more buildings or other structures are to be added to the property for a special use permit, attach a scaled plat of the tract(s) showing the location of all buildings. If any buildings are to be less than the standard minimum setbacks, include these distances on the drawing. Any approved special use permit will be based on this building layout. Changes to the layout will require a new special use permit.

**SURROUNDING PROPERTY OWNERS:** A map of the property location and a map and list of all owners of property within 185' of the property in question will be incorporated by the City as part of this application. The 185' distance is exclusive of right-of-ways. The City will prepare this map based on the most current tax information published by the Cape Girardeau County Assessor.



**OWNER SIGNATURES:**

I state upon my oath that all of the information contained in this application is true. *(Signatures of all persons listed on the current property deed and the authorized signer(s) for any owning corporation or trust.)*

*William J. Penrod - Sr*

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Please submit this application along with the appropriate non-refundable application fee to:

Larry Miller  
Building & Planning Superintendent  
City of Jackson  
101 Court Street  
Jackson, MO 63755

573-243-2300 ext.29 (ph)  
573-243-3322 (fax)  
[lmiller@jacksonmo.org](mailto:lmiller@jacksonmo.org)

**APPLICATION FEE: \$200.00**

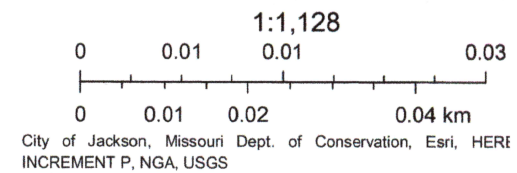
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# City of Jackson

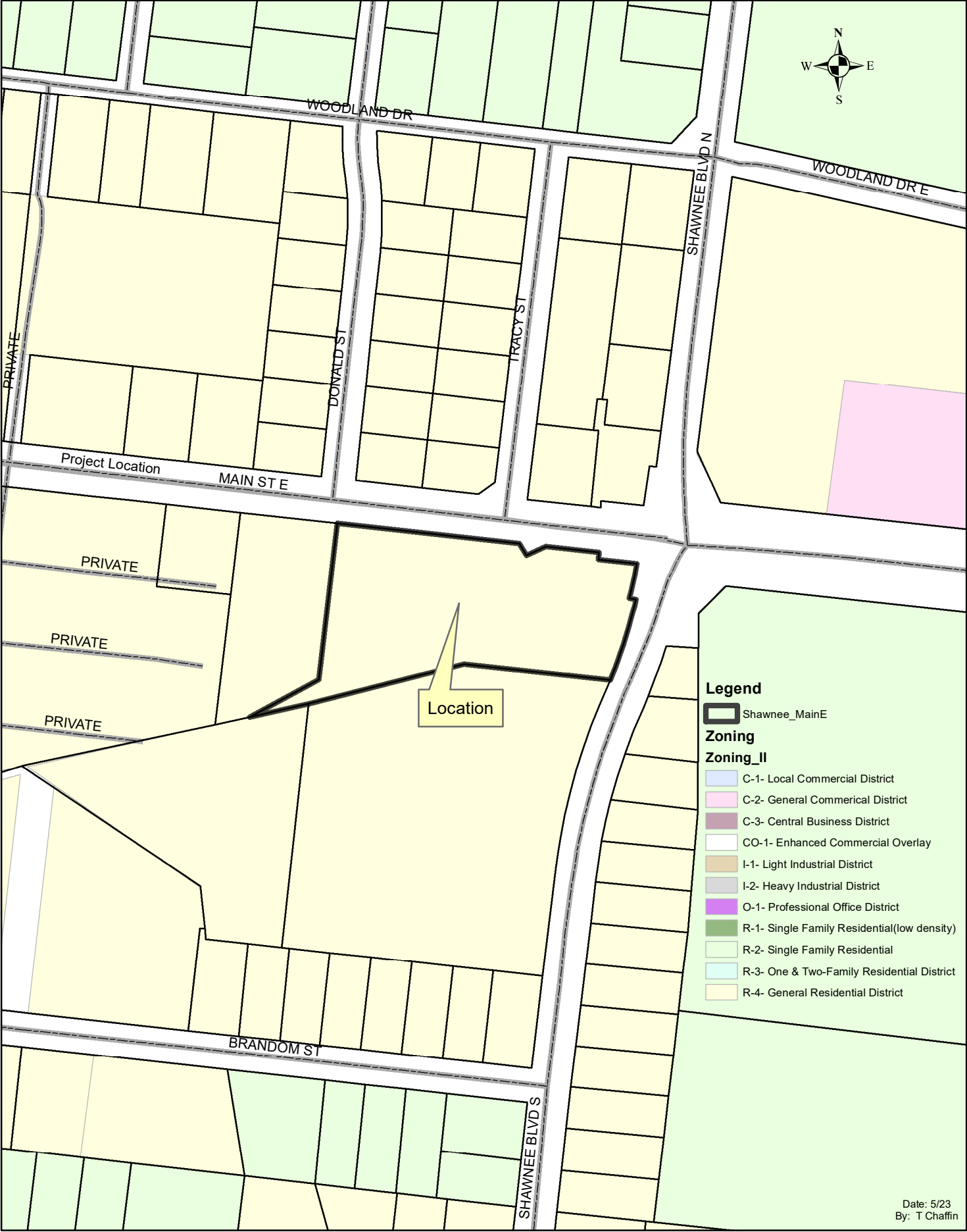


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1347 East Main Street  
Proposed Rezoning From R-4 to C-2



# 1347 East Main Street

## Proposed Rezoning From R-4 to C-2





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City of Jackson, Missouri Dept. of Conservation, Esri, HERE  
INCREMENT P, NGA, USGS

City  
City



GENERAL WARRANTY DEED

BOOK 872 PAGE 764  
006418

THIS INDENTURE, Made on the 21<sup>st</sup> day of May  
A.D. One Thousand Nine Hundred and Ninety-Seven (1997) by  
and between **WILLIAM J. PENROD**, a single person, of the  
County of Cape Girardeau, in the State of Missouri, Party of  
the First Part, and **WILLIAM J. PENROD**, Trustee of The  
**William J. Penrod Revocable Living Trust Agreement of May  
21, 1997**, of the County of Cape Girardeau, in the State of  
Missouri, Party of the Second Part (mailing address of said  
first named grantee is 307 County Road 533, Jackson,  
Missouri 63755).

