

1 An ordinance pertaining to Special Use Districts; establishing The Kosciusko Business and
2 Industrial Area Special Use District (hereinafter the “District”); providing definitions and
3 findings pertaining to said District; and further providing use and conditional use regulations for
4 said District;

5 **WHEREAS**, Ordinance 66941, codified at Chapter 26.73 of the Revised Code of the
6 City of St. Louis, provides for the establishment of Special Use Districts (hereinafter “SUD”);
7 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 – a part of the St. Louis Comprehensive Plan, Commercial District Redevelopment Plan(s)
11 and/or an adopted Neighborhood Plan for a specific geographic area of at least two (2)
12 contiguous acres per a metes and bounds legal description (see 26.73.010.A); and

13 **WHEREAS**, general land use planning for all of the Seventh Ward occurs via the
14 Strategic Land Use Plan (2005) – part of the St. Louis Comprehensive Plan (1947) - and includes
15 a large Business / Industrial Development Area (BIDA) which is described as “Areas where new
16 business / industrial uses or campuses will be encouraged. New business activity may range
17 from large business parks to small scale development. BIDA areas typically consist of
18 underutilized buildings and land adjacent to major roadways, railroads or the river. The
19 opportunity exists to rejuvenate these locations to create new employment opportunities.”

1 **WHEREAS**, over the last ten years the Kosciusko Neighborhood’s business and
2 community leaders have been involved in several planning efforts including, but not limited to
3 commercial and industrial re-development in the Kosciusko Northeast Area (Ordinance 68001 in
4 2008), 2000-14 S. 7th Street Area (Ordinance 67825 in 2007), 1400 S. 2nd Street Area (Ordinance
5 67512 in 2007), Rutger / Miller / Broadway / 2nd Street Area (Ordinance 66996 in 2005), and
6 Chouteau’s Landing Area (Ordinance 66793 in 2005); and

7 **WHEREAS**, this specific SUD is not in conflict with general land use plans, re-
8 development plans, or any such plans, strategies or studies; and

9 **WHEREAS**, the purpose for creation of an SUD as an overlay zoning district for a
10 specific Zoning Districts area should also respond to well-defined health, safety, moral and/or
11 general welfare problems, and shall state the problems addressed by any use being prohibited or
12 limited within the SUD area; (see 26.73.010.B) and

13 **WHEREAS**, this specific SUD is being adopted as an overlay district to reflect the
14 character within the commercial and industrial zoning of The Kosciusko Business and Industrial
15 Area (“G” Local Commercial and Office District, “J” Industrial District and “K” Unrestricted
16 District),

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

18 **SECTION ONE. Definitions.**

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

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

5 **C)** “Nonconforming use” means any building, structure or land lawfully occupied with a
6 use on the effective date of this Ordinance, or on the effective date of any amendment
7 to this Ordinance, which on said effective date would otherwise be in conflict with
8 one or more of the regulations of The Kosciusko Business and Industrial Area Special
9 Use District.

10 **D)** “Nonconforming building” means any building which existed lawfully prior to the
11 effective date of this Ordinance, or on the effective date of any amendment to this
12 Ordinance, which on said effective date would otherwise be in conflict with one or
13 more of the regulations of The Kosciusko Business and Industrial Area Special Use
14 District.

15 **E)** “Nonconforming structure” means any structure which existed lawfully prior to the
16 effective date of this Ordinance, or on the effective date of any amendment to this
17 Ordinance, which on said effective date would otherwise be in conflict with one or
18 more of the regulations of The Kosciusko Business and Industrial Area Special Use
19 District.

20 **F)** “Open Storage” means the keeping of any goods, materials, equipment, vehicle or
21 tractor trailer on any open area of a parcel of land for any purpose provided this shall
22 not include: :

23 a. Garden and nursery items held for retail sale,

- b. Temporary storage of construction materials or trailers on a construction site,
- c. Vehicular parking accomplished in compliance with the parking regulations of the Zoning Ordinance, and
- d. Parking of vehicles, tractor trailers or railcars in or adjacent to loading docks, rail sidings or building entrances / exits during loading or unloading.

