

Introduced by: City Manager Nathan Mai-Lombardo

AN ORDINANCE AMENDING SECTION 400.140, "C-2 GENERAL COMMERCIAL DISTRICT", IN THE CITY OF BERKELEY, SAINT LOUIS COUNTY MISSOURI

WHEREAS, the 2009 Comprehensive Plan calls for the development of high traffic uses, including 'restaurants, hotels, entertainment' along the Natural Bridge corridor; and,

WHEREAS, this corridor has only modestly developed since the Plan was adopted; and,

WHEREAS, it is in the interest of the City to take advantage of the growth of development in NorthPark, the Boeing campus, and Lambert St. Louis; and,

WHEREAS, the members of the Plan Commission met on September 13, 2023, deliberated the matter, and does not recommend approval after a Public Hearing before the City Council Case 23-19; and,

WHEREAS, currently hotels, sit-down restaurants, and entertainment places (as defined in the revised ordinance) are currently permitted by Special Use, which constrains their development.

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

Section 1. Section 400.140, C-2 General Commercial District, "B" Permitted Uses will be amended by adding the following:

A building or premises shall be used for the following purposes:

- 4. Restaurants
- 5. Hotels and motor lodges
- 6. Entertainment places, including billiard parlor, bowling alley, dancing, roller skating rink, sit-down theater, video games, and similar uses.

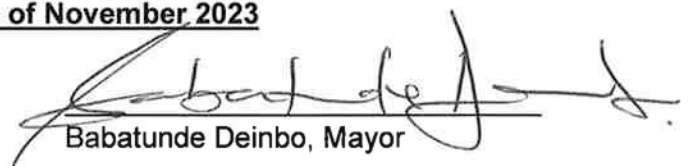
Section 2. That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

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

1st Reading this 16th day of October 2023

2nd Reading this 16th day of October 2023

3rd Reading, PASSED and APPROVED, this 06th day of November 2023

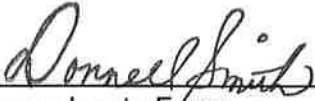


Babatunde Deinbo, Mayor

ATTEST:



Deanna L. Jones, City Clerk

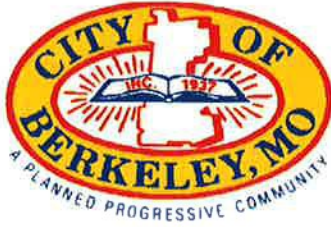


Approved as to Form:

Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Verges	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>
Councilwoman Williams	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>
Councilman Hoskins	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>
Councilwoman Anthony	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>
Councilman Hindeleh	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>
Councilwoman-at-Large Crawford-Graham	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>
Mayor Deinbo	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>



STAFF REPORT

Case Number: 23-19

Date: September 27, 2023

Petitioner: City of Berkeley
8425 Airport Rd
Berkeley MO 63134

Current Owner: Various

Request: Proposed Amendment to Section 400.140 (C-2).

Location: Citywide

Size: N/A

Current Zoning: C-2

Proposed Zoning: unchanged

Existing Use: N/A

Proposed Use: Hotels, sit-down restaurants, and entertainment would be permitted by right

Recommendation: Staff recommends approval



REPORT TO CITY COUNCIL

To: Mayor Deinbo and Members of the City Council
FROM: Nathan Mai-Lombardo City Manager
DATE: October 16, 2023
SUBJECT: **Case No. 23-19: Amending Section 400.140 (C-2 General Commercial)**

The above Subject item has been investigated, and the findings are listed as follows:

BACKGROUND

This Ordinance proposes to make two changes to the C-2 General Commercial Zoning District:

- Change sit-down restaurants, hotels and motor lodges, and entertainment places (listed in the Ordinance) permissible by right instead of by special use.
- Eliminating all Sign Code regulations, which will be covered in the proposed Sign Code changes.

RECOMMENDATION

Plan Commission does not recommend Approval of this proposed change.

JUSTIFICATION

As with the changes in the new Downtown Code, the purpose of the change is to facilitate development that makes sense in C-2, particularly along Natural Bridge by the airport. The sign regulations were removed for clarity since they will now be located in the new Sign Code.

In response to questions raised at the September 13, 2023 meeting of the Commission, Staff have made the following revisions:

- 1) *All uses are now identified by their NAICS (North American Industry Classification System) Code. This is a standard system for identifying use types that is used by industry and municipalities nationwide.*
- 2) *The proposed use changes are shown in red.*
- 3) *All the detail requirements from the original Code are used in the new format.*

This system allows the Code to be both flexible and restrictive, and makes it very clear what is permissible and what is prohibited. For example: industrial uses are not listed, and are therefore not permitted in C-2. Anyone can search the use codes at <https://www.naics.com/search/>

The Plan Commission met on September 27, 2023, and voted against recommending this proposed Amendment to Council.

SUPPORTING DOCUMENTS

1. Staff report and draft Ordinance for revising Section 400.140 (C-2 General Commercial)

OPTIONS

1. Recommend approval of the proposed Amendment.
2. Recommend denial of the proposed Amendment.

IMPACT ON BUDGET

None.

**Respectfully submitted,
Nathan Mai-Lombardo**