

Summary

Board Bill Number 51

Introduced by: Alderman Brandon Bosley

June 4, 2021

Board Bill would establish The Geospatial Protection and Enhancement Special Use District (“GPE-SUD”) for approximately a 958 acre site surrounding and within 2500 feet of the perimeter of the Next NGA West Campus located at the Northeast corner of Jefferson Avenue and Cass Avenue. The Special Use District Overlay zoning district, as permitted in the enabling Ordinance 66941, would prohibit certain uses that would otherwise be allowed in the underlying zoning districts “A” Single-Family Dwelling District, “B” Two-Family Dwelling District, “C” Multiple-Family Dwelling District, “D” Multiple-Family Dwelling District, “E” Multiple-Family Dwelling District, “F” Neighborhood Commercial District, “G” Local Commercial and Office District, “H” Area Commercial District, “J” Industrial District, and “K” Unrestricted District.

The GPE-SUD overlay zoning district would prohibit certain uses that would, if allowed to exist within the proposed GPE-SUD area, impede communications, endanger NGA operations and pose a threat to NGA’s mission.

**BOARD BILL NUMBER 51 INTRODUCED BY: ALDERMAN BRANDON BOSLEY/
ALDERMAN JAMES PAGE**

1 An ordinance pertaining to Special Use Districts; establishing The Geospatial Protection and
2 Enhancement Special Use District (hereinafter the “GPE-SUD”); providing definitions and
3 findings pertaining to said GPE-SUD; further providing use regulations for said GPE-SUD; and
4 containing a severability clause.

5 **WHEREAS**, the Revised Code of the City of St. Louis (“Code”) Chapter 26.73 (Ordinance
6 66941) provides for the establishment of Special Use Districts (hereinafter “SUD”); and

7 **WHEREAS**, the purpose for creation of an SUD as an overlay zoning district for specific
8 zoning districts should be to assist in the implementation of the Strategic Land Use Plan,
9 Redevelopment Plans and/or adopted Neighborhood Plans for a specific geographic area of at least
10 two (2) contiguous acres per a metes and bounds legal description; and

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

14 **WHEREAS**, over the last approximately twenty years there have been several
15 neighborhood planning efforts for the area including, but not limited to, the 2005 Strategic Land
16 Use Plan, the 2002 A Plan for the Neighborhoods of the 5th Ward, the 2001 JeffVanderLou
17 Neighborhood Plan, and the 2020 Design Downtown STL Neighborhood (now pending)
18 (collectively, “Adopted Plans”); and that this specific SUD addresses the National Geospatial-
19 Intelligence Agency’s operational requirements regarding potential security risks from certain
20 activities and development around the site, by supporting the proposed land uses of these legally
21 binding Adopted Plans; and

1 **WHEREAS**, over the last several years there has been a major redevelopment planning
2 effort encompassing the GPE-SUD area geography including, but not limited to, the Cass Ave.,
3 Jefferson Ave./Parnell St., Montgomery St., North 22nd St. Chapter 99 Redevelopment Plan
4 (Ordinance 69977); the Northside Regeneration Tax Increment Financing (TIF) Redevelopment
5 Plan (approved by Ordinance 68484 as amended by Ordinance 69586); the
6 Jefferson/Gamble/Elliott/Mills Redevelopment Plan (Ordinance 71148); and this specific SUD,
7 all supporting the proposed appropriate and compatible redevelopment in these adopted
8 redevelopment plans; and

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

13 **WHEREAS**, in June of 2016, the NGA announced that the new NGA West facility will
14 be developed north of downtown in the St. Louis Place Neighborhood, and which is currently
15 under construction; and

16 **WHEREAS**, the NGA will move from its current site south of downtown, which does not
17 meet the operating requirements of NGA’s defined mission, to its new site north of downtown
18 where the proposed main operations building is surrounded by a 500 feet buffer that is necessary
19 to the NGA’s operating requirements; and

20 **WHEREAS**, the NGA’s mission depends on the speedy and efficient transmission and
21 receipt of electronic communications, the safe and secure processing and analysis of the
22 communications by its workforce, and the dissemination of data, information, imagery, graphics

