BOARD BILL # 287 INTRODUCED BY ALDERMAN SAMUEL L. MOORE

1 An ordinance pertaining to Special Use Districts; establishing The Greater Ville Commercial
2 Area Special Use District (hereinafter the "District"); providing definitions and findings
3 pertaining to said District; and further providing use and conditional use regulations for said
4 District;

5 **WHEREAS,** Ordinance 66941, codified at Chapter 26.73 of the Revised Code of the
6 City of St. Louis, provides for the establishment of Special Use Districts (hereinafter "SUD");
7 and

8 **WHEREAS,** the purpose for creation of an SUD as an overlay zoning district for a
9 specific Zoning Districts area should be to assist in the implementation of the Strategic Land Use
10 Plan, Commercial District Redevelopment Plan(s) and/or an adopted Neighborhood Plan for a
11 specific geographic area of at least two (2) contiguous acres per a metes and bounds legal
12 description; and

13 **WHEREAS**, over the last ten years there have been several Ville and Greater Ville
14 neighborhood planning efforts including, but not limited to commercial re-development along
15 Dr. Martin Luther King Drive by the St. Louis Development Corporation, housing strategies for
16 large-scale residential development in the vicinity of the former Homer G. Phillips Hospital and
17 Williams School by the Planning & Urban Design Agency and historic building studies
18 including Expansion to the Ville Local Historic District (2006) and Wagoner Place National
19 Register Historic District (2006) by the Planning & Urban Design Agency, as well as general

land use planning for all of the Fourth Ward via the Strategic Land Use Plan (2005), and that this specific SUD is not in conflict with any such plans, strategies or studies; and

WHEREAS, the purpose for creation of an SUD as an overlay zoning district for a specific Zoning Districts area should also respond to well-defined health, safety, moral and/or general welfare problems, and shall state the problems addressed by any use being prohibited or limited within the SUD area; and

WHEREAS, this specific SUD is being adopted as an overlay district to reflect the character within the commercial zoning of The Greater Ville Commercial Area ("G" Local Commercial and Office District and "F" Neighborhood Commercial District), and certain adjoining residential zoning districts within the Ville and Greater Ville Neighborhoods which contain existing land uses with health, safety and/or general welfare problems.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Definitions.

A) Except for terms defined below in this section, all terms used herein in this Ordinance shall have the same meaning as those defined in Title 26 (hereinafter the "Zoning Code") of the Revised Code of the City of St. Louis, 1994, Annotated (hereinafter the "Revised Code").

B) "Lawfully occupied" shall mean that on the effective date of this Ordinance, or on the effective date of any amendment to this Ordinance, a business owner or operator of a business within the District held a valid occupancy permit and a valid business license from the City of St. Louis.

C) "Nonconforming use" means any building, structure or land lawfully occupied with a use on the effective date of this Ordinance, or on the effective date of any amendment

to this Ordinance, which on said effective date would otherwise be in conflict with one or more of the regulations of The Greater Ville Commercial Area Special Use District.

D) "Nonconforming building" means any building which existed lawfully prior to the effective date of this Ordinance, or on the effective date of any amendment to this Ordinance, which on said effective date would otherwise be in conflict with one or more of the regulations of The Greater Ville Commercial Area Special Use District.

E) "Nonconforming structure" means any structure which existed lawfully prior to the effective date of this Ordinance, or on the effective date of any amendment to this Ordinance, which on said effective date would otherwise be in conflict with one or more of the regulations of The Greater Ville Commercial Area Special Use District.

F) "Salvage and Junk Yard Operation" means a use on open areas of a parcel of land of which involves any one or combination of the following: Collecting, cutting, dismantling, sorting, separating, reworking, and/or repacking of any used damaged or undamaged machinery, vehicles, scrap iron, metals, tires, plastics, cloth, construction materials, waste paper, aluminum and/or glass products and/or rubber products as well as the purchase and/or sale of such items. Such operations shall also include "Salvage and Junk Yard Operators" as defined by Section 8.82.170 of the Revised Code. This definition shall not include the collection of recyclable aluminum and paper by nonprofit organizations, nor shall this definition include scrap metal processing, manufacturing and storage by a Major Scrap Metal Processor as defined herein.

G) "Major Scrap Metal Processor" means an operation having a fixed location using processing machinery and equipment with assessed value not less than $1,000,000 and utilized for processing, manufacturing and storage of iron, steel or non-ferrous metallic scrap into prepared grades, having a principal product of scrap iron, scrap steel or non-ferrous metal scrap for sale for remelting purposes, and employing more than twenty-one (21) full-time employees for a minimum of one (1) continuous year.