G) “Salvage and Junk Yard Operation” means a use on open areas of a parcel of land of which involves any one or combination of the following: Collecting, cutting, dismantling, sorting, separating, reworking, and/or repacking of any used damaged or undamaged machinery, vehicles, scrap iron, metals, tires, plastics, cloth, construction materials, waste paper, aluminum and/or glass products and/or rubber products as well as the purchase and/or sale of such items. Such operations shall also include “Salvage and Junk Yard Operators” as defined by Section 8.82.170 of the Revised Code. This definition shall not include the collection of recyclable aluminum and paper by nonprofit organizations, [the recycling of tires by operations licensed by the Missouri Department of Natural Resources](#), nor shall this definition include scrap metal processing, manufacturing and storage by a Major Scrap Metal Processor as defined herein.

H) “Major Scrap Metal Processor” means an operation having a fixed location using processing machinery and equipment with assessed value not less than \$1,000,000 and utilized for processing, manufacturing and storage of iron, steel or non-ferrous metallic scrap into prepared grades, having a principal product of scrap iron, scrap steel or non-ferrous metal scrap for sale for remelting purposes, and employing more than twenty-one (21) full-time employees for a minimum of one (1) continuous year.

1 D) “Vehicular-Related Business Operation” means a use on open areas of a parcel of
2 land which involves any one or combination of the following operations:

- 3 a. Vehicle repair facility involving major vehicle repair work, such as the
4 installation or removal of engines, radiators, transmissions, differentials,
5 fenders, doors, bumpers or other major body or mechanical parts, or spray
6 painting, but not including tire recapping;
- 7 b. Vehicle service center involving servicing and minor repair of vehicles such
8 as vehicle washes or detailing, diagnostic services, vehicle lubrication and
9 minor engine repair such as tune-ups and the sale and installation of minor
10 parts and accessories such as radios, sound systems or vehicle alarm systems,
11 tires, batteries, shock absorbers, brakes, mufflers and / or tail pipes or
12 combination thereof, but not including spray painting;
- 13 c. Vehicle storage lot involving storage of vehicles or tractor trailers that are not
14 damaged, wrecked, derelict or inoperative; and
- 15 d. Used vehicle sales lot involving the outdoor retail or wholesale sale of used
16 vehicles which are neither wrecked, otherwise damaged nor immobilized
17 within a time period not to exceed ninety (90) days.

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 – a part of the St. Louis
21 Comprehensive Plan - for a specific geographic area of at least two (2) contiguous
22 acres per metes and bounds legal description as provided in Section Four, and
23 depicted in Exhibit 1, of this Ordinance (the “Boundaries”).

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1 **B)** The SUD established in this Ordinance as an overlay zoning district for the specific
2 Zoning Districts 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. Too many vacant and/or underutilized commercial and industrial buildings
6 and sites of various sizes within the SUD have the potential for significant
7 problems with vandalism, illegal occupancy, damage, fire, and other
8 criminal activity which may otherwise not be as prevalent within the SUD;
- 9 b. Too many vacant and/or underutilized commercial and industrial buildings
10 and sites of various sizes create uncertainty about the establishment of
11 conforming, but potentially undesirable and incompatible, uses, which
12 may occupy vacant and existing commercial and industrial buildings or
13 vacant sites within the SUD;
- 14 c. Unattractive appearance of some existing uses and sanitary, maintenance
15 and graffiti problems attendant with some uses within the SUD;
- 16 d. Unattractive appearance of some existing vacant lots and parking areas
17 within and / or adjacent to this SUD because of present problems
18 regarding open or illegal storage, derelict vehicles, overgrown grass, and
19 dumping of debris, pallets, building materials, tires or other items;
- 20 e. Where commercial and industrial buildings and / or vacant lots with the
21 above noted conditions or uses are located within the SUD makes it
22 difficult to attract new businesses, retain existing businesses, and/or attract
23 new residential uses and mixed-uses in the vicinity of the SUD.

