

BILL # 1994-4
SPECIAL CLASS USE ORDINANCE

AN ORDINANCE OF THE CITY OF LAKE ANNETTE, MISSOURI TO ESTABLISH PROVISION FOR NON-CONFORMING, SPECIAL CLASS USE OF REAL PROPERTY WITHIN THE R-1 ZONING DISTRICT.

WHEREAS, a Board of Aldermen of the City of Lake Annette, Missouri have determined that the growth and development of the City, as well as the convenience of the individual citizens would be served by allowing certain uses of real property within the City limits, which uses are presently prohibited under the zoning classification of R-1, and

WHEREAS it is the desire and goal of the governing body to retain and maintain the predominantly residential character of the City, such that the creation of an additional zoning classification is deemed undesirable in view of the alternatives available, now therefore:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LAKE ANNETTE, MISSOURI AS FOLLOWS:

Section 1. Definition

This ordinance shall be known as the Special Class Use Ordinance. "Special Class Use" is defined herein as any use made of or proposed for real property located within a zoned district, which use does not conform to the specifications of the zoning classification in which the property is located, and which use would be and is illegal and prohibited except as permitted by the provisions of this ordinance.

Section 2. Special Class Uses.

Upon application to the Board of Aldermen of the City, the Board may issue a special class permit allowing any of the following uses, within any zoning district:

1. Stores, shops, and markets for retail trade, provided that all operations, displays and storage be carried on within an enclosed building.
2. Aviation fields or airports, under such restrictions as the Board of Aldermen may impose on land, buildings, or structures within an approach or transition plan or turning zone.
3. Cemeteries, mausoleums, or crematories for the disposal of the human dead.
4. Clubs, private, the primary activities of which are athletic or recreational, provided the area shall be at least ten (10) acres in extent and no building shall be closer than one hundred (100) feet from any property line.
5. Miniature Golf courses
6. Swimming pools (commercial).
7. Radio and Television stations.

8. Drive-in Theaters
9. Golf driving ranges, commercial or illuminated.
10. Gun clubs, skeet shoots or target archery ranges.
11. Hospitals, sanatoriums or homes for the convalescents or aged, including insane or feeble-minded, alcoholics or drug addicts, subject to such health and sanitation requirements as may be imposed by the Board of Aldermen or the Health Authorities of the City or State, and provided there shall be at least three hundred (300) square feet of lot area for each patient or guest, with a minimum of twenty thousand (20,000) square feet.
12. Picnic groves and fishing or swimming lakes, including minor and incidental concession facilities for patrons only.
13. Radio, television and microwave towers.
14. Reservoirs, wells towers, filter beds or water supply plants.
15. Community sewage or garbage processing or disposal plants.
16. Operation of private equipment yards for storage purposes, exclusive of retail sales yards.
17. Retail garden centers and nurseries.
18. Signs, in excess of the limits provided elsewhere in the Zoning Ordinance.

Section 3. Procedure

To obtain a permit allowing a special class use, applicant or applicant's lawful representative, shall make written application to the Board of Aldermen at a regular meeting of the Board, which application shall clearly state the interest of the applicant in the real estate, the precise location of the real estate, the proposed use for the property, a description of any improvements or modifications to be made to the property, and a description of any signs which would be necessary if the application were granted. The Board may, at its discretion, receive additional information relevant to the application, but shall not vote on or decide the issue at the time the application is received. The Mayor of the City shall then designate a time for public hearing on the application, the date of which shall be no sooner than the next regularly scheduled meeting, but may be held at the same time as the regularly scheduled meeting. The Board shall direct the City Clerk to arrange for such publication as is required under State Law and which is sufficient to reasonably apprise the citizenry of the city of the public hearing and the su

ject of the hearing. The Board may decide the matter by majority vote at any time after the public hearing as aforementioned.

Section 4. Fees and Expenses.

The application for special class permit shall be accompanied by a non-refundable filing fee in the amount of one hundred dollars (\$100.00). Any expenses incurred by the City or for which the City could become responsible and which are necessary to the proper processing of the application, including, but not limited to, the expenses of publication, shall be borne by the applicant and shall be payable on demand or in advance by the applicant upon notice from the Board. Failure of the applicant to make payment immediately upon notification by the Board may invalidate the application at the discretion of the Board.

Section 5. Considerations and Special Conditions.

In determining the propriety of issuance of a special class permit, the Board shall consider the public opinion expressed, the impact of the proposed use upon neighboring property, the impact of the use upon the City as a whole, considering benefits as well as detriments, and the compliance with the remainder of the Zoning Ordinance, including but not limited to the height and area regulations and any other attendant potential problems such as off-street parking. After such consideration, the Board of Aldermen may grant permission for the Special Class Use and direct the City Clerk to arrange for necessary filings, may deny the Special Class Use permit, or may grant a permit subject to certain conditions at the sole discretion of the Board. The applicant's willingness or ability to comply with any condition imposed by the Board of Aldermen shall be determined prior to vote and shall be considered in that vote.

Section 6. Term.

Any permit for a Special Class Use issued pursuant to the terms of this Ordinance shall be valid for a term of ten (10) years. Applicant shall acknowledge at the time that the permit is granted that no property right in the specific special class use will exist at the expiration of the ten (10) years, although the term may be extended for a period of up to ten (10) years at the discretion of the governing body of the City of Lake Annette after re-application by the applicant pursuant to the terms of this Ordinance and in a like manner as the original procedure. Applicant shall further acknowledge that applicant's failure to meet the conditions set by the Board at the time that the permit was granted, or applicant's deviation from the use for which the permit was granted to another non-conforming use, will result in revocation of the permit at the discretion of the Board of Aldermen of the City or other governing body at the time of such deviation.

This Ordinance was read two (2) times by title only, and adopted by The City of Lake Annette Board of Aldermen this 10th day of March 1995.

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Shirley E. Williams
Mayor

Jeffrey Clausen
City Clerk