H) "Vehicular-Related Business Operation" means a use on open areas of a parcel of land which involves any one or combination of the following operations:

a. Vehicle repair facility involving major vehicle repair work, such as the installation or removal of engines, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts, or spray painting, but not including tire recapping;

b. Vehicle service center involving servicing and minor repair of vehicles such as vehicle washes or detailing, diagnostic services, vehicle lubrication and minor engine repair such as tune-ups and the sale and installation of minor parts and accessories such as radios, sound systems or vehicle alarm systems, tires, batteries, shock absorbers, brakes, mufflers and / or tail pipes or combination thereof, but not including spray painting;

c. Vehicle storage lot involving towed vehicle storage of vehicles that are not damaged, wrecked or immobilized for a time period not to exceed ninety (90) days, or outdoor storage of vehicles that are wrecked, otherwise damaged or wrecked for a time period not to exceed thirty (30) days; and

1 d. Used vehicle sales lot involving the outdoor retail or wholesale sale of used
2 vehicles which are neither wrecked, otherwise damaged nor immobilized
3 within a time period not to exceed ninety (90) days.

4 **SECTION TWO. Findings.** The Board of Aldermen hereby finds as follows::
5 **A)** The Special Use District (hereinafter "SUD") established in this Ordinance will assist
6 in the implementation of the Strategic Land Use Plan for a specific geographic area of
7 at least two (2) contiguous acres per metes and bounds legal description as provided
8 in Section Four, and depicted in Exhibit 1, of this Ordinance (the "Boundaries").
9 **B)** The SUD established in this Ordinance as an overlay zoning district for the specific
10 Zoning Districts currently included within Boundaries of the SUD responds to well-
11 defined health, safety, moral and/or general welfare problems, which problems
12 include, but are not limited to, the following:
13 a. Difficulty in attracting new businesses to, and retaining existing
14 businesses in, the SUD due to too many vacant, boarded, collapsing and/or
15 underutilized commercial and mixed use buildings within the SUD;
16 b. Difficulty in attracting new businesses to, and retaining existing
17 businesses in, the SUD due to uncertainty about the establishment of
18 conforming, but potentially undesirable and incompatible, uses, which
19 may occupy vacant and existing commercial and mixed use buildings
20 within the SUD;
21 c. Difficulty in attracting new businesses to, and retaining existing
22 businesses in, the SUD due to unattractive appearance of some existing

uses and sanitary and maintenance problems attendant with some such uses within the SUD;

d. Difficulty in attracting new businesses to, and retaining existing businesses in, the SUD due to unattractive appearance of some existing vacant lots, parking areas and alleys within and / or adjacent to this SUD; Vacant lots, parking areas and alleys in particular present problems regarding open or illegal storage, derelict or abandoned vehicles, overgrown grass, and dumping of debris, pallets, tires, oil or other items.

e. Difficulty in attracting new residential uses and retaining existing residential uses within and in the vicinity of the SUD where commercial and mixed use buildings and / or vacant lots with above noted conditions or uses are located within the SUD.

f. Difficulty in attracting new uses and retaining existing uses within and in the vicinity of the SUD due to public perception of a variety of criminal activities within the SUD.

g. Some Salvage and Junk Yard Operations, and Vehicular-Related Businesses within this SUD's boundaries have presented significant problems over a long period of years at various sites, many of which also presented significant problems for surrounding properties.

h. Some Salvage and Junk Yard Operations, and Vehicular-Related Businesses present problems that negatively impact neighboring properties with visual pollution, especially when there is a lack of adequate fencing or landscaping.

i. Some Salvage and Junk Yard Operations, and Vehicular-Related Businesses present problems that negatively impact the surrounding neighborhoods with public nuisances and noise. Salvage and Junk Yard Operations in particular present problems regarding transactions involving stolen property.

C) It is in the best interest of the residents of the City to establish the SUD established in this Ordinance.

SECTION THREE. SUD Established and Named. There is hereby established The Greater Ville Commercial Area Special Use District (hereinafter, the "District").

SECTION FOUR. SUD Boundaries. The Boundaries (hereinafter, the "Boundaries," or "SUD Boundaries") of The Greater Ville Commercial Area Special Use District are hereby described below by a metes and bounds description of an overall area creating a SUD of approximately 68.3 acres more or less, and depicted in Exhibit 1 attached hereto, hereby made a part of this Ordinance by this reference:

Beginning at the intersection of the centerlines of Dr. Martin Luther King Drive and Marcus Avenue; and proceeding along the following centerlines and city parcel boundary lines, and their prolongations, in a general clockwise direction northward along Marcus to its intersection with the east-west alley in City Block 4476; thence eastward along said alley across Dick Gregory Place, Cora Avenue and Deer Street to its intersection with the eastern boundary of City Parcel Number 3722-00-0030, commonly known as 4518 Aldine; thence north along said boundary and its prolongation across Aldine Avenue; thence northward along the centerline of the north-south alley in City Block 3721 to its