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- f. Public perception of a variety of criminal activities including vandalism, graffiti and drug sales within the SUD makes it difficult to attract new uses and retaining existing uses within and in the vicinity of the SUD.
- g. Some Salvage and Junk Yard Operations within the SUD’s boundaries have presented significant health, safety, and moral problems over a long period of years at various sites, many of which presented significant problems for surrounding properties.
- h. Some Salvage and Junk Yard Operations, and Vehicular-Related Businesses present problems with outside storage and poor building maintenance that negatively impact neighboring properties with visual pollution, especially when there is inadequate fencing or landscaping.
- i. Some Salvage and Junk Yard Operations, and Vehicular-Related Businesses present problems with public nuisances and noise that negatively impact the surrounding neighborhoods.
- j. Salvage and Junk Yard Operations also have the potential for public safety and moral problems regarding transactions of stolen property.

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 Kosciusko Business and Industrial Area Special Use District (hereinafter, the “District”).

SECTION FOUR. SUD Boundaries. The Boundaries (hereinafter, the “Boundaries,” or “SUD Boundaries”) of The Kosciusko Business and Industrial Area Special Use District are hereby described below by a metes and bounds description of an overall area creating a SUD of

1 approximately 301.4 acres more or less, and depicted in Exhibit 1 attached hereto, hereby made a
2 part of this Ordinance by this reference:

3 Beginning at the intersection of the centerlines of S. Seventh Boulevard (7th) and Barton
4 Street; and proceeding along the following centerlines and city parcel boundary lines, and
5 their prolongations, as well as the Mississippi River in a general clockwise direction
6 northward along S. Seventh across Shenandoah Avenue to its intersection with Russell
7 Boulevard; thence eastward along Russell to its intersection with S. Broadway; thence
8 northward along S. Broadway to its intersection with Geyer Avenue; thence eastward
9 along Geyer to its intersection with the S. Third Street (3rd); thence northward along S.
10 Third across Lafayette Avenue and Marion Street to its intersection with Miller Street;
11 thence westward along Miller to its intersection with S. Broadway; thence northward
12 along S. Broadway to its intersection with the northern boundary line of City Parcel
13 Locator Number 0692-00-0210, commonly known as 1320 S. Broadway; thence eastward
14 along said northern boundary line to its intersection with the western boundary line of
15 City Parcel Locator Number 0154-00-0400, commonly known as 1231-1265 S. Third,
16 thence northward along said western boundary line and its prolongation to its intersection
17 with Convent Street; thence eastward along Convent and its prolongation along the
18 northern boundary line of City Parcel Locator Number 0047-00-0500, commonly known
19 as 1201-1289 S. Second (2nd), and the northern boundary line of City Parcel Number
20 0197-00-0100, commonly known as 1200-1298 S. Second to its intersection with S. First
21 Street (1st); thence northward along S. First to its intersection with Chouteau Avenue,
22 thence eastward along Chouteau and its prolongation across S. Leonor K. Sullivan
23 Boulevard to its intersection with the Mississippi River; thence southward along the

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1 Mississippi River to its intersection with the prolongation of Barton Street along the
2 southern boundary line of City Parcel Locator Number 0870-00-0460, commonly known
3 as 1 Barton; thence westward along said southern boundary line and the center line of
4 Barton Street across Kosciusko Street, S. Second Street and S. Third Street to the point of
5 beginning.

6
7 **SECTION FIVE. Salvage and Junk Yard Operation restrictions within the SUD**

8 **Boundaries.**

9 A) All existing Salvage and Junk Yard Operations currently operating within the
10 Boundaries of the SUD pursuant to a valid occupancy permit held by the existing
11 owner or operator and a valid business license from the City of St. Louis held by such
12 owner or operator shall be considered legal and conforming uses.

