CITY OF ST. LOUIS
PLANNING & URBAN DESIGN AGENCY
Lyda Krewson, Mayor

File No. PDA-096-17-SUD

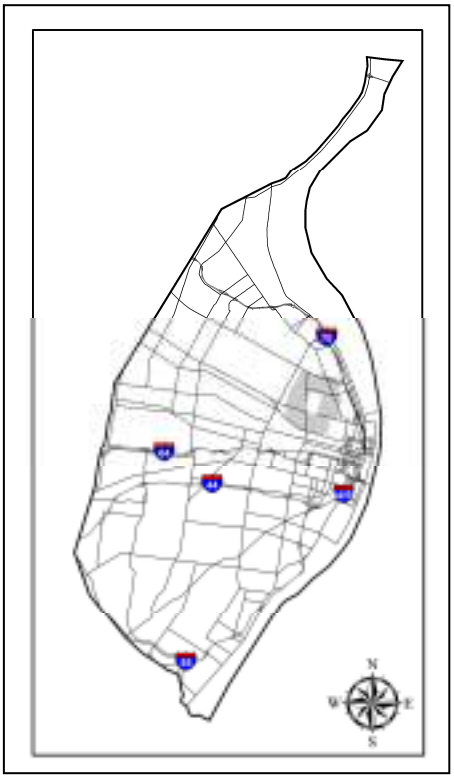
To: City of St. Louis Planning Commission

From: Don Roe, Executive Director

Subject: Submittal of Resolution for Recommendation on Change of Zoning Text and Map – The NGA Protection and Enhancement Zone Special Use District (SUD)
In the St. Louis Place, JeffVanderlou, Old North St. Louis, Hyde Park, Carr Square and Downtown West Neighborhoods of the 3rd, 5th and 19th Wards

Date: December 6, 2017

Summary



Create Special Use District: This resolution submits to the Planning Commission for its recommendation the initiation of and approval on an amendment / change of the Zoning Code (zoning text and map) to create an **overlay zoning district** for a Special Use District (SUD). **(See Exhibit A)**

This Specific 958-acre SUD is proposed by City Staff and by the City's Land Clearance for Redevelopment Agency (LCRA) after discussion with the National Geospatial-Intelligence Agency (NGA). (See **Exhibit B)**

Geographic Area: The NGA Protection & Enhancement Zone Area is generally bound by Natural Bridge, Salisbury & Branch (north), N. 14th, N. Florissant, N. 16th, Hogan & N. 18th (east), Dr. Martin Luther King (south), and Webster, Coleman & N. Garrison (west), excluding the NGA Site on the northeast corner of Jefferson & Cass. (**Exhibit 1** of the attached board bill is the SUD boundary map)

Regulate Uses and Heights: City Ordinance 66941, the SUD Enabling Ordinance, anticipates that zoning designations will be modified to conform to plans and that a SUD may be adopted as an overlay district to reflect the character within Zoning Districts (regulate uses and height) in response to well-defined problems. (**Exhibit 2** of the attached board bill is the SUD zoning map)

Purposes: The first purpose of this SUD is to respond to well-defined encroachment challenges to NGA's site and mission (potential health, safety & security problems) including **1)** incompatible hazardous or toxic land uses; **2)** incompatible heights of structures for radio, microwave or other emitting towers; **3)** incompatible heights of structures for transmission or receipt of information and signals by electronic, radio, satellite or other medium; and **4)** facilities financed, sponsored or operated by adverse governments which pose a threat to National Security.

