

1    **BOARD BILL NO. 343**                    **INTRODUCED BY ALDERMAN JOSPEH D. RODDY**

2    An ordinance pertaining to Special Use Districts; establishing The Grove Commercial Area  
3    Special Use District (hereinafter the “District”); providing definitions and findings pertaining to  
4    said District; further providing use and conditional use regulations for said District; and  
5    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, Commercial District Redevelopment Plan(s) and/or an adopted Neighborhood Plan for a  
11   specific geographic area of at least two (2) contiguous acres per a metes and bound legal  
12   description; and

13           **WHEREAS**, over the last twenty years there have been several Forest Park Southeast  
14   neighborhood planning efforts including, but not limited to, the Forest Park Southeast Housing  
15   Corporation’s Main Street Program, the 1999 Forest Park Southeast Revitalization Plan prepared  
16   by Urban Design Associates, the 2005 Strategic Land Use Plan, the 2005 Forest Park Southeast  
17   Manchester Road Asset Inventory, and the June 2006 Forest Park Southeast Manchester Avenue  
18   Reurbanism Corridor Plan Design Guidelines; and this specific SUD is not in conflict with any  
19   such plans; and

20           **WHEREAS**, the purpose for creation of an SUD as an overlay zoning district for a  
21   specific Zoning Districts area should also respond to well-defined health, safety, moral and/or  
22   general welfare problems, and shall state the problems addressed by any use being prohibited or  
23   limited within the SUD area; and

1           **WHEREAS**, this specific SUD is being adopted as an overlay district to reflect the  
2 character within the commercial zoning of The Grove (“F” Neighborhood Commercial District  
3 and “G” Local Commercial and Office District), and the related business oriented zoning  
4 districts (“J” Industrial and “K” Unrestricted) as well as certain adjoining residential zoning  
5 districts within the Forest Park Southeast Neighborhood which contain existing land uses with  
6 health, safety 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 Grove Commercial Area Special Use District.

21           **D)** “Nonconforming building” means any building which existed lawfully prior to the  
22 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 Grove Commercial Area Special Use District.

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

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

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

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

- 16 a. Difficulty in attracting new businesses to, and retaining existing  
17 businesses in, the SUD due to too many vacant, boarded and/or  
18 underutilized commercial and mixed use buildings within the SUD;
- 19 b. Difficulty in attracting new businesses to, and retaining existing  
20 businesses in, the SUD due to uncertainty about the establishment of  
21 conforming, but potentially undesirable and incompatible, uses, which  
22 may occupy vacant and existing commercial and mixed use buildings  
23 within the SUD;

- c. Difficulty in attracting new businesses to, and retaining existing businesses in, the SUD due to unattractive appearance of some existing uses within the SUD; and
- d. Difficulty in attracting new and existing residential uses within and in the vicinity of the SUD where commercial and mixed use buildings with above noted conditions or uses are located within the SUD.
- e. Perception of a variety of criminal activities within the SUD.

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

**SECTION THREE. SUD Established and Named.** There is hereby established The Grove Commercial Area Special Use District (hereinafter the “District”).

**SECTION FOUR. SUD Boundaries.** The Boundaries of The Grove Commercial Area Special Use District are hereby described below by a metes and bounds description of an overall area with two internal areas subsequently excluded creating a SUD of approximately 133 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 South Kingshighway Boulevard and Swan Avenue; and proceeding along the following centerlines and city parcel boundary lines, and their prolongations, in a generally clockwise direction northward along said South Kingshighway to its intersection with the northern boundary line of City Parcel Number 5046-00-0040, commonly known as 1170 South Kingshighway; thence eastward along said boundary to its intersection with Cadet Avenue, thence eastward along Cadet to its intersection with the western boundary line of City Parcel Number 5045-00-0600,

