

BILL 11036

ORDINANCE 10862

AN ORDINANCE AMENDING THE PROVISIONS OF THE MUNICIPAL CODE, CHAPTER 25 – ZONING AND SUBDIVISION, BY CHANGING THE PERSONAL AND COMMERCIAL SERVICE, RESTAURANT, AND RETAIL BUSINESS USE-SPECIFIC STANDARDS FOR HOURS OF OPERATION IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT.

WHEREAS, Staff conducted a review of Table 35-1, Principally Permitted Uses in Base Zoning Districts, contained in Chapter 25, Section 25-35, and the Use-Specific Standards contained in Chapter 25, Section 25-36, for the purposes of updating said sections of the Municipal Code, Zoning and Subdivision, regarding hours of operation for Personal and Commercial Service, Restaurant, and Retail Business uses in the B-1, Neighborhood Business District; and

WHEREAS, the Planning and Zoning Commission did on the 20th day of March 2024, by referencing the Staff Memo dated March 20, 2024 (attached hereto and incorporated by reference herein), recommend the approval of said code text amendments after finding they met the criteria listed in Section 25-17(e)(2) of the Zoning and Subdivision Code; and

WHEREAS, on the 16th day of May 2024, the City Council did hold a public hearing with respect to such text amendments to Chapter 25, Zoning and Subdivision, of the Municipal Code after duly advertising and giving proper notice of such hearing; and

WHEREAS, the Council does find that the granting of such text amendment would meet the criteria listed in Section 25-17(e)(2) of the Zoning and Subdivision Code.

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

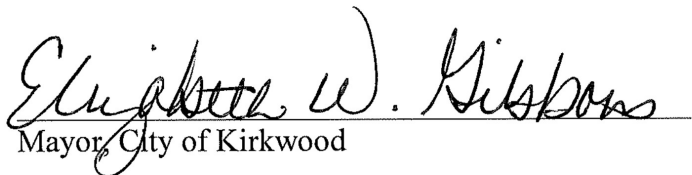
SECTION 1. That the City of Kirkwood Municipal Code of Ordinances, Chapter 25 – Zoning and Subdivision Code, Article III Zoning Districts and Principal Uses, is hereby amended as follows:

1. In Table 35-1, row “Personal and commercial service” and column “B-1”, remove “PS” and replace with “PS/S”.
2. Section 25-36(y) is hereby amended by deleting said section in its entirety and replacing it with the following language:
 - (y) Personal and commercial service.
 - (1) In the B-1 and B-2 Districts, the maximum size of any tenant space shall not exceed 2,000 square feet.
 - (2) In the B-1 District, establishments shall not operate between 11:00 p.m. and 7:00 a.m. Said hours of operation may be extended through approval of a special use permit.

- (3) In the I-1 District, such use is permitted only on lots with frontage or addresses on South Kirkwood Road, Grand Avenue and Prospect Avenue. On all other I-1 zoned lots such use shall be a special use requiring approval through the special use permit review procedure.
3. In Table 35-1, row "Restaurant" and column "B-1", remove "PS" and replace with "PS/S".
4. Section 25-36(z) is hereby amended by deleting said section in its entirety and replacing it with the following language:
 - (z) Restaurant (B-1 District).
 - (1) The maximum size of any tenant space shall not exceed 5,000 square feet.
 - (2) Establishments shall not operate between 11:00 p.m. and 7:00 a.m. Said hours of operation may be extended through approval of a special use permit.
5. In Table 35-1, row "Retail business" and column "B-1", remove "PS" and replace with "PS/S".
6. Section 25-36(aa) is hereby amended by deleting said section in its entirety and replacing it with the following language:
 - (aa) Retail Business (B-1 District).
 - (1) The maximum size of any tenant space shall not exceed 15,000 square feet.
 - (2) Establishments shall not operate between 11:00 p.m. and 7:00 a.m. Said hours of operation may be extended through approval of a special use permit.

SECTION 2. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 20TH DAY OF JUNE 2024.



Mayor, City of Kirkwood

ATTEST:



City Clerk

Public Hearing: May 16, 2024

1st Reading: June 6, 2024

2nd Reading: June 20, 2024