WITNESSETH, That the said party of the First Part, in  
consideration of the sum of Ten dollars and other good and  
valuable consideration to him paid by the said party of the  
Second Part, the receipt of which is hereby acknowledged,  
does by these presents, Grant, Bargain and Sell, Convey and  
Confirm, unto the said party of the Second Part, his  
successors and assigns, the following described Lots, Tracts  
or Parcels of Land, lying, being and situate in the County  
of Cape Girardeau and State of Missouri, to-wit:

All 42.24 acres, being all of the Northwest Quarter of  
the Southeast Quarter of Section 7, Township 32 North, Range  
13 East, excepting therefrom 1.84 acres contained in the  
Right of Way of the Cape Girardeau and northern Railroad.  
Also 27.00 acres the Northwest part of the Southwest Quarter  
of the Southeast Quarter of said Section 7, described by  
metes and bounds as follows, to wit: Beginning at the legal  
center of said Section 7, Township 32 North of Range 13 East  
thence run South  $1/4^{\circ}$  East 38 chains and 92  $1/2$  links to a  
stone corner, thence North  $68^{\circ}$  East, 20 chains to a corner  
on the West line of said Railroad right of way; thence with  
said right of way North  $24^{\circ}$  West 5.60 chains; thence North  
 $3^{\circ}$  West 5.54 chains to the intersection of the West line of  
said Railroad right of way with the North line of the  
Southwest Quarter of the Southeast Quarter of said Section  
7; thence East 5.00 chains to the Northeast corner of the  
Southwest Quarter of the Southeast Quarter of said Section  
7; thence North  $1/4^{\circ}$  West 20 chains and 55 links to the  
Northeast corner of the Northwest Quarter of the Southeast  
Quarter of said Section 7, from which the quarter section  
corner on the East side of said Section 7 bears South  $89$   
 $1/4^{\circ}$  East 20.62 chains; thence North  $89$   $1/4^{\circ}$  West 20 chains  
and 62 links to the beginning, containing in the aggregate  
67.40 acres.

It is the intention of this description to be those  
premises previously conveyed at Book 266, page 459 of the  
Land Records of Cape Girardeau County, Missouri.

ALSO,

The North 40.41 acres of the East 65.62 acres of the  
Southwest Quarter of Section Seven (7), Township Thirty-two  
(32) North, Range Thirteen (13) East.

This being the same land described in deed recorded in Book 175 at Page 275 of Cape Girardeau County Land Records.

It is the intention of this description to be those premises previously conveyed at Book 260, page 20 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

Lot Number One of the North West quarter of Section Eighteen, in Township Thirty-two North, of Range Thirteen East, in the District of Lands subject to sale at Jackson, Missouri, containing Eighty acres.

ALSO: The West fractional half of the North west quarter of Section Eighteen in Township Thirty two of Range Thirteen East containing fifty five acres, more or less, except the West Half thereof.

Also, all of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 7, Township 32 North, Range 13 East, except that part owned by William J. Penrod.

Except any part of all of the above real estate sold for Interstate 55.

It is the intention of this description to be those premises previously conveyed at Book 286, page 733 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

The West thirty six and six tenths (36.6) feet of Lot Seventy nine in Range "P" Ingram's Addition to the City of Cape Girardeau, Missouri. Also known as Lot One of said Lot Seventy nine.

It is the intention of this description to be those premises previously conveyed at Book 336, page 425 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

An undivided one-half ( $\frac{1}{2}$ ) interest in all Subdivision No. two Lot Seventy nine (79) Range "P" Ingram's Addition to the City of Cape Girardeau, being thirty six and six tenths (36.6) feet on Olive Street by a depth of one hundred and seventy (170) feet.

It is the intention of this description to be those premises previously conveyed at Book 336, page 429 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

An undivided one-half ( $\frac{1}{2}$ ) interest in all Subdivision No. two Lot Seventy nine (79) Range "P" Ingram's Addition to the City of Cape Girardeau, being thirty six and six tenths (36.6) feet on Olive Street by a depth of one hundred and seventy (170) feet.

It is the intention of this description to be those premises previously conveyed at Book 336, page 427 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

Subdivisions 3 and 4 of Lot 79 of Range "P" in Ingram's Addition to the City of Cape Girardeau, Missouri, being 73.2' on Olive Street by a depth of 170'

It is the intention of this description to be those premises previously conveyed at Book 336, page 422 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

A tract of land containing 127.59 acres, more or less, of which, 47.40 acres are located in the South Half of the Southwest Quarter and 1.10 acres in the Southwest Quarter of the Southeast Quarter, all in Section 18, and all of the North Half of the Northwest Quarter containing 69.09 acres and 10.00 acres in the Northwest Quarter of the Northeast Quarter of Section 19, all in Township 32 North, Range 13 East described as follows: Begin at the Northwest corner of Section 19, Township 32 North, Range 13 East; thence South along the west line of Section 19, 1338.5 feet to the

Southwest corner of the North Half of the Northwest Quarter of said Section 19; thence East along the South line of the said North Half of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter, 2,927.4 feet to an intersection with the West right of way line for Interstate Highway Route 55; thence along said West right of way line, N. 27° 28' W., 30.0 feet; thence N. 21° 45' W., 200.0 feet; thence N. 16° 02' W., 100.0 feet; thence N. 21° 45' W. 258.0 feet; thence West leaving said right of way line, 357.0 feet; thence North, on a line parallel to and 132 feet East of the North and South Quarter Section line of said Sections 19 and 18, 937.0 feet to an intersection with the west right of way line of said Interstate Highway Route 55; thence along said west right of way line, N. 21° 45' W., 143.0 feet; thence N. 29° 20' W., 151.3 feet; thence N. 21° 45' W., 100.0 feet; thence N. 14° 10' W., 151.3 feet; thence N. 21° 45' W., 400.0 feet; thence N. 61° 45' W., 470.0 feet to an intersection with the South right of way line of Route FF; thence N. 86° 45' W., along said South right of way line, 260.2 feet to the point of a curve to the right; thence along the arc of said curve having a radius of 766.8 feet, 197.8 feet to a point in the North line of the South Half of the Southwest Quarter of Section 18; thence S. 27° 0' W., 222.0 feet; thence S. 67° 0' W., 93.0 feet; thence N. 74° 30' W., 83.0 feet; thence S. 24° 30' W. 223.5 feet; thence N. 85° 0' W., 450.6 feet; thence South, 960.5 feet to a point in the line between Sections 18 and 19; thence West along the Section line 396.0 feet to the point of beginning.

