Introduced by _____

First Reading _____ Second Reading _____

Ordinance No. _____ Council Bill No. B 42-23

AN ORDINANCE

granting the issuance of a conditional use permit to Arcade District, LLC to allow a "bar or nightclub" use on property located at 700 Fay Street in an IG (Industrial) zoning district; providing a severability clause; and fixing the time when this ordinance shall become effective.

WHEREAS, pursuant to Section 29-6.4(m)(1) of the City Code, the Planning and Zoning Commission (hereinafter "Commission") held a public hearing and submitted a written recommendation to the City Council related to issuance of a conditional use permit on property located at 700 Fay Street and legally described as set forth in "Exhibit A" attached hereto and incorporated by reference; and

WHEREAS, the City Council has considered the recommendation of the Commission along with the criteria set forth in Section 29-6.4(m)(2)(i) of the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council finds and determines that the criteria established in Section 29-6.4(m)(2)(i) of the City Code has been met and hereby grants the issuance of a conditional use permit to Arcade District, LLC to allow a "bar or nightclub" use on property located at 700 Fay Street in an IG (Industrial) zoning district, subject to the following conditions:

a. The conditional use permit is granted to the property owner and shall be valid for the duration of the use or revocation of the permit. Any discontinuance of the use for a period of twelve (12) months or more or any change in the character of the use shall render the permit null and void.

b. An ADA-compliant sidewalk, striped crosswalk, and appropriate signage shall be constructed, by the owner, at a location on Fay Street that will not require utility relocation and is acceptable to the City's traffic engineer

c. The property owner shall comply with the requirements of District IG and all other applicable regulations unless the property owner is granted a variance pursuant to the City Code.

d. The allowed uses, per this conditional use permit, shall not create negative impacts on neighboring properties and rights-of-way, including but not limited to:

1. Lighting and glare beyond the property lines between the hours of 10:00 p.m. and 7:00 a.m.;
2. Excessive noise not compatible with the authorized use;
3. Dust and odor;
4. Excessive traffic not compatible with the authorized use or surrounding neighborhood;
5. Storm water impacts; or
6. Physical appearance not compatible with the authorized use or surrounding neighborhood.

e. If any of the conditions of this conditional use permit are not complied with, the City Council, upon recommendation of the Commission following written notice and a noticed public hearing by the Commission, may in addition to revoking the permit, amend, alter, delete or add conditions to the permit.

SECTION 2. The provisions of this ordinance are severable and if any provision is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2023.

ATTEST:

_____ _____
City Clerk Mayor and Presiding Officer

APPROVED AS TO FORM:

_____
City Counselor