13 B) No new or expanded Salvage and Junk Yard Operations shall be permitted within the
14 Boundaries of the SUD, and any such new or expanded operations shall be non-
15 conforming uses. Any such Operations which do not comply with the requirements
16 of Paragraph A of this Section Five as of the date of this Ordinance shall be
17 considered non-conforming uses.

18 C) A non-conforming use within the SUD must be discontinued within no more than
19 thirty (30) days from the date upon which the City issues notice of the non-
20 conforming use.

21 D) No new owner or operator of an existing Salvage and Junk Yard Operation in the
22 SUD Area shall be granted an occupancy permit for such existing Operation unless

1 such new owner or operator accepts all conditions upon which previous permits and
2 licenses for such Operation were based.

3 **E)** If an owner or operator at an existing Salvage and Junk Yard Operation within the
4 SUD Area discontinues its operations for more than thirty (30) days such Operation
5 shall automatically become a “discontinued non-conforming use” and such
6 Operations shall then be in violation of Paragraph A of this Section Five.

7 **F)** If a new owner or operator of an existing Salvage and Junk Yard Operation in the
8 SUD Area applies for an occupancy permit more than thirty (30) days after the
9 transfer of ownership, such application shall be denied.

10 **G)** New or expanded Salvage and Junk Yard Operations proposed within the Boundaries
11 of the SUD are prohibited illegal non-conforming uses, and the City shall deny
12 applications for such Operations.

13 **H)** New owners or operators of existing Salvage and Junk Yard Operations in “A”, “B”,
14 “C”, “D”, “E”, “F”, “G”, “H”, “I”, “J” and “L” zoning districts in the SUD Area may
15 appeal denials to the City’s Board of Adjustment, provided that such appeals are
16 made within thirty (30) days after the permit application is denied. New owners or
17 operators of existing Salvage and Junk Yard Operations in the “K” zoning district in
18 the SUD Area may appeal denials via the conditional use process described herein,
19 provided that such appeals are made within thirty (30) days after the permit
20 application is denied. Proposed owners or operators of new or expanded Salvage and
21 Junk Yard Operations in the SUD Area, regardless of the zoning district in which
22 Operations are proposed to be located, may appeal denials to the City’s Board of
23 Adjustment, provided that such appeals are made within thirty (30) days after the

1 permit application is denied. All appeal applications shall include a site plan showing
2 the location of all buildings and structures, location of covered material storage,
3 location and height of fencing, location of parking/queuing and paved areas, location
4 of all vehicular entrances and surrounding streets, and location of outdoor lighting.

5 **I)** Owners or operators of Salvage and Junk Yard Operations in the SUD Area appealing
6 the denial of an occupancy permit via the conditional use process described herein, in
7 addition to submitting the materials set forth in Paragraph H above, shall submit a
8 written report explaining how such owner or operator will meet the Standards set
9 forth in this Section Five, Paragraph K, of this Ordinance (hereinafter, the
10 “Standards”). The Conditional Use Hearing Officer, after reviewing the site plan and
11 report and after holding hearing thereon, may either approve the occupancy permit
12 with conditions that include the Standards or deny the appeal. Following any denial
13 by the Conditional Use Hearing Officer, the applicant may appeal such denial to the
14 City’s Board of Adjustment as a variance, provided that such appeals are made within
15 thirty (30) days after the permit application is denied by such Hearing Officer.

16 **J)** Owners or operators of Salvage and Junk Yard Operations in the SUD Area appealing
17 the denial of an occupancy permit to the City’s Board of Adjustment, in addition to
18 explaining the practical difficulties or unnecessary hardships in the way of carrying
19 out the strict letter of the zoning code for which a variance of the application of the
20 zoning code is sought, shall also address the manner in which such owner or operator
21 will meet the Standards set forth in Section Five, Paragraph K, of this Ordinance.

