

**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 804 East Main Street, as set out in Exhibit A which is attached hereto and incorporated herein by reference; and,

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

WHEREAS, a special use permit for a daycare in an R-4 General Residential District on a single lot located at 804 East Main Street recorded with the Cape Girardeau County Recorder of Deeds in Document #2017-11440 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 Little Buttercups, 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 804 East Main Street recorded with the Cape Girardeau County Recorder of Deeds in Document #2017-11440.

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

1. Compliance with the 2015 International Building Code or 2015 International Existing Building Code and with the 2015 International Fire Code for change of occupancy use group from a single-family residential dwelling (Group R-3) to a daycare (Group E).

2. Off-street parking shall be provided which meets the following requirement of the zoning code: Sec 65-22(b)(22): "Nursery school: two (2) parking spaces, plus one (1) additional space for every five hundred (500) square feet of floor area."

Floor area is defined by the zoning code as the floor space within the inside line of walls and includes the total of all floors of a building. It does not include porches, garages, space in a basement or cellar, when such basement space is used for storage, or incidental uses, such as rest rooms, kitchens, and bar areas.

3. Alterations or additions to the building, electric system, plumbing system, or mechanical system which require permits, also require signed and sealed plans prepared by an architect or engineer licensed in the State of Missouri.

4. Compliance with ADA requirements.

5. No children under age 2 ½ will be kept unless the building is modified to comply with all building and fire code requirements for Group I (Institutional) use as specified in the International Building Code or International Existing Building Code and the International Fire Code edition in force at the time of alteration.

6. Compliance with all ordinances of the City of Jackson, Missouri, except as specifically varied or waived by this special use permit.

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: February 7, 2022.

SECOND READING: February 7, 2022.

PASSED AND APPROVED this 7th day of February, 2022, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, \_\_\_\_\_ abstentions, and \_\_\_\_\_ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

ATTEST:

BY: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk