

Sponsor: _____

AN ORDINANCE AUTHORIZING A CHANGE IN ZONING FROM THE "C1" DOWNTOWN COMMERCIAL DISTRICT TO "PDC" PLANNED DISTRICT-COMMERCIAL FOR 147 W. ST. LOUIS STREET AND A CONDITIONAL USE PERMIT THEREBY ALLOWING A TAVERN PURSUANT TO THE REQUIREMENTS CONTAINED HEREIN. (P.Z. 2012-798: HANDLEBARS).

WHEREAS, the Zoning Ordinance of the City of Pacific, Missouri sets forth regulations concerning certain land uses, which by their nature are, or may become, undesirable to adjacent property owners; and

WHEREAS, in various zoning district classifications set forth in the zoning ordinance, certain uses are not permitted unless reviewed by the Planning and Zoning Commission and approved by the Board of Aldermen; such uses are considered "conditional uses;" and

WHEREAS, an application has been filed with the Zoning Officer requesting a rezoning and a conditional use for the location captioned above; and

WHEREAS, the application has been reviewed by the Zoning Officer and various officers of the City and their recommendations have been presented to the Planning and Zoning Commission; and

WHEREAS, the City has held a public hearing before the Planning and Zoning Commission and such recommendations and reports have been forwarded to the Board of Aldermen, and the City has further held a public hearing before the Board of Aldermen and published notice as required for an amendment of zoning regulations pursuant to Chapter 89 RSMo.

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

Section One: The City of Pacific Zoning Ordinances and Official Zoning District Maps, made a part thereof, are hereby amended by changing the zoning district classification of "C1" Downtown Commercial to "PDC" Planned District-Commercial as set forth in this Ordinance for the property known and designated as 127 W. St. Louis Street.

Section Two: The zoning authority and approval embodied in this Ordinance is granted subject to compliance with the ordinance regulations of the City, including Article IV Land Use, all other applicable City of Pacific ordinances, rules, and regulations, the conditions of this Ordinance, and the Preliminary Development Plan and combined Final Development Plan attached as **Exhibit 1** and incorporated herein by reference ("Final Development Plan"), except as may be modified herein, upon the requirement that the development and plan are carried out in accordance with the recommendation forwarded to the Board of Aldermen by the Planning and Zoning Commission and any conditions set forth by the Board of Aldermen.

1. PERMITTED USES:

This Planned Unit Development – Planned Development Industrial District (PDC) – shall authorize, as a conditional use, a tavern. All other permitted and accessory uses of the underlying “C1” Downtown District shall be authorized subject to the provisions of Section 400.160 “PUD” Planned Unit District Regulations.

2. DEVELOPMENT CRITERIA:

- a. Parking: No off-street parking shall be required.
- b. Outdoor dining: No outdoor dining or the consumption or sale of alcoholic beverages shall be permitted.
- c. Litter and Nuisance: The proposed use shall abide by Chapter 225, Litter and Nuisance Control, at all times.
- d. Adult Uses: No adult use, as defined by the Municipal Code, is sought by applicant and no such use shall be permitted by this CUP.
- e. Signage: Signage shall be permitted pursuant to rules and regulations of the City’s Sign Code, Chapter 425.
- f. Occupancy: Prior to occupancy, the building shall conform to the requirements of the building department, fire district, and county health department, and all other applicable City codes, except as expressly provided herein.
- g. Special Event Permit: Any event or activity requiring a special event permit as required in Chapter 401 of the City Code and a condition of this CUP shall include compliance with such code and the terms of any permit issued therein.
- h. Exterior Improvements: No additional exterior improvements shall be required as part of this CUP/PUD for the authorized use, i.e., a tavern.
- i. New construction: All new exterior construction shall require an amended Preliminary and Final Development Plan and shall be subject to such requirements in Sections 400.160 and 400.200 and otherwise within the City Code, notwithstanding any variances granted herein, unless otherwise expressly provided in such amended approval.

Section Three: The approval of the Planned Unit Development shall be effective, from and after its date of passage and approval, provided, all required fees are paid to the City, subject to compliance with all applicable provisions of the Zoning Regulations.

Section Four: This Ordinance shall be in full force and effect on and after its passage and approval.

This Bill was passed and approved this ___ day of _____, 2013, by the Board of Aldermen of the City of Pacific, Missouri after having been read by title or in full two times prior to passage.

Presiding Officer

Herbert C. Adams, Mayor

ATTEST:

City Clerk

City Clerk