A part of the Northwest Quarter of the Northeast Quarter of Section 19, Township 32 North, Range 13 East, containing 5.56 acres, more or less, and described as follows:

Begin at the Southeast corner of said quarter quarter; thence North along the East line thereof, 566.9 feet; thence West, 527.3 feet to an intersection with the East right of way line of Interstate Highway Route 55; thence S. 21° 45' E., along said right of way line, 437.0 feet; thence S. 17° 30' E., 168.0 feet to an intersection with the south line of said Northwest Quarter of the Northeast Quarter of Section 19; thence East, along said South line 330.5 feet to the point of beginning.

Said parcels hereby conveyed, containing in the aggregate 133.15 acres, more or less, subject to right of way for public roads and easements for pole lines.

It is the intention of this description to be those premises previously conveyed at Book 219, page 209 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All that fractional part of the South Half of Lot No. One Hundred and Fifteen (115) in Range "Q" of Ingrams Addition to the City of Cape Girardeau, bounded as follows: Commencing fifty (50) feet East from the Southwest corner of said Lot No. 115, Range "Q"; thence East with Olive Street 44 feet; thence North parallel with Frederick Street 165-1/8 feet; thence West parallel with Olive Street 44 feet; thence South parallel with Frederick Street 165-1/8 feet to the place of beginning.

It is the intention of this description to be those premises previously conveyed at Book 336, page 342 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

Part of Henderson Lot No. Seven (7) of Out Lot Ten (10) to the City of Cape Girardeau, Missouri, more particularly described as follows, to wit:

Beginning at a point on the south line of Themis Street as the same is now widened, located and condemned, 47 feet and 6 inches West of the West line of Hanover Street, and run West with the present south line of Themis Street 47 feet and 6 inches for a corner; thence South parallel with Hanover Street 149 feet; thence East parallel with Themis



Street 47 feet and 6 inches for a corner; and thence North parallel with Hanover Street 140 feet to the place of beginning.

All that Part of Henderson Lot No. Seven (7) of Out Lot Ten (10) of the City of Cape Girardeau, Missouri, described as follows: Commence 112 feet East of the southeast corner of the intersection of North Henderson Avenue and Themis Street as now widened and extended; thence run South along the east side of a 12 foot alley 147.8 feet; thence run East 47.5 feet; thence North parallel with Henderson Avenue 148.2 feet to the south line of Themis Street; thence West along the South line of Themis Street 47.5 feet to the place of beginning.

It is the intention of this description to be those premises previously conveyed at Book 354, page 136 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

Part of Lots 29 and 30 in Range "E" in the City of Cape Girardeau, Missouri, described as follows:

Commence at the Northeast corner of Lot 30 and run West along the North line of said Lot 30, 90 feet for a beginning corner; thence continue West along the North line of said Lot 30, 45 feet; thence South through Lots 29 and 30, 224 feet; thence East 45 feet; thence North 224 feet to the place of beginning.

It is the intention of this description to be those premises previously conveyed at Book 364, page 476 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All that part of the South Half of Lot 115 Range "Q" Ingram's Addition in the City of Cape Girardeau, Missouri, described as follows: Commence at the southwest corner of said Lot 115; thence East along the north line of Olive Street 50 feet; thence North parallel with Frederick Street 165 1/8 feet; thence West parallel with Olive Street 50 feet to Frederick Street; thence South with the east line of Frederick Street 165 1/8 feet to the place of beginning.

It is the intention of this description to be those premises previously conveyed at Book 340, page 659 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

The southeast part of Lot 116 Range "Q" Ingram's Addition to the City of Cape Girardeau, Missouri, described as follows: Begin at the southeast corner of said Lot 116, run North with Frederick Street 175 feet; thence West parallel with Olive Street, 66 feet; thence South parallel with Frederick Street, 175 feet to Olive Street; thence East with the north line of Olive Street 66 feet to the place of beginning.

It is the intention of this description to be those premises previously conveyed at Book 340, page 661 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All of Lots Nineteen (19) and Twenty (20) and the North Seven (7) feet of Lot Nine (9) all in Block Three (3) of Albert Place Addition to the city of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 3 at Page 17.

It is the intention of this description to be those premises previously conveyed at Book 387, page 289 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

A parcel of land being a part of Lot 8, Block 3 of Albert Place Addition to the City and County of Cape Girardeau, Missouri, described as follows:

Begin at the Southwest corner of said Lot 8, Block 3; thence northerly along the East Right-of-Way Line of Hanover

Street, 3.0 feet; thence easterly parallel with the South Line of said Lot 8, 25.0 feet; thence southerly parallel with the East Right-of-Way Line of said Hanover Street, 3.0 feet to the South Line of said Lot 8; thence westerly along said South Line, 25.0 feet to the Point of Beginning.

It is the intention of this description to be those premises previously conveyed at Book 420, page 916 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All of Lots Eleven (11) and Twelve (12) in Block Six (6) of Marble City Heights Addition to the City of Cape Girardeau, Missouri.

It is the intention of this description to be those premises previously conveyed at Book 416, page 674 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

A PARCEL OF LAND BEING A PART OF LOT 24, RANGE "H" IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI DESCRIBED AS FOLLOWS:

Begin at the NW corner of said Lot 24; thence easterly along the South Line of Good Hope Street, 80.0 feet; thence southerly parallel with the East Line of Lorimier Street, 75.1 feet; thence westerly parallel with the South Line of Good Hope Street, 80.0 feet to the East Line of Lorimier Street; thence northerly along said East Line, 75.1 feet to the Point of Beginning.

It is the intention of this description to be those premises previously conveyed at Book 422, page 744 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All of Lot Six (6) in Block One (1) in Russell and Whitener's Addition to the City of Cape Girardeau, Missouri.

It is the intention of this description to be those premises previously conveyed at Book 458, page 824 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All of Lot 64 of Greenwood Second Subdivision, a part of U. S. Private Survey No. 2198, and Part of Fractional Section 25, Township 31 North, Range 13 East, City and County of Cape Girardeau, State of Missouri, as shown by plat recorded in Plat Book 13 at Page 21.

