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

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

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

6           **SECTION ONE. Definitions.**

- 7           **A)** Except for terms defined below in this section, all terms used herein in this Ordinance  
8 shall have the same meaning as those defined in Title 26 (hereinafter the “Zoning  
9 Code”) of the Revised Code of the City of St. Louis, 1994, Annotated (hereinafter the  
10 “Revised Code”).
- 11           **B)** “Lawfully occupied” shall mean that on the effective date of this Ordinance, or on the  
12 effective date of any amendment to this Ordinance, a business owner or operator of a  
13 business within the District held a valid occupancy permit and a valid business license  
14 from the City of St. Louis.
- 15           **C)** “Nonconforming use” means any building, structure or land lawfully occupied with a  
16 use on the effective date of this Ordinance, or on the effective date of any amendment  
17 to this Ordinance, which on said effective date would otherwise be in conflict with  
18 one or more of the regulations of The Marine Winnebago Kosciusko Warehouse Area  
19 Special Use District.
- 20           **D)** “Nonconforming building” means any building which existed lawfully prior to the  
21 effective date of this Ordinance, or on the effective date of any amendment to this  
22 Ordinance, which on said effective date would otherwise be in conflict with one or  
23 more of the regulations of The Marine Winnebago Kosciusko Warehouse Area  
24 Special Use District.

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

6 F) "Standards" means a set of regulations or site requirements used as a basis for  
7 judgment or measurement in reviewing reports and site plans prepared to explain a  
8 proposed use or operation.

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

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

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

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

- 24 a. The SUD site has problems with poor truck access routes from I-55 and  
25 with the building's limited loading dock facilities.

- b. A truck route from I-55 via Broadway, President, Cleon / Miami and a new entrance drive to west loading docks may solves site access problems, but the improvements could negatively impact residences on Marine with visual, light and noise problems.
- c. East loading docks facing Kosciusko are safety, noise, light and visual problems for adjacent residences.
- d. Banning truck traffic from adjacent narrow residential streets (Marine, Winnebago & Kosciusko) could prevent safety, noise and visual problems.
- e. Dock related noise problems during over-night sleeping hours should be addressed by setting hours-of-operation that 1) close loading docks located less than 100 feet from a residential street right-of-way and 2) limit use of loading docks located between 100 and 200 feet from a residential street right-of-way.

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

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

**SECTION FOUR. SUD Boundaries.** The Boundaries (hereinafter, the "Boundaries," or "SUD Boundaries") of The Marine Winnebago Kosciusko Warehouse Area Special Use District are hereby described below by a metes and bounds description of an overall area creating a SUD of approximately 13.1 acres more or less, and depicted in Exhibit 1 attached hereto, hereby made a part of this Ordinance by this reference:

Beginning at the intersection of the centerlines of Marine Avenue and Winnebago Street; and proceeding along the following centerlines and city parcel boundary lines, and their prolongations, in a general clockwise direction northward along Marine to its intersection with Miami Avenue; thence eastward along Miami to its intersection with the eastern

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1 boundary of City Parcel Number 1768-00-0020, commonly known as 111 Winnebago;  
2 thence southeast along said boundary (parallel to President Street) to its intersection with  
3 Kosciusko Street; thence southwest along Kosciusko to its intersection with Winnebago  
4 Street; thence westward along Winnebago to the point of beginning.

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

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

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

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

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

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

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

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

11 1) Driveway Access to Loading Areas: Only a truck route using President, Cleon  
12 / Miami and a new driveway shall be used by trucks accessing west loading  
13 docks. Any driveway from Marine to the west loading docks shall be  
14 removed. Trucks shall only use President and Kosciusko to access east  
15 loading docks. Also, trucks should be discouraged from using Marine,  
16 Winnebago and the residential part of Kosciusko south of the SUD.

17 2) Driveway Access to Parking Areas: Vehicular access to car parking areas  
18 shall be separate from vehicular access to loading areas. Vehicular access to a  
19 car parking lot shall be limited to Winnebago and the southern portion of  
20 Marine. The existing northern Marine driveway and the drive between the  
21 west loading docks and the car parking lot shall be removed.