1 intersection with Cote Brilliante Avenue; thence eastward along Cote Brilliante across N.
2 Taylor Avenue to its intersection with the north-south alley in City Block 3701; thence
3 southward along said alley across Aldine Avenue to its intersection with the east-west
4 alley in City Block 3700; thence eastward along said alley across Newstead Cutoff to its
5 intersection with N. Newstead Avenue; thence northward along N. Newstead to its
6 intersection with Aldine Avenue: thence eastward along Aldine to its intersection with
7 the eastern boundary of City Parcel Number 3699-18-0010, commonly known as 4322
8 Aldine; thence southward along said boundary to its intersection with the east-west alley
9 in City Block 3699; thence eastward along said alley across Billups Avenue, Annie
10 Malone Drive, Whittier Street, Belle Glade Avenue, N. Sarah Street and Bishop P. L.
11 Scott Avenue to its intersection with N. Vandeventer Avenue; thence southward along N.
12 Vandeventer to its intersection with Dr. Martin Luther King Drive, thence westward
13 along Dr. Martin Luther King to its intersection with N. Sarah Street; thence southward
14 along Sarah to its intersection with the southern boundary of City Parcel Number 3731-
15 00-0110, commonly known as 1425 N. Sarah, thence westward along said boundary and
16 its prolongation as the centerline of the east-west alley in City Block 3731; thence
17 westward along said alley also known as Cozens Avenue across Whittier Street to its
18 intersection with the eastern boundary of City Parcel Number 3728-00-0625, commonly
19 known as 4241 W. Evans; thence southwestward along said boundary to its intersection
20 with W. Evans Avenue, thence westward along W. Evans to its intersection with
21 Pendleton Avenue; thence northward along Pendleton to its intersection with the east-
22 west alley in City Block 3727; thence westward along said alley across N. Newstead
23 Avenue to its intersection with the north-south alley in City Block 3724, thence

southward to the intersection with the southern boundary of City Parcel Number 3724-00-0490, commonly known as 1416 N. Taylor; thence westward along said boundary and its prolongation across N. Taylor Avenue; thence westward along the centerline of the east-west alley in City Block 3776 and across Deer Street and Cora Avenue to its intersection with Marcus Street; thence north to the point of beginning.

SECTION FIVE. Salvage and Junk Yard Operation restrictions within the SUD Boundaries.

A) All existing Salvage and Junk Yard Operations currently operating within the Boundaries of the SUD pursuant to a valid occupancy permit held by the existing owner or operator and a valid business license from the City of St. Louis held by such owner or operator shall be considered legal and conforming uses.

B) No new or expanded Salvage and Junk Yard Operations shall be permitted within the Boundaries of the SUD, and any such new or expanded operations shall be non-conforming uses. Any such Operations which do not comply with the requirements of Paragraph A of this Section Five as of the date of this Ordinance shall be considered non-conforming uses.

C) A non-conforming use within the SUD must be discontinued within no more than thirty (30) days from the date upon which the City issues notice of the non-conforming use.

D) No new owner or operator of an existing Salvage and Junk Yard Operation in the SUD Area shall be granted an occupancy permit for such existing Operation unless

1 such new owner or operator accepts all conditions upon which previous permits and
2 licenses for such Operation were based.
3 **E)** If an owner or operator at an existing Salvage and Junk Yard Operation within the
4 SUD Area discontinues its operations for more than thirty (30) days such Operation
5 shall automatically become a "discontinued non-conforming use," and such
6 Operations shall then be in violation of Paragraph A of this Section Five.
7 **F)** If a new owner or operator of an existing Salvage and Junk Yard Operation in the
8 SUD Area applies for an occupancy permit more than thirty (30) days after the
9 transfer of ownership, such application shall be denied.
10 **G)** New or expanded Salvage and Junk Yard Operations proposed within the Boundaries
11 of the SUD are prohibited illegal non-conforming uses, and the City shall deny
12 applications for such Operations.
13 **H)** New owners or operators of existing Salvage and Junk Yard Operations in "A", "B",
14 "C", "D", "E", "F", "G", "H", "I", "J" and "L" zoning districts in the SUD Area may
15 appeal denials to the City's Board of Adjustment, provided that such appeals are
16 made within thirty (30) days after the permit application is denied. New owners or
17 operators of existing Salvage and Junk Yard Operations in the "K" zoning district in
18 the SUD Area may appeal denials via the conditional use process described herein,
19 provided that such appeals are made within thirty (30) days after the permit
20 application is denied. Proposed owners or operators of new or expanded Salvage and
21 Junk Yard Operations in the SUD Area, regardless of the zoning district in which
22 Operations are proposed to be located, may appeal denials to the City's Board of
23 Adjustment, provided that such appeals are made within thirty (30) days after the

permit application is denied. All appeal applications shall include a site plan showing the location of all buildings and structures, location of covered material storage, location and height of fencing, location of parking/queuing and paved areas, location of all vehicular entrances and surrounding streets, and location of outdoor lighting.