It is the intention of this description to be those premises previously conveyed at Book 487, page 134 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All of that part of Lot One Hundred Fifteen (115) in Range "Q" of Ingram's Addition in the City of Cape Girardeau, Missouri, described as follows:

Begin at a point on the north line of said Lot No. 115 in Range "Q", 168 feet from the northwest corner of said Lot; thence run East 48 feet; thence South 84 feet; thence West 48 feet; thence North 84 feet to the point of beginning.

It is the intention of this description to be those premises previously conveyed at Book 498, page 368 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All that part of lot 54, in Range O, in the City of Cape Girardeau, County of Cape Girardeau and State of Missouri, described as follows:

Start at a point one hundred forty-six feet west of the northeast corner of said lot and measure south eighty-five feet; thence west thirty-seven feet to the east line of the alley on the west side of said lot; thence north eighty-five feet to Mason St.; thence east to the point of beginning, the same being a little less than the west one third of the

parcel of ground described in Warranty Deed recorded in Book 68, Page 446 in the County Recorder's Office at Jackson, Missouri.

It is the intention of this description to be those premises previously conveyed at Book 412, page 215 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All of the North Twenty-three (23) feet of Lot No. Ten (10) and all of the South Twenty-seven (27) feet of Lot No. Nine (9), all in Block No. Three (3) of Albert Place, in the City of Cape Girardeau, Missouri, as said Lots are laid down and designated on the Official Plat of Albert Place of record in the Recorder's Office at Jackson, Missouri, in Plat Book 3 at Page 17. The portions of said Lots hereby conveyed are particularly described as follows: Begin at a point on the East line of Hanover Street, said point being 151 feet North of the Southwest corner of Lot No. 14, Block 3, Albert Place, and 11 feet North of the Southwest corner of Lot No. 10, Block 3, Albert Place; thence North, along the East line of Hanover Street, 50 feet; thence East, parallel to the North line of Lot No. 9, Block No. 3, Albert Place, 72.25 feet to the East line of Lot No. 9, Block No. 3, Albert Place; thence South, along the East line of Lots Nos. 9 and 10, Block No. 3, Albert Place, 50 feet; thence West parallel to the South line of Lot No. 10, Block No. 3, Albert Place, 72.4 feet to the point of beginning.

It is the intention of this description to be those premises previously conveyed at Book 379, page 492 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

Part of Lot No. 29 in Range "E" in the City of Cape Girardeau and State of Missouri, described as follows: to-wit: Beginning at the Southeast corner of said Lot No. 29 in Range "E" in said City, and run West with the South line of said Lot 90 feet; thence North parallel with Frederick Street 65 feet; thence East at right angles to said last line 45 feet; thence North parallel with Frederick Street 24 feet; thence East parallel with the South line of said Lot 29, 45 feet to Frederick Street; and thence South along the West line of Frederick Street 89 feet to the place of beginning.

It is the intention of this deed to convey those premises recorded at Book 279, page 27 of the Land Records of Cape Girardeau County, Missouri.

It is the intention of this description to be those premises previously conveyed at Book 402, page 386 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

Part of the West Half of Block Twenty-six (26) adjoining the West End Place Second Addition to the City of Cape Girardeau, Missouri, described as follows:

Commence at the intersection of the west line of Louisiana Avenue and the South line of Good Hope Street extended; thence West along the south line of Good Hope Street extended 345 feet for a point of beginning; thence West along the south line of Good Hope Street extended 60 feet to a point in the center of that portion of Missouri Avenue as vacated by City Ordinance; thence South parallel to Louisiana Avenue 150 feet; thence East parallel to the south line of Good Hope Street extended 60 feet; thence North parallel to Louisiana Avenue 150 feet to the point of beginning; situated and being a parcel of Out Lot 42 of Survey 2199. Subject to easements of record.

It is the intention of this description to be those premises previously conveyed at Book 451, page 338 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All of the East Half of the West Half of Lot No. Twenty

Five (25) in Range "H", in the City of Cape Girardeau described; Beginning Forty five (45) feet east of the North West corner of Lot Twenty Five (25); thence run East parallel with Good Hope Street Forty Five (45) feet; thence South parallel with Lorimier Street 112 feet; thence West parallel with Good Hope Street Forty five (45) feet; thence North parallel with Lorimier Street 112 feet to the place of beginning.

It is the intention of this description to be those premises previously conveyed at Book 458, page 822 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All that part of Lots Four (4) and Five (5) in Block Four (4) of Monticello Addition, in the City of Cape Girardeau, Missouri, described as follows: Begin at the Northwest corner of said Lot 4, thence South  $81^{\circ} 30'$  East, with the north line of said Lot 4, 149.9 feet to a corner, thence South  $8^{\circ} 22'$  West 120 feet to a corner on the South line of said Lot 5; thence North  $81^{\circ} 30'$  West, with the South line of said Lot 5, 117.4 feet to the Southwest corner of said Lot 5; thence North  $6^{\circ} 45'$  West with the west line of Lots 4 and 5 (being east line of West End Boulevard) 124.4 feet to the point of beginning.

It is the intention of this description to convey those premises previously conveyed at Book 339, page 360 of the Land Records of Cape Girardeau County, Missouri.

It is the intention of this description to be those premises previously conveyed at Book 506, page 759 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

That part of U.S.P. Survey No. 797 and that part of Lots 26 and 27 of Tiedemann's Addition to the City of Jackson in Township 31 North, Range 12 East, County of Cape Girardeau, State of Missouri, described as follows:

Commence at the Southwest Corner of said Lot No. 26, the place of beginning; thence North  $8^{\circ} 10'$  East, with the West line of said Lot No. 26, 156.3 feet; thence South  $52^{\circ} 57'$  East, 275.96 feet; thence South  $6^{\circ} 09'$  East, 23.74 feet, to the Southeast Corner of said Lot No. 27; thence North  $81^{\circ} 50'$  West, with the South line of said Lots 27 and 26, a distance of 247.5 feet, to the place of beginning.

It is the intention of this description to be those premises previously conveyed at Book 529, page 808 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

All of the Northwest Quarter of the Northeast Quarter of Section 22, Township 33 North, Range 13 East, containing 40 acres.

