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BOARD BILL # 234 INTRODUCED BY ALDERMAN CRAIG N. SCHMID

An ordinance pertaining to Special Use Districts; establishing The Marine Winnebago Kosciusko Warehouse Area Special Use District (hereinafter the “District”); providing definitions and findings pertaining to said District; and further providing use regulations for said District;

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

WHEREAS, the purpose for creation of an 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, 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 bounds legal description; and

WHEREAS, there have been several Marine Villa neighborhood planning and zoning efforts including the 111 Winnebago St. Chapter 99 Redevelopment Plan (2013), the Rezoning of the Lemp Brewery site (2007), the Marine Villa Neighborhood National Register District, and the Cherokee Lemp Brewery Local Historic District (1980), as well as an ongoing planning effort for an SUD along Meramec Street in the Twentieth Ward and general land use planning for all of the Twentieth Ward via the Strategic Land Use Plan (2005), and that this specific SUD is not in conflict with any such plans, strategies or studies; and

WHEREAS, the purpose for creation of an SUD as an overlay zoning district for a specific Zoning Districts area should also respond to well-defined health, safety, moral and/or

1 general welfare problems, and shall state the problems addressed by any use being prohibited or
2 limited within the SUD area; and

3 **WHEREAS**, this specific SUD is being adopted as an overlay district to reflect the
4 character within the industrial zoning of The Marine Winnebago Kosciusko Warehouse Area
5 (“J” Industrial District), which contains existing and potential land uses with health, safety
6 and/or general welfare problems.

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

8 **SECTION ONE. Definitions.**

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

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

17 **C)** “Nonconforming use” means any building, structure or land lawfully occupied with a
18 use on the effective date of this Ordinance, or on the effective date of any amendment
19 to this Ordinance, which on said effective date would otherwise be in conflict with
20 one or more of the regulations of The Marine Winnebago Kosciusko Warehouse Area
21 Special Use District.

22 **D)** “Nonconforming building” means any building which existed lawfully prior to the
23 effective date of this Ordinance, or on the effective date of any amendment to this

1 Ordinance, which on said effective date would otherwise be in conflict with one or
2 more of the regulations of The Marine Winnebago Kosciusko Warehouse Area
3 Special Use District.

4 **E)** “Nonconforming structure” means any structure which existed lawfully prior to the
5 effective date of this Ordinance, or on the effective date of any amendment to this
6 Ordinance, which on said effective date would otherwise be in conflict with one or
7 more of the regulations of The Marine Winnebago Kosciusko Warehouse Area
8 Special Use District.

9 **F)** “Standards” means a set of regulations or site requirements used as a basis for
10 judgment or measurement in reviewing reports and site plans prepared to explain a
11 proposed use or operation.

12 **G)** “Warehouse / Distribution Operation” means any building, structure or land lawfully
13 occupied for warehouse and /or distribution uses including office space directly
14 related to such operation, but excluding wholesale businesses and public storage, as
15 well as including packaging and unpackaging materials to be warehoused that are
16 coming to, and leaving from, the facility, and assembling displays for materials that
17 are directly related to such operation.

18 **SECTION TWO. Findings.** The Board of Aldermen hereby finds as follows:

19 **A)** The Special Use District (hereinafter “SUD”) established in this Ordinance will assist
20 in the implementation of the Strategic Land Use Plan for a specific geographic area of
21 at least two (2) contiguous acres per metes and bounds legal description as provided
22 in Section Four, and depicted in Exhibit 1, of this Ordinance (the “Boundaries”).