I) Owners or operators of Salvage and Junk Yard Operations in the SUD Area appealing the denial of an occupancy permit via the conditional use process described herein, in addition to submitting the materials set forth in Paragraph H above, shall submit a written report explaining how such owner or operator will meet the Standards set forth in this Section Five, Paragraph K, of this Ordinance (hereinafter, the "Standards"). The Conditional Use Hearing Officer, after reviewing the site plan and report and after holding hearing thereon, may either approve the occupancy permit with conditions that include the Standards or deny the appeal. Following any denial by the Conditional Use Hearing Officer, the applicant may appeal such denial to the City's Board of Adjustment as a variance, provided that such appeals are made within thirty (30) days after the permit application is denied by such Hearing Officer.

J) Owners or operators of Salvage and Junk Yard Operations in the SUD Area appealing the denial of an occupancy permit to the City's Board of Adjustment, in addition to explaining the practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the zoning code for which a variance of the application of the zoning code is sought, shall also address the manner in which such owner or operator will meet the Standards set forth in Section Five, Paragraph K, of this Ordinance.

K) Standards for a Salvage and Junk Yard Operation:

1) Hours of Operation: A Salvage and Junk Yard Operation shall be permitted to operate only after 7 A. M. and before 6 P. M. on Mondays through Fridays, after 8 A. M. and before 4 P. M. on Saturdays, and shall not be permitted to operate on Sundays. No employee or agent of the owner or operator or any other person shall be permitted on the premises one-half hour before or one hour after the hours of operation. The hours of operation shall be conspicuously posted on all gates of the site.

2) Security and Visual Screening: A Salvage and Junk Yard Operation shall be secured on all boundaries by an approved fence or wall to prevent unauthorized entry and shall provide visual concealment from all residential uses and residential zoning districts.

3) Transaction Records: No Salvage and Junk Yard owner or operator shall accept or make full or partial payment for any article of property, accept any article of property in trade for any other article of property, or otherwise purchase any article or property from any person ("Customer") unless he shall make a photocopy of Customer's valid and unexpired state-issued identification card or drivers' license. If Customer does not possess a valid and unexpired state-issued identification card or drivers' license, owner or operator shall photograph the person from whom such article is being received. Such photograph is to be attached to a transaction form which shall be completed at the time of the transaction. The transaction form shall include, but not limited to: 1) the date and time of sale, 2) place of sale, 3) name, 4) address, 5) date of birth, 6) social security number, 7) driver's license number

(if different from social security number of seller), 8) description of seller, 9) home and business telephone number of seller, 10) employee handling the transaction and description of property sold to owner or operator, 11) the type and amount of consideration paid (including the routing number and bank account number of any check that is tendered for payment). The requirement that the seller be photographed shall not apply to any purchase or trade-in transaction which occurs at an auction or in the private house or office of the person selling said items but all other requirements as aforesaid shall remain in effect. The transaction form must be maintained by the Salvage and Junk Yard owner or operator for a minimum of one (1) year following the date of the transaction.

4) Posted Notices: Every Salvage and Junk Yard owner or operator shall display a notice to his customers in a prominent place to the effect that he may be required to photograph every person selling or offering as full or part payment an item to him, pursuant to city Ordinance.

5) Cash Purchase Record for Certain Metals: No Salvage and Junk Yard Operation owner or operator shall purchase any metal articles for cash, including but not limited to copper, brass, copper alloy, nickel, nickel alloy, iron, steel, tin, mercury, lead, or any other metal alloy containing these materials unless such owner or operator shall also, in addition to the photograph, and transaction form described in this Section Five, Paragraph K, subparagraph 3, keep: 1) a photocopy of the operator or chauffeur's license of the person delivering the metal, 2) the state license number of the vehicle in

which the metal was delivered, 3) the quantity of material purchased, 4) the general description of the form of the metal when received including whether the same is in the form of wire, cable, bars, fittings, guttering, rods, or tubing, 5) the names and addresses of the person, groups of persons, or corporation from whom the seller obtained the metal, and 6) the disposition of the metal after receipt by the Salvage and Junk Yard operator during all the time the metal is in his possession, including the name and addressee of any person, firm, or corporation to whom the metal is sold or exchanged by Salvage and Junk Yard operator.

6) Record Retention and Inspection: All records required by this Section shall be open for inspection by authorities of the City of St. Louis and/or the St. Louis Metropolitan Police Department and must be maintained by owner or operator and made available for inspection a minimum of one (1) year following the date of the transaction

7) Manufactured Merchandise: No Salvage and Junk Yard Operator shall receive any damaged or undamaged manufactured merchandise such as any camera, radio, television set, compact disc player, DVD player. home entertainment centers, audio and video equipment, lawn mower, typewriter, addition machine, calculating machine, copying machine, duplicating machine, tape recorder, tape player, cash register, still or moving picture projector or offset projector, dictating machine, record player, electric buffer, electric polisher, electric floor waxer, computer equipment, scanning machines, fax or any other technological media, whether used for entertainment, business or

otherwise, or any item that is manufactured with a serial number or other identifying insignia, unless the item shall have plainly visible thereon the manufacturer's serial number or other identifying insignia. The transaction form relating to the purchase of manufactured merchandise shall include the serial number or other identifying insignia.

