

ORDINANCE #67390
Board Bill No. 303
Committee Substitute

An ordinance pertaining to Special Use Districts; establishing North Broadway Vicinity Commercial Areas Special Use District (hereinafter “District”); providing definitions, standards and regulations for said District: and containing an emergency clause.

WHEREAS, Ordinance 66941 provides for the establishment of Special Use District (“SUD”); and

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

WHEREAS, the purpose for creation of a 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. A specific SUD ordinance shall state the problems addressed by any use being prohibited or limited within the SUD area.

WHEREAS, this specific SUD is being adopted as an overlay district to reflect the character within the Commercial Zoning Districts (“F” Neighborhood Commercial and “G” Local Commercial and Office), and the related business oriented Districts (“J” Industrial and “K” Unrestricted) as well as nearby residential Districts which contain existing land uses with the health, safety and/or general welfare problems.

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

SECTION ONE. Defined Terms.

- A)** The following terms are defined specifically for North Broadway Vicinity Commercial Areas SUD and shall supersede any same or similar terms defined elsewhere in the Zoning Ordinance for land within the SUD Boundaries.
- 1) Salvage and Junk Yard Operation: 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 of the City of St. Louis. 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.
 - 2) Major Scrap Metal Processor: 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.
 - 3) Vehicle Repair Facility: Any use involving major vehicle repair work, including 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 or the outdoor storage of wrecked or otherwise damaged and immobilized vehicles.
 - 4) Vehicle Service Center: Any use involving servicing and minor repair of vehicles, including 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, tail pipes or combination thereof. This use shall not include establishments engaged in major repair work in a Vehicle Repair Facility

as defined herein, nor shall this use include any establishments that provide spray painting on the premises.

- 5) Vehicle Storage Lot: A use on open areas of a parcel of land involving any one or combination of the following: towed vehicle storage whether or not such vehicles are damaged, outdoor storage of vehicles which are neither wrecked, otherwise damaged or immobilized for a time period not to exceed ninety (90) days; or outdoor storage of vehicles which are wrecked, otherwise damaged or immobilized for a time period not to exceed thirty (30) days. This use shall not include Salvage and Junk Yard operation or Major Scrap Metal processor as defined herein.
- 6) Used Vehicle Sales Lot: A use on open areas of a parcel of land involving the outdoor retail or wholesale sale of used vehicles which are neither wrecked, otherwise damaged nor immobilized within a time period not to exceed ninety (90) days. This use shall not include Salvage and Junk Yard Operations or Major Scrap Metal Processors as defined herein.
- 7) Vehicular-Related Business Operation: A use on open areas of a parcel of land where operations defined in this Section Four, Paragraphs A (3) through A (6) are conducted.

SECTION TWO. Findings.

The Board of Aldermen hereby finds as follows:

- A) The Special Use District (“SUD”) established in this Ordinance will assist in the implementation of the Strategic Land Use Plan (“Plan”) for a specific geographic area of at least two (2) contiguous acres per a metes and bound legal description, which description is included in this Ordinance (the “Boundaries”).
- B) The SUD established in this Ordinance as an overlay zoning district for the specific Zoning Districts currently included within Boundaries of the the District responds to well-defined health, safety, moral and/or general welfare problems, which problems include the following:
 - a. Difficulty in attracting new business to and retaining existing businesses in the District due to unattractive appearance of some existing uses.
 - b. A variety of criminal activities within the Boundaries of the SUD.
 - c. Some Salvage and Junk Yard Operations, Major Scrap Metal Processors, 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.
 - d. Some Salvage and Junk Yard Operations, Major Scrap Metal Processors, 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.
 - e. Some Salvage and Junk Yard Operations, Major Scrap Metal Processors, 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 North Broadway Vicinity Commercial Areas Special Use District.

SECTION THREE. Special Use District Established. There is hereby established the North Broadway Vicinity Commercial Areas Special Use District.