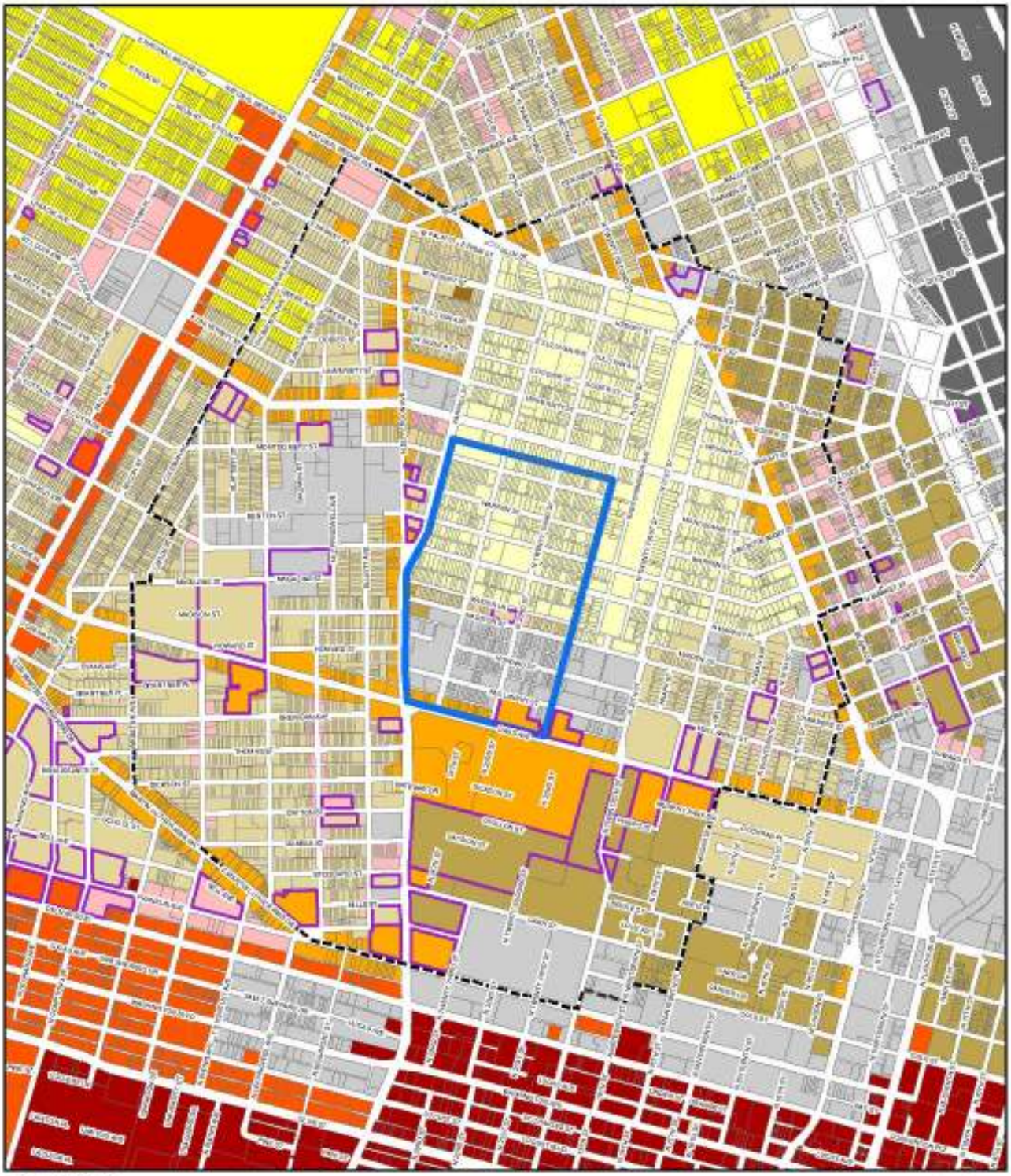


Exhibit A

11/14/2017

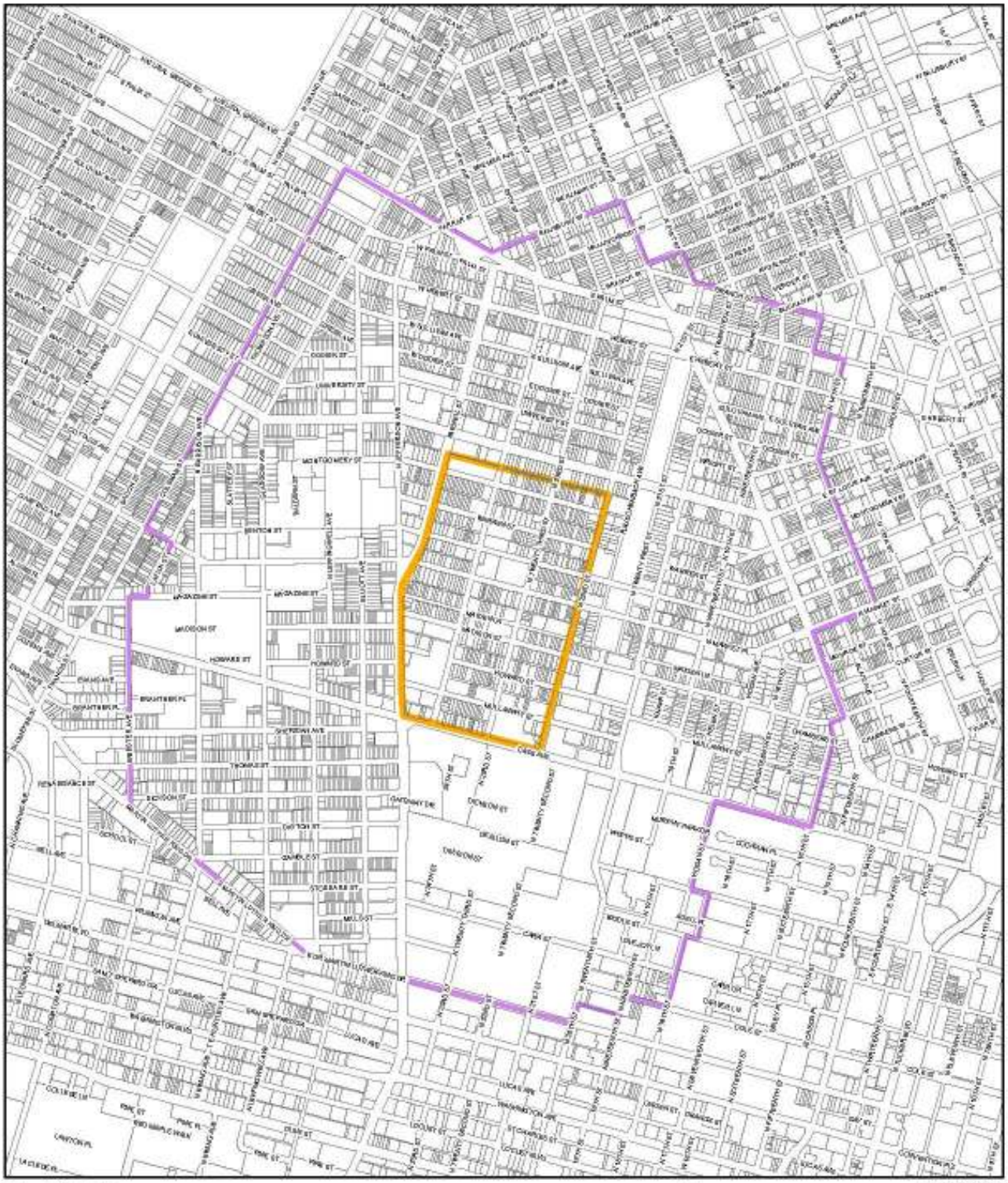


Exhibit B

11/14/2017

NGA Boundary

NGA Protection and Enhancement Zone SUD Boundary

0 625 1,250 2,500

Feet

The second purpose of this SUD is to improve the quality of life for those who work and live within the SUD and to respond to well-defined health, safety, moral and/or general welfare problems by supporting appropriate and compatible redevelopment and preservation uses that enhance the specific character of the SUD's neighborhoods.
Content: The attached text in Board Bill form addresses NGA's encroachment challenges via **1)** SUD Use Regulations in Section Six, which prohibits hazardous or toxic land uses, and facilities which pose a threat to NGA; and **2)** SUD Height Regulations in Section Eight, which limits buildings or structures to not exceed 85 feet.

Prohibited uses include: **1)** motor fuel pump stations; **2)** towers, facilities or structures above 65 feet; **3)** facilities that threaten National Security at the NGA; **4)** uses with hazardous or toxic substances **5)** uses involving welding; **6)** power substations & production facilities; and **7)** uses with electro-magnetic spectrum encroachment.

The attached Board Bill addresses the intentions of adopted redevelopment and neighborhood plans to improve the quality of life for those that work and live in St. Louis, through enhancement of appropriate redevelopment and preservation uses that are compatible with or complementary to **1)** the NGA's site, facilities and mission; and **2)** existing neighborhood residences and businesses via the SUD Conditional Use Regulations in Section Seven.

Stakeholders (the City, residents, workers & business owners) can support or oppose a range of land uses, including but are not limited to, **1)** auto or truck businesses (repair, dealers, parts, rental, lubrication & detailing), **2)** retail and service businesses (beauty supply, cell phones, convenience stores, blood donation, rent-to-own, secondhand clothing, tattoo parlors, laundromats, amusement arcades, tobacco stores and seasonable businesses), **3)** rooming houses, **4)** motels < 25 rooms, **5)** outdoor pay phones, **6)** public storage facilities, **7)** open storage for industrial uses, **8)** package liquor stores, **9)** bars/taverns, **10)** carry-out restaurants & **11)** sales or service windows.

Support Letters: Aldermanic support letters for the creation of the NGA Protection and Enhancement Zone SUD are expected from Alderman Brandon Bosley (3rd Ward), Alderwoman Tammika Hubbard (5th Ward) and Alderwoman Marlene Davis (19th Ward).

Recommended Action

That the Planning Commission initiates an amendment/change of the Zoning Code (zoning text and maps) and recommends approval of the Code amendment to the Board of Aldermen of the City of St. Louis to create an overlay zoning district for The NGA Protection and Enhancement Zone Special Use District (SUD). Within the specific geographic area this SUD works in conjunction with the existing zoning designations. The proposed text and map in Board Bill form of the NGA Protection and Enhancement Zone SUD is attached.

1.0 Background

- **SUD Enabling Ordinance:** PDA's efforts that cumulated in the Enabling Ordinance (#66941) for Special Use Districts (SUD) began in January 2005 with the idea of creating a zoning overlay district to control changes in use and new development in support of the recent Strategic Land Use Plan (SLUP).

- **Specific SUD Ordinances:** Current Special Use Districts (SUD) include The North Broadway Vicinity Commercial Area SUD (Ordinance #66941), The Grove Commercial Area SUD (Ordinance #67924), The Greater Ville Commercial Area SUD (Ordinance #68619) and The Marine Winnebago Kosciusko Warehouse Area SUD (Ordinance #69644).

- **Neighborhood Planning:** There have been several neighborhood planning efforts for the neighborhoods within the SUD boundaries including, but not limited to, the 1999 Downtown Development Action Plan,

the 2001 JeffVanderLou Neighborhood Plan, and the 2002 A Plan for the Neighborhoods of the Fifth Ward, which covers all of the St. Louis Place, Old North St. Louis and Carr Square neighborhoods and portions of the Downtown West, JeffVanderLou and Hyde Park neighborhoods.

- **SUD Requirements:** The Enabling Ordinance requires a Specific SUD to include **1)** a geographic area of at least two contiguous acres and **2)** a statement of identifiable problems that directly affect the general public and that are addressed by certain land uses being prohibited or limited with a SUD Area.