8) Restriction on Disposition: No Salvage and Junk Yard operator shall sell, melt or shred any manhole cover, residential scale metal pipes and metal gutters for a minimum of two (2) business days following such operator's purchase or receipt of such items. The operator shall maintain such items in the form purchased during such holding period.

9) Compliance: Inspections shall occur periodically and during normal business hours to insure compliance with this ordinance and building, health, environmental and safety codes. Inspections will be performed by the Building Division of the Department of Public Safety of the City of Saint Louis, and inspector(s) may be accompanied by representatives of the St. Louis Metropolitan Police Department and federal law enforcement officers.

10) Revocation of Permit: The City may revoke any permit granted to any Salvage and Junk Yard owner or operator if such operator is convicted and/or enters a plea of guilty to the charge of receipt of stolen goods.

11) Restrictions on Permit Issuance: No permit for a Salvage and Junk Yard Operation shall be issued to any person or entity (whether owner or operator of such Operation) within two years after such person or entity has pled guilty or been found guilty of any violation of any city, state or federal law relating

to the operation of a Salvage and Junk Yard Operation nor shall any such permit be issued to any person or entity (whether owner or operator of such Operation) within two years following the revocation of a permit for such Operation.

12) Storage Locations: No material purchased or offered for sale by any Salvage and Junk Yard Operation shall be stored within eight (8) feet of the fence (or wall) required by Paragraph K Subparagraph 2 above; no material shall be stacked higher than the lesser of the fence (or wall) height or fifteen (15) feet, unless such material is more than fifty (50) feet from the perimeter of the property lines.

13) Lighting: Lighting appropriate for size of operation and site shall be provided for each Salvage and Junk Yard Operation and shall operate continuously after sundown and before sunrise, provided, however, that the lighting arrangement shall not be a disturbance to occupants of other property.

14) Fences or Walls: Fences (or walls), required pursuant to Paragraph K, Subparagraph 2 above, shall conform to the requirements of Chapter 8.50 of the Revised Code or to stricter requirements for Salvage and Junk Yard Operation sites as may be established by Board of Adjustment or Conditional Use Hearing Officers.

15) Paving: Paving appropriate for size of operation and site as determined by Board of Adjustment or Conditional Use Hearing Officer shall be required for each Salvage and Junk Yard Operation.

16) Additional Standards: The Board of Adjustment and/or the Conditional Use Hearing Officer may impose other standards, including but not limited to those in Section 26.80.010 of the Zoning Code, as deemed appropriate by the Board of Adjustment or Conditional Use Hearing Officer.

L) The Board of Adjustment's or Conditional Use Hearing Officer's decision to approve a variance or issue a permit with conditions based on the Standards listed in Section Five, Paragraph K, shall be valid but revocable after a period of one (1) year has elapsed after issuance of such variance or decision, if during which time the applicant has failed to fully meet all conditions of the variance or decision, including implementation of the approved site plan. The City shall issue permits only after completion of the work required to implement the approved site plan is complete and such completion is verified by the Zoning Administrator or Zoning Section staff.

SECTION SIX. Vehicular-Related Business Operations within SUD Boundaries..

A) All existing Vehicular-Related Business Operations currently operating within the Boundaries of the SUD pursuant to a valid occupancy permit held by the existing owner or operator and a valid business license from the City of St. Louis held by such owner or operator shall be considered legal and conforming uses.

B) A non-conforming use within the SUD must be discontinued within no more than thirty (30) days from the date upon which the City issues notice of the non-conforming use. No new or expanded Vehicular-Related Business Operation shall be permitted within the Boundaries of the SUD, and any such new or expanded operation shall be a non-conforming use. Any such Operation which does not comply

with the requirements of Paragraph A of this Section Six as of the date of this Ordinance shall be considered non-conforming uses.

C) No new owner or operator of an existing Vehicular-Related Business Operation in the SUD Area shall be granted an occupancy permit for such existing Operation unless such new owner or operator accepts all conditions upon which previous permits and licenses for such Operation were based.

D) If an owner or operator of an existing Vehicular-Related Business Operation within the SUD Area discontinues its operations for more than thirty (30) days such Operation shall automatically become a "discontinued non-conforming use," and such Operation is then in violation of Paragraph A of this Section Six.

E) If a new owner or operator of an existing Vehicular-Related Business Operation in the SUD Area applies for an occupancy permit more than thirty (30) days after the transfer of ownership, such application shall be denied.

