

Bill No. ____

Ordinance No. _____

Sponsor: Larry Muench

An Ordinance Amending Section 156.066 Regarding the Historic South Main Preservation District to Establish Noise Control Standards.

Be it Ordained by the Council of the City of St. Charles, Missouri, as Follows:

SECTION 1. Section 156.066 of the Code of Ordinances is hereby amended as follows:

§ 156.066 SMPD SOUTH MAIN PRESERVATION DISTRICT.

(A) Purpose. The purpose of the South Main Preservation District is to preserve historic areas, buildings, monuments or other historic features, which contribute or will contribute to the heritage of the city or the state. The District also provides for the protection of historic areas, buildings, monuments or features, and their surroundings within a reason-able distance, from obviously incongruous development or uses of land.

(B) Permitted uses. A building or land shall be used only for the following purposes:

(1) Any use, accessory use or conditional use permitted in the zoning district in which the premises are situated and upon which the South Main Preservation District is superimposed, including single-family dwellings, except as provided in § 156.066(B)(2).

(2) Restaurants, cafes or cafeterias, including restaurants, cafes or cafeterias where nonintoxicating beer or intoxicating liquor is sold and consumed incidental to the sale of food; provided, that no intoxicating liquor may be sold to patrons standing or sitting at a bar, whether or not such sale is incidental to the sale of food, and the only exception to this latter proviso is that intoxicating liquor may be sold to patrons standing or sitting at an exposed bar in a microbrewery. ~~Also, such uses shall exclude live music or dancing on such premises.~~

(a) As used in this section, the term MICROBREWERY shall mean a restaurant which meets the following qualifications:

1. Brews beer on the premises, and sells the brewed beer on the premises, with an annual minimum capacity of 100 barrels of beer brewed, and an annual maximum of 10,000 barrels of beer brewed.

2. Has a federally approved "brewer's notice."

3. Has either 51% gross income from non-alcohol food sales or a minimum of \$200,000 of gross income per year in non-alcohol food sales.

4. Is licensed for Sunday liquor sales.

(C) Special building and occupancy permit.

(1) No person shall be permitted to build, erect, construct, alter, destroy or remove buildings or structures, or in any way change the outward appearance of any building or structure in the South Main Preservation District without having obtained a Certificate of Appropriateness from the Historic Landmarks Preservation and Architectural Review Board.

(2) Evidence of such required approval shall be a Certificate of Appropriateness issued by the Historic Landmarks Preservation and Architectural Review Board. Such Certificate shall be a statement signed by the Chairperson of the Board, stating that the exterior architectural features of the proposed construction, reconstruction, alteration, removal or restoration for which application for approval by the Board has been made as approved by the Board.

(3) No building permit or certificate of occupancy shall be issued for any building or structure within the South Main Preservation District, unless such applicant shall furnish with his application for such permit a copy of Certificate of Appropriateness.

(D) Signs. Signs and billboards shall be permitted as required in §§ 157.008. All signs shall be reviewed and approved by the Historic Landmarks Preservation and Architectural Review Board in accordance with the standards and purposes of the South Main Preservation District.

(E) Lighting. All outdoor, temporary, decorative lighting must obtain a Certificate of Appropriateness from the Historic Landmarks Preservation and Architectural Review Board prior to installation, except from November 15 through January 15, at which time only white non-twinkling, non-chasing miniature lights will be allowed.

(F) Noise Control Standards.

(1) Sound levels in the SMPD shall not exceed 75 decibels between 7:00 a.m. and 10:00 p.m. and 65 decibels between 10:00 p.m. and 7:00 a.m. The sound level shall be measured at the property line of the property producing the noise with a sound level meter set to the A frequency rating. Notwithstanding the foregoing, the Director of

Convention and Visitors Bureau may be granted a noise variance in accordance with Section 97.11 for special events.

(2) Violations of the SMPD noise control standards shall be punished as provided for in Section 10.99.

SECTION 2. It is the intention of the city council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of St. Charles, Missouri, and the sections of this ordinance may be renumbered to accomplish such intention.

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

Date Passed

Larry Muench, Presiding Officer

Date Approved by Mayor

Patricia M. York, Mayor

Approved as to Form:

Attest:

Michael J. Valenti, City Attorney Date

City Clerk

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