

* Scrivener's error
Eagle Ridge

Street

AN ORDINANCE TO REZONE PROPERTY OWNED BY JIMMY SCHMIG TJSC, LLC LOCATED AT 4221 W. SANDY STREET & S. STATE HIGHWAY FF (UNDEVELOPED LAND), AT CORNER OF STATE HIGHWAY FF AND FARM ROAD 172 FROM GENERAL COMMERCIAL DISTRICT (C-2) TO MULTI-FAMILY RESIDENCE DISTRICT (R-3).

WHEREAS, an application has been filed for a zoning change of the following described tract of land from General Commercial District (C-2) to Multi-Family Residence District (R-3); and

WHEREAS, proper notice was given of a public hearing before the Planning and Zoning Commission and said hearing was held in accordance with applicable law on January 8, 2024; and

WHEREAS, following proper notice and the public hearing, the application for rezoning of said tract of land was presented before the Planning and Zoning Commission at a scheduled meeting held on January 8, 2024, and said Commission has made its written finding and recommendation that such rezoning is in conformance with the city's comprehensive plan and should be approved and adopted.

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

Section 1. The following property, described as:

Tract 1,

ALL OF LOT ONE AMENDED FINAL PLAT, BATTLEFIELD CROSSING, IN THE CITY OF BATTLEFIELD, GREENE COUNTY, MISSOURI.

Tract 2,

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-TWO (22); THENCE NORTH 88° 15'41" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 785.51 FEET TO THE EAST RIGHT-OF-WAY OF NEW HIGHWAY "FF"; THENCE NORTH 43° 50'05" EAST ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 893.20 FEET; THENCE SOUTH 87° 53'20" EAST, A DISTANCE OF 189.07 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4); THENCE SOUTH 01° 56'26" WEST ALONG SAID EAST

LINE, A DISTANCE OF 661.55 FEET TO THE POINT OF BEGINNING, ALL LYING IN GREENE COUNTY, MISSOURI.

is hereby rezoned from to General Commercial District "C-2" to **Multi-Family Residence District (R-3)**, and the City of Battlefield's Official Zoning Map is hereby amended and changed accordingly.

The following restrictions also apply: **1.** No open Burning of Debris from clearing and Grubbing operations. Plan for disposal shall be submitted to the City of Battlefield for approval prior issuances of permits to begin work. **2.** Restrict the permitted use of R-3 to only items Two family Dwellings and item 4 Townhomes. All others shall be excluded from this zoning district reclassification.

Section 2. This ordinance shall be in full force and effect upon passage and approval.

Section 3. Savings Clause. Nothing in this ordinance shall be construed to affect any suite or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of character be lost, impaired, or affected by this ordinance.

Section 4. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Aldermen hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Passed and approved on this 6th day of February 2024.

Mark Crabtree

Mayor and/or President of the Board

of Battlefield, Missouri -Mark Crabtree

Attest:

Beth Anne West

City Clerk of Battlefield, Missouri -

Beth Anne West

Approved to Form:

Paul Link

City Attorney- Paul Link

First Reading and vote:

6 Ayes - Samantha Forbes, Zach Woods, Mark Crabtree, Roddy Compton, Tim Kelley Sr, and Jerry Shupert. 0 Nays. all Board members were present for the vote. 2-6-2024

Second Reading, final passage and vote:

6 Ayes - Jerry Shupert, Tim Kelley Sr, Roddy Compton, Mark Crabtree, Zach Woods, and Samantha Forbes. 0 Nays. All Board members were present for the vote. 2-6-2024

(Seal)