F) New or expanded Vehicular-Related Business Operations proposed within the Boundaries of the SUD are prohibited illegal non-conforming uses, and the City shall deny applications for such Operations.

G) New owners or operators of existing Vehicular-Related Business Operation sites in "A", "B", "C", "D" and "E" zoning districts in the SUD Area may appeal denials to the City's Board of Adjustment, provided that such appeals are made within 30 days after the permit application is denied. New owners/operators of existing Vehicular-Related Business Operation sites in the "F", "G", "H", "I", "J", "K" and "L" zoning districts in the SUD Area may appeal denials via the conditional use process described herein, provided that such appeals are made within 30 days after the permit

application is denied. Proposed owners or operators of new or expanded Vehicular-Related Business Operations in the SUD Area, regardless of the zoning district in which Operations are proposed to be located, may appeal denials to the City's Board of Adjustment, provided that such appeals are made within thirty (30) days after the permit application is denied. All appeal applications shall include a site plan showing the location of all buildings and structures, location of covered material storage, location and height of fencing, location of parking/queuing and paved areas, location of all vehicular entrances and surrounding streets, and location of outdoor lighting.

H) Owners or operators of Vehicular-Related Business Operations in the SUD Area appealing the denial of an occupancy permit via the conditional use process described herein, in addition to submitting the materials set forth in Paragraph G above, shall submit a written report explaining how such owner or operator will meet the Standards set forth in this Section Six, Paragraph J, of this Ordinance (the "Standards"). The Conditional Use Hearing Officer, after reviewing the site plan and report and after holding hearing thereon, may either approve the occupancy permit with conditions that include the Standards or deny the appeal. Following any denial by the Conditional Use Hearing Officer, the applicant may appeals such denial to the City's Board of Adjustment as a variance, provided that such appeals are made within 30 days after the permit application is denied by such Hearing Officer.

I) Owner or operators of Vehicular-Related Business Operations in the SUD Area appealing the denial of an occupancy permit to the City's Board of Adjustment, in addition to explaining the practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the zoning code for which a variance of the application

of the zoning code is sought, shall also address the manner in which such owner or operator will meet the Standards set forth in Section Six, Paragraph J of this Ordinance.

J) Standards for a Vehicular-Related Business Operation Appeal: The following standards shall be used in reviewing appeals of denials of occupancy permits for Vehicular-Related Business Operations within the Boundaries of the SUD.

1) Hours of Operation: The Conditional Use Hearing Officer and/or the Board of Adjustment may limit hours of operation based on the anticipated effect of proposed business operations on adjacent or nearby residential, commercial, industrial, recreational or institutional land uses, based on any record of criminal or nuisance problems, and/or at the request of affected persons communicated at the Conditional Use Hearing.

2) Prior Permit Violations: No permits shall be issued to any person or entity for two years after such person or entity has pled guilty or been found guilty of owning or operating a Vehicular-Related Business Operation in violation of any city, state or federal law, nor shall any permit be issued to any person or entity within two years of the revocation of an occupancy permit.

3) Parking: The Conditional Use Hearing Officer and/or the Board of Adjustment may impose limitations on the number and type of vehicles parked at the site where the configuration of the site and/or its relationship to adjacent properties is anticipated to cause a nuisance and/or other problems for affected persons as communicated at the Conditional Use Hearing.

4) Open Storage and Visible Repair: No repair of vehicles shall be allowed outside of buildings, no open storage of damaged vehicles awaiting repair or body work for more than two weeks shall be permitted, and no salvage and junkyard operations as defined herein shall be permitted.

5) Driveways and Parking Areas: All parking and vehicular drives on the site must meet requirements contained in Sections 17.02.380 and 25.32.040 of the Revised Code. All new curb cuts and/or changes in locations of curb cuts for entrance and exit driveways shall be subject to the approval of the Street Department.

6) Lighting: No permit shall be issued for any new or expanded Vehicular-Related Business Operation pursuant to any application that does not provide lighting appropriate for size of operation and site, which lighting shall operate continuously after sundown and before sunrise, provided, however, that the lighting arrangement shall not be a disturbance to occupants of other property.

7) Fencing: No permit shall be issued for any new or expanded Vehicular-Related Business Operation pursuant to any application that does not conform to fencing requirement of Section 26.40.027 of the Revised Code or such other fencing requirements for Vehicular Related Business Operations as may be established by Board of Adjustment or Conditional Use Hearing Officer for the particular site.

8) Landscaping: No permit shall be issued for any new or expanded Vehicular-Related Business Operation that does not propose adequate landscaping to mitigate the operation's impact on neighboring residences and businesses.

9) Signage: No permit shall be issued for signage for any new or expanded Vehicular-Related Business Operation that does not conform to the provisions of Section 26.40.027, Items B2 through B6 of the Revised Code.