1 commonly known as 4535 Cadet; thence northward along said boundary to its  
2 intersection with the east-west alley in City Block 5045; thence eastward along said alley  
3 to its intersection with the north-south alley in City Block 5045; thence northward along  
4 said alley to its intersection with the northern boundary line of City Parcel Number 5045-  
5 00-0250, commonly known as 4509 Manchester; thence eastward along said boundary  
6 and its eastern prolongation to its intersection with South Taylor Avenue; thence  
7 northward along South Taylor to its intersection with the east-west alley in City Block  
8 5108; thence northeastward along said alley to its intersection with Oakland Avenue;  
9 thence eastward along Oakland across South Newstead Avenue to its intersection with  
10 the east-west alley in City Block 5112.02; thence northeastward along said alley to its  
11 intersection with Tower Grove Avenue; thence northward along Tower Grove to its  
12 intersection with Arco Avenue; thence eastward along Arco to its intersection with the  
13 eastern boundary line of City Parcel Number 5113-02-0250, commonly known as 4219  
14 Arco; thence northward along said boundary to its intersection with the east-west alley in  
15 City Block 5113.02; thence eastward along said alley to its intersection with the western  
16 boundary line of City Parcel Number 5113-02-0150, commonly known as 4306 Gibson;  
17 thence northward along said boundary and its northeast prolongation across Gibson;  
18 thence northward along the western boundary line of City Parcel Number 5114-02-0165,  
19 commonly known as 1025 South Boyle; thence northward along said boundary and its  
20 northern prolongation to its intersection with the east-west alley in City Block 5114.02;  
21 thence westward along said alley across Tower Grove Avenue, South Newstead Avenue  
22 and South Taylor Avenue to its intersection with the eastern boundary line of City Parcel  
23 Number 5073-00-0186, commonly known as 4506 Chouteau; thence northward along

1 said boundary to its intersection with Chouteau Avenue; thence westward along  
2 Chouteau to its intersection with the western boundary line of adjoining City Parcel  
3 Number 5233-00-0080, commonly known as 4501 Chouteau; thence northward along  
4 said boundary to its intersection with the east-west alley in City Block 5233; thence  
5 westward along said alley to its intersection with the western boundary line of City Parcel  
6 Number 5233-00-0020, commonly known as 4534 West Papin; northward along said  
7 boundary to its intersection with the south boundary line of Interstate Route 64; then  
8 eastward along said boundary line of Interstate Route 64 across South Taylor Avenue,  
9 South Newstead Avenue, Tower Grove Avenue, and South Boyle Avenue to its  
10 intersection with the south boundary line of the Interstate Route 64 Ramps from South  
11 Vandeventer Avenue: thence eastward along said boundary line of the ramps across  
12 South Sarah Avenue to its intersection with South Vandeventer Avenue: thence eastward  
13 across South Vandeventer to its intersection with the northern boundary line of City  
14 Parcel Number 3946-00-0090, commonly known as 904 South Vandeventer; thence  
15 eastward along said boundary to its intersection with the eastern boundary of the same  
16 parcel; thence southward along said boundary to its intersection with the northern  
17 boundary line of City Parcel Number 3946-00-0040, commonly known as 3923  
18 Chouteau; thence eastward along said boundary to its intersection with the eastern  
19 boundary of the same parcel; thence southeastward along said boundary to its intersection  
20 with Chouteau Avenue; thence southwestward along the eastern property line of City  
21 Parcel Number 5821-00-0040, commonly known as 3936 Chouteau to the southern  
22 boundary of said parcel; thence westward along said southern boundary and its western  
23 prolongation to its intersection with South Vandeventer Avenue; thence southwestward

October 19, 2007

Page 6 of 13

Board Bill # 343

Introduced by Alderman Joseph D. Roddy

1 along South Vandeventer to its intersection with Tower Grove Avenue; thence northward  
2 along Tower Grove to its intersection with Hunt Avenue; thence westward along Hunt to  
3 its intersection with the western boundary line of City Parcel Number 3982-00-0250,  
4 commonly known as 1417 Tower Grove; thence northwardly along said boundary to its  
5 intersection with the east-west alley in City Block 3982; thence westward along said alley  
6 to its intersection with the western boundary line of City Parcel Number 3982-00-0165,  
7 commonly known as 4310 Vista; thence northward along said boundary to its intersection  
8 with Vista Avenue; thence eastward along Vista to its intersection with Tower Grove  
9 Avenue; thence northward along Tower Grove to its intersection with Norfolk Avenue;  
10 thence westward along Norfolk to its intersection with the western boundary line of City  
11 Parcel Number 3976-00-0230, commonly known as 4309 Norfolk; thence northward  
12 along said boundary to its intersection with the east-west alley in City Block 3976; thence  
13 eastward along said alley to its intersection with the western boundary line of City Parcel  
14 Number 3976-00-0195, commonly known as 1211 Tower Grove; thence northward along  
15 said boundary and the west boundary line of City Parcel Number 3976-00-0190,  
16 commonly known as 1201 Tower Grove and its prolongation to the western boundary  
17 line of City Parcel Number 3973-00-0240, commonly known as 1125 Tower Grove;  
18 thence northward along said boundary and its northern prolongation to its intersection  
19 with the east-west alley in City Block 3973; thence westward along said alley across  
20 South Newstead Avenue to its intersection with South Taylor Avenue; thence southward  
21 along South Taylor to its intersection with Swan Avenue; thence westward along Swan to  
22 its intersection with South Kingshighway Boulevard at the point of beginning.