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

25 4) Hours of Operation: The hours of operation for specific facilities such as  
26 loading docks may be limited based on existing and /or anticipated problems

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1 of proposed operation on adjacent residences, especially during night-time  
2 sleeping hours (such as 7:00 a.m. to 10:00 p.m.).

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

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

7 7) Landscaping: The site shall be well-landscaped. Perimeter street trees of a  
8 minimum of 2-1/2 inches and generally 30-35 feet on center, depending on  
9 tree type, utilities, curb cuts, etc., shall be provided along all public streets  
10 preferably in tree lawns along the curb. Ornamental or shade trees and  
11 evergreen accent shrubs shall be provided in lawn areas adjacent to the  
12 parking area. Surface parking along public streets shall be buffered by a  
13 continuous evergreen hedge at least two and one-half feet high on planting and  
14 maintained at three and one-half feet high at maturity. Berms and landscaping  
15 shall be positioned between the west loading docks and residences along  
16 Marine of adequate height and breath to contain light, noise and view of trucks  
17 and the operation of the west loading docks from Marine.

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

22 **H)** New owners or operators of existing Warehouse / Distribution Operation sites in the  
23 SUD Area may appeal denials to the City's Board of Adjustment, provided that such  
24 appeals are made within 30 days after the permit application is denied. All owner or  
25 operators appealing the denial of an occupancy permit to the City's Board of  
26 Adjustment, in addition to explaining the practical difficulties or unnecessary

1 hardships in the way of carrying out the strict letter of the zoning code for which a  
2 variance of the application of the zoning code is sought, shall also address the manner  
3 in which such owner or operator will meet the Standards set forth in Section Five,  
4 Paragraph G of this Ordinance and provide a site plan showing the location and size  
5 of all buildings and structures, location of existing and proposed vehicular entrances,  
6 location of all existing and proposed loading docks, location and number of parking  
7 spaces, location and height of fencing, and location and size/height of existing and  
8 proposed major landscaping features such as tree cover, berms and groups of shrubs.

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

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

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

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

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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.

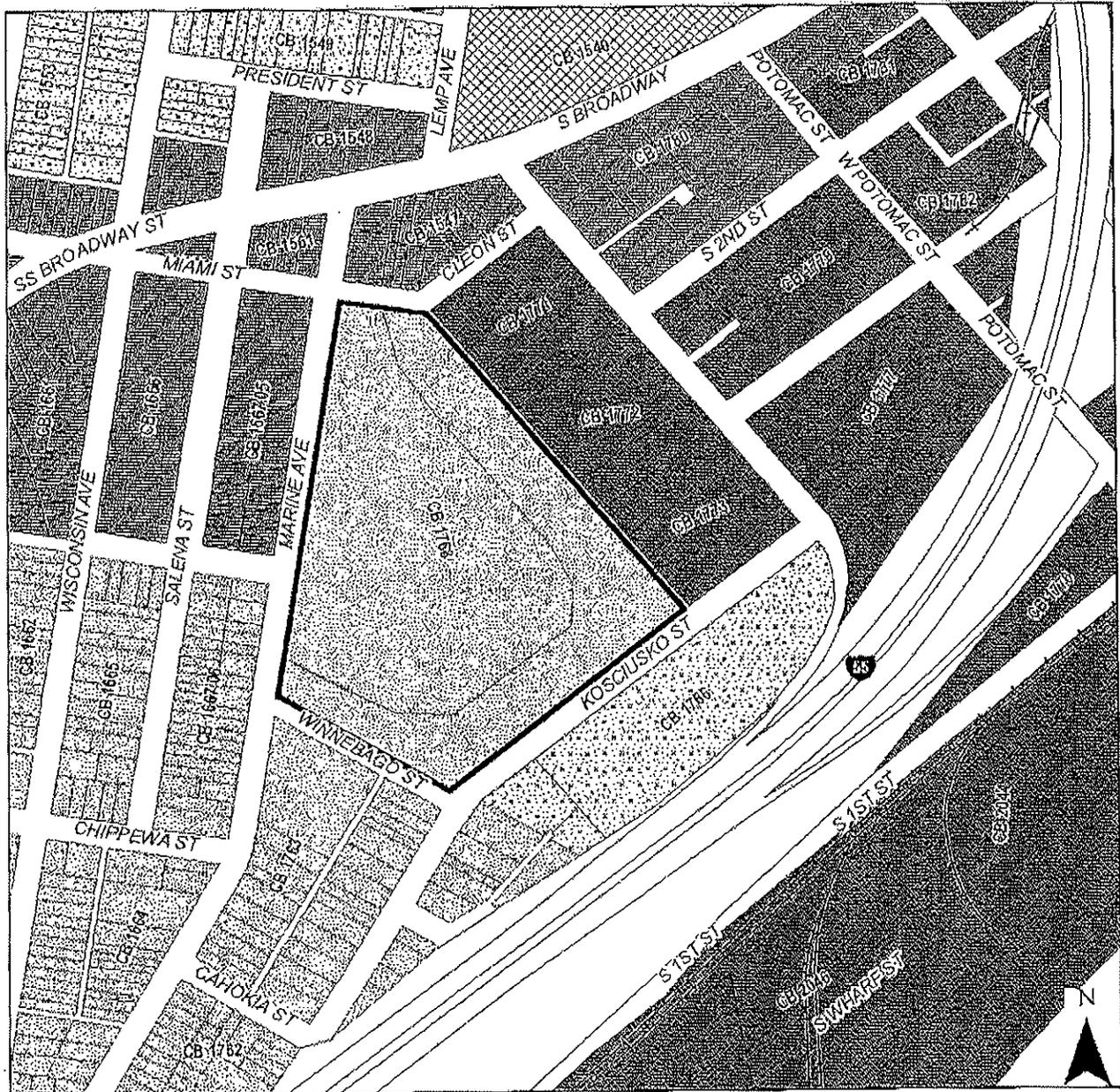
16 D) If a new owner or operator of a nonconforming use within the District applies for an  
17 occupancy permit more than thirty (30) days after the transfer of ownership, such  
18 application shall be denied.

