

1st Reading:
2nd Reading:

SPONSOR: MAURATH

ORDINANCE NO. ____

BILL NO. 21-84

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT
FOR JAKE TIERNEY FOR TEMPORARY RECREATIONAL
VEHICLE USE AT 86-88 OPPS LANE.**

WHEREAS, the Planning and Zoning Commission held duly noticed public hearings on September 7 and October 5, 2021 in compliance with the City Code and Chapter 89 RSMo. regarding issuing a Special Use Permit to Jake Tierney for Temporary Recreational Vehicle Use at 86-88 Opps Lane, Fenton, Missouri, 63026; and

WHEREAS, after reviewing the application and criteria for issuance of a Special Use Permit, the Commission has made a recommendation to the Board of Aldermen that said Special Use Permit be granted with conditions; and

WHEREAS, after consideration of the Commission's recommendation and criteria for issuance of Special Use Permit, the Board of Aldermen finds that Petitioner meets the requirements for issuance of a Special Use Permit and finds it in the best interest of the City to grant the requested Special Use Permit with conditions.

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

Section 1. The Special Use Permit, with conditions and terms, to be issued to Jake Tierney for Temporary Recreational Vehicle Use at 86-88 Opps Lane, Fenton, Missouri, 63026, all as set out in Exhibit 1 attached hereto, is hereby approved and all terms and conditions are hereby incorporated into this ordinance as if fully set out herein.

Section 2. The Mayor is hereby authorized to execute this Special Use Permit on behalf of the City of Fenton.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval.

ORD. NO. ____

ORD. NO. ____

PASSED this 28th day of October, 2021.

BOB BRASSES, MAYOR

APPROVED this 28th day of October, 2021.

BOB BRASSES, MAYOR

ATTEST:

Jane Hungler, City Clerk

Motion to approve. Roll Call vote:

Ayes:

Nays:

Abstain:

Absent:

ORD. NO. ____

EXHIBIT 1

SPECIAL USE PERMIT

A Special Use Permit is granted this 28th day of October, 2021 to **Jake Tierney** as Owner ("Owner") by the City of Fenton ("City"), a Municipal Corporation situated in St. Louis County, Missouri.

WITNESSETH:

WHEREAS, the Zoning Code of the City of Fenton, Missouri authorizes the establishment of a Special Use Permit; and

WHEREAS, the aforementioned Owner requests a Special Use Permit for the property located at **86-88 Opps Lane, Fenton, MO 63026** ("Premises"), and asserts that Owner will comply with the terms and conditions of the Zoning Code of the City of Fenton and the following terms and conditions of this Permit:

This Special Use Permit is solely for Temporary Recreational Vehicle Use at 86 and 88 Opps Lane, with the following conditions:

1. The Petitioner will need to submit the necessary Floodplain Development Permit for the installation of the existing pad and sidewalk before this SUP will be deemed valid.
2. A revised site plan indicating the location of the Recreational Vehicle shall be submitted for review for approval by the City Planner.
3. Any Recreational Vehicle located on the properties must be located on a paved surface, under a valid Floodplain Development Permit, and must be fully licensed and ready for highway use.
4. No Recreational Vehicle will be permitted on the properties for more than 70 cumulative days in any 180-day period within a calendar year. Unoccupied Recreational Vehicles may not be parked onsite when not in use for more than five (5) consecutive days and no storage of Recreational Vehicles is permitted.
5. The properties shall not be utilized for any other use other than private/personal recreation related to Temporary Recreational Vehicle Use and Dock for Watercraft. Any additional use of or structures on the property will require separate review and approval by the City.
6. This Special Use Permit shall be automatically deemed null and void when a Building Permit is approved for any Single-Family Residential Dwelling on the properties.
7. Compliance with all other applicable City Codes and Ordinances.

WHEREAS, the Board of Aldermen finds that the proposed building or use and the issuance of the Special Use Permit as requested by the Owner upon the conditions, restrictions, and requirements set forth herein would not adversely affect the character of the neighborhood or value of adjacent parcels or other property in the surrounding area, traffic conditions, public utility facilities, the ideals of good planning, or the preservation and promotion of the public health, safety, and general welfare.

NOW, therefore, the Board of Aldermen of the City of Fenton, Missouri does hereby approve and issue the Special Use Permit described herein.

- 1) The conditions, restrictions, and requirements as set forth in this Special Use Permit are an integral part of the Special Use Permit and the Owner understands that violation of or failure to perform or maintain any of the conditions, restrictions, and requirements shall constitute cause to revoke and terminate this Special Use Permit.
- 2) If an inspection is made, and the Premises are found to be not in compliance with this Permit and City ordinances, the Owner will be given notice to make all necessary corrections. If the Owner is found not to be in compliance with the terms, conditions, and laws of the City by the compliance date or the Owner otherwise fails to comply with the conditions of this Permit, this Special Use Permit shall be subject to revocation and termination. Any and all expenses, including attorney's fees, incurred by the City in the abatement or enforcement of any violation shall be paid by Owner.
- 3) The Owner certifies and represents that they have made known to the appropriate City officials all material facts. Any misrepresentation or omission of material facts shall be grounds for revocation of this Permit, and this Permit shall be null and void.
- 4) This Special Use Permit is non-assignable and will be reviewed annually by the Community Development Department to assure that its use is in compliance with the terms of the Permit.
- 5) The Owner understands each of the conditions set out herein and accepts and agrees to them.

IN WITNESS WHEREOF, the City of Fenton upon application of the Owner has caused this Special Use Permit to **Jake Tierney** to be issued on the day and year first written above.

CITY OF FENTON, MISSOURI

BY: _____
BOB BRASSES, MAYOR

ACCEPTANCE:

Jake Tierney

BY: _____

PRINT: _____

DATE: _____