

INTRODUCED BY: ALDERMAN THOMPSON

AN ORDINANCE AMENDING CHAPTER 415 OF THE LAND USE CODE OF THE CITY OF WARSON WOODS RELATING TO AUTOMOTIVE PARTS & SUPPLY STORE AND PROVIDING CERTAIN CONDITIONS FOR SUCH USE IN THE MANCHESTER ROAD COMMERCIAL DISTRICT

Whereas, the City of Warson Woods has received a Petition for Amendment to Zoning Code from AutoZone Development, LLC (“Petitioner”) to add the use of “Automotive Parts and Supply Store” as a principal use on the “C” Manchester Road Commercial District to allow the Petitioner to develop a store in the City of Warson Woods (the “Petition”); and,

Whereas, on November 3, 2016, the Planning and Zoning Commission considered the Petition and recommended that the Petition be approved; and,

Whereas, on November 15, 2016, the Board of Aldermen held a duly noticed public hearing on the Petition; and,

Whereas, after reviewing the Petition, public comments, and all other information and data available to it, the Board finds that granting the Petition is in the best interest of the citizens of the City of Warson Woods;

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

Section 1: Municipal Code Section 415.020(D), listing the Principal Uses in the “C” Manchester Road Commercial District is hereby amended to add to the list the use “**Automotive Parts and Supply Store**” which use may be approved only as a Planned Use pursuant to the Redevelopment Plan Process set forth in Chapter 416 including the additional conditions of §416.120.

Section 2: Chapter 416, Manchester Road Commercial Corridor District Redevelopment Plan Process, is hereby amended to add a new Section 416.120, “Additional Considerations for Certain Uses” to read as follows:

Section 416.120 Additional Considerations for Certain Uses

When considering a Redevelopment Plan for the following uses, any approval of such use shall be subject to the additional conditions for each use as follows:

- A. *Automotive Parts and Supply Store*. Any approval of a Redevelopment Plan for an Automotive Parts and Supply Store use shall be subject to the following:
 - 1. External Maintenance. The exterior of the building shall be maintained in good repair and the parking lots, loading areas, rear entry areas, and other areas external to the building shall be maintained in a manner to keep it free from accumulations of dirt, petroleum, automotive fluids, debris, mud, rubbish, paper, trash, litter and other such items. Any signs, markers

or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes and the Board of Aldermen shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed.

2. Use of External Areas. Parking lots, loading areas, rear entry areas, and other areas external to the building shall not be used for any automobile repair, servicing, maintenance or parts installation (not including limited diagnostic testing which shall occur only in the parking/loading area in the rear of the building) nor for the storage of derelict motor vehicles (as defined in Section 355.140). Any person or entity that uses a parking lot, or allows its customers, patrons or invitees to use an adjacent parking lot, in contravention of this section shall be a violation of this Code. The owner and occupant of any building housing an Automotive Parts and Supply Store shall take all steps necessary to inform its customers and patrons of this prohibition. For purposes of this section “diagnostic testing” means battery testing, electrical system testing and ignition control module testing.
3. Outside Storage or Display Prohibited. Use of the parking lot for outside storage or display of merchandise, goods, inventory, supplies, returned product, recycled oil or other products, trash or other items generated by the use shall be prohibited, except as may be expressly approved by a redevelopment plan pursuant to this Chapter 416.
4. Deliveries. No Loading Activity as defined in Section 210.010(16) shall be occur on site between the hours of 9 P.M. and 7 A.M.
5. Protection of Residential Areas. Automotive Parts and Supply Store uses abutting property used for residential purposes shall take all necessary steps, including landscape buffering, fencing and/or screening, to protect against encroachment of noise, light, litter, debris, parking, pedestrians, and other such intrusions onto the neighboring residential properties.
6. Internal Storage of Materials. All storage of recycled petroleum products, transmission fluid, batteries, hazardous or flammable materials, or other similar materials shall be contained completely inside the principal building and stored only in strict compliance with all federal, state, and local laws, codes, regulations and rules.
7. Signage. Signage shall be approved via the redevelopment plan process.

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

THIS BILL PASSED AFTER HAVING BEEN READ IN FULL TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS,

MISSOURI, THIS 15th DAY OF NOVEMBER, 2016.

Laurance M. Howe, Mayor

ATTEST:

Kathy Mahany, City Clerk

APPROVE AS TO FORM:

Paul V. Rost, City Attorney