  The SUD's 958 acres greatly exceeds the two-acre minimum. The attached Board Bill includes findings that establishes the SUD's response to well-defined problems. Section Three, Item J has six paragraphs of identifiable problems from three independent sources: **1)** the 2014 Residential Market Analysis, **2)** the 2017 Building Survey and **3)** the 2011-15 American Community Survey. The attached Board Bill contains a list of prohibited uses in Section 6 and list of limited uses in Section 7.

- **Regulation of Uses and New Development:** The intent of Specific SUD ordinances such as the NGA Protection and Enhancement Zone SUD is to focus on prohibiting or restricting uses and heights identified in the SUD Area as causing or having potential to cause identifiable problems that directly affect stakeholders such as NGA employees and neighboring residents, workers and business owners.

- The attached Board Bill regulates changes in use and new development in Section Six by prohibiting ten (10) general types of land uses and in Section Seven by utilizing the conditional use hearing process for twenty-four (24) general types of land uses.

- The ten (10) prohibited land uses are **1)** motor fuel pumping stations, **2)** utility stations or towers over 65 feet, **3)** cell phone towers over 65 feet, **4)** radio frequency, microwave & radiated frequency emitting tower over 65 feet, **5)** facilities for transmission or receipt of information & signals by electronic, radio or satellite over 65 feet, **6)** adverse governments facilities that pose a threat to national security at the NGA, **7)** light industrial and commercial uses that introduce, use, manufacture or produce hazardous or toxic substances (except at secured industrial site), **8)** light industrial or manufacturing uses involving welding activities, **9)** power substations and facilities for the production or transmission of electrical power, and **10)** electro-magnetic spectrum, bandwith noise interference and the siting of structures that block or impede the line-of-site necessary to successfully transmit or receiving data.

- The twenty-six (26) conditional land uses are **1)** auto/truck repair, **2)** auto/truck dealers, **3)** auto/truck parts sales, **4)** auto/truck or equipment rental, **5)** auto lubrication, **6)** car wash/detailing, **7)** beauty supply, **8)** blood donor facilities, **9)** cell phone shops, **10)** convenience stores, **11)** rent-to-own furniture/appliance stores, **12)** secondhand clothing or retail store, **13)** tattoo parlors, **14)** laundromats, **15)** video arcades, **16)** rooming & boarding houses, **17)** motels with fewer than 25 rooms, **18)** tobacco selling or smoke shops, **19)** outdoor pay phones, **20)** public storage facilities, **21)** industrial open storage, **22)** seasonal businesses, **23)** package liquor stores, **24)** bars/taverns, **25)** carry-out restaurants and **26)** sales or service window.

- **Designated Zoning Districts:** A Specific SUD allows designation of uses and new development to be regulated in the SUD area: Commercial Zoning Districts, Industrial Zoning Districts and Residential Zoning Districts which contain existing land uses with health, safety and /or general welfare problems. (**Exhibit 2** of the attached board bill is the SUD zoning map)

- All of the SUD neighborhoods have been identified as now or in the past been affected with well-defined problems as documented in Section Three Item J of the attached Board Bill. The PDA staff researched three independent sources: **1)** the 2014 Residential Market Analysis **(Exhibit 3** of the attached Board

Bill), **2)** the 2017 Building Survey of the City of St. Louis Building Division; and **3)** the 2011-15 American Community Survey.

- **Discontinuing Non-Conforming Uses:** A Specific SUD may reduce the time period for discontinuing non-conforming uses within the SUD Area from the existing one year to a shorter time period not less than 30 days

- The City's administration of current SUDs has identified problems with business operators continuing prohibited uses by frequently applying for use permits. Therefore, the time period for discontinuing a non-conforming use in the attached Board Bill is reduced from one year to 30 days for the land uses listed in Section Six, SUD Use Regulations, and Section Seven, Conditional Use Regulations.

- **Flexibility and Fairness:** The Enabling Ordinance for SUDs encourages flexibility and fairness under Specific SUD ordinances by allowing new or expanded uses that demonstrate that potential damage to adjacent property is mitigated per conditions set in the Zoning Ordinance's Conditional Use Process.

- In the attached Board Bill, some vehicular-related business uses (automobile or truck service and repair shops, and automobile lubrication facilities) are conditional uses in the Commercial Zoning Districts ("F" & "G") using the Conditional Use Process. Outside the SUD such vehicular-related business uses are prohibited in Commercial Zoning Districts.

- In the attached Board Bill, some liquor-related business uses (package liquor stores, and bars and taverns) are conditional uses in the Commercial Zoning Districts ("F" & "G") using the Conditional Use Process. Outside the SUD such liquor-related business uses are permitted in the "G" Commercial District.

- **SUD Criteria:** The Enabling Ordinance lists items that may be included in Specific SUD Ordinances. Under this SUD, the Conditional Use Hearing Officer or the Board of Adjustment may choose to address items listed in the Enabling Ordinance including hours of operation, fencing, outdoor lighting, and time limits for accomplishment of the conditions.

- In the attached Board Bill, the major mechanisms for enforcing criteria in the SUD are the City's existing Conditional Use Review Procedures and Board of Adjustment Procedures which can establish standards tailored to the specific uses or general types of uses.

2.0 Comments

PDA Staff finds the Zoning Text and geography for the NGA Protection and Enhancement Zone Special Use District (SUD) is in general conformity with **1)** the Strategic Land Use Plan; **2)** adopted neighborhood plans (A Plan for the Neighborhoods of the 5th Ward, JeffVanderLou Neighborhood Plan, & Downtown Development Action Plan); and **3)** redevelopment plans: Cass Ave., Jefferson Ave./Parnell St., Montgomery St. North 22nd St. Chapter 99 Plan and the Northside Regeneration Tax Increment Financing Redevelopment Plan. (See **Exhibit C -** SLUP Map)

The SUD implements adopted redevelopment and neighborhood plans as the means to improve the quality of life for those that work and live in St. Louis, by supporting appropriate land uses that complement the NGA and existing neighborhood residences and businesses. In the attached Board Bill, the mechanisms for enforcing criteria in the SUD are the Conditional Use Review and the Board of Adjustment Procedures.

Within the specific geographic area, the SUD works in conjunction with existing zoning designations. Last year the NGA site was rezoned to the "H" Area Commercial District and the Pruitt-Igoe site was rezoned to the "G" Local Commercial and Office District in fulfillment of the 2015 Chapter 99 Redevelopment Plan.