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

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

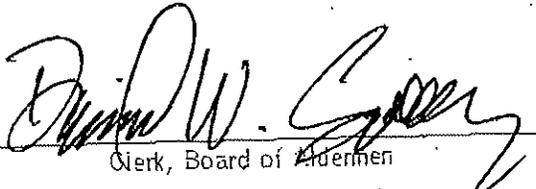
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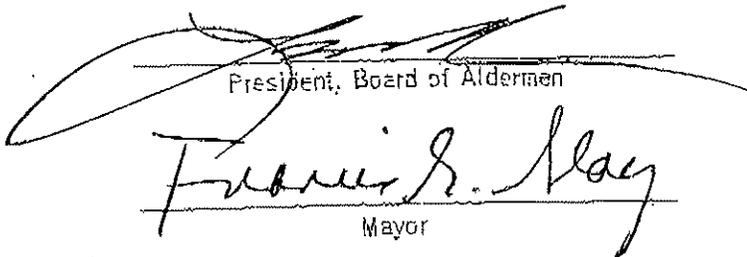
Rezoning Area

SUD Area

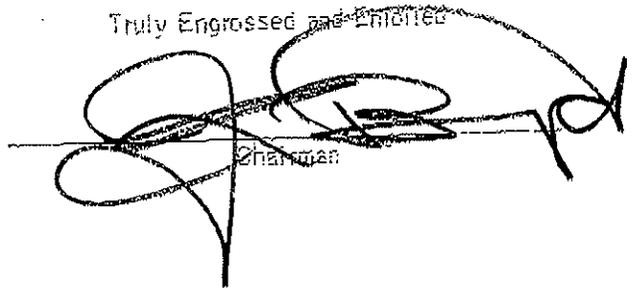


CITY OF ST. LOUIS  
PLANNING & URBAN  
DESIGN AGENCY  
FRANCIS DE BLAS, Mayor

  
Clerk, Board of Aldermen

  
President, Board of Aldermen  
Mayor

Approved  Date 12/30/13  
Disapproved

Truly Engrossed and Entitled  
  
Chairman

#234