1 Within the above defined boundaries the following two areas (Area 1 & Area 2) are not  
2 included in the “Boundaries”.

3 Area 1 Beginning at the intersection of the centerlines of Chouteau Avenue and the east-  
4 west alley in City Block 5114.01; and proceeding along the following centerlines and city  
5 parcel boundary lines, and their prolongations, in a generally clockwise direction  
6 southwestward and westward along said alley to the eastern boundary line of City Parcel  
7 Number 5114-01-0460, commonly known as 4219 Gibson; thence southward along said  
8 boundary to its intersection with Gibson Avenue; thence westward along Gibson to its  
9 intersection with the western boundary line of City Parcel Number 5114-01-0540,  
10 commonly known as 4241 Gibson; thence northward along said boundary and the  
11 western boundary of City Parcel Number 5114-01-0020, commonly known as 4242  
12 Chouteau; thence eastward along Chouteau to its intersection at the east-west alley at the  
13 point of beginning.

14 Area 2 Beginning at the intersection of the centerlines of Talmage Avenue and the east-  
15 west alley in City Block 3992; and proceeding along the following centerlines and city  
16 parcel boundary lines, and their prolongations, in a generally clockwise direction  
17 southwardly along Talmage to its intersection with the northeast-southwest alley in City  
18 Block 3992; thence southwestward along said alley to its intersection with South Boyle  
19 Avenue; thence southward along South Boyle to its intersection with Vista Avenue;  
20 thence westward along Vista to its intersection with the north-south alley in City Block  
21 3978; thence northward along said alley to its intersection with the east-west alley in City  
22 Block 3978; thence westward along said alley to its intersection with the western  
23 boundary of City Parcel Number 3978-00-0030, commonly known as 4264 Norfolk;

1           thence northward along said boundary to its intersection with Norfolk Avenue; thence  
2           eastwardly along Norfolk to its intersection with the western boundary of City Parcel  
3           Number 3977-00-0360, commonly known as 4257 Norfolk; thence northward along said  
4           boundary to its intersection with the east-west alley in City Block 3977; thence eastward  
5           along said alley to its intersection with the western boundary of City Parcel Number  
6           3977-00-0010, commonly known as 4258 Swan; thence northward along said boundary  
7           and its prolongation along the western boundary of City Parcel Number 3972-00-0380,  
8           commonly known as 4261 Swan to its intersection with the east-west alley in City Block  
9           3972; thence eastwardly along said alley across South Boyle Avenue and Kentucky  
10          Avenue to its intersection with Talmage Avenue at the point of beginning.

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

14           A) Adult Book Stores;

15           B) Adult Motion Picture Theaters;

16           C) Adult Peep Shows;

17           D) Massage Establishments (provided, however, that this prohibition shall not be  
18           construed to prohibit therapeutic massage by certified professionals);

19           E) Free standing Package Liquor Stores;

20           F) Blood donor facilities that pay donors for their blood;

21           G) Check-Cashing Establishments, centers and/or services (except for Financial  
22           Institutions, as defined and regulated in the Zoning Code);

