

Introduced by: City Manager Debra M. Irvin

**AN ORDINANCE OF THE CITY OF BERKELEY REDUCING THE REQUIRED NUMBER OF PARKING SPACES AT 8200 AIRPORT ROAD, IN THE CITY OF BERKELEY, SAINT LOUIS COUNTY MISSOURI**

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

**Section 1.** The City of Berkeley, Missouri, City Council accepts the recommendation of the City Plan Commission from August 26, 2020, a request for a parking variance, reducing the required number of parking spaces from nine to eight for the purpose of operating a Mini-Convenient Mart/Boutique at 8200 Airport Road, Berkeley Missouri.

**Section 2.** The Plan Commission set the following restrictions for the variance;

1. Consider the variance to reduce the required parking from nine to eight.
  - a. Parking: Section 400.130 (2)(k) Retail store, personal service establishment or household service establishment, except as otherwise specified herein. One (1) parking space for each two hundred (200) square feet of floor area. *(Total of 9-spaces needed.)*
2. Security cameras shall be installed at perimeter and interior of space and monitored by the business operator at all times; registration is required to be filed with Police Department.
3. An alarm system and panic button are required to be installed.
4. An after-hour contact on file with Camera Registration.
5. A sign permit is required.
6. Liquor sales prohibited
7. Sale of single cigarettes prohibited
8. No cooking of food of any kind is allowed.
9. Hours of operation shall be SUN-SAT, 7am-8pm.
10. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
11. Window signage shall not exceed ten percent (10%) of the window area or ten (10) square feet in area, whichever is the smaller of the dimension.
12. Trash enclosure shall remain in place.
13. All site fencing, including the trash enclosure, shall be repaired or placed if necessary. All fencing shall be white vinyl.
14. Install "No Loitering Signs" around the property.
15. Install motion lights at rear of the property.
16. No live entertainment on parking lot.
17. No food consumed on the parking lot.
18. Pick up litter around the premises at least two times a day.
19. Deliveries, loading and unloading shall not occur between 6am-9am and 3pm-6pm (School bus and rush hour).

20. The building, lot, landscaping, and yard areas shall be maintained and kept free and clear of any debris or trash or weeds including maintenance of all landscaped areas.
21. No snipe signs or directional signs in the Public Right of Way.
22. No human signs permitted.
23. The owner shall submit renovation plans to the Building Commissioner for approval.
24. Building and site conditions in need of repair shall be completed per the approval of the Building Commissioner.
25. The interior will successfully complete inspection by City's Building and Fire Department prior to the issuance of a Commercial Occupancy permit and the opening of the business for operations.
26. The asphalt parking lot shall be sealed and restriped, for parking.
27. Commercial occupancy and business license are required from the City of Berkeley.
28. Proof of Retail Sales Tax License is required to sell tobacco products per Section 210.2130 and must be provided prior to securing a business/merchant's license from the City of Berkeley.
29. Section 400.130 (K)(2) Noise. Every use shall be so operated that the maximum volume of sound or noise generated does not exceed forty (40) decibels at any point on the lot line of the lot on which the use is located. Outdoor loudspeakers and audible communication systems are not permitted within one thousand (1,000) feet of a residential district.
30. The Business License will be revoked if for any reason the applicant ceases operation and closes its doors to the public for a period of six (6) months or more and not complying with the City's Special use Permit.
31. The Business License shall not be assigned, or sold, or conveyed, or operated by another without prior approval by the City Council and occupancy permit, building permit or business license shall be issued to such assignee until such approves is secured.
32. Any violations can be a reason for the City to revoke the Business License, according to the City's current regulations. The applicant will comply with all the City's rules and regulations.
33. If the City Council determines that the public health, welfare and safety are adequately protected in view of the foregoing criteria, then the special use permit shall be granted; but if it is negative as to any of such paragraphs, then the special use permit shall be denied.

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

1st Reading this 21<sup>st</sup> day of September 2020

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2020

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2020

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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 Mitchell	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Williams	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Hoskins	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Anthony	Aye	__	Nay	__	Absent	__	Abstain	__
Councilman Hindeleh	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman-at-Large Greene	Aye	__	Nay	__	Absent	__	Abstain	__
Mayor Deinbo	Aye	__	Nay	__	Absent	__	Abstain	__