1 and other products electronically to its partner agencies. The prohibited uses in this Ordinance, if
2 allowed to exist within the proposed GPE-SUD area, would impede communications, endanger
3 NGA operations, pose a threat to NGA’s mission, national security, and the general welfare of the
4 state of Missouri and the City of St. Louis; and

5 **WHEREAS**, the NGA Site has been rezoned to the “H” Area Commercial District and the
6 former Pruitt-Igoe site has been rezoned to the “G” Local Commercial and Office District in
7 keeping with the 2015 Chapter 99 Redevelopment Plan (Ordinance 69977), and in keeping with
8 the Plan and the Adopted Plans; and

9 **WHEREAS**, the use of an SUD is based upon the premise that the existing Zoning
10 designations are often problematic in the City, that zoning designations often need to be modified
11 to conform to the Plan, and that an SUD may be adopted to reflect the specific character within
12 specific Zoning Districts; and

13 **WHEREAS**, this GPE-SUD is being adopted as an overlay district because the existing
14 Zoning designations within the SUD boundary are problematic, to reflect the specific character
15 within specific Zoning Districts within the SUD, and for this GPE-SUD to modify the zoning
16 designations within its boundary, which contain existing land uses with health, safety and/or
17 general welfare problems, for the zoning of the following: “A” Single-Family Dwelling District,
18 “B” Two-Family Dwelling District, “C” Multiple-Family Dwelling District, “D” Multiple-Family
19 Dwelling District, “E” Multiple-Family Dwelling District, “F” Neighborhood Commercial
20 District, “G” Local Commercial and Office District, “H” Area Commercial District and related
21 business oriented zoning districts, “J” Industrial District, and “K” Unrestricted District.

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

1 **SECTION ONE. Purposes.** The GPE-SUD is hereby created as an overlay zoning district within
2 the SUD boundary for the purposes of:

3 (a) responding to well-defined encroachment challenges (see Section Two Definition) that pose
4 potential health, safety and security issues to the NGA, thereby threatening national security
5 and the general welfare of the state of Missouri and the City of St. Louis, both before and
6 after the NGA relocates to this SUD Area in approximately 2024;

7 (b) to reflect the specific character within specific Zoning Districts within the SUD Area; and

8 (c) notwithstanding Section 26.73.010(E) of the Code, to modify the zoning designations within
9 its boundary, which include land uses with health, safety and general welfare issues that are
10 necessary to be addressed in protecting the NGA Site and operational requirements from:

11 i. incompatible hazardous or toxic land uses including but not limited to motor fuel pumping
12 stations, storage or manufacturing of compressed and/or reactive gases;

13 ii. incompatible heights of structures for radio frequency, microwave or other emitting
14 towers;

15 iii. incompatible heights of structures for the transmission or receipt of ongoing or transitory
16 information and signals by or through electronic, radio, satellite or other medium;

17 iv. incompatible heights of buildings and structures ; and

18 v. facilities or improvements financed, sponsored, as may be owned or operated by foreign
19 governments which pose a threat to National Security.

20 **SECTION TWO. Definitions.** All terms used herein in this Ordinance shall have the same
21 meaning as those defined in Title 26 (hereinafter the “Zoning Code”) of the Code, as amended,
22 except for the terms defined as follows:

- 1 A) “Lawfully occupied” shall mean that on the effective date of this Ordinance, or on the
2 effective date of any amendment hereto, an owner or operator of a business within the
3 District held a valid occupancy permit and business license from the City of St. Louis.
- 4 B) “Nonconforming use” means any building, structure or land lawfully occupied and used
5 on the effective date of this Ordinance, or on the effective date of any amendment hereto,
6 which on said effective date would otherwise be in conflict with one or more of the
7 regulations of the GPE-SUD.
- 8 C) “Nonconforming building” means any building which existed lawfully prior to the
9 effective date of this Ordinance, or on the effective date of any amendment hereto, which
10 on said effective date would otherwise be in conflict with one or more of the regulations
11 of the GPE-SUD.
- 12 D) “Nonconforming structure” means any structure which existed lawfully prior to the
13 effective date of this Ordinance, or on the effective date of any amendment hereto, which
14 on said effective date would otherwise be in conflict with one or more of the regulations
15 of the GPE-SUD.
- 16 E) Coordinating with Air Force Policy Directive 90-20 which applies to the NGA,
17 “Encroachment” means any deliberate action by any governmental or non- governmental
18 entity or individual that does, or is likely to inhibit, curtail, or impede current or future
19 military activities within the installation complex and/or mission footprint. The NGA in
20 St. Louis is an Air Force facility.