1 **K) Standards for a Salvage and Junk Yard Operation:**

2 1) Hours of Operation: A Salvage and Junk Yard Operation shall be permitted to
3 operate only after 7 A. M. and before 6 P. M. on Mondays through Fridays,
4 after 8 A. M. and before 4 P. M. on Saturdays, and shall not be permitted to
5 operate on Sundays. No employee or agent of the owner or operator or any
6 other person shall be permitted on the premises one-half hour before or one
7 hour after the hours of operation. The hours of operation shall be
8 conspicuously posted on all gates of the site.

9 2) Security and Visual Screening: A Salvage and Junk Yard Operation shall be
10 secured on all boundaries by an approved fence or wall to prevent
11 unauthorized entry and shall provide visual concealment from all residential
12 uses and residential zoning districts.

13 3) Transaction Records: No Salvage and Junk Yard owner or operator shall
14 accept or make full or partial payment for any article of property, accept any
15 article of property in trade for any other article of property, or otherwise
16 purchase any article or property from any person (“Customer”) unless he shall
17 make a photocopy of Customer’s valid and unexpired state-issued
18 identification card or drivers’ license. If Customer does not possess a valid
19 and unexpired state-issued identification card or drivers’ license, owner or
20 operator shall photograph the person from whom such article is being
21 received. Such photograph is to be attached to a transaction form which shall
22 be completed at the time of the transaction. The transaction form shall include,
23 but not limited to: 1) the date and time of sale, 2) place of sale, 3) name, 4)

1 address, 5) date of birth, 6) social security number, 7) driver's license number
2 (if different from social security number of seller), 8) description of seller, 9)
3 home and business telephone number of seller, 10) employee handling the
4 transaction and description of property sold to owner or operator, 11) the type
5 and amount of consideration paid (including the routing number and bank
6 account number of any check that is tendered for payment). The requirement
7 that the seller be photographed shall not apply to any purchase or trade-in
8 transaction which occurs at an auction or in the private house or office of the
9 person selling said items but all other requirements as aforesaid shall remain
10 in effect. The transaction form must be maintained by the Salvage and Junk
11 Yard owner or operator for a minimum of one (1) year following the date of
12 the transaction.

13 4) Posted Notices: Every Salvage and Junk Yard owner or operator shall display
14 a notice to his customers in a prominent place to the effect that he may be
15 required to photograph every person selling or offering as full or part payment
16 an item to him, pursuant to city Ordinance.

17 5) Cash Purchase Record for Certain Metals: No Salvage and Junk Yard
18 Operation owner or operator shall purchase any metal articles for cash,
19 including but not limited to copper, brass, copper alloy, nickel, nickel alloy,
20 iron, steel, tin, mercury, lead, or any other metal alloy containing these
21 materials unless such owner or operator shall also, in addition to the
22 photograph, and transaction form described in this Section Five, Paragraph K,
23 subparagraph 3, keep: 1) a photocopy of the operator or chauffeur's license of

1 the person delivering the metal, 2) the state license number of the vehicle in
2 which the metal was delivered, 3) the quantity of material purchased, 4) the
3 general description of the form of the metal when received including whether
4 the same is in the form of wire, cable, bars, fittings, guttering, rods, or tubing,
5 5) the names and addresses of the person, groups of persons, or corporation
6 from whom the seller obtained the metal, and 6) the disposition of the metal
7 after receipt by the Salvage and Junk Yard operator during all the time the
8 metal is in his possession, including the name and addressee of any person,
9 firm, or corporation to whom the metal is sold or exchanged by Salvage and
10 Junk Yard operator.