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

- 5 a. The SUD site has problems with poor truck access routes from I-55 and
6 with the building's limited loading dock facilities.
- 7 b. A truck route from I-55 via Broadway, President, Cleon / Miami and a
8 new entrance drive to west loading docks may solves site access problems,
9 but the improvements could negatively impact residences on Marine with
10 visual, light and noise problems.
- 11 c. East loading docks facing Kosciusko are safety, noise, light and visual
12 problems for adjacent residences.
- 13 d. Banning truck traffic from adjacent narrow residential streets (Marine,
14 Winnebago & Kosciusko) could prevent safety, noise and visual problems.
- 15 e. Dock related noise problems during over-night sleeping hours should be
16 addressed by setting hours-of-operation that 1) close loading docks located
17 less than 100 feet from a residential street right-of-way and 2) limit use of
18 loading docks located between 100 and 200 feet from a residential street
19 right-of-way.

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

21
22 **SECTION THREE. SUD Established and Named.** There is hereby established The Marine
23 Winnebago Kosciusko Warehouse Area Special Use District (hereinafter, the "District").

1 **SECTION FOUR. SUD Boundaries.** The Boundaries (hereinafter, the “Boundaries,” or “SUD
2 Boundaries”) of The Marine Winnebago Kosciusko Warehouse Area Special Use District are
3 hereby described below by a metes and bounds description of an overall area creating a SUD of
4 approximately 13.1 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 Marine Avenue and Winnebago Street;
7 and proceeding along the following centerlines and city parcel boundary lines, and their
8 prolongations, in a general clockwise direction northward along Marine to its intersection
9 with Miami Avenue; thence eastward along Miami to its intersection with the eastern
10 boundary of City Parcel Number 1768-00-0020, commonly known as 111 Winnebago;
11 thence southeast along said boundary (parallel to President Street) to its intersection with
12 Kosciusko Street; thence southwest along Kosciusko to its intersection with Winnebago
13 Street; thence westward along Winnebago to the point of beginning.

14 **SECTION FIVE. Permitted Warehouse / Distribution Uses.**

15 **A)** All existing Warehouse / Distribution Operations currently operating within the
16 Boundaries of the SUD pursuant to a valid occupancy permit held by the existing
17 owner or operator and a valid business license from the City of St. Louis held by such
18 owner or operator shall be considered legal and conforming uses.

19 **B)** A non-conforming use within the SUD must be discontinued within no more than
20 thirty (30) days from the date upon which the City issues notice of the non-
21 conforming use. Any Warehouse / Distribution Operations which does not comply
22 with the requirements of Paragraph A of this Section Five as of the date of this
23 Ordinance shall be considered non-conforming uses.

1 **C)** No expanded Warehouse / Distribution Operation which involves a building addition
2 for warehouse or distribution uses (excluding loading docks and other facilities
3 utilized to access a building) shall be permitted within the Boundaries of the SUD,
4 and any such expanded operation shall be a non-conforming use.

5 **D)** No new owner or operator of an existing Warehouse / Distribution Operation in the
6 SUD Area shall be granted an occupancy permit for such existing Operation unless
7 such new owner or operator accepts all conditions upon which previous permits and
8 licenses for such Operation were based.

9 **E)** If a new owner or operator of an existing Warehouse / Distribution Operation in the
10 SUD Area applies for an occupancy permit more than one hundred eighty (180) days
11 after the transfer of ownership, such application shall be denied.

12 **F)** New Warehouse / Distribution Operations proposed within the Boundaries of the
13 SUD shall submit for review by the Zoning Section 1) a report addressing how will
14 meet the Standards of Paragraph G and 2) a site plan showing the location and size of
15 all buildings and structures, location of existing and proposed vehicular entrances,
16 location of all existing and proposed loading docks, location and number of parking
17 spaces, location and height of fencing, and location and size/height of existing and
18 proposed major landscaping features such as tree cover, berms and groups of shrubs.

19 **G)** Standards for a Warehouse / Distribution Operation: The following standards shall be
20 used by the Zoning Section in reviewing the submitted report and site plan for
21 Warehouse / Distribution Operations within the Boundaries of the SUD.