1 **F)** “Welding Activity” means a joining process in which metals, and sometimes plastics, are
2 heated, melted and mixed, often with a filler material, to produce a joint of properties
3 similar to those of the material being joined.

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

5 **A)** The SUD established in this Ordinance will assist in the implementation of the Strategic
6 Land Use Plan, Redevelopment Plans and/or an adopted Neighborhood Plan for a specific
7 geographic area of at least two (2) contiguous acres per metes and bounds legal description
8 as provided in Section Five, and depicted on **Exhibit 1**, attached hereto and incorporated
9 herein by this reference (the “Boundaries”); and

10 **B)** The SUD established in this Ordinance furthers the Strategic Land Use Plan’s intention to
11 improve the quality of life for those who work and live in St. Louis by encouraging
12 appropriate types of development and preservation within the boundaries of the SUD; and

13 **C)** The SUD established in this Ordinance, as an overlay zoning district for the specific Zoning
14 Districts currently included within the Boundaries of the SUD, will assist in the
15 implementation of compatible and appropriate types of development and preservation per
16 the following plans, as may be updated from time to time: the 2002 Plan for the
17 Neighborhoods of the 5th Ward, which includes the development of the NGA Site, the
18 2001 JeffVanderLou Neighborhood Plan, the 2020 Design Downtown STL Neighborhood
19 Plan, the 2015 Cass Ave., Jefferson Ave./Parnell St., Montgomery St., North 22nd St.
20 Chapter 99 Redevelopment Plan and the 2009 & 2013 Northside Regeneration Tax
21 Increment Financing (TIF) Redevelopment Plan; and

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

7 **E)** The United States of America, acting by and through the Secretary of the Air Force,
8 contracted with the LCRA Holdings Corporation (“LCRAH”) to transfer the new NGA
9 West facility site in the St. Louis Place Neighborhood, which said transfer included an
10 obligation by LCRAH and Land Clearance for Redevelopment Authority of the City of St.
11 Louis (“LCRA”) to cooperate in the establishment by the City of restrictions to limit any
12 development, use or activity in the area around that may be incompatible with its intended
13 use of the site, NGA’s mission, or which may pose a threat to National Security, the
14 security of the property and/or the activities to be conducted thereupon, and, thereafter, to
15 cooperate to protect same; and

16 **F)** Department of Defense Instruction 4715.24 (The Readiness and Environmental Protection
17 Integration Program and Encroachment Management), Air Force Policy Directive 90-20
18 (Mission Sustainment), and Air Force Instruction 90-2001, all of which apply to the NGA
19 and the new NGA West facility, encourage partnerships and strategies to maximize the
20 United States Department of Defense’s flexibility to accomplish the readiness mission by
21 preventing, mitigating, or eliminating the impacts of encroachment on research,
22 development, testing, and evaluation, training, and operations, and in keeping with those

1 principles the NGA has reviewed existing City regulations and indicated that additional
2 restrictions on hazardous uses, structure height restrictions and restrictions on
3 electromagnetic emissions, as well as limitations on motor fuel pumping stations, are
4 necessary and will preserve and further NGA’s mission capabilities.

5 **G)** Specific examples of development, use or activity that may be incompatible with NGA’s
6 mission include but are not limited to “incompatible land use including hazardous uses,
7 incompatible heights of structures, radio frequency, microwave, or other emitting towers
8 and facilities, improvements, or structures; facilities, improvements and structures for the
9 transmission or receipt of information and signals by or through electronic, radio, satellite
10 or other medium; facilities or improvements financed, sponsored, owned, or operated (in
11 whole or in part) by governments adverse to the United States Government or which pose
12 a threat to National Security;” and

13 **H)** The SUD established in this Ordinance builds upon the operational requirements of the
14 NGA’s currently defined mission for a 2,500 feet buffer surrounding the NGA Site by
15 addressing the NGA’s encroachment challenges with protection of the NGA Site from
16 hazardous or toxic uses and/or electro-magnetic and radiated frequency emissions from
17 within the SUD Boundaries via SUD Use Regulations in Section Six and SUD Height
18 Regulations in Section Seven; and-