11 6) Record Retention and Inspection: All records required by this Section shall be
12 open for inspection by authorities of the City of St. Louis and/or the St. Louis
13 Metropolitan Police Department and must be maintained by owner or operator
14 and made available for inspection a minimum of one (1) year following the
15 date of the transaction

16 7) Manufactured Merchandise: No Salvage and Junk Yard Operator shall receive
17 any damaged or undamaged manufactured merchandise such as any camera,
18 radio, television set, compact disc player, DVD player, home entertainment
19 centers, audio and video equipment, lawn mower, typewriter, addition
20 machine, calculating machine, copying machine, duplicating machine, tape
21 recorder, tape player, cash register, still or moving picture projector or offset
22 projector, dictating machine, record player, electric buffer, electric polisher,
23 electric floor waxer, computer equipment, scanning machines, fax or any

1 other technological media, whether used for entertainment, business or
2 otherwise, or any item that is manufactured with a serial number or other
3 identifying insignia, unless the item shall have plainly visible thereon the
4 manufacturer's serial number or other identifying insignia. The transaction
5 form relating to the purchase of manufactured merchandise shall include the
6 serial number or other identifying insignia.

7 8) Restriction on Disposition: No Salvage and Junk Yard operator shall sell, melt
8 or shred any manhole cover, residential scale metal pipes and metal gutters for
9 a minimum of two (2) business days following such operator's purchase or
10 receipt of such items. The operator shall maintain such items in the form
11 purchased during such holding period.

12 9) Compliance: Inspections shall occur periodically and during normal business
13 hours to insure compliance with this ordinance and building, health,
14 environmental and safety codes. Inspections will be performed by the
15 Building Division of the Department of Public Safety of the City of Saint
16 Louis, and inspector(s) may be accompanied by representatives of the St.
17 Louis Metropolitan Police Department and federal law enforcement officers.

18 10) Revocation of Permit: The City may revoke any permit granted to any
19 Salvage and Junk Yard owner or operator if such operator is convicted and/or
20 enters a plea of guilty to the charge of receipt of stolen goods.

21 11) Restrictions on Permit Issuance: No permit for a Salvage and Junk Yard
22 Operation shall be issued to any person or entity (whether owner or operator
23 of such Operation) within two years after such person or entity has pled guilty

1 or been found guilty of any violation of any city, state or federal law relating
2 to the operation of a Salvage and Junk Yard Operation nor shall any such
3 permit be issued to any person or entity (whether owner or operator of such
4 Operation) within two years following the revocation of a permit for such
5 Operation.

6 12) Storage Locations: No material purchased or offered for sale by any Salvage
7 and Junk Yard Operation shall be stored within eight (8) feet of the fence (or
8 wall) required by Paragraph K Subparagraph 2 above; no material shall be
9 stacked higher than the lesser of the fence (or wall) height or fifteen (15) feet,
10 unless such material is more than fifty (50) feet from the perimeter of the
11 property lines.

12 13) Lighting: Lighting appropriate for size of operation and site shall be provided
13 for each Salvage and Junk Yard Operation and shall operate continuously
14 after sundown and before sunrise, provided, however, that the lighting
15 arrangement shall not be a disturbance to occupants of other property.

16 14) Fences or Walls: Fences (or walls), required pursuant to Paragraph K,
17 Subparagraph 2 above, shall conform to the requirements of Chapter 8.50 of
18 the Revised Code or to stricter requirements for Salvage and Junk Yard
19 Operation sites as may be established by Board of Adjustment or Conditional
20 Use Hearing Officers.

21 15) Paving: Paving appropriate for size of operation and site as determined by
22 Board of Adjustment or Conditional Use Hearing Officer shall be required for
23 each Salvage and Junk Yard Operation.

1 16) Additional Standards: The Board of Adjustment and/or the Conditional Use
2 Hearing Officer may impose other standards, including but not limited to
3 those in Section 26.80.010 of the Zoning Code, as deemed appropriate by the
4 Board of Adjustment or Conditional Use Hearing Officer.