22 1) Driveway Access to Loading Areas: Only a truck route using President,
23 Cleon / Miami and a new driveway shall be used by trucks accessing west

1 loading docks. Any driveway from Marine to the west loading docks shall be
2 removed. Trucks shall only use President and Kosciusko to access east
3 loading docks. Also, trucks should be discouraged from using Marine,
4 Winnebago and the residential part of Kosciusko south of the SUD.

5 2) Driveway Access to Parking Areas: Vehicular access to car parking areas
6 shall be separate from vehicular access to loading areas. Vehicular access to a
7 car parking lot shall be limited to Winnebago and the southern portion of
8 Marine. The existing northern Marine driveway and the drive between the
9 west loading docks and the car parking lot shall be removed.

10 3) Parking: The number and type of vehicles and the configuration of parking
11 areas shown on the site plan may be limited based on existing and / or
12 anticipated problems of parking areas on adjacent residences.

13 4) Hours of Operation: The hours of operation for specific facilities such as
14 loading docks may be limited based on existing and /or anticipated problems
15 of proposed operation on adjacent residences, especially during night-time
16 sleeping hours (such as 7:00 a.m. to 10:00 p.m.).

17 5) Lighting: The lighting should be appropriate for the size and operation on the
18 site, with lighting shielded to protect adjacent residences across the street.

19 6) Fencing: The fencing may be chain link with a black matte finish or
20 ornamental metal fence up to six (6) feet in height with no barb wire.

21 7) Landscaping: The site shall be well-landscaped. Perimeter street trees of a
22 minimum of 2-1/2 inches and generally 30-35 feet on center, depending on
23 tree type, utilities, curb cuts, etc., shall be provided along all public streets

1 preferably in tree lawns along the curb. Ornamental or shade trees and
2 evergreen accent shrubs shall be provided in lawn areas adjacent to the
3 parking area. Surface parking along public streets shall be buffered by a
4 continuous evergreen hedge at least two and one-half feet high on planting
5 and maintained at three and one-half feet high at maturity. Berms and
6 landscaping shall be positioned between the west loading docks and
7 residences along Marine of adequate height and breath to contain light, noise
8 and view of trucks and the operation of the west loading docks from Marine.

9 8) Signage: All new signs shall be limited as set out in the City Code, and
10 agreements between the LCRA and the Redevelopers per a uniform signage
11 plan for the entire SUD site, with signage limited to those identifying the
12 names and/or business of the person or firm occupying the premises.

13 **H)** New owners or operators of existing Warehouse / Distribution Operation sites in the
14 SUD Area may appeal denials to the City's Board of Adjustment, provided that such
15 appeals are made within 30 days after the permit application is denied. All owner or
16 operators appealing the denial of an occupancy permit to the City's Board of
17 Adjustment, in addition to explaining the practical difficulties or unnecessary
18 hardships in the way of carrying out the strict letter of the zoning code for which a
19 variance of the application of the zoning code is sought, shall also address the manner
20 in which such owner or operator will meet the Standards set forth in Section Five,
21 Paragraph G of this Ordinance and provide a site plan showing the location and size
22 of all buildings and structures, location of existing and proposed vehicular entrances,
23 location of all existing and proposed loading docks, location and number of parking

1 spaces, location and height of fencing, and location and size/height of existing and
2 proposed major landscaping features such as tree cover, berms and groups of shrubs.

3 **D)** The Board of Adjustment's decision to approve a variance based on the Standards
4 listed in Section Six, Paragraph G shall be valid but revocable after a period of one
5 (1) year has elapsed after issuance if during which time the applicant has failed to
6 fully meet all conditions, if any, and implement the approved site plan. The City shall
7 issue the permits only after the work required to implement the approved site plan and
8 conditions related to the issuance of the permit, if any, is complete and such
9 completion is verified by the Zoning Administrator or Zoning Section staff.