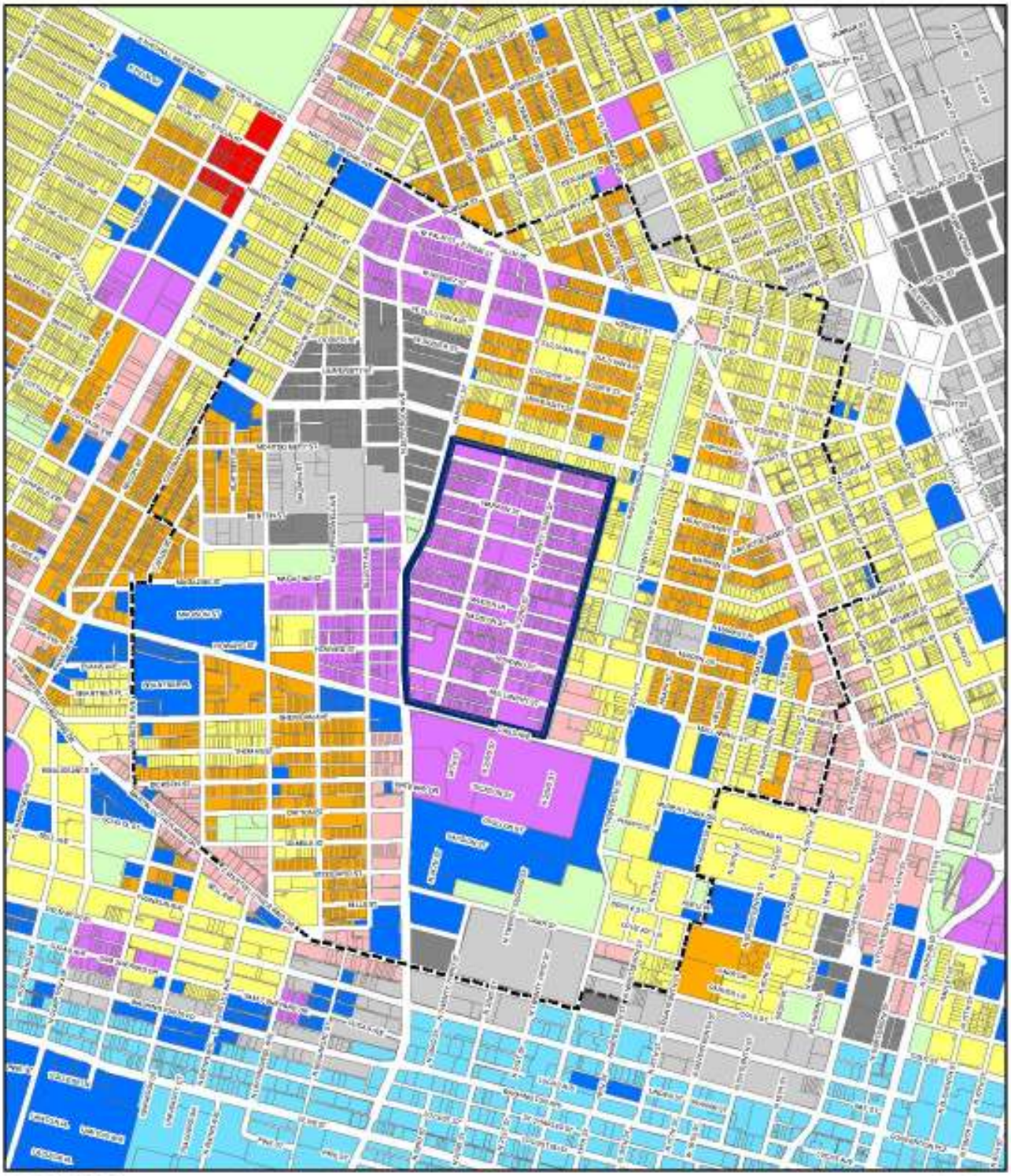


Exhibit C

11/29/2017

Strategic Land Use Plan

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Feet

Proper underlying zoning is the best way to encourage land use in conformance with the city's plan, and that are likely to complement NGA's land uses. PDA Staff recommends additional rezoning of "J" Industrial District properties within the SUD Area in the time period before the NGA facility opens in 2024, because industrial zoned properties are more likely to contain uses that encroach on the NGA's mission.

For example, LCRA should work with the Planning Commission to initiate rezoning of the industrial zoned residential area immediately east of the NGA Site that has been redeveloped by the St. Louis Housing Authority between 1998 and 2003 and the St. Louis Brewery Apartments in 1984 (all of CB 2323 and eastern half of both CB 2313 & 2320). This residential area is supported by the SLUP and A Plan for the Neighborhoods of the 5th Ward.

Staff of the Planning Office of the Planning and Urban Design Agency reviewed the proposed amendment/change with input from Dick Zerega, the Urban Planning Consultant for LCRA, and Mary Hart Burton, the Zoning Administrator, and recommends **approval of the proposed Zoning Code amendment.**

2.1 Public Input

The Housing, Urban Design and Zoning (HUDZ) Committee of the Board of Alderman will conduct a public hearing as part of the ordinance process.

2.2 Previous Commission Action

The Planning Commission adopted the Enabling Ordinance for Special Use Districts at its April 6, 2005 meeting (City Ordinance 66941) which provides for the establishment of Special Use Districts.

2.3 Requested Action

Section 26.92.010 of the City of St. Louis Revised Code requires that any amendment or change in the boundaries or regulations of the Zoning Code shall be initiated by motion of the Planning Commission or by the filing of a petition with the Zoning Administrator by the owner or owners of the property within the district.

City of St. Louis Ordinance # 64687, Section 8, Sub-Paragraph 1 states that the Planning Commission shall be the official planning agency for the City. It shall also be the zoning commission for the City and perform all functions required by applicable state law to be performed by a municipal zoning commission.

City of St. Louis Ordinance #64687, Section 8, Sub-Paragraph 4 states that the Planning Commission shall recommend changes in the zoning ordinances and zoning district maps to the Board of Aldermen. No ordinance changing the zoning ordinances and zoning district maps shall be adopted over the negative recommendation of the Planning Commission, unless approved by a majority vote of all members of the Board of Alderman.

Requested Recommendation

That the Planning Commission initiates and approves this change of the Zoning Code amendment (zoning text and map) to create an overlay zoning district for the NGA Protection and Enhancement Zone Special Use District (SUD) per Ordinance 66941 and recommends it to the Board of Aldermen of the City of St. Louis.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ST. LOUIS PLANNING COMMISSION AS FOLLOWS:

1. An amendment of the Zoning Code (zoning text and map) to create an overlay zoning district for the NGA Protection and Enhancement Zone Special Use District (SUD) per Ordinance 66941 is initiated.

2. The approval of the Executive Director of Planning and Urban Design Agency of a final version of the NGA Protection and Enhancement Zone Special Use District zoning text and map amendment shall constitute the Planning Commission's recommendation for approval as revised.

3. The Executive Director of the Planning and Urban Design Agency of the City of St. Louis is hereby directed to notify the Board of Aldermen of the City of St. Louis of this recommendation.

BOARD BILL # xxx INTRODUCED BY xxx

1

2 An ordinance pertaining to Special Use Districts; establishing The NGA Protection and
3 Enhancement Zone Special Use District (hereinafter the "District"); providing definitions and
4 findings pertaining to said District; further providing use and conditional use regulations for said
5 District; and containing an emergency clause.

6 **WHEREAS,** Ordinance 66941 provides for the establishment of Special Use Districts
7 (hereinafter "SUD"); 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, Redevelopment Plans and/or an adopted Neighborhood Plans for a specific geographic area
11 of at least two (2) contiguous acres per a metes and bounds legal description; and

12 **WHEREAS,** the Strategic Land Use Plan of the St. Louis Comprehensive Plan is
13 intended to improve the quality of life for those who work and live in St. Louis by encouraging
14 appropriate types of development and preservation in clearly defined locations; and

15 **WHEREAS,** over the last twenty years there have been several neighborhood planning
16 efforts for the area including, but not limited to, the 2005 Strategic Land Use Plan, the 2002 A
17 Plan for the Neighborhoods of the 5th Ward, the 2001 JeffVanderLou Neighborhood Plan, and
18 the 1999 Downtown Development Action Plan; and that this specific SUD addresses NGA's
19 concerns about potential security risks from unconstrained development around the site, by
20 supporting the proposed land uses of these legally binding adopted neighborhood plans; and

21 **WHEREAS,** over the last several years there has been a major redevelopment planning
22 effort encompassing the SUD area geography including, but not limited to, the Cass Ave.,