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

1 i. The NGA’s mission depends on the speedy and efficient transmission and receipt of
2 electronic communications, the safe and secure processing and analysis of the
3 communications by its workforce, and the dissemination of data, information, imagery,
4 graphics and other products electronically to its partner agencies. The prohibited uses
5 in this legislation, if allowed in the District, would impede communications or endanger
6 NGA operations and pose threats to the NGA’s mission, national security and the
7 general welfare of the state of Missouri and the City of St. Louis; and

8 ii. Notwithstanding Section 26.73.010(E) of the Code, foreseeable land use problems exist
9 pertaining to national security are addressed by this Ordinance, though present uses do
10 not currently pose such threats; and

11 iii. The City adopted the 2018 International Fire Code (with certain amendments) by
12 approving Ordinance 70796 in 2018, requiring an operational permit for motor fuel
13 dispensing facilities and identifying flammable and combustible liquids as hazardous
14 materials. In addition to gasoline being a hazardous substance, motor fuel pumping
15 stations pose a public safety issue. The National Fire Protection Association reported
16 that an estimated 5,020 fires and explosions occurred at motor fuel pumping stations per
17 year from 2004 to 2008. Thus, the presence of motor fuel pumping stations in the District
18 pose a threat to the vital national security operations of the NGA; and

19 **J)** It is necessary, desirable and in the best interest of the residents, workers, businesses and
20 visitors to the City of St. Louis, and the general welfare of the state of Missouri and the
21 City of St. Louis to establish the SUD created by this Ordinance.

1 **SECTION FOUR. SUD Established and Named.** There is hereby established The Geospatial
2 Protection and Enhancement Special Use District (herein “GPE-SUD”).

3 **SECTION FIVE. SUD Boundaries.** The Boundaries creating an SUD of approximately 958
4 acres more or less, excluding the NGA Site internal area, subsequently hereunder, depicted on
5 **Exhibit 1**, the GPE-SUD is hereby described below by a metes and bounds description of an
6 overall area:

7 Beginning at the intersection of the centerlines of Natural Bridge Avenue and N. Garrison
8 Avenue; and proceeding along the following centerlines and city parcel boundary lines, and their
9 prolongations, in a generally clockwise direction eastward on Natural Bridge approximately 1,698
10 feet to its intersection with Salisbury Street; thence eastward on Salisbury approximately 1,422
11 feet to its intersection with N. Florissant Avenue; thence southward on N. Florissant approximately
12 674 feet to its intersection with Destrehan Street; thence eastward on Destrehan approximately 343
13 feet to its intersection with N. 21st Street; thence southward on N. 21st approximately 331 feet to
14 its intersection with Branch Street; thence eastward on Branch approximately 1,326 feet to its
15 intersection with Blair Avenue; thence southward on Blair approximately 356 feet to its
16 intersection 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 intersection with
18 N. Market Street; thence westward on N. Market approximately 704 feet to its intersection with
19 N. Florissant Avenue; thence southward on N. Florissant approximately 993 feet to its intersection
20 with Madison Street; thence westward on Madison approximately 352 feet to its intersection with
21 the prolongation of the western boundary of City Parcel Number 0619-06-0025, commonly known
22 as 2001-2013 N. Florissant Avenue; thence southward along the western boundary and its

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

1 The “NGA Site”, as federally-owned real property, is not subject to the provisions of this
2 Ordinance and is excluded from the “Boundaries”, depicted on **Exhibit 1**, and is described as
3 follows:

4 Beginning at the intersection of the west right of way line of 22nd Avenue, 60 feet wide, with the
5 north right of way line of Cass Avenue, 80 feet wide, being the southeast corner of City Block
6 2314; thence along said north right of way line, north 75 degrees 11 minutes 06 seconds west,
7 1,386.11 feet to the east right of way line of Jefferson Avenue, variable width, as established by
8 Ordinance No. 48152; thence along said east right of way line of Jefferson Avenue and the east
9 right of way line of Parnell Street, 100 feet wide as established by Ordinance No. 48740, the
10 following courses and distances: north 05 degrees 18 minutes 34 seconds west, 159.76 feet; north
11 00 degrees 21 minutes 03 seconds west, 980.39 feet, along a curve to the right having an arc length
12 of 289.06 feet, a radius of 550 feet, and a chord bearing north 14 degrees 42 minutes 19 seconds
13 east, 285.74 feet; north 29 degrees 45 minutes 41 seconds east, 198.76; along a curve to the left
14 having an arc length of 192.69 feet, a radius of 750.00 feet: and a chord bearing north 22 degrees
15 24 minutes 05 seconds east; 192.16 feet; and north 15 degrees 02 minutes 28 seconds, 884.69 feet
16 to the south right of way line of an east west alley, 20 feet wide, in City Block 1078; thence along
17 said south right of way line and the south right of way line of an east west alley, 20 feet wide, of
18 City Blocks 1085 and 1092, south 75 degrees 06 minutes 32 seconds east, 1,620.48 feet to the west
19 right of way line of 22nd Street, as aforementioned; thence along said west right of way line, south
20 14 degrees 52 minutes 08 seconds west, 2,647.04 feet to the point of beginning. The above-
21 described tract containing 97.618 acres is based on an actual boundary survey executed by Cole &
22 Associates, Inc. during the month of August, 2015, subject to all easements, restrictions,
23 reservations and conditions of record, if any.

1 **SECTION SIX. SUD Use Regulations.** A building, structure or premises within the GPE-SUD
2 may be used for any purpose otherwise allowed in the respective Zoning District in which it is
3 located except for the following uses, which, unless permitted by state or federal law, are hereby
4 prohibited:

5 A) Motor Fuel Pumping Station;

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

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

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

12 E) Facilities, improvements or structures financed, sponsored, owned or operated in whole or
13 in part by foreign governments which pose a threat to National Security on the NGA Site;

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

1 **G)** Light industrial and manufacturing uses involving welding activities during industrial,
2 manufacturing or fabrication processes including but not limited to automobile and
3 machinery manufacturing, fabrication of metal products and electrical equipment, and
4 metal service centers (this prohibition shall not be construed to prohibit welding activities
5 involving metal sculptural art, the maintenance of industrial machinery, and the
6 construction or expansion of buildings);

7 **H)** Power substations, and facilities for the production and/or transmission of electrical power
8 in commercial quantities of at least 1 megawatt (this prohibition shall not be construed to
9 prohibit power substations that exclusively provide power to on site industrial,
10 manufacturing or commercial uses);

11 **I)** Electro-magnetic Spectrum and Signals Uses and Activities, including the activities and
12 uses listed below, that are not in full compliance with the Federal Communications
13 Commission (FCC)'s 47 CFR Part 15 and/or Part 18 requirements for Radio Frequency
14 Devices and Industrial, Scientific, and Medical Equipment, as applicable. Users conducting
15 47 CFR part 15 and/or part 18 compliant uses and activities must self-certify in writing that
16 such uses and activities are in full compliance. Such certification notwithstanding, uses
17 and activities under this subsection may be subject to FCC inspection and review as
18 authorized or required by FCC regulation.

19 **i** Facilities, improvements or structures for the transmission or receipt of information
20 and signals by or through electronic, radio, satellite or other medium;

21 **ii** electro-magnetic spectrum encroaching uses that negatively impact the NGA mission
22 involving either 1) the use of the electro-magnetic spectrum, whether in-band or near
23 band, licensed or unlicensed, shared or exclusive; 2) in-band or near band noise of

1 sufficient intensity and duration; 3) the authorized removal or reallocation of previously
2 exclusive or shared mission critical bandwidth; or 4) the siting of structures that
3 physically or electronically block or impede the line-of-sight necessary to successfully
4 transmit or receive data.

5 **SECTION SEVEN: Height Regulations.** Section 26.73.030 of the Code permits the regulation
6 of the maximum size or height of buildings through a SUD. The height of any building or other
7 structure within the GPE-SUD, not covered in Section Six of this Ordinance, and notwithstanding
8 Section 26.73.010(E), shall not exceed 85 feet, regardless of the underlying zoning district. It
9 shall be unlawful to increase the height of an existing building or other structure unless it complies
10 with these height regulations of Section Six and Seven of this Ordinance.