10 **SECTION SIX. Prohibited Uses.** A building, structure or premises may be used for any
11 purpose not restricted in Section Five of this Ordinance if it is a purpose otherwise allowed in the
12 respective Zoning District in which it is located except for the following uses, which are hereby
13 prohibited:

14 **A)** Commercial Retail Uses including but not limited to bakery, bars and taverns,
15 beauty supply stores, carry-out restaurants, cell phone shops, convenience stores,
16 clothing stores, drug stores, gift shops, grocery stores, hardware stores, package
17 liquor stores, rent-to-own shops, restaurants, secondhand / junk clothing or retail
18 stores, smoke shops, wholesale stores and similar commercial retail uses;

19 **B)** Commercial Office Uses including but not limited to professional and general
20 offices, but not including offices related to a warehouse (i.e. Warehouse /
21 Distribution Operation) and similar commercial office uses.

- 1 **C) Commercial Service Uses** including but not limited to barber and beauty shops,
2 dry cleaning shops, financial institutions, funeral parlors, nail shops, printing
3 shops, private clubs and lodges; repair shops and similar commercial service uses;
- 4 **D) Vehicle Service Uses** including but not limited to automobile / vehicle service
5 facilities, auto and truck dealers, car washes, equipment / vehicle rental facilities,
6 motor fuel pumping stations and similar vehicle services uses.
- 7 **E) Industrial Uses** including industrial and manufacturing facilities, but not including
8 warehouses (i.e. Warehouse / Distribution Operation).
- 9 **F) Adult book stores, adult motion picture theaters, adult peep shows and massage**
10 establishments;
- 11 **G) Check-cashing and short-term loan establishments;**
- 12 **H) Establishments selling or providing liquor;**
- 13 **I) Blood and plasma donor facilities that pay donors for their blood and plasma;**
- 14 **J) Restaurants that sell products to consumers who are in cars or who consume the**
15 sold product in cars parked on the restaurant premises or sell products through a
16 sales window to customers who are in cars or to pedestrians outside the building
17 for immediate consumption by the customers either on or off the premises;
- 18 **K) Any use that utilizes a sales or service window or facility for customers who are**
19 walking or in vehicles;
- 20 **L) Open storage;**
- 21 **M) Outdoor sales, distribution, displays, or food preparation;**
- 22 **N) Lottery ticket sales;**
- 23 **O) Places of assembly or entertainment;**

1 P) Outdoor pay telephones

2 **SECTION NINE. Nonconforming Uses: Appeals.** Notwithstanding any provisions of the
3 Zoning Code to the contrary:

4 A) All businesses lawfully operating within the District on the effective date of this
5 Ordinance, which such business or use would otherwise be prohibited, shall hereby be
6 considered legal and nonconforming uses;

7 B) But if any such existing business within the District does not have a valid occupancy
8 permit held by the existing owner or operator and a valid business license from the
9 City of St. Louis held by such owner or operator, such business and use must be
10 discontinued within no more than thirty (30) days from the date upon which the City
11 issues notice of such unlawful occupancy or use.

12 C) No new owner or operator of a nonconforming use within the District shall be granted
13 an occupancy permit to continue any such nonconforming use unless such new owner
14 or operator accepts all conditions upon which previous permits and licenses for such
15 operation were based, if any.