SECTION FOUR. SUD Boundaries. The Boundaries of the North Broadway Vicinity Commercial Areas Special Use District shall be as follows:

Beginning at the intersection of the City Limits and the centerline of Scranton Avenue and proceeding along the centerlines in a generally clockwise direction east along Scranton and its prolongation to the Mississippi River, and thence in a southerly direction along the Mississippi River to the intersection of the prolongation of Brooklyn Avenue with the Mississippi River, and thence in a westerly direction along Brooklyn Avenue to Interstate 70, and thence in a northerly direction along Interstate 70 to the south boundary of Bellefontaine Cemetery, and thence in a northeasterly direction to N. Broadway, and thence in a northerly direction to Christian Avenue, and thence in a westerly direction to Church Road, and thence in a northerly direction to Bittner Street, and thence in an easterly direction to N. Broadway, and thence in a northerly direction along N. Broadway to Harlan Avenue, and thence in a westerly direction to Jordan Street, and thence in a northerly direction to Riverview Boulevard, and thence in a northeasterly direction along Riverview to N. Broadway, and thence in a northerly direction on the prolongation of N. Broadway to the City Limits, and thence in a northerly direction along the City Limits 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 such new owner or operator accepts all conditions upon which previous permits and licenses for such Operation were based.
- E)** If an owner or operator at an existing Salvage and Junk Yard 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 Operations shall then be in violation of Paragraph A of this Section Five.
- F)** If a new owner or operator of an existing Salvage and Junk Yard 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.
- G)** New or expanded Salvage and Junk Yard Operations proposed within the Boundaries of the SUD are prohibited illegal non-conforming uses, and the City shall deny applications for such Operations.
- H)** New owners or operators of existing Salvage and Junk Yard Operations in “A”, “B”, “C”, “D”, “E”, “F”, “G”, “H”, “I”, “J” and “L” zoning districts in the SUD Area 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. New owners or operators of existing Salvage and Junk Yard Operations in the “K” zoning district in the SUD Area may appeal denials via the conditional use process described herein, provided that such appeals are made within thirty (30) days after the permit application is denied. Proposed owners or operators of new or expanded Salvage and Junk Yard 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.
- 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 (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: 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 a 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 is may be required to photograph and fingerprint 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 a two (2) business days holding period 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 nor 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 of the City of St. Louis 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 for up to one (1) year after issuance of such variance or decision, during which time the applicant must 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. The Zoning Administrator may declare any permit null and void at any time if the Operation is not in compliance with the approved site plan and any conditions related to the issuance of the permit.

SECTION SIX. Major Scrap Metal Processor restrictions within the SUD Boundaries.

- A)** All existing Major Scrap Metal Processor operations currently operating within the boundaries of the SUD pursuant to a valid occupancy permit and a valid business license from the City of St. Louis shall be considered legal and conforming uses.
- B)** No new or expanded Major Scrap Metal Processor 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 Six as of the effective 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 ninety (90) days from the date upon which the City issues notice of the non-conforming use. New or expanded Major Scrap Metal Processor uses (as defined in this Section Six of this Ordinance) shall be conditional uses in the "K" zoning district in the SUD Area and shall be subject to the SUD Standards for Major Scrap Metal Processors in this Section Six, Paragraph L, of this Ordinance. Major Scrap Metal Processor uses shall not be permitted in any other zoning districts in the SUD Area except as provided herein.
- D)** No new owner or operator of an existing Major Scrap Metal Processor 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.
- E)** If an owner or operator at an existing Major Scrap Metal Processor Operation within the SUD Area discontinues its operations for more than ninety (90) days, such Operation shall automatically become a "discontinued non-conforming use," and such Operations shall then be in violation of Paragraph A of this Section Six.
- F)** If a new owner or operator of an existing Major Scrap Metal Processor site in the SUD Area applies for an occupancy permit more than thirty (30) days after the transfer of ownership, the occupancy permit will be denied.
- G)** New or expanded Major Scrap Metal Processor operations within the boundaries of the SUD are prohibited and illegal non-conforming uses, and the City shall deny applications for such operations.
- H)** New owners or operators of existing Major Scrap Metal Processor operation sites in "A", "B", "C", "D", "E", "F", "G", "H", "I", "J" and "L" zoning districts in the SUD Area 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. New owners or operators of existing Major Scrap Metal Processor Operation sites in the "K" zoning district in the SUD Area may appeal denials via the conditional use process described herein, provided that such appeals are made within thirty (30) days after denial is issued. Proposed owners or operators of new or expanded Major

Scrap Metal Processor Operation sites 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.