10) Refuse: No permit shall be issued for any new or expanded Vehicular-Related Business Operation where the site plan does not provide an adequate number and size of refuse dumpster enclosures.

11) Compliance: Inspections shall occur periodically and during normal business hours to insure compliance with this ordinance and building, health, environmental and safety codes. Inspections will be performed by the Building Division of the Department of Public Safety of the City of Saint Louis.

12) Other standards: The Board of Adjustment or Conditional Use Hearing Officer may impose other standards as such Board and/or Officer deem appropriate.

K) The Board of Adjustment's or Conditional Use Hearing Officer's decision to approve a variance or an appeal with conditions based on the Standards listed in Section Six, Paragraph J shall be valid but revocable after a period of one (1) year has elapsed after issuance if during which time the applicant has failed to fully meet all conditions, if any, and implement the approved site plan. The City shall issue the permits only after the work required to implement the approved site plan and conditions related to the issuance of the permit, if any, is complete and such completion is verified by the Zoning Administrator or Zoning Section staff.

1 K) Rooming Houses and Boarding Houses (provided, however, that this prohibition
2 shall not be construed to prohibit Bed and Breakfast Establishments as defined
3 and otherwise regulated in Chapter 8.25 of the Revised Code); and
4 L) Outdoor Pay Telephones.
5 **SECTION EIGHT. SUD Conditional Use Regulations.** Notwithstanding any Zoning District
6 Use or Conditional Use Regulations contained in the Zoning Code or in Section Five or Section
7 Six of this Ordinance to the contrary, the following uses may only be allowed in the District as
8 conditional uses subject to the provisions of Section 26.80.010 of the Zoning Code:
9 A) Establishments selling alcoholic beverages by the glass which do not have a
10 Restaurant Permit in addition to a Liquor License;
11 B) Restaurants that sell products through a sales window to customers who are in cars, or
12 to customers who are in cars on the restaurant premises, or to customers who may
13 consume the sold products in cars parked on the restaurant premises;
14 C) Convenience food stores and confectionaries;
15 D) Motor Fuel Pumping Stations with a convenience food store / confectionary;
16 E) Automobile or truck parts sales (new or used);
17 F) Laundromats open to the general public at any time between Midnight and 6:00 AM;
18 G) Secondhand or junk clothing or retail shops (hereby defined as stores carrying items
19 having limited collectors' value and not commonly classified as "antique" or "vintage"
20 items and/or commonly valued as "good-as-new" quality of clothing);
21 H) Beauty supply stores;
22 I) Cell phone, beeper, or pager shops;

1 **J)** Seasonal businesses leasing locations within an Open Air Market, while utilizing the
2 premises for access by the general public less than eleven (11) months of the year
3 and/or less than four (4) days a week must meet the provisions of Section 26.80.010
4 of the Zoning Code when business first opens (not required to go through conditional
5 use procedure for yearly renewal by same owner / operator); and
6 **K)** Seasonal businesses leasing locations independent of an Open Air Market, while
7 utilizing the premises for access by the general public less than eleven (11) months of
8 the year and/or less than four (4) days a week must meet the provisions of Section
9 26.80.010 of the Zoning Code for yearly renewal;

10 **SECTION NINE. Nonconforming Uses: Appeals.** Notwithstanding any provisions of the
11 Zoning Code to the contrary:
12 **A)** All businesses lawfully operating within the District on the effective date of this
13 Ordinance, which such business or use would otherwise be prohibited or subject to
14 the granting of a conditional use permit in order to conduct such business lawfully
15 after the effective date of this Ordinance, shall hereby be considered legal and
16 nonconforming uses;
17 **B)** But if any such existing business within the District does not have a valid occupancy
18 permit held by the existing owner or operator and a valid business license from the
19 City of St. Louis held by such owner or operator, such business and use must be
20 discontinued within no more than thirty (30) days from the date upon which the City
21 issues notice of such unlawful occupancy or use.
22 **C)** No new owner or operator of a nonconforming use within the District shall be granted
23 an occupancy permit to continue any such nonconforming use unless such new owner

or operator accepts all conditions upon which previous permits and licenses for such operation were based, if any.

D) If a new owner or operator of a nonconforming use within the District applies for an occupancy permit more than thirty (30) days after the transfer of ownership, such application shall be denied.

E) If an owner or operator of a nonconforming use within the District discontinues its operations for more than thirty (30) days, any subsequent use in such a building, structure or premises shall conform to the regulations of the District.

F) Expanding legal nonconforming uses, or structural alterations to nonconforming buildings or structures, within the District are prohibited; and the City shall deny applications for any such expansion and/or structural alternations that do not comply with District regulations.

G) Owners or prospective owners or operators may appeal permit denials to the City's Board of Adjustment pursuant to the provisions of Chapter 26.84 of the Zoning Code, provided that any such appeals are made within thirty (30) days after a permit application is denied.