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

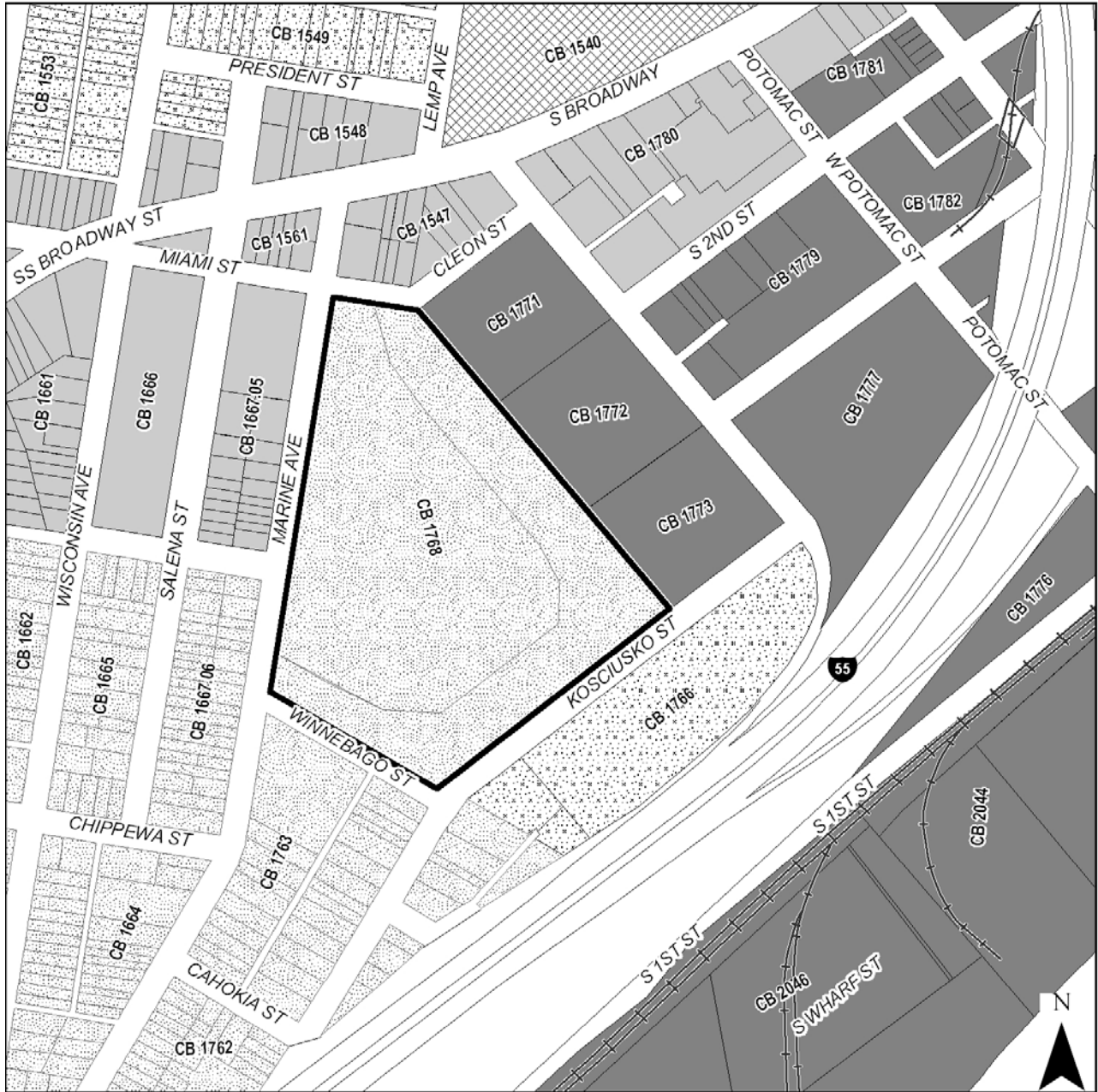
19 E) If an owner or operator of a nonconforming use within the District discontinues its
20 operations for more than one hundred eighty (180) days, any subsequent use in such a
21 building, structure or premises shall conform to the regulations of the District.

22 F) Expanding legal nonconforming uses, or structural alterations to nonconforming
23 buildings or structures, within the District are prohibited; and the City shall deny

1 applications for any such expansion and/or structural alternations that do not comply
2 with District regulations.

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

EXHIBIT 1 Boundaries



Current Zoning District

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

Marine Winnebago Kosciusko Warehouse
Special Use District (SUD)

PDA-121-13-SUD

Rezoning Area
SUD Area



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