- 1           **H)** Short-Term Loan Establishments, including, but not limited to, vehicle and/or other  
2           such personal property title loan centers or agencies (except for Financial Institutions,  
3           as defined and regulated in the Zoning Code);
- 4           **I)** Pawn Shops;
- 5           **J)** Restaurants that sell products through a sales window to customers who are in cars, or  
6           to customers who are in cars on the restaurant premises, or to customers who may  
7           consume the sold products in cars parked on the restaurant premises;
- 8           **K)** Restaurants that sell products through a sales window to pedestrians outside the  
9           building for immediate consumption by the customers either on or off the premises;
- 10          **L)** Carry-Out Restaurants with no indoor table service;
- 11          **M)** Any use that utilizes a sales or service window or facility for customers who are in  
12          cars (except for Financial Institutions, as defined and regulated in the Zoning Code);
- 13          **N)** Motor Fuel Pumping Stations;
- 14          **O)** Car washing or detailing facilities;
- 15          **P)** Automobile or truck dealers (new or used);
- 16          **Q)** Automobile, truck, or other equipment rental requiring outside storage of vehicles or  
17          equipment;
- 18          **R)** Rent-to-own furniture, electronics and/or home appliance shops;
- 19          **S)** Utility stations or towers;
- 20          **T)** Free standing cell phone towers;
- 21          **U)** Public storage facilities for rent or lease (provided, however, that this prohibition  
22          shall not be construed to prohibit any normal warehouse activities, otherwise allowed

1 in the particular Zoning District where the warehousing is located, for businesses  
2 lawfully occupying the same building or adjacent buildings);

3 **V)** Open storage;

4 **W)** Rooming Houses and Boarding Houses (provided, however, that this prohibition shall  
5 not be construed to prohibit Bed and Breakfast Establishments as defined and  
6 otherwise regulated in Chapter 8.25 of the Revised Code, or Bed and Breakfast  
7 Districts as defined and regulated in Chapter 26.66 of the Zoning Code); and

8 **X)** Outdoor Pay Telephones.

9 **SECTION SIX. SUD Conditional Use Regulations.** Notwithstanding any Zoning District Use  
10 or Conditional Use Regulations contained in the Zoning Code to the contrary, the following uses  
11 may only be allowed in the District as conditional uses subject to the provisions of Section  
12 26.80.010 of the Zoning Code:

13 **A)** Automobile or truck service and repair shops;

14 **B)** Automobile or truck parts sales (new or used);

15 **C)** Automobile lubrication facilities;

16 **D)** Secondhand or junk clothing or retail shops (hereby defined as stores carrying items  
17 having limited collectors' value and not commonly classified as "antique" or "vintage"  
18 items and/or commonly valued as "good-as-new" quality of clothing);

19 **E)** Beauty supply stores;

20 **F)** Cell phone, beeper, or pager shops;

21 **G)** Cell phone transmitters on buildings;

22 **H)** Convenience food stores and confectionaries;

1           D) Establishments selling alcoholic beverages by the glass which do not have a  
2           Restaurant Permit in addition to a Liquor License;

3           J) Tattoo and/or body piercing parlors;

4           K) Laundromats open to the general public at any time between Midnight and 6:00 AM;

5           L) Seasonal businesses leasing locations on an annual basis, while utilizing the premises  
6           for access by the general public less than eleven (11) months of the year and/or less  
7           than four (4) days a week; and

8           M) Pinball/video and/or amusement game arcades.

9   **SECTION SEVEN: Nonconforming Uses; Appeals.** Notwithstanding any provisions of the  
10 Zoning Code to the contrary:

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

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

21          C) No new owner or operator of a nonconforming use within the District shall be granted  
22          an occupancy permit to continue any such nonconforming use unless such new owner

1 or operator accepts all conditions upon which previous permits and licenses for such  
2 operation were based, if any.

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

6 **E)** If an owner or operator of a nonconforming use within the District discontinues its  
7 operations for more than thirty (30) days, any subsequent use in such a building,  
8 structure or premises shall conform to the regulations of the District.

9 **F)** Expanding legal nonconforming uses, or structural alterations to nonconforming  
10 buildings or structures, within the District are prohibited; and the City shall deny  
11 applications for any such expansion and/or structural alternations that do not comply  
12 with District regulations.

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

17 **SECTION EIGHT. Emergency Clause.**

18 This being an ordinance for the preservation of public peace, health, and safety, it is hereby  
19 declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of  
20 the Charter of the City of St. Louis and therefore shall become effective immediately upon its  
21 passage and approval by the Mayor.

# EXHIBIT 1 Boundaries