Also all of the Southwest Quarter of the Northeast Quarter of Section 22, Township 33 North, Range 13 East, containing 40 acres, and making in the aggregate 80.00 acres, more or less.

It is the intention of this description to be those premises previously conveyed at Book 291, page 711 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

Beginning at a stone at the quarter line of sections 17 and 18, Township 32, Range 13 East, thence east 111.5 feet to center line of a State road, Route 25, This point known as Station 598+15 thence in a southward direction along the center line of road to Station 607+30.6. Thence South  $89\frac{1}{2}$  deg. West 421 feet to point of beginning an iron pin from which the northeast corner of old Depot is 25.3 feet, and the northwest corner is 37.2 feet, thence South 2 deg. East 110 feet to an iron pin, thence south  $89\frac{1}{2}$  deg. west 92 feet to an iron pin on the west right-of-way of old C.G.N.R.R., thence north 2 deg. west 110 feet along west right-of-way to an iron pin, thence north  $89\frac{1}{2}$  deg. east

to point of beginning.

It is the intention of this description to be those premises previously conveyed at Book 417, page 22 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

A tract of land containing 131.60 acres more or less, of which 94.10 acres are located in the East Half of Section 24, Township 32 North, Range 12 East and 27.50 acres are located in the Northwest Quarter of Fractional Section 19, Township 32 North, Range 13 East, and described as follows:

Start at the center of said Section 24, thence South along the center of Section 24, 90 links for the point of beginning; thence South 82° 0' East 32.75 chains for a corner; thence South 2.10 chains for a corner; thence East 26.50 chains for a corner in the Northwest Quarter of said Fractional Section 19; thence North 21.00 chains for a corner; thence West 17.60 chains for a corner in the line between Ranges 12 and 13; thence North along said range line 15.20 chains to the center of Cane Creek; thence along a line substantially as follows: South 79° 0' West 10.30 chains; South 37° 0' West 5.40 chains; South 65° 0' West 3.70 chains; South 75° 0' West 3.80 chains; South 62° 0' West 2.62 chains; South 82° 0' West 4.00 chains; South 75° 0' West 2.30 chains; South 81° 13' West 4.71 chains; South 36° 30' West 4.00 chains; South 11° 0' West 3.40 chains; South 23° 0' West 5.40 chains; South 11° 0' West 3.50 chains; and South 37° 0' West 3.30 chains to the point of beginning.

Except any part in roadways.

It is the intention of this description to be those premises previously conveyed at Book 218, page 329 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

A parcel of land being a part of the SW 1/4 SE 1/4 of Section 18 and a part of the NW 1/4 NE 1/4 of Section 19, Township 32 North, Range 13 East, in Cape Girardeau County, Missouri, containing 3.30 acres (more or less), described as follows:

Commence at the SE corner of the SW 1/4 SE 1/4 of said Section 18; thence North along the quarter quarter section line, 138.3 feet; thence West, 1219.6 feet to the West side of an Outer Road to Highway I-55 for the point of beginning; thence South 18 deg. 45' East along said West line 937.5 feet to an existing fence; thence North 88 deg. 19' 20" West along said fence to an existing North-South fence; thence North 1 deg. 40' 40" East along said fence, 878.5 feet to the point of beginning.

Subject to all easements existing thereon, if any, either written or implied.

It is the intention of this description to be those premises previously conveyed at Book 442, page 436 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

Beginning at a stone at the quarter line of sections 17 and 18, Township 32, Range 13 East, thence east 111.5 feet to center line of a State road, Route 25, This point known as Station 598/15, thence in a Southward direction along the center line of road to Station 607/30.6. Thence South 89 1/2 deg. west 421 feet to point of beginning, an iron pin from which the northeast corner of old Depot is 25.3 feet, and the northwest corner is 37.2 feet, thence south 2 deg. East 110 feet to an iron pin, thence south 89 1/2 deg. west 92 feet to an iron pin on the west right-of-way of old C.G.N.R.R., thence north 2 deg. west 110 feet along west right-of-way to an iron pin, thence north 89 1/2 deg. east to point of beginning.

It is the intention of this description to be those premises previously conveyed at Book 417, page 24 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

A PART OF LOT NO. 1 OF SHAWNEE HEIGHTS SUBDIVISION AND A PART OF UNITED STATES PRIVATE SURVEY NO. 797, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a 1/2" Re-Bar at the Southwest corner of Lot No. 7 of Eastland Subdivision as recorded in the Land Records of the County Recorders Office in Plat Book No. 10 at Page No. 6, said point also being on the North right-of-way line of Main Street and from which point a 1-1/2" iron pipe at the Southwest corner of Rainbow Subdivision as recorded in Plat Book 12 at Page 62 bears N 81 deg. 48' 58" W, 364.52 feet; thence S 08 deg. 06' 18" W, 65.00 feet to the Northwest corner of a tract of land recorded in the Land Records of the County Recorders Office in Book No. 476 at Page No. 503, said point also being on the South right-of-way line of Main Street; thence S 81 deg. 48' 58" E, 141.85 feet along said South right-of-way line to the Northeast corner of said tract of land and being the true Point of Beginning.

Thence continuing along the South right-of-way line of Main Street S 81 deg. 48' 58" E, 130.00 feet; thence S 08 deg. 06' 18" W, 206.60 feet; thence S 78 deg. 37' 42" W, 209.33 feet to a point on the South line of the aforementioned tract of land; thence N 62 deg. 42' 02" E, 82.64 feet along the South line of said tract to the Southeast corner of said tract; thence N 08 deg. 06' 18" E, 228.70 feet along the East line of said tract to the Point of Beginning, containing 0.70 acres and subject to all easements of record.