1 Jefferson Ave./Parnell St., Montgomery St., North 22nd St. Chapter 99 Redevelopment Plan
2 (Ordinance 69977 on 03/25/2015); and the Northside Regeneration Tax Increment Financing
3 (TIF) Redevelopment Plan (dated 09/8/2009 and amended 09/16/2009 approved by Ordinance
4 68484 and as amended 08/28/2013 approved by Ordinance 69586) and that this specific SUD
5 supports the proposed appropriate and compatible redevelopment in these legally binding
6 adopted redevelopment plans; and

7 **WHEREAS,** Ordinance 66941, the enabling legislation for SUDs, is based on the
8 premise that existing Zoning designations are often problematic in the City, and anticipates
9 zoning designations will be modified to conform to the Plan and a specific Special Use District
10 (SUD) may be adopted to reflect the specific character within specific Zoning Districts; and

11 **WHEREAS,** last year the NGA site has been rezoned to the "H" Area Commercial
12 District and the Pruitt-Igoe site has been rezoned to the "G" Local Commercial and Office
13 District in fulfillment of the 2015 Chapter 99 Redevelopment Plan (Ordinance 69977); and

14 **WHEREAS**, the National Geospatial-Intelligence Agency (NGA) is a Department of
15 Defense Combat Support Agency and member of the United States Intelligence Community that
16 provides geospatial intelligence in support of U.S. national security and defense, as well as
17 humanitarian assistance and disaster relief; and

18 **WHEREAS**, the NGA's mission depends on the speedy and efficient transmission and
19 receipt of electronic communications; the safe and secure processing and analysis of the
20 communications by its workforce, and the dissemination, through communication of the data,
21 information, imagery, graphics and other products electronically to its partner agencies, the.
22 impinging of NGA's communications or endangerment of the NGA workforce are potential
23 threats to NGA's mission;

1 **WHEREAS**, the NGA is moving from its current site south of downtown, which does
2 not meet the requirements of NGA's currently defined mission, to its new site north of
3 downtown, where the proposed main operations building is surrounded by a 500 feet buffer that
4 meets current requirements; and
5 **WHEREAS**, in June of 2016 NGA announced that the new NGA West facility will be
6 developed north of downtown in the St. Louis Place Neighborhood; and
7 **WHEREAS,** this specific SUD is being adopted as an overlay district to reflect the
8 character within the following zoning of The NGA Protection and Enhancement Zone SUD: "A"
9 Single-Family Dwelling District, "B" Two-Family Dwelling District, "C" Multiple-Family
10 Dwelling District, "D" Multiple-Family Dwelling District, "E" Multiple-Family Dwelling
11 District, "F" Neighborhood Commercial District, "G" Local Commercial and Office District, and
12 "J" Industrial District; which contain existing land uses with health, safety and/or general welfare
13 problems.
14 **NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**
15 **SECTION ONE. Purposes.**
16 **A)** The first major purpose for creation of this specific SUD as an overlay zoning district
17 for this specific Zoning Districts area is to respond to well-defined encroachment
18 challenges (see Section Two Definition) that are potential health, safety and security
19 problems of the NGA, by protecting NGA's site and mission from 1) incompatible
20 hazardous or toxic land uses including motor fuel pumping stations; 2) incompatible
21 heights of structures for radio frequency, microwave or other emitting towers; 3)
22 incompatible heights of structures for the transmission or receipt of information and
23 signals by or through electronic, radio, satellite or other medium; and 4) facilities or

1 improvements financed, sponsored, owned or operated by adverse governments
2 which pose a threat to National Security; in the SUD Area before and after the NGA
3 relocates to this neighborhood in or after the year 2024; and
4 **B)** The second major purpose for creation of this specific SUD as an overlay zoning
5 district for a specific Zoning Districts area is to improve the quality of life for those
6 who work and live within the SUD Area and respond to well-defined health, safety,
7 moral and/or general welfare problems by supporting appropriate and compatible
8 redevelopment and preservation uses that enhancing the specific character within the
9 SUD area of the St. Louis Place, JeffVanderLou, Old North St. Louis, Hyde Park,
10 Carr Square, and Downtown West Neighborhoods of the Third, Fifth and Nineteenth
11 Wards; and
12 **SECTION TWO. Definitions.**
13 **A)** Except for terms defined below in this section starting with Subsection B, all terms
14 used herein in this Ordinance shall have the same meaning as those defined in Title
15 26 (hereinafter the "Zoning Code") of the Revised Code of the City of St. Louis,
16 1994, Annotated (hereinafter the "Revised Code").
17 **B)** "Lawfully occupied" shall mean that on the effective date of this Ordinance, or on the
18 effective date of any amendment to this Ordinance, a business owner or operator of a
19 business within the District held a valid occupancy permit and a valid business
20 license from the City of St. Louis.
21 **C)** "Nonconforming use" means any building, structure or land lawfully occupied with a
22 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 NGA Protection and Enhancement Zone SUD.

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 NGA Protection and Enhancement Zone SUD.

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 NGA Protection and Enhancement Zone SUD.

F) Coordinating with Air Force Policy Directive 90-20xiii which applies to the NGA, "Encroachment" means any deliberate action by any governmental or non-governmental entity or individual that does, or is likely to inhibit, curtail, or impede current or future military activities within the installation complex and/or mission footprint. Note: The NGA in St. Louis is an Air Force facility.

SECTION THREE. Findings. The Board of Aldermen hereby finds as follows:

A) The Special Use District (hereinafter "SUD") established in this Ordinance will assist in the implementation of the Strategic Land Use Plan, Redevelopment Plans and/or an adopted Neighborhood Plan for a specific geographic area of at least two (2) contiguous acres per metes and bounds legal description as provided in Section Five, and depicted in Exhibit 1, of this Ordinance (the "Boundaries").

B) The SUD established in this Ordinance furthers the Strategic Land Use Plan's intention to improve the quality of life for those who work and live in St. Louis by

encouraging appropriate types of development and preservation within the Boundaries of the SUD; and

C) The SUD established in this Ordinance, as an overlay zoning district for the specific Zoning Districts currently included within the Boundaries of the SUD, will assist in the implementation of compatible and appropriate types of development and preservation per the 2002 Plan for the Neighborhoods of the 5th Ward, the 2001 JeffVanderLou Neighborhood Plan, the 1999 Downtown Development Action Plan, the 2015 Cass Ave., Jefferson Ave./Parnell St., Montgomery St., North 22nd St. Chapter 99 Redevelopment Plan and the 2009 & 2013 Northside Regeneration Tax Increment Financing (TIF) Redevelopment Plan.

D) The SUD established in this Ordinance, as an overlay zoning district for the specific Zoning Districts currently included within the Boundaries of the SUD and depicted in Exhibit 2, of this Ordinance (the "Primary Zone"), follows rezoning of the NGA and Pruitt-Igoe sites in fulfillment of the 2015 Chapter 99 Redevelopment Plan, with a modification of existing zoning designations via the SUD to support legally binding adopted plans;

E) Mission Encroachment and the Northside Redevelopment Plan -Section 6.g. of the Land Development Remediation and Transfer agreement between the U.S. Air Force (future property owner of the NGA site) and the Land Clearance for Redevelopment Agency Holdings Corporation (current property owner of the NGA site) includes statements that "NGA understands and hereby acknowledges that the Property is located within the Northside Regeneration Redevelopment Area" and also "LCRAH and LCRA hereby agree to cooperate with the City and the Government to establish

