ORDINANCE #66941
Board Bill No. 251

An ordinance pertaining to Special Use Districts, providing for the establishment qualifications and procedures for Special Use Districts, and containing an emergency clause.

WHEREAS, the Strategic Land Use Plan was adopted by the City of St. Louis Planning Commission on January 5, 2005 (the "Plan") as a roadmap for future activities which will occur over a long period at the initiative of city businesses and neighborhood residents and in response to interest from developers; and

WHEREAS, the Plan is intended to improve the quality of life for those who work and live in St. Louis by encouraging appropriate types of development and preservation in clearly defined locations; and

WHEREAS, the Plan is intended to be the basis for additional planning and development initiatives including commercial development plans and neighborhood level plans as well as tailored rezonings; and

WHEREAS, existing Zoning designations are often problematic in the City, it is anticipated that these adopted zoning designations will be modified to conform to the Plan and that a specific Special Use District ("SUD") may be adopted to reflect the specific character within specific Commercial Zoning Districts ("F" Neighborhood Commercial District, "G" Local Commercial & Office District, and "H" Area Commercial District) and related business oriented Zoning Districts ("J" Industrial District and "K" Unrestricted District).

NOW THEREFOR BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Prohibit New or Expanded Use within SUD Boundaries

(A) The purpose for creation of a SUD as an overlay zoning district for a specific Zoning Districts area should be to assist in the implementation of the 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 bound legal description.

(B) The purpose for creation of a 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. A specific SUD ordinance shall state the problems addressed by any use being prohibited or limited within the SUD area.

(C) A specific SUD ordinance may reduce the time period for discontinuing non-conforming uses within the specific SUD area from the existing one (1) year to a shorter time period not less than thirty (30) days.

(D) A specific SUD ordinance may prohibit the creation of uses or the expansion of existing uses that are permitted or conditional uses under existing Commercial Zoning Districts ("F" Neighborhood Commercial District, "G" Local Commercial and Office District and "H" Area Commercial District) and related business oriented Zoning Districts ("J" Industrial District and "K" Unrestricted District).

(E) The Residential Dwelling Districts ("A" Single-Family, "B" Two-Family, "C" Multiple-Family, "D" Multiple-Family, "E" Multiple-Family) may be included in a specific SUD ordinance only if the Residential Dwelling District has an existing problem land use addressed in the specific SUD ordinance.

SECTION TWO. Allowance of New or Expanded Use within SUD Boundaries as Conditional Use

(A) A specific SUD may promote flexibility and fairness under a new SUD ordinance by making it possible to allow new or expanded uses within the SUD subject to the Conditional Use provisions of Section 26.80.010 of the Zoning Ordinance of the City of St. Louis. In a SUD area a specific SUD ordinance may require that a use that is presently zoned as a permitted use, a conditional use or a prohibited use be subject to the Conditional Use process in Section 26.80.010.

(B) A specific SUD ordinance may further regulate a permitted use with additional restrictions because it has been or may in the future be expected to be the cause of the emergence of well defined problems, and thus require that use become a conditional use subject to the provisions of Section 26.80.010.

(C) A specific SUD ordinance may allow an existing conditional use to remain as a conditional use, but may subject that use to a specific list of limitations and subject that use to the provisions of Section 26.80.010, to address the well defined problems with that type of use which the City has documented.

(D) Given the goal of promoting flexibility and fairness in Commercial Districts, a specific SUD ordinance may make it possible to treat a prohibited use less restrictively than previously because through the conditional use process contained in Section 26.80.010 a specific SUD ordinance may substantially reduce, avoid or mitigate potential damage to adjacent property.

SECTION THREE. Types of Items that May be Included in Specific SUD Ordinance

(A) A specific SUD may deal with a range of criteria including: 1) maximum size or height of building; 2) number of parking spaces for employees, customers and/or visitors; 3) signage; 4) carryout windows; 5) landscaping buffers and fences; 6) percentage of lot landscaping; 7) refuse enclosures and dumpsters; 8) vehicular and pedestrian access; 9) outdoor lighting; 10) hours of operation; 11) prior record of business owner, operator and employees involving identified problem land uses; 12) time limits for accomplishment of the conditions; and/or; 13) specific criteria that address unique aspects of the identified problem land uses and the identified geographic area in a specific SUD ordinance.

(B) Conditional use review procedures used in a specific SUD ordinance will include a forty-five (45) day review period by the staff of the Zoning Administrator and a fifteen (15) day pubic notice period before the required Conditional Use Hearing. If a Conditional Use Permit is issued, it shall be valid for one (1) year after issuance, but can be declared null and void by the Zoning Administrator if the work to be done to establish the conditional use is not completed and an occupancy permit from the City is not issued within one (1) year after the written approval of the conditional use.

(C) Under the Conditional Use Standards of Section 26.80.010 of the Zoning Ordinance of the City of St. Louis the approval of the proposed use: 1) can not be detrimental to the public; 2) can not cause injury to neighbor's property or reduce value; 3) should enhance the general welfare; 4) should be a compliment or compatible use; and 5) the Zoning Administrator, Board of Public Service and the Board of Adjustment may add and require additional conditions and restrictions from time to time.

(D) In developing conditions for the uses under a specific SUD ordinance or the conditions to be imposed on a specific use, the following criteria shall also be considered regarding the approval and/or conditions for the operation of the proposed use: 1) existing and proposed site topography; 2) existing and proposed land use on the SUD site and/or up to one thousand (1,000) feet from the SUD site; 3) density of commercial activity on and near the proposed site; 4) location of the site relative to major thoroughfares or public transit routes; 5) availability of public parks, playgrounds, open space and schools near the proposed site; 6) the impact of the proposed use on existing buildings, structures or other facilities with architectural, historical or cultural significance on the SUD site and/or up to one thousand (1,000) feet from the SUD site; as well as 7) existing landscaping including trees over six (6) inch caliper, formal garden(s), fountains, statues and/or sculptures on the SUD site.

SECTION FOUR. Emergency clause. This being an Ordinance for the immediate preservation of public peace, health and safety, it is hereby declared to be an immediate measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: December 21, 2005