- I)** If an owner or operator applies for an occupancy permit for expanding an existing Major Scrap Metal Processor site onto contiguous property, provided that both immediately adjacent sites and sites separated by public streets and alleys shall all be considered contiguous, such owner or operator must operate the expanded area in a manner consistent with the more stringent of the Standards of Section Six, Paragraph L, or previously imposed conditions. The total aggregate area of the expansion shall be less than 50% of the area of the lawful site existing at the effective date of this Ordinance, and the expansions shall only be permitted in the "J" and "K" zoning districts. Expansion by an existing Major Scrap Metal Processor site onto contiguous property greater than 50% of the area of the lawful site existing at the effective date of this Ordinance shall require a variance from the City's Board of Adjustment and the processor must operate the entire site in a manner consistent with the more stringent of the Standards of Section Six, Paragraph L, or previously imposed conditions.
- J)** An owner or operator of a Major Scrap Metal Processor 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 of this Section Six, shall submit a site plan and a written report explaining how such owner or operator will meet the Standards set forth in Section Six, Paragraph L of this Ordinance (the "Standards"). The Conditional Use Hearing Officer after reviewing the site plan and report and after holding a hearing thereon, may either approve the occupancy permit with conditions based on 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 provided that such appeals are made within thirty (30) days after the permit application is denied by such Hearing Officer.
- K)** An owner or operator of a Major Scrap Metal Processor 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 this Section Six, Paragraph L, with respect to the proposed use.
- L)** Standards for a Major Scrap Metal Processor:
- 1) Restrictions on permit issuance: No permit shall be issued to any person or entity for three (3) years after such person or entity has pled guilty or been found guilty of owning or operating a Major Scrap Metal Processor 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.
 - 2) Storage Locations: No material shall be stored within three (eight (8) feet of the fencing or barrier required by Paragraph L, subparagraph 3 below; no material, nor shall any material 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..
 - 3) Fences or Walls: No permit shall be issued for any new or expanded Major Scrap Metal Processor pursuant to any application that does not conform to the barrier requirements of Chapter 8.50 of the Revised Code of the City of St. Louis.
 - 4) Lighting: No permit shall be issued for any new or expanded Major Scrap Metal Processor 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.
 - 5) 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.

- 6) Evidence of Conformance: No permit shall be issued for any new or expanded Major Scrap Metal Processor pursuant to any application that does not provide evidence that such Processor meets the definition of a Major Scrap Metal Processor as defined herein.
 - 7) Other standards: The Board of Adjustment or Conditional Use Hearing Officer may impose other standards as such Board and/or Officer deem appropriate.
- M)** 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 Six, Paragraph L shall be valid for up to one (1) year after issuance during which time the applicant must fully meet all conditions of the variance or decision, including implementation of 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. The Zoning Administrator may declare any permit null and void at any time if the Processor is not in compliance with the approved site plan and any conditions related to the issuance of the permit.

SECTION SEVEN. 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 Seven 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 Seven.
- 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.
- H)** New owners or operators of existing Vehicular-Related Business Operation sites in "A", "B", "C", "D" and "E", "F", "G", "H", "I", "J" and "L" 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.

- I)** 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 GH above, shall submit a written report explaining how such owner or operator will meet the Standards set forth in this Section Seven, Paragraph JK, 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 appeal 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.
- 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 of the City of St. Louis. 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 of the City of St. Louis 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 of the City of St. Louis.

- 10) Refuse: No permit shall be issued for anyfor 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 Seven, Paragraph JK shall be valid for up to one (1) year after issuance during which time the applicant must 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. The Zoning Administrator may declare any permit null and void at any time if the Processor is not in compliance with the approved site plan and any conditions related to the issuance of the permit.

SECTION EIGHT. Emergency Clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the Mayor.

Approved: February 9, 2007