1 restrictions to limit any development, use or activity in the Redevelopment Area that
2 may be incompatible with the Intended Use of the Property, NGA's mission or which
3 may pose a threat to National Security, the security of the Property and/or the
4 activities to be conducted thereupon";
5 **F)** Specific examples of development, use or activity that may be incompatible with
6 NGA's mission (per Section 6.g. of the agreement referred to in preceding Section E)
7 include but are not limited to "incompatible land use including hazardous uses,
8 incompatible heights of structures, radio frequency, microwave, or other emitting
9 towers and facilities, improvements, or structures; facilities, improvements and
10 structures for the transmission or receipt of information and signals by or through
11 electronic, radio, satellite or other medium; facilities or improvements financed,
12 sponsored, owned, or operated (in whole or in part) by governments adverse
13 Government or which pose a threat to National Security."
14 **G)** The SUD established in this Ordinance builds upon the requirements of NGA's
15 currently defined mission for a 500 feet buffer surrounding NGA's main operations
16 building by addressing the NGA's encroachment challenges with protection of the
17 NGA site from hazardous or toxic uses and/or electro-magnetic and radiated
18 frequency emissions from within the SUD Boundaries via SUD Use Regulations in
19 Section Six and SUD Height Regulations in Section Eight.
20 **H)** The SUD established in this Ordinance builds upon the intentions of adopted
21 redevelopment and neighborhood plans to improve the quality of life for those who
22 work and live in St. Louis, through enhancement of the specific character of the
23 clearly defined SUD's neighborhoods by supporting appropriate redevelopment and

preservation uses that are compatible with and/or complementary to 1) the NGA's site, facilities and mission; and 2) existing neighborhood residences and businesses via the SUD Conditional Use Regulations in Section Seven;

I) The SUD established in this Ordinance per the regulations in Section Seven utilizes the conditional use hearing process to give stakeholders including but not limited to the City, residents, workers and business owners the opportunity to support appropriate types of development and preservation that improve the quality of life.

J) The SUD established in this Ordinance as an overlay zoning district for the specific Zoning Districts currently included within Boundaries of the SUD responds to well-defined health, safety, moral and/or general welfare problems, which problems include, but are not limited to, the following:

a. Census blocks in the St. Louis Place, Hyde Park and Old North St. Louis Neighborhoods located north and east of the NGA site have much vacant land (30% to 63%), and many vacant buildings (11% to 31%) per the 2014 Residential Market Analysis;

b. Census blocks in the St. Louis Place, Hyde Park and Old North St. Louis Neighborhoods located north and east of the NGA site have housing problems identified in the 2014 Residential Market Analysis including bank foreclosures (5% to 31%), as well as a wide range of subsidized rents (8% to 57%) and owner occupancy (17% to 50%);

c. Census blocks in the St. Louis Place, Hyde Park and Old North St. Louis Neighborhoods located north and east of the NGA site per the 2014 Residential Market Analysis include blocks with very low market ratings

of "H" & "I" (west of N. 20th & south of Madison St.) and blocks with average market ratings of "E" & "F" (St. Louis Place east of N. 20th & north of Madison St. and Old North St. Louis north of St. Louis Ave.) as depicted in Exhibit 3 - MVA Categories by Census Block Group; and

d. Neighborhood areas within the SUD Area located south of Cass Ave. and/or west of Jefferson Ave. per the 2014 Residential Market Analysis have fewer than five residential sale transitions per census block in the 2010-2012 period, and therefor because of either the lack of a viable residential sales market and/or a predominance of commercial or industrial uses were not assigned an MVA Category in the analysis.

e. Neighborhood areas within the SUD Area located west of Jefferson Ave. have much vacant land (49% to 61%) and many vacant buildings (8% to 15%) with a predominance of vacant buildings being residential uses (87% to 91%) and a varied amount of commercial uses (4% to 11%) and industrial uses (0% to 2%) per the 2017 Vacant Building Survey;

f. Neighborhood areas located south of Cass Ave. and/or west of Jefferson Ave. have low levels of home ownership (10% to 32%) and very high levels of rental housing units (68% to 99%) per the 2011-2015 American Community Survey.

K) It is necessary, desirable and in the best interest of the City, residents, workers, businesses and visitors to establish the SUD established in this Ordinance.

SECTION FOUR. SUD Established and Named. There is hereby established The NGA Protection and Enhancement Zone Special Use District (hereinafter the "District").

1 **SECTION FIVE. SUD Boundaries.** The Boundaries of The NGA Protection and
2 Enhancement Zone Special Use District are hereby described below by a metes and bounds
3 description of an overall area with an internal area subsequently excluded creating a SUD of
4 approximately 958 acres more or less, and depicted in Exhibit 1 attached hereto, hereby made a
5 part of this Ordinance by this reference:
6 Beginning at the intersection of the centerlines of Natural Bridge Avenue and N. Garrison
7 Avenue; and proceeding along the following centerlines and city parcel boundary lines,
8 and their prolongations, in a generally clockwise direction eastward on Natural Bridge
9 approximately 1,698 feet to its intersection with Salisbury Street; thence eastward on
10 Salisbury approximately 1,422 feet to its intersection with N. Florissant Avenue; thence
11 southward on N. Florissant approximately 674 feet to its intersection with Destrehan
12 Street; thence eastward on Destrehan approximately 343 feet to its intersection with N.
13 21st Street; thence southward on N. 21st approximately 331 feet to its intersection with
14 Branch Street; thence eastward on Branch approximately 1,326 feet to its intersection
15 with Blair Avenue; thence southward on Blair approximately 356 feet to its intersection
16 with Palm Avenue; thence eastward on Palm approximately 320 feet to its intersection
17 with N. 14th Street; thence southward on N. 14th approximately 2,628 feet to its
18 intersection with N. Market Street; thence westward on N. Market approximately 704
19 feet to its intersection with N. Florissant Avenue; thence southward on N. Florissant
20 approximately 993 feet to its intersection with Madison Street; thence westward on
21 Madison approximately 352 feet to its intersection with the prolongation of the western
22 boundary of City Parcel Number 0619-06-0025, commonly known as 2001-2013 N.
23 Florissant Avenue; thence southward along the western boundary and its prolongation

1 approximately 176 feet to its intersection with Chambers Street; thence westward on
2 Chambers approximately 30 feet to its intersection with N. 16th Street; thence southward
3 on N. 16th approximately 890 feet to its intersection with Cass Avenue; thence westward
4 on Cass approximately 1,003 feet to its intersection with Hogan Street; thence southward
5 on Hogan approximately 926 feet to its intersection with O'Fallon Street; thence eastward
6 on O'Fallon approximately 192 feet to N. 18th Street; thence southward on N. 18th
7 approximately 470 feet to its intersection with Biddle Street; thence westward on Biddle
8 approximately 105 feet to its intersection with N. 18th Street; thence southward on N.
9 18th approximately 752 feet to its intersection with Cole Street; thence westward on Cole
10 approximately 434 feet to its intersection with N. 19th Street; thence southward on N.
11 19th approximately 197 feet to its intersection with the east-west alley in City Block 952;
12 thence westward on the alley approximately 437 feet to its intersection with N. 20th
13 Street; thence southward on N. 20th approximately 206 feet to its intersection with Dr.
14 Martin Luther King Drive; thence westward on Dr. Martin Luther King approximately
15 5,093 feet to its intersection with Webster Avenue; thence northward on Webster
16 approximately 2110 feet to its intersection with Magazine Street; thence eastward on
17 Magazine approximately 189 feet to its intersection with Laflin Street; thence northward
18 on Laflin approximately 607 to its intersection with N. Market Street; thence westward
19 on N. Market approximately 319 feet to its intersection with Coleman Street; thence
20 northward on Coleman approximately 1,118 to its intersection with N. Garrison Avenue;
21 thence continue north on N. Garrison Avenue approximately 3,010 feet to its intersection
22 with Natural Bridge Avenue at the point of beginning.

Within the above-defined boundaries the following "NGA Site" is not included in the "Boundaries".

