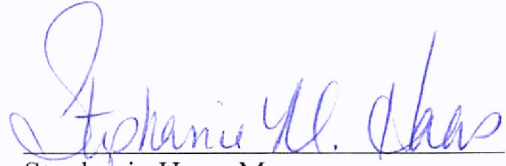


**AN ORDINANCE OF THE CITY OF PEVELY, MISSOURI ESTABLISHING
DEVELOPMENT AND OPERATIONAL STANDARDS FOR TRUCK STOPS**

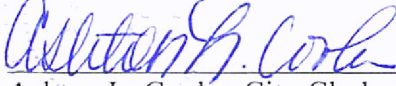
1. *Purpose.* This section is intended to establish development and operational standards for truck stops to minimize potential negative impacts on surrounding property.
2. *Additional requirements:*
 - (a) *Special use permit.*
 1. No truck stop shall be developed without approval of a special use permit. A special use permit, as defined in Section 405, is required in all zoning districts. The process for requesting consideration of a special use permit is outlined in Section 405 of this chapter.
 2. In addition to the required documents to be submitted within the special use permit application:
 - i. A completed traffic impact analysis is required to be submitted for consideration of a special use permit application for a truck stop.
 - ii. A feasibility study indicating the anticipated demand for truck fueling and overnight parking is required to be submitted for consideration of a special use permit application.
 - (b) *Development standards.*
 1. Property improved with truck stop facilities must maintain a minimum setback of 300 feet measured from any property line to the property line of property used or zoned for a residential use including single-family, two-family, multifamily or a manufactured home park use.
 2. *Buffering.*
 - i. A truck stop is not eligible for a residential buffer wall exemption adjacent land used or zoned for single-family and two-family development.
 - ii. The masonry wall requirement in subsection 144-5.3-2(h) is required adjacent all residential development, including multifamily and manufactured home park.
 - iii. In addition to the masonry wall requirement in subsection 144-5.3-2(h), the following landscape materials are required in lieu of other residential landscape buffer standards.
 1. A minimum of one shade tree, three inches in caliper, per 15 linear feet of the property line shared with the residential property is required and trees must be planted evenly spaced. The trees shall be any of the shade species described in Appendix A.
 2. A minimum of one 24-inch-tall shrub for every five linear feet of the property line shared with the residential property is required and shrub plantings must be evenly spaced. The shrubs shall be any of the shrub species described in Appendix A.
 3. *Idling.*
 - i. Overnight truck idling is prohibited within the city limits. No person shall allow the primary propulsion engine of a motor vehicle to idle for more than ten consecutive minutes when the motor vehicle is not in motion.
 - ii. If a truck stop is to provide overnight parking facilities, signage indicating overnight idling is prohibited must be submitted at the time of building permit for approval.

1. Signage must be located at the entrance of overnight parking lots in a visible manner to truck drivers.
- iii. Affirmative defenses. The following constitute affirmative defenses to prosecution under this division:
1. A motor vehicle that has a gross vehicle weight rating of 19,500 pounds or less;
 2. The primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety in an armored vehicle while the employee remains inside the vehicle to guard the contents or while the vehicle is being loaded or unloaded;
 3. A motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
 4. A motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;
 5. The primary propulsion engine of a motor vehicle providing a power source necessary for maintaining cargo climate control where truck stop electrification technologies are not provided for motor vehicles.
 6. The primary propulsion engine of a motor vehicle being operated for minor maintenance or diagnostic purposes;
 7. The primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;
 8. The primary propulsion engine of a motor vehicle that is being used for commercial or public passenger transportation, or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed;
 9. The primary propulsion engine of a motor vehicle being used to perform an essential job function related to roadway construction or maintenance;
- iv. For any violation of this article, the person seeking to establish an affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of this Section was caused by one of the affirmative defenses listed in this section.
- v. Overnight truck idling may only be authorized within a special use permit. The following may be considered as a condition of approval for overnight truck idling:
1. Vehicles with a gross vehicle weight rating greater than 19,500 pounds that idle overnight must be equipped with a 2008 or subsequent model year heavy-duty diesel engine or liquefied or compressed natural gas engine that has been certified by the United States Environmental Protection Agency or another state environmental agency to emit no more than 30 grams of nitrogen oxides emissions per hour when idling.
 4. Property within 300 feet of water as defined in the Texas Water Code may not be used for a truck stop.
 5. Truck stops shall not be allowed over an aquifer recharge zone or contributing zone.

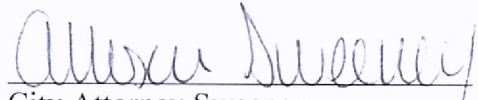
READ TWO TIMES, PASSED AND APPROVED THIS 4 DAY OF October 2021.


Stephanie Haas, Mayor

ATTEST:


Ashton L. Cooke, City Clerk

APPROVED AS TO FORM:


City Attorney Sweeney

**To Put Bill #1551 on its 1st reading
By Caption:**

Motioned: Tyler Leeder
Seconded: Steve Markus

	<u>Aye</u>	<u>Nay</u>
Eckles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Menkhus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yount	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Markus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coulson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tucker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leeder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Absent: _____

**To Accept Bill #1551 on its 1st
Reading by Caption:**

Motioned: Steve Markus
Seconded: Larry Coulson

	<u>Aye</u>	<u>Nay</u>
Eckles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Menkhus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yount	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Markus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coulson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tucker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leeder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Absent: _____

**To Put Bill #1551 on its 2nd Reading
By Caption:**

Motioned: Rick Yount
Seconded: Don Menkhus

	<u>Aye</u>	<u>Nay</u>
Eckles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Menkhus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yount	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Markus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coulson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tucker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leeder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Absent: _____

**To Approve Bill #1551 on its 2nd
and Final Reading by Caption:**

Motioned: Tyler Leeder
Seconded: Steve Markus

	<u>Aye</u>	<u>Nay</u>
Eckles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Menkhus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yount	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Markus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coulson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tucker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leeder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Absent: _____