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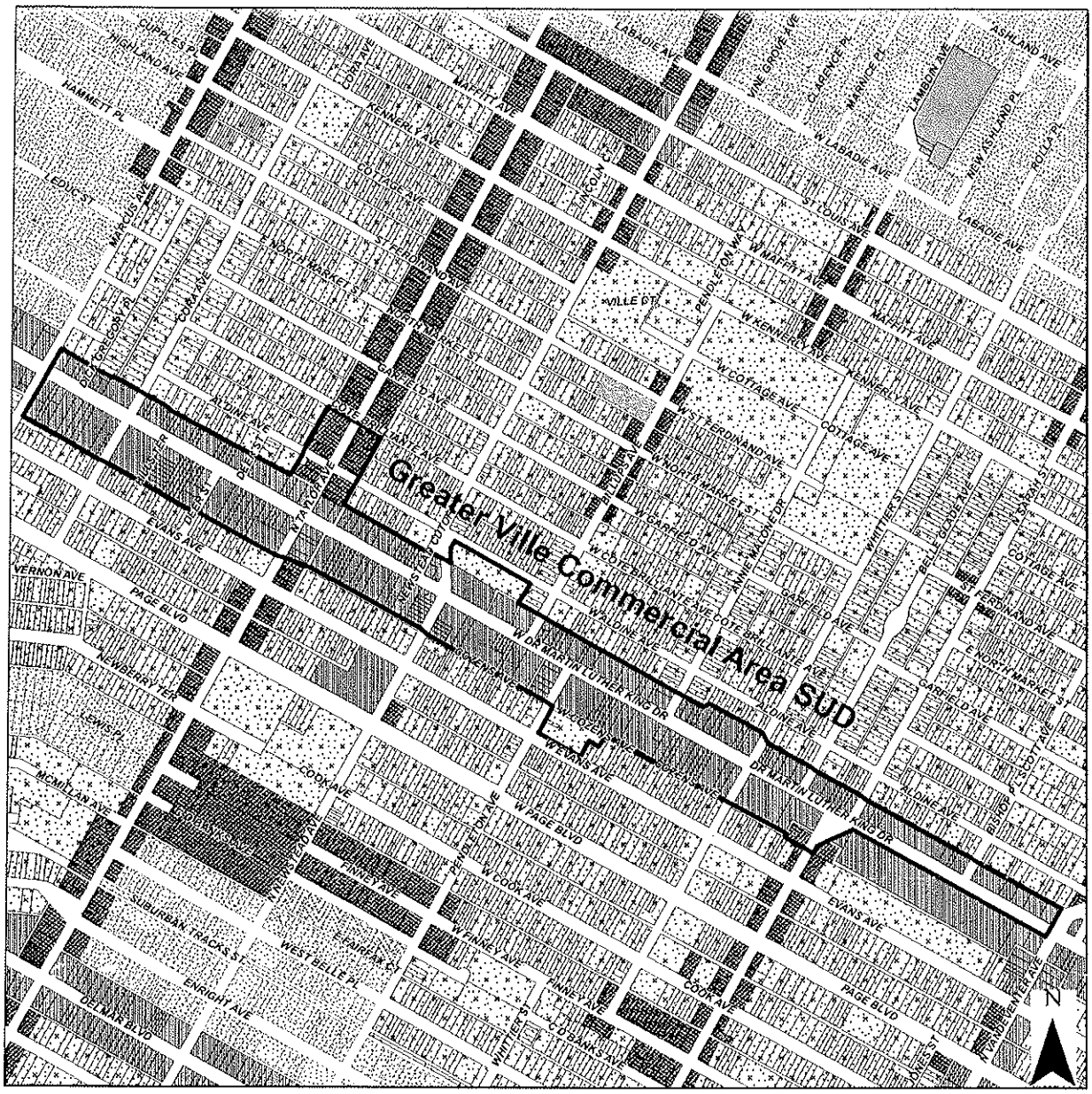
EXHIBIT 1

Boundaries



Current Zoning District

- A Single-Family Dwelling District
- B Two-Family Dwelling District
- C Multiple-Family Dwelling District
- D Multiple-Family Dwelling District
- E Multiple-Family Dwelling District
- F Neighborhood Commercial District
- G Local Commercial District
- H Area Commercial District
- I Central Business District
- J Industrial District
- K Unrestricted District
- L Jefferson Memorial District

The Greater Ville Commercial Area Special Use District (SUD)

PDA-100-09-SUD

SUD Area

CITY OF ST. LOUIS
PLANNING & URBAN DESIGN AGENCY
FRANCIS G. SLAY, Mayor

1

68619

Clerk, Board of Aldermen

President, Board of Aldermen

Approved ☑ Date March 29, 2010

Disapproved ☐

Mayor

Truly Engrossed and Enrolled

Chairman