

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 proposed rezoning and/or special use permit for property described as 1405 South Farmington Road, as set out in Exhibit A which is attached hereto and incorporated herein by reference; and,

WHEREAS, a public hearing was held on said rezoning and/or 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 towing business at 1405 South Farmington Road in a C-2 General Commercial District 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 Land Escapes, LLC, Applicant.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit for a towing business at 1405 South Farmington Road in a C-2 General Commercial District.

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

1. Compliance with all ordinances of the City of Jackson, Missouri, except as specifically varied or waived by this special use permit.
2. No wrecked or inoperable vehicle is to remain on the property for a period to exceed 45 days, unless stored inside a completely enclosed building.
3. All wrecked vehicles must be visibly screened from all public streets and surrounding city property by a privacy fence or a dense evergreen hedge of sufficient height to form a visible screen.
4. No stripping or tearing down of vehicles is permitted on the property.
5. No portion of the property within the FEMA designated floodway can be used for storage of vehicles, parts, materials, debris, or other items, and no construction of fences, retaining walls, or other accessory uses can be constructed within the floodway without all required permits and a No-Rise Certificate from an engineer or surveyor.
6. The existing duplex on the property may remain a residential use or may be converted to office/residential use, conditional upon compliance with building & fire codes of the City of Jackson.
7. Any residential use of this property cannot be fenced into the same enclosure as the towing storage.
8. A 400' wooded and shrubbery buffer shall be maintained, extending from the northern property line.

Section 3. That included in Exhibit A are the formal findings and conclusions of the Board of Aldermen.

Section 4. 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 5. 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 6. 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 7. 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 8. 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 9. That this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: October 3, 2022.

SECOND READING: October 3, 2022.

PASSED AND APPROVED this 3rd day of October, 2022, by a vote of _____ ayes, _____
nays, _____ abstentions, and _____ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

BY: _____
Mayor

ATTEST:

City Clerk