NGA Site Beginning at the intersection of the west right of way line of 22nd Avenue, 60 feet wide, with the north right of way line of Cass Avenue, 80 feet wide, being the southeast corner of City Block 2314; thence along said north right of way line, north 75 degrees 11 minutes 06 seconds west, 1,386.11 feet to the east right of way line of Jefferson Avenue, variable width, as established by Ordinance No. 48152; thence along said east right of way line of Jefferson Avenue and the east right of way line of Parnell Street, 100 feet wide as established by Ordinance No. 48740, the following courses and distances: north 05 degrees 18 minutes 34 seconds west, 159.76 feet; north 00 degrees 21 minutes 03 seconds west, 980.39 feet, along a curve to the right having an arc length of 289.06 feet, a radius of 550 feet, and a chord bearing north 14 degrees 42 minutes 19 seconds east, 285.74 feet; north 29 degrees 45 minutes 41 seconds east, 198.76; along a curve to the left having an arc length of 192.69 feet, a radius of 750.00 feet: and a chord bearing north 22 degrees 24 minutes 05 seconds east; 192.16 feet; and north 15 degrees 02 minutes 28 seconds, 884.69 feet to the south right of way line of an east west alley, 20 feet wide, in City Block 1078; thence along said south right of way line and the south right of way line of an east west alley, 20 feet wide, of City Blocks 1085 and 1092, south 75 degrees 06 minutes 32 seconds east, 1,620.48 feet to the west right of way line of 22nd Street, as aforementioned; thence along said west right of way line, south 14 degrees 52 tract containing 97.618 acres is based on an actual boundary survey executed by Cole & Associates, Inc. during the month of August, 2015 and is subject to all easements, restrictions, reservations and conditions of record, if any.

SECTION SIX. SUD Use Regulations. A building, structure or premises may be used for any purpose otherwise allowed in the respective Zoning District in which it is located except for the following uses, which are hereby prohibited:

A) Motor Fuel Pumping Station;

B) Utility stations or towers taller than a total of 65 feet;

C) Free standing cell phone towers taller than a total of 65 feet;

D) Radio frequency, microwave, radiated frequency and other emitting towers and facilities, improvements or structures taller than a total of 65 feet;

E) Facilities, improvements or structures for the transmission or receipt of information and signals by or through electronic, radio, satellite or other medium taller than a total of 65 feet;

F) Facilities, improvements or structures financed, sponsored, owned or operated in whole or in part by adverse governments which pose a threat to National Security on the NGA site;

G) Light industrial and commercial uses that introduce, use, manufacture or produce hazardous or toxic substances that by their nature are considered toxic or hazardous to human health. and are present in the SUD in large quantities considered reportable under the Emergency Preparedness and Community Right to Know Act (EPCRA), as amended, except when such hazardous or toxic substances are located within the "J" Industrial District and enclosed within buildings and/or facilities with seven (7) day-a-week, twenty-four (24) hour-a-day security with controlled access limited to employees and authorized visitors.

H) Light industrial and manufacturing uses involving welding activities during industrial or manufacturing processes (this prohibition shall not be construed to prohibit welding activities during the construction or expansion of buildings within the SUD);

I) Power substations, and facilities for the production and/or transmission of electrical power in commercial quantities;

J) electro-magnetic spectrum encroaching uses that negatively impact the NGA mission involving either 1) the use of the electro-magnetic spectrum, whether in-band or near band, licensed or unlicensed, shared or exclusive; 2) in band or near band noise of sufficient intensity and duration; 3) the authorized removal or reallocation of previously exclusive or shared mission critical bandwidth; or 4) the siting of structures that physically or electronically block or impede the line-of-sight necessary to successfully transmit or receive data;

SECTION SEVEN. SUD Conditional Use Regulations. Notwithstanding any Zoning District Use or Conditional Use Regulations contained in the Zoning Code to the contrary, the following uses may only be allowed in the commercial and industrial zoning districts of this SUD ("F" Neighborhood Commercial District, "G" Local Commercial and Office District, "I" Central Business District and "J" Industrial District) as conditional uses subject to the provisions of Section 26.80.010 of the Zoning Code:

A) Automobile or truck service and repair shops not involving welding activity;

B) Automobile or truck dealers, either new and/or used, not involving welding activity;

C) Automobile or truck parts sales, either new and/or used;

D) Automobile, truck or other equipment rental requiring outside storage of vehicles or equipment;

1 **E)** Automobile lubrication facilities;

2 **F)** Car washing or detailing facilities;

3 **G)** Beauty supply stores;

4 **H)** Blood donor facilities that pay donors for their blood;

5 **I)** Cell phone, beeper or pager shops;

6 **J)** Convenience Stores;

7 **K)** Rent-to-own furniture, electronics and/or home appliances stores;

8 **L)** Secondhand or junk clothing or retail shop (hereby defined as stores carrying items

9 having limited collector's value and not commonly classified as "antique" or

10 "vintage" items and/or commonly valued as "good-as-new" quality of clothing);

11 **M)** Tattoo and/or body piercing parlors;

12 **N)** Laundromats open to the general public at any time between Midnight and 6:00 AM;

13 **O)** Pinball/video and/or amusement game arcades;

14 **P)** Rooming Houses and Boarding Houses (this prohibition shall not be construed to

15 prohibit Bed and Breakfast Establishments as defined and otherwise regulated in

16 Chapter 8.25 of the Revised Code, or Bed and Breakfast Districts as defined and

17 regulated in Chapter 26.66 of the Zoning Code);

18 **Q)** Motels with fewer than 25 rooms;

19 **R)** Tobacco-selling businesses, electronic cigarette / E-cigarette / vape shops, and/or

20 hookah/smoke shops or lounges;

21 **S)** Outdoor Pay Telephones;

22 **T)** Public storage facilities for rent or lease;

1 **U)** Open storage for industrial uses located on the same site as the main building in the
2 "J" Industrial District;
3 **V)** Seasonal businesses leasing locations on an annual basis, while utilizing the premises
4 for access by the general public less than eleven (11) months of the year and/or less
5 than four (4) days a week;
6 **W)** Package Liquor Stores;
7 **X)** Bars and taverns;
8 **Y)** Carry-Out Restaurants with no indoor table service; and
9 **Z)** Any use that utilizes a sales or service window, including restaurants, or facility for
10 customers who are in cars (except for Financial Institutions, as defined and regulated
11 in the Zoning Code).
12 **SECTION EIGHT: Height Regulations.**
13 **A)** Section Three of the enabling legislation for Special Use Districts (Ordinance 66941) lists
14 the types of items that may be included in a Specific SUD Ordinance such as this NGA
15 Protection and Enhancement Zone SUD. The first item on the list is maximum size or
16 height of building. Therefore, the height of buildings can be regulated in a SUD
17 Ordinance.
18 **B)** Height of building or other structure shall not exceed 85 feet. It shall be unlawful to
19 increase the height of an existing building or other structure unless it complies with these
20 height regulations.
21 **SECTION NINE: Nonconforming Uses; Appeals.** Notwithstanding any provisions of the
22 Zoning Code to the contrary:

A) All businesses lawfully operating within the District on the effective date of this Ordinance, which such business or use would otherwise be prohibited or subject to the granting of a conditional use permit in order to conduct such business lawfully after the effective date of this Ordinance, shall hereby be considered legal and nonconforming uses.

B) But if any such existing business within the District does not have 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, such business and use must be discontinued within no more than thirty (30) days from the date upon which the City issues notice of such unlawful occupancy or use.

C) No new owner or operator of a nonconforming use within the District shall be granted 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 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 is denied.

SECTION TEN: 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 Section 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.

