

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 special use permit for property described as 1327 East Main Street, as set out in Exhibit A which is attached hereto and incorporated herein by reference; and,

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

WHEREAS, a special use permit for a daycare in an R-4 General Residential District on a single lot located at 1327 East Main Street recorded with the Cape Girardeau County Recorder of Deeds in Document #2021-1673 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 Tot Spot Academy and Preschool, LLC, Applicant.

Section 2. That the property set forth in Exhibit A is hereby granted a special use permit for a daycare in an R-4 General Residential District on a single lot located at 1327 East Main Street recorded with the Cape Girardeau County Recorder of Deeds in Document #2021-1673.

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

1. Compliance with all ordinances of the City of Jackson.
2. Only one (1) detached and one attached sign, each not more than forty (40) square feet in sign face area, containing only the name of the day care facility shall be permitted.
3. At least six (6) off-street parking spaces shall be provided for the daycare facility.
4. All off-street parking shall be restricted to the proposed parking facilities of the day care center only. No parking associated with said day care facility shall be permitted on or along East Main Street. Additionally, no parking shall be permitted in access driveway or parking lots owned by adjacent owners.
5. Permitted hours of operation for said day care center shall be no earlier than 6:00 a.m. to no later than 6:00 p.m.
6. The applicant shall make every attempt to remove the making, creation, or permitting of any unreasonably loud, disturbing, or unnecessary noise as generated by the day care facility. Honking and/or other disturbing or unnecessary noises as defined in Chapter 43 Article IV of the City code shall not be permitted.
7. 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 any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

FIRST READING: February 22, 2022.

SECOND READING: February 22, 2022.

PASSED AND APPROVED this 22nd day of February, 2022, by a vote of _____ ayes, _____ nays, _____ abstentions, and _____ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

ATTEST:

BY: _____
Mayor

City Clerk