It is the intention of this description to be those premises previously conveyed at Book 659, page 240 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

A PART OF LOT NO. 1 OF SHAWNEE HEIGHTS SUBDIVISION AND A PART OF UNITED STATES PRIVATE SURVEY NO. 797, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at 1/2" Re-Bar at the Southwest corner of Lot No. 7 of Eastland Subdivision as recorded in the Land Records of the County Recorders Office in Plat Book No. 10 at Page No. 6, said point also being on the North right-of-way line of Main Street, and from which point a 1-1/2" iron pipe at the Southwest corner of Rainbow Subdivision as recorded in the Land Records of the County Recorders Office in Plat Book No. 12 at Page No. 62 bears N 81 deg. 48' 58" W, 364.52 feet; thence S 08 deg. 06' 18" W, 65.00 feet to the Northwest corner of a tract of land recorded in the Land Records of the County Recorders Office in Book No. 476 at Page No. 503, said point also being on the South right-of-way line of Main Street; thence S 81 deg. 48' 58" E, 271.85 feet along said South right-of-way line of Main Street to the true Point of Beginning; thence continuing along the South right-of-way line of Main Street S 81 deg. 48' 58" E, 135.70 feet; thence leaving said South right-of-way line, S 08 deg. 06' 18" W, 19.77 feet to the North line of Lot No. 1 of Shawnee Heights Subdivision as recorded in the Land Records of the County Recorders Office in Plat Book No. 12 at Page No. 40; thence N 59 deg. 00' 00" E, 31.30 feet along said North line to the South right-of-way line of Main Street; thence along said South right-of-way line the following courses and distances:

S 81 deg. 48' 58" E, 77.71 feet; thence S 08 deg. 11' 02" W, 10.00 feet; thence S 81 deg. 48' 58" E, 57.93 feet to the West right-of-way line of Shawnee Boulevard, said point being the beginning of a non-tangent curve concave to the Northwest having a radius of 1105.92 feet and a central angle of 02 deg. 30' 39", from which point the chord bears S 15 deg. 05' 13" W; thence in a Southwesterly direction along

said curve and West right-of-way line, 48.46 feet; thence along said West right-of-way line the following courses and distances:

S 73 deg. 39' 28" E, 10.00 feet to the beginning of a non-tangent curve concave to the Northwest having a radius of 1115.92 feet and a central angle of 06 deg. 09' 28", from which point the chord bears S 19 deg. 25' 16" W; thence in a Southwesterly direction along said curve 119.93 feet; thence leaving said West right-of-way line, N 83 deg. 44' 03" W, 213.22 feet; thence S 78 deg. 37' 42" W, 66.81 feet; thence N 08 deg. 06' 18" E, 206.60 feet to the Point of Beginning containing 1.21 acres, more or less, and subject to all easements of record.

It is the intention of this description to be those premises previously conveyed at Book 661, page 29 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

A part of the Northeast Quarter of the Southwest Quarter, and a part of the Northwest Quarter of the Southeast Quarter, all in Section 18, Township 32 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, more particularly described as follows:

Beginning at a 1/2" rebar at the center of Section 18, Township 32 North, Range 13 East, thence North 88°46' 03" East, 136.70 feet; thence South 1° 26'46" East, 1244.07 feet to the easterly right of way line of Interstate Route 55; said point being 274.00 feet northeasterly and normal to the median centerline station 635+38; thence along the easterly right of way line North 49° 57'06" West, 156.59 feet; thence continuing along said right of way North 27°27'38" West, 149.74; thence leaving said right of way North 62°32'22" East, 70.00 feet; thence N 27°27'38" West, 40.00 feet; thence South 62° 32' 22" West, 70.00 feet to the easterly right of way of Interstate 55; thence along the East right of way North 27° 27' 38" West, 11.25 feet; thence continuing along said right of way North 21°45' West, 1025.50 feet to the quarter section line; thence North 88°46'03" East, 424.60 feet to the point of beginning, containing 9.11 acres, more or less, and subject to a 50 foot access easement at the north boundary thereof.

It is the intention of this description to be those premises previously received by Harold Lloyd Hines and Judith Leah Hines, his wife, from Howard Bretz and Betty Bretz, his wife, by a general warranty deed dated March 14, 1973, and recorded at Book 314, page 338 of the Land Records of Cape Girardeau County, Missouri.

It is the intention of this description to be those premises described in a Corrective General Warranty Deed at Book 872, page 629 of the Land Records of Cape Girardeau County, Missouri.

ALSO,

A PART OF TIEDEMANN'S ADDITION TO THE CITY OF JACKSON AND A PART OF UNITED STATES PRIVATE SURVEY NO. 797 TOWNSHIP 31 NORTH, RANGE 12 AND 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

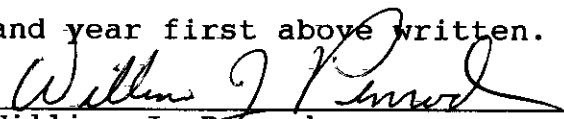
Beginning at the Southeast corner of Lot No. 32 of Tiedemann's Addition to the City of Jackson, Thence N 81° 37' 23" W, 75.65 feet along the north right of way line of Adams Street, to the Southeast corner of a Tract of land recorded in the County Recorders Office in book No. 300 at page no. 708; thence N 08° 00' 45" E, 129.60 feet along the east line of said tract; Thence N 81° 59' 15" W, 81.00 feet along the north line of said tract; to the east line of a tract of land recorded in the County Recorders Office in book no. 294 at page no. 29, and book no. 598 at page 837; Thence N 08° 00' 45" E, 160.21 feet along the east line of said tracts to a non tangent point on the south right of way line of East Main Street; said point being on a curve

concave to the southwest having a central angle of 14° 21' 03", and a radius of 1096.25 feet; Thence Easterly along the curved south right of way line 127.81 feet through a central angle of 6° 29' 15", to the point of a reverse curve concave to the northeast having a central angle of 14° 43' 36" and a radius of 1154.81 feet; Thence continuing along the south right of way line of East Main Street, 296.82 feet; Thence S 82° 22' 33" E, 234.49 feet to a point on the west line of a tract recorded in book 393, page 390; Thence leaving said right of way S 07° 23' 15" W, 134.77 feet along the west line said tract to the northeast corner of a tract recorded in book 161, page 344; Thence N 81° 53' 19" W, 141.69 feet along the north line of said tract to a point on the east line of a tract of land recorded in book 448 at page 884; Thence N 08° 10' 33" E, 49.50 feet along said east line to the northeast corner of said tract; Thence N 81° 43' 44" W, 62.00 feet to the northwest corner of said tract; Thence S 08° 10' 33" W, 28.50 feet along the west line of said tract to the northeast corner of a tract recorded in book 351 page 650, said point being the northeast corner of Lot 28 of Tiedemann's Addition; Thence N 81° 43' 44" W, 269.80 feet along the north line of Lot 26, 27 and 28 of said Addition to the centerline of Tower Grove Avenue; Thence S 08° 10' 33" W, 119.70 feet along the centerline of Tower Grove Avenue to a point on the north right of way line of East Adams Street; Thence N 81° 37' 23" W, 24.75 feet along said right of way line to the Point of Beginning containing 2.18 acres more or less.