11 **SECTION EIGHT: Nonconforming Uses; Applications, Appeals.** Notwithstanding any
12 provisions of the Zoning Code to the contrary:

13 A) All uses identified in Section six of this Ordinance as prohibited, which are lawfully
14 operating within the District on the effective date of this Ordinance, whether such business
15 or use would have otherwise been prohibited or subject a conditional use permit, shall
16 hereby be considered legal and nonconforming uses.

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

- 1 C) No new owner or operator of a nonconforming use within the District shall be granted an
2 occupancy permit to continue any such nonconforming use unless such new owner or
3 operator accepts all conditions upon which previous permits and licenses for such operation
4 were based, if any.
- 5 D) If a new owner or operator of a nonconforming use within the District applies for an
6 occupancy permit more than thirty (30) days after the transfer of ownership, such
7 application shall be denied.
- 8 E) If an owner or operator of a nonconforming use within the District discontinues its
9 operations for more than thirty (30) days, any subsequent use in such a building, structure
10 or premises shall conform to the regulations of the District. Notwithstanding the
11 foregoing, in the event the discontinuance is due to fire, explosion or other disaster the
12 provisions of Section 26.16.070 of the Zoning Code shall apply.
- 13 F) Expanding legal nonconforming uses, or structural alterations to nonconforming buildings
14 or structures, within the District are prohibited; and the City shall deny applications for any
15 such expansion and/or structural alternations that do not comply with District regulations.
- 16 G) The Zoning Administrator shall administer applications under this Ordinance in
17 compliance with Chapter 26 of the Code; and, in addition, shall establish the administrative
18 process so as to allow the cooperative feedback and the necessary written, notarized
19 comment by LCRA as required pursuant to Section 3(E) above. In preparing their
20 comments, LCRA may consult with specialists with technical knowledge relating to the
21 uses prohibited herein, including the NGA and other agencies of the United States
22 government.

1 **H)** Owners or prospective owners may appeal permit denials to the City’s Board of
2 Adjustment pursuant to the provisions of Chapter 26.84 of the Zoning Code, provided that
3 any such appeals are made within thirty (30) days after a permit is denied.

4 **SECTION NINE: Severability Clause.** It is hereby declared to be the intention of the Board of
5 Aldermen that each and every part, section and subsection of this Ordinance shall be separate and
6 severable from each and every other part, section and subsection hereof and that the Board of
7 Aldermen intends to adopt each said part, section and subsection separately and independently of
8 any other part, section and subsection. In the event that any part, section or subsection of this
9 Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining
10 parts, sections and subsections shall be and remain in full force and effect, unless the court making
11 such finding shall determine that the valid portions standing alone are incomplete and are incapable
12 of being executed in accord with the legislative intent.

