

INTRODUCED BY:

ALDERMAN PLUFKA
ALDERWOMAN SIMS
ALDERMAN LOCHMOELLER
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ALDERWOMAN TICE
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ALDERMAN GOULD
ALDERMAN SHELTON

AN ORDINANCE AMENDING SECTION 400.670 OF THE BRENTWOOD CITY CODE RELATING TO STANDARDS FOR ISSUANCE OF CONDITIONAL USE PERMITS.

WHEREAS, applicants for land use permits always bear the burden to establish by reliable evidence that the permission they seek comports with the standards established by the governing law; and

WHEREAS, the current language of Sec. 400.670 regarding the standards for issuance of conditional use permits may not express that obligation on the part of applicants as clearly as possible and the Board of Aldermen wishes to amend that Section so applicants will fully appreciate their obligations and the burden of proof they bear when seeking a Conditional Use Permit; and

WHEREAS, this amendment to the City's zoning regulations was considered by the Planning and Zoning Commission in the manner provided by law and the Commission has recommended its adoption by the Board of Aldermen; and

WHEREAS, this legislation has been the subject of a public hearing, after due notice as required by law, before the Board of Aldermen at which all interested parties were afforded an opportunity to be heard;

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

Section 1. 400.670 of Division 6 of Article II of Chapter 400 of the Code of Ordinances of the City of Brentwood, Missouri, is hereby repealed and a new Section 400.670 is hereby enacted in lieu thereof to read as follows:

Chapter 400. Zoning

ARTICLE II. Administration and Enforcement

Division 6. Conditional Use Permits

Section 400.670. Standards

- A. The Board of Aldermen shall not approve a conditional use unless it finds that the evidence presented clearly indicates that the proposed conditional use:
1. Will not increase traffic hazards or congestion;
 2. Will not increase fire hazards;
 3. Will not affect the character of the neighborhood;
 4. Will not affect the general welfare of the community;
 5. Will not overtax public utilities;
 6. Complies with all other applicable provisions of this Chapter including performance standards presented in Article V, Division 6 and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs;
 7. Will contribute to and promote the community welfare and convenience at the specific location;
 8. Will not cause injury to the value of neighboring property;
 9. Complies with the City's Comprehensive Plan or plans for any applicable neighborhood or sector of the City thereof and other applicable zoning district regulations and provisions of this Chapter;
 10. Will provide, if applicable, erosion control and on-site storm water detention in accordance with the standards contained in this Chapter; or
 11. Will be compatible with the surrounding area and thus will not impose a burden or have a negative impact on surrounding or adjacent uses or on community facilities or services.


Section 2. It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 3. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or 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. This Ordinance shall be in full force and take effect from and after the date of its final passage by the Board of Aldermen and approval by the Mayor.

PASSED BY THE BOARD OF ALDERMEN THIS 19th DAY AUGUST, 2024.



David A. Dimmitt, Presiding Officer

ATTEST:



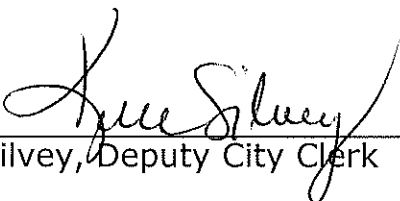
Kelle Silvey, Deputy City Clerk

APPROVED BY THE MAYOR THIS 19th DAY OF AUGUST, 2024.



David A. Dimmitt, Mayor

ATTEST:



Kelle Silvey, Deputy City Clerk



1st Reading: August 19, 2024
2nd Reading: August 19, 2024