It is the intention of this description to be those premises previously conveyed at Book 731, page 949 of the Land Records of Cape Girardeau County, Missouri.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining unto the said party of the Second Party, and unto his successors and assigns, FOREVER, the said party of the First Part hereby covenanting that he is lawfully seized of an indefeasible Estate in Fee in the premises herein conveyed; that he has good right to convey the same; that the said premises are free and clear of any encumbrance done or suffered by him or those under whom he claims, and that he will WARRANT AND DEFEND the title to the said premises unto the said party of the Second Part, and unto his successors and assigns, FOREVER, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF the said party of the First Part has hereunto set his hand the day and year first above written.

  
William J. Penrod

STATE OF MISSOURI )  
 ) SS:  
COUNTY OF CAPE GIRARDEAU )

On this 21st day of May, 1997, before me Rose Mary



Kincy, a Notary Public in and for said State, personally appeared William J. Penrod, known to me to be the person who executed the within general warranty deed and acknowledged to me that he executed the same for the purposes therein stated. And the said William J. Penrod further declared himself to be single and unmarried.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County and State the day and year first above written.

Rose Mary Kincy  
Notary Public

My com. expires:

June 24, 1997

ROSE MARY KINCY  
NOTARY PUBLIC, STATE OF MISSOURI  
CAPE GIRARDEAU COUNTY  
COMMISSION EXPIRES JUNE 24, 1997

ROSE MARY KINCY  
NOTARY PUBLIC  
NOTARY SEAL  
STATE OF MISSOURI

**Filed for Record**  
1:00  
MAY 22 1997  
Janet Robert, Recorder  
Cape Girardeau County  
Jackson, Mo.

\$51.00 pd

STATE OF MISSOURI }  
County of Cape Girardeau, } ss

I hereby certify that this instrument was FILED FOR RECORD at the date and time shown hereon and is recorded in Book 872 ... Page 764 ...

JANET ROBERT  
Recorder of Deeds

By Patti Collier Deputy

*Grantee*

## **Staff Report**

**ACTION ITEM:** Request to prohibit tiny homes in the City of Jackson by the Board of Alderman.

**APPLICANT:** City of Jackson

**PURPOSE:** To decide if the proposed Tiny Homes Ordinance should be amended to prohibit Tiny Homes inside the City limits or leave the same and send it back to the Board of Alderman.

**HISTORY:** The Planning and Zoning Commission created an ordinance for Tiny Homes, and the approved draft was then sent to the Board of Alderman. The Board set up a public hearing, and the ordinance was tabled after the hearing. Then at the next Board of Alderman meeting, the ordinance failed and was returned to the Planning and Zoning Commission on a recommendation by the Board of Alderman not to allow Tiny Homes inside the City Limits.

**APPLICABLE REGULATIONS:** Zoning Code (Chapter 65)

**ACTION REQUIRED:** The commission can either accept the Board's recommendations and then develop a new amendment not allowing tiny homes or send it back to the board and tell them it is fine the way it was written.

## **Tiny Homes**

### **Potential Code Language Additions – DRAFT 1**

*The proposed additional language is in red. Proposed deletions are struck through.  
Individual district descriptions have been included for all districts for clarity.*

#### **ARTICLE I – IN GENERAL**

##### **Sec. 65-2. - Definitions.**

**Tiny house, portable.** A dwelling that is six hundred (600) square feet or less in floor area, excluding lofts, and is constructed on a chassis or skids, regardless of added porches, stairways, decks, or other additions.

**Tiny house, permanent.** A dwelling that is six hundred (600) square feet or less in floor area that is constructed on-site without a chassis and is permanently anchored to a foundation or concrete slab.

##### **Sec. 65-4. - A-1 Agricultural district regulations.** *(no change proposed)*

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the A-1 Agricultural district. The purpose of the A-1 Agricultural district is to preserve, in agricultural uses, lands suited to future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. This district is intended for land of five (5) acres or more. The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential or other use is not permitted in the A-1 district.

##### **Sec. 65-5. - R-1 Single-family residential district regulations.** *(no change proposed)*

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the R-1 Single-family residential district. The purpose of the R-1 Single-family residential district is to provide for detached, single-family residential development, excluding two-family and multi-family housing, with provisions for adequate light, air, and open space.

##### **Sec. 65-6. - R-2 Single-family residential district regulations.** *(no change proposed)*

The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations of the R-2 Single-family residential district. The purpose of the R-2 Single-family residential district is to provide for compact, detached single-family residential development, excluding two-family and multifamily housing, with provisions for adequate light, air, and open space.

##### **Sec. 65-7. - R-3 One- and two-family residential district regulations.** *(no change proposed)*

The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations of the R-3 One- and two-family residential district. The purpose of the R-3 One-

and two-family residential district is to provide for semi-compact residential development, excluding multifamily housing, with provisions for adequate light, air, and open space.

#### **Sec. 65-8. - R-4 General residential district regulations.**

The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations of the R-4 General residential district. The purpose of the R-4 General residential district is to provide for compact residential development, including multifamily housing, with provisions for adequate light, air, and open space.

(1) *Use regulations.* A building or premises shall be used only for the following purposes:

g. Tiny houses, permanent, when part of a community unit plan, with a special use permit only. (all other lettered items bump down in numbering sequence).

#### **Sec. 65-9. - MH-1 Mobile home park district regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, are the regulations of the MH-1 mobile home park district. The purpose of the MH-1 mobile home park district is to provide suitable locations for the placement of mobile homes, with safeguards for the health and safety of mobile home residents. References to lot sizes, setbacks, and lot coverage shall be interpreted to mean the area designated for each mobile home stand within the mobile home park.

(1) *Use regulations.* A building or premises shall be used only for the following purposes:

a. Mobile home parks conforming to the provisions hereof of Article II.

b. Manufactured / mobile homes.

c. Tiny houses, portable. (All other lettered items bump down in numbering sequence).

