

BILL NO.: 4985

ORDINANCE NO.: \_\_\_\_\_

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**Section 2.** That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.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 16<sup>th</sup> day of October 2023

2nd Reading this 16<sup>th</sup> day of October 2023

3rd Reading, PASSED and APPROVED, this           day of          2023

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Babatunde Deinbo, Mayor

ATTEST:

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Deanna L. Jones, City Clerk

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Approved as to Form:  
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Verges	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Williams	Aye	___	Nay	___	Absent	___	Abstain	___
Councilman Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Anthony	Aye	___	Nay	___	Absent	___	Abstain	___
Councilman Hindeleh	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman-at-Large Crawford-Graham	Aye	___	Nay	___	Absent	___	Abstain	___
Mayor Deinbo	Aye	___	Nay	___	Absent	___	Abstain	___



## 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**