

Introduced by: City Manager Nathan Mai-Lombardo

**AN ORDINANCE FOR THE CITY OF BERKELEY, MISSOURI,  
AMENDING SECTION 400.530 (B) AND (C) OF THE SPECIAL USE  
PERMIT CODE**

**WHEREAS,** the City of Berkeley, Missouri seeks to attract and retain quality businesses; and

**WHEREAS,** the current process of reviewing and approving Special Use Permits is cumbersome, and not mandated by Code.

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

**Section 1.** Section 400.530 (B) and (C) of Article XIII of the City Code is Amended to read:

- B. Applications for the special use permit shall be made to the Public Works Director with a site plan and necessary descriptive material of the entire property, including all permitted and special uses. Each application shall be verified by the owner or the authorized representative of the owner of the property subject to the permit, attesting to the truth and correctness of all facts and information presented in the application. ~~The City Clerk will advise the Council of each application received. Upon receipt of notice from the City Clerk, any Council member may determine an application is to come before the Council for consideration prior to referral to the City Plan Commission, in which case the Council member will so advise the Clerk within five (5) days.~~
- C. Applications shall be submitted by the Public Works Director to the City Plan Commission forthwith, ~~except the Public Works Director has the discretionary option to refer the application to the City Council for consideration prior to referral to the City Plan Commission.~~ The City Plan Commission shall investigate and make a report regarding the effect of such proposed building or use upon character of the neighborhood, aesthetics, traffic conditions, fire hazards, public utility facilities, and other matters pertaining to the public health, safety, and general welfare of the community. Such report shall be filed with the City Council within sixty (60) days of the day of reference to the Commission. If the City Plan Commission fails to recommend any application within sixty (60) days of reference, unless applicant petitions for a delay and said delay is deemed to be of a reasonable nature, the plan(s) and the meeting minutes shall be forwarded to the next City Council meeting for their action. This action may include approval to order a public hearing, return the application to the City Plan Commission, or rejection of the application without prejudice based upon criteria, including, but not limited to, that described in Sections 400.370 and 400.530(B), as well as other appropriate Sections of the City Charter or Municipal Code.

**Section 2.** This ordinance shall be codified and made part of the City of Berkeley Code of Ordinances as set out herein or as the codifier so sees fit.

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

1st Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2023  
2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2023  
3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2023

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Babatunde Deinbo, Mayor

ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved as to Form:  
Donnell Smith, City Attorney

Final Roll Call:			
Councilwoman Verges	Aye	Nay	Absent
Councilwoman Williams	Aye	Nay	Absent
Councilman Hoskins	Aye	Nay	Absent
Councilwoman Anthony	Aye	Nay	Absent
Councilman Hindeleh	Aye	Nay	Absent
Councilwoman-at-Large Crawford-Graham	Aye	Nay	Absent
Mayor Deinbo	Aye	Nay	Absent