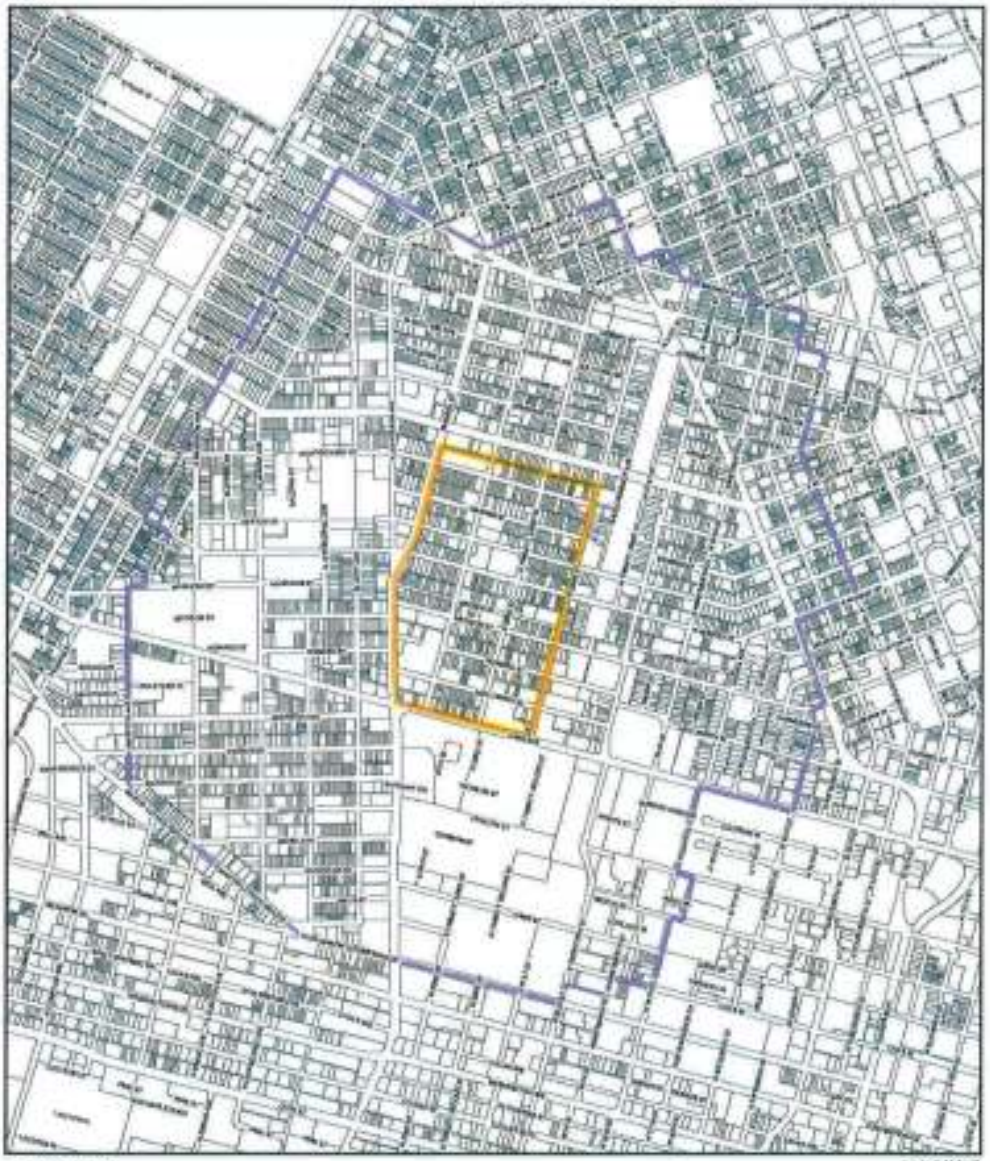

Exhibit 1

11/14/2017

NGA Boundary

NGA Protection and Enhancement Zone SUD Boundary

0 625 1,250 2,500

Feet

PLANNING

1
2

1

Exhibit C

11/29/2017

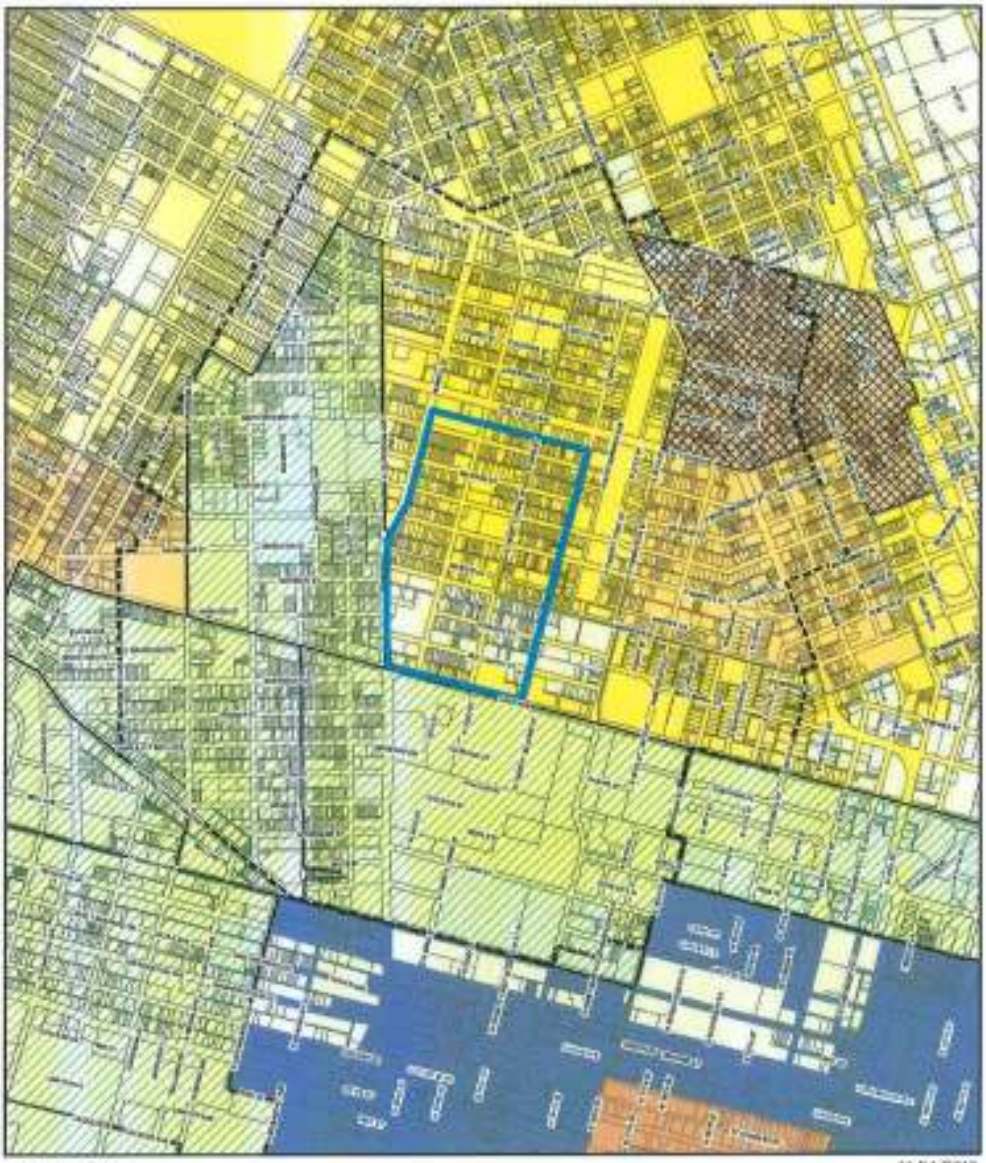

Exhibit 3

11/14/2017