#### **Sec. 65-10. - O-1 Professional office district regulations.**

The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations of the O-1 professional office district. The purpose of the O-1 professional office district is to provide adequate space in appropriate locations suitable for accommodating medical, dental, and similar services, as well as professional offices. Bulk limitations are designed to provide maximum compatibility with less intensive land use in adjacent residential districts and with more intensive land use in adjacent commercial districts. The O-1 professional office district is to act in the capacity of a transitional and supporting zone.

h. Tiny houses, permanent, when part of a community unit plan, with a special use permit only. (All other lettered items bump down in numbering sequence).

#### **Sec. 65-11. - C-1 Local commercial district regulations.**

The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations of the C-1 Local Commercial district. The purpose of the C-1 district is to provide for retail trade and personal services to meet the regular needs and for the convenience of residents of adjacent residential areas. C-1 Local Commercial districts are intended to be a closely associated and integral element of local neighborhoods.

- g. Tiny houses, permanent, when part of a community unit plan, with a special use permit only. *(All other lettered items bump down in numbering sequence).*

#### **Sec. 65-12. - C-2 General commercial district regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the C-2 General commercial district. The purpose of the C-2 General commercial district is to provide areas for general commerce and services typically associated with major thoroughfares.

(1) *Use regulations.* A building or premises shall be used only for the following purposes:

- g. Tiny houses, permanent or portable, when part of a community unit plan, with a special use permit only. *(All other lettered items bump down in numbering sequence).*

#### **Sec. 65-13. - C-3 Central business district regulations. *(no change proposed)***

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the C-3 Central business district. The purpose of the C-3 Central business district is to provide for compact commercial development in the core area of the city and to maximize the utilization of this area by minimizing lot restrictions and height requirements.

#### **Sec. 65-14. - C-4 Planned commercial district regulations. *(no change proposed)***

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the C-4 Planned commercial district. The purpose of the C-4 Planned commercial district is to provide for modern retail shopping facilities of integrated design in appropriate locations to serve residential neighborhoods.

#### **Sec. 65-15. - CO-1 Enhanced commercial overlay district regulations. *(no change proposed)***

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the CO-1 Enhanced commercial overlay district. The purpose of the CO-1 Enhanced commercial overlay district is to promote the development of aesthetically appealing areas dedicated to commercial development. These regulations are not intended to discourage development, but to provide a consistently enhanced area of development for the protection of property owners and for the benefit of the city as a whole.

This district overlays the base zoning district and does not change the requirements contained within the regulations of that district except as specified in this section. Where a conflict exists between the underlying zoning district and the overlay district, the provisions of this district shall control.

**Sec. 65-16. - I-1 Light industrial district regulations.** *(residential uses not allowed)*

The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations of the I-1 Light industrial district. The purpose of the I-1 Light industrial district is to provide areas for light industrial uses that create a minimum amount of nuisance outside the plant, are conducted entirely within enclosed buildings, use the open area around such buildings only for limited storage of raw materials or manufactured products, and provide for enclosed loading and unloading berths when feasible.

**Sec. 65-17. - I-2 Heavy industrial district regulations.** *(residential uses not allowed)*

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the I-2 Heavy industrial district.

**Sec. 65-18. - I-3 Planned industrial park district regulations.** *(residential uses not allowed)*

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the I-3 Planned industrial park district. The purpose of the I-3 Planned industrial park district is to provide for modern industrial warehouse/office complexes of integrated design with attractive landscaping in suitable locations with access to arterial thoroughness.

For reference:

**Sec. 65-25. - Community unit plan.**

The owner of any tract of land may request a special use permit for the use of any development of such tract for residential or for residential in combination with shopping center uses as set forth in the regulations for planned commercial districts in [section 65-14](#). The proposed development plan shall be referred to the planning and zoning commission and shall include specific evidence and facts relating the conditions and approval enumerated in this section.

- (1) Approval by the board of aldermen shall be coordinated upon specific findings that the proposed community unit plan meets the following conditions:
  - a. That the proposed development of any C-4 Planned commercial district included as a part of the plan complies with the regulations for those districts as set forth in [section 65-14](#).
  - b. That the buildings located in the area, other than those within a C-4 district, shall be used only for single-family dwellings, two-family dwellings, multifamily dwellings, and the usual accessory uses, such as private parking or parking garages and storage space, or for community activities, including churches and schools.

- c. That the average lot area per family contained in the site, exclusive of any area within a C-4 district or occupied by streets, will not be less than the lot area per family required in the district in which the development is located.
  - d. That the area is adaptable to complete community development, being bounded by major thoroughfares, streets, railroads, or other external barriers, and insofar as possible without a major thoroughfare extending through the project or any other physical feature which would tend to impair the neighborhood or community cohesiveness.
  - e. That the plan will provide for the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas.
  - f. That no more than twenty-five (25) percent of the gross area of the project will be devoted to a C-4 district, and that no more than fifty (50) percent of the gross area of the project located within the R-1 or R-2 district will be devoted to multiple-family dwellings.
  - g. That sufficient area is reserved for recreational and education facilities to meet the needs of the anticipated population or as designated by the city's comprehensive plan.
  - h. That property adjacent to the area included in the plan will not be adversely affected; to this end the board of aldermen may require, in the absence of any appropriate physical barrier, that uses of least intensity or a buffer of open space or screening will be arranged along the borders of the project.
  - i. That the plan is consistent with the intent and purpose of this chapter to promote public health, safety, morals, and general welfare.
- (2) If the board of aldermen approves the plan, building permits may be issued, even though the use of the land and the location and height of the buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.
- (3) An application for a special use permit under this section may be made and processed contemporaneously with a proposed amendment of the zoning district or districts in which such site lies.
- (4) A special use permit shall automatically expire upon the failure to develop the use of the land for which the special use permit has been issued if the use is not substantially developed within two (2) years after the permit has been issued.

## **ARTICLE II. - MOBILE HOME PARKS**

### **DIVISION 1. - GENERAL PROVISIONS**

#### **Sec. 65-62. - Permits and restrictions.**

- (1) *Mobile home park location.* Mobile home parks will be allowed in the MH-1 mobile home park district.
- (2) ~~*RV parks.* Recreational vehicle parks. are prohibited within the City of Jackson.~~ *(prohibition conflicts with Sec. 65-12 regulations which allow RV parks in C-2 Districts with a Special Use Permit.)*