Board Bill Number 51
Exhibit 1

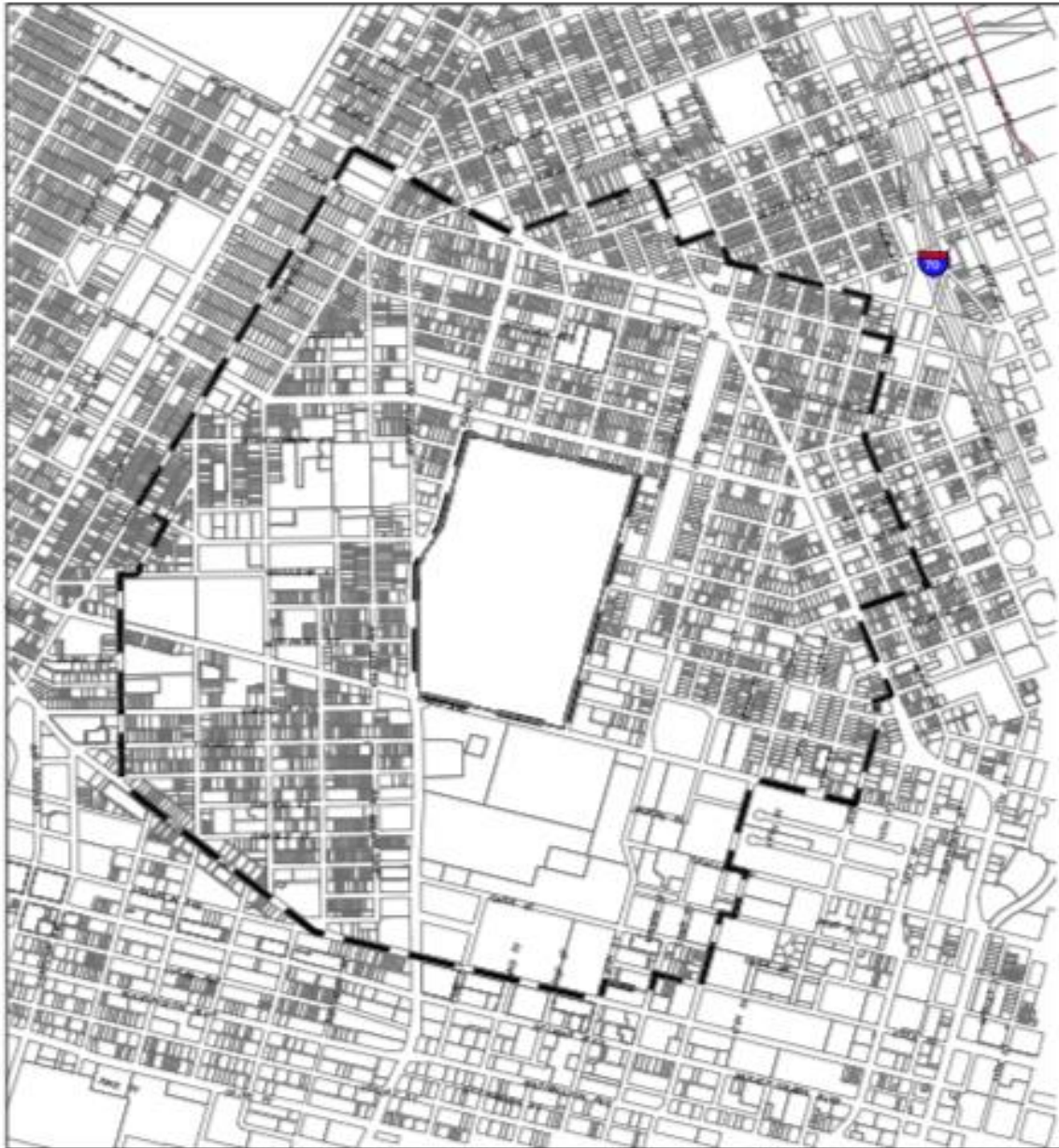


EXHIBIT 1
[] Geospatial Protection and Enhancement SUD



Board Bill Number 51
Exhibit 2

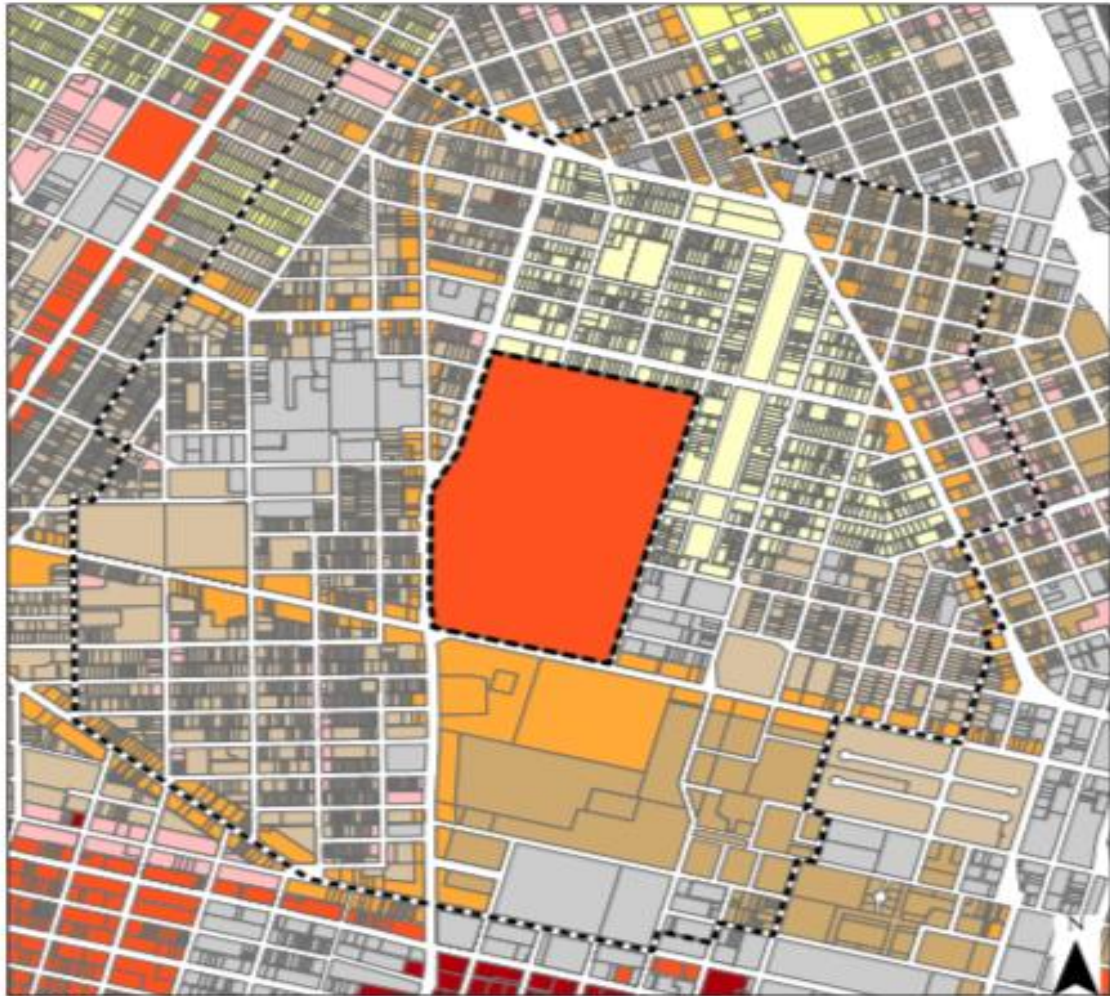


EXHIBIT 2

01/17/2020

--- Geospatial Protection and Enhancement SUD

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 |



BOARD BILL NUMBER 51

FISCAL NOTE

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Bill Sponsor Alderman Brandon Bosley/Alderman James Page

Bill Synopsis:	Board Bill would establish The Geospatial Protection and Enhancement Special Use District ("GPE-SUD") for approximately a 958 acre site surrounding and within 2500 feet of the perimeter of the Next NGA West Campus located at the Northeast corner of Jefferson Avenue and Cass Avenue. The GPE-SUD overlay zoning district would prohibit certain uses that would, if allowed to exist within the proposed GPE-SUD area, impede communications, endanger NGA operations and pose a threat to NGA's mission.
Type of Impact:	Zoning Change that will not impact cost to the City.
Agencies Affected:	Zoning Section.

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? Yes No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? Yes No.
- A commitment of city funding in the future under certain specified conditions? Yes No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget? Yes No.

- An execution or initiation of an activity as a result of federal or state mandates or requirements? _____ Yes _____ X No.
- A capital improvement project that increases operating costs over the current adopted city budget? _____ Yes _____ X No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? _____ Yes _____ X No.

If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.

SECTION B

- Does the bill require the construction of any new physical facilities? _____ Yes _____ X No.
 - If yes, describe the facilities and provide the estimated cost:

- Is the bill estimated to have a direct fiscal impact on any city department or office? _____ Yes _____ X No.
 - If yes, explain the impact and the estimated cost:

- Does the bill create a program or administrative subdivision? _____ Yes _____ X No.
 - If yes, then is there a similar existing program or administrative subdivision? _____ Yes _____ No.
 - If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:
 _____ Not applicable _____

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	\$0	\$0	\$0
Additional Revenue	\$0	\$0	\$0
Net	\$0	\$0	\$0
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	n/a	n/a	n/a
Additional Revenue	n/a	n/a	n/a
Net	n/a	n/a	n/a

- Describe any assumptions used in preparing this fiscal note:
 _____ One time programming changes to be completed by the City’s IT Department _____

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:
 _____ Frank Oswald, Building Commissioner _____

- Have the financial estimates of this bill been verified by the City Budget Division?
 _____X___ Yes _____ No.

- If yes, by whom? _____ Paul Payne _____