

BILL NO.: 6555

ORDINANCE NO.:5183

INTRODUCED BY:

ALDERMAN PLUFKA
ALDERWOMAN GOAD
ALDERMAN LOCHMOELLER
ALDERMAN ERGER

ALDERWOMAN PARKER TICE
ALDERWOMAN SIMS
ALDERMAN GOULD
ALDERWOMAN HARTER

AN ORDINANCE TO AMEND SECTIONS 400.1370 AND 400.1380 OF ARTICLE III OF CHAPTER 400 OF THE ZONING CODE OF THE CITY OF BRENTWOOD RELATING TO CONDITIONAL USES IN THE "GC" GENERAL COMMERCIAL DISTRICT AND THE "PD" PLANNED DEVELOPMENT OVERLAY DISTRICT

WHEREAS, the City of Brentwood, Missouri (the "City"), adopted Ordinance 5008 on March 7, 2022, amending Sections 400.1370 and 400.1380 of the Zoning Code relating to Conditional Uses in the "GC" General Commercial District and the "PD" Planned Development Overlay District to remove certain auto-oriented and other uses as conditional uses; and

WHEREAS, in light of litigation challenging the notice of the public hearing that was published prior to the adoption of Ordinance 5008, the City finds it necessary to conduct a new public hearing regarding the amendment to Sections 400.1370 and 400.1380 of the Code of Ordinances and to adopt a new Ordinance to amend these code sections; and

WHEREAS, the Brentwood Comprehensive Plan with regard to the areas of the City encompassed by the text amendments hereinafter set forth contemplates transitioning land uses in those areas to less impactful options as provided herein; and

WHEREAS, the amendments hereinafter set forth have been subject to all notice and public hearing procedures required by law and have been reviewed by the City's Planning and Zoning Commission and the Commission's recommendation has been received and considered by the Board of Aldermen; and

WHEREAS, the Board of Aldermen, after careful and due deliberation, following a duly noticed public hearing held on April 21, 2025, has concluded that the proposed text amendments to Sections 400.1370 and 400.1380 of the Code of Ordinances is desired and necessary and accordingly would be in the interests of the health, safety and welfare of the citizens of the City.

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

SECTION 1: Subsection "C" of Section 400.1370 of Article III of Chapter 400 of Title IV of the Brentwood Municipal Code is hereby amended by the repeal of Subsection "C" in its entirety and enacting a new Subsection "C" in lieu thereof to read as follows:

TITLE IV LAND USE

CHAPTER 400 ZONING CODE

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ARTICLE III DISTRICT REGULATIONS**SECTION 400.1370 "GC" General Commercial District**

[NOTE: Subsections (A), (B), (D) and (E) of Section 400.1370 are not amended or effected by this legislation. For that reason these Subsections are not set forth here in full.]

C. Conditional Uses. The Board of Aldermen may authorize the following uses by conditional use permit as provided in Article II, Division 6, after receipt of the recommendation of the Planning and Zoning Commission and subject to such restrictions and conditions as are deemed necessary. The Board, by simple majority vote, may add any restriction or condition it feels appropriate.

1. Class A: [Less than one-half ($\frac{1}{2}$) acre.]
 - a. Public utility substations and transmission facilities;
 - b. Personal service businesses;
 - c. Retail sales;
 - d. Books and stationery stores;
 - e. Ice cream and candy stores;
 - f. Offices;
 - g. Dry cleaning pickup stations provided they do not involve plants or laundry facilities;
 - h. Public or private non-commercial parks and open spaces;
 - i. Any use, which in the judgment of the Zoning Administrator, is essentially identical to or, similar to one (1) or more of the above listed uses and which conforms with the intent and purpose of this Section and with the use limitations provided in Subsection (E).
2. Class B: [More than one-half ($\frac{1}{2}$) acre]
 - a. Public utility substations and transmission facilities, collection facilities and processing plants;
 - b. Private child day care centers or nurseries;
 - c. Nursing or retirement homes;
 - d. Enclosed or open recreational uses including, but not limited to, video games, tennis, handball or paddleball, swimming, skating, gymnasium or health club, bowling, etc., but excluding outdoor theaters;
 - e. Motels and hotels;
 - f. Restaurants;

- g. Drive-in or carry-out sales of foods or of other goods or services, including freestanding drive-in banking facilities;
- h. Taverns and cocktail lounges;
- i. Dry cleaning or laundry facility;
- j. Pet boarding facility, including day care and overnight boarding for domesticated dogs and cats.

SECTION 2: Subsection "C" of Section 400.1380 of Article III of Chapter 400 of Title IV of the Brentwood Municipal Code is hereby amended by the repeal of Subsection "C" in its entirety and enacting a new Subsection "C" in lieu thereof to read as follows:

TITLE IV LAND USE

CHAPTER 400 ZONING CODE

ARTICLE III DISTRICT REGULATIONS

SECTION 400.1380 "PD" Planned Development Overlay District

[NOTE: Subsections (A), (B), (D), (E) and (F) of Section 400.1380 are not amended or effected by this legislation. For that reason these Subsections are not set forth here in full.]

C. Conditional Uses. The Board of Aldermen may authorize the following uses by conditional use permit as provided in Article II, Division 6, after receipt of the recommendation of the Planning and Zoning Commission and subject to such restrictions and conditions as are deemed necessary. The Board, by simple majority vote, may add any restrictions or conditions it feels appropriate.

- 1. Public utility substations and transmission facilities, collection facilities and processing plants;
- 2. Private child day care centers or nurseries;
- 3. Nursing or retirement homes;
- 4. Enclosed or open recreational uses including, but not limited to, video games, tennis, handball, paddleball, swimming, skating, gymnasium or health club, bowling, indoor soccer, etc., but excluding outdoor theaters;
- 5. Restaurants;
- 6. Drive-in or carry-out sales of foods or of other goods or services, including freestanding drive-in banking facilities;
- 7. Taverns and cocktail lounges;
- 8. Any building or structure exceeding six (6) stories or seventy-five (75) feet in height;
- 9. Any display, storage or parking out-of-doors of equipment, vehicles or merchandise other than motor vehicles normally required by employees, customers or users of the site;
- 10. Dry cleaning plant or laundry;
- 11. Pet boarding facility, including day care and overnight boarding for domesticated dogs and cats.
- 12. Medical marijuana dispensary facility.

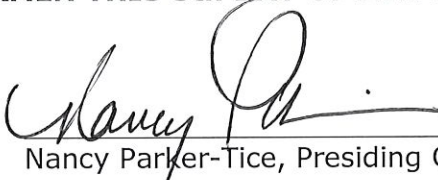
SECTION 3: The Chapter, Article, Division and/or Section assignments
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designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION 4: It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

SECTION 5: This Ordinance shall be in full force and effect from and after the date of its passage and approval according to law.

PASSED BY THE BOARD OF ALDERMEN THIS 5th DAY OF MAY 2025.


Nancy Parker-Tice, Presiding Officer

ATTEST:


Kelle Silvey, Deputy City Clerk

APPROVED BY THE MAYOR THIS 5TH DAY OF MAY 2025.


David A. Dimmitt, Mayor

ATTEST:


Kelle Silvey, Deputy City Clerk



1st Reading: April 21, 2025
2nd Reading: May 5, 2025