5 **L)** The Board of Adjustment’s or Conditional Use Hearing Officer’s decision to approve
6 a variance or issue a permit with conditions based on the Standards listed in Section
7 Five, Paragraph K, shall be valid but revocable after a period of one (1) year has
8 elapsed after issuance of such variance or decision, if during which time the applicant
9 has failed to fully meet all conditions of the variance or decision, including
10 implementation of the approved site plan. The City shall issue permits only after
11 completion of the work required to implement the approved site plan is complete and
12 such completion is verified by the Zoning Administrator or Zoning Section staff.

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

- 17 **A)** Free standing Package Liquor Stores that are not also a grocery store, a
18 convenience food store / confectionary or a bar / tavern;
- 19 **B)** Blood and plasma donor facilities that pay donors for their blood and plasma;
- 20 **C)** Secondhand or junk clothing or retail shops (hereby defined as stores carrying
21 items having limited collectors' value and not commonly classified as "antique" or
22 "vintage" items and/or commonly valued as “good-as-new” quality of clothing);

1 **D)** Any use that utilizes a sales or service window or facility for customers who are
2 in cars (except for Restaurants and Financial Institutions, as defined and regulated
3 in the Zoning Code

4 **E)** Open storage of items not utilized in business or industrial processes operating
5 within buildings or structures on the same parcel of land or on a business site
6 comprised of contiguous parcels;

7 **F)** Open storage of damaged, wrecked, derelict or inoperative vehicles or tractor
8 trailers on a parcel of land or a business site comprised of multiple parcels for
9 more than 60 days;

10 **G)** Open storage of vehicles, tractor trailers, equipment, or other items with sanitary,
11 maintenance or graffiti problems, or that constitute a public nuisance via visual,
12 noise or air pollution to adjacent land uses for more than 30 days.

13 **SECTION SEVEN. SUD Conditional Use Regulations.** Notwithstanding any Zoning District
14 Use or Conditional Use Regulations contained in the Zoning Code or in Section Five of this
15 Ordinance to the contrary, the following uses may only be allowed in the District as conditional
16 uses subject to the provisions of Section 26.80.010 of the Zoning Code:

17 **A)** Vehicle Repair Facility;

18 **B)** Vehicle Service Center;

19 **C)** Vehicle Storage Lots;

20 **D)** Used Sales Lots;

21 **E)** [Tire recycling operation \(licensed by the Missouri Department of Natural](#)
22 [Resources\)](#)

23 **F)** Automobile or truck dealers (new or used):

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- 1 **G)** Automobile, truck, or other equipment rental requiring outside storage of vehicles
2 or equipment;
- 3 **H)** Motor Fuel Pumping Stations that are not also a convenience food store /
4 confectionary;
- 5 **I)** Rent-to-own furniture, electronics and/or home appliance shops;
- 6 **J)** Beauty supply stores;
- 7 **K)** Seasonal businesses leasing locations while utilizing the premises for access by
8 the general public less than eleven (11) months of the year and/or less than four
9 (4) days a week must meet the provisions of Section 26.80.010 of the Zoning
10 Code;

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

- 13 **A)** All businesses lawfully operating within the District on the effective date of this
14 Ordinance, which such business or use would otherwise be prohibited or subject to
15 the granting of a conditional use permit in order to conduct such business lawfully
16 after the effective date of this Ordinance, shall hereby be considered legal and
17 nonconforming uses;
- 18 **B)** But if any such existing business within the District does not have a valid occupancy
19 permit held by the existing owner or operator and a valid business license from the
20 City of St. Louis held by such owner or operator, such business and use must be
21 discontinued within no more than thirty (30) days from the date upon which the City
22 issues notice of such unlawful occupancy or use.

- 1 **C)** No new owner or operator of a nonconforming use within the District shall be granted
2 an occupancy permit to continue any such nonconforming use unless such new owner
3 or operator accepts all conditions upon which previous permits and licenses for such
4 operation 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,
10 structure or premises shall conform to the regulations of the District.
- 11 **F)** Expanding legal nonconforming uses, or structural alterations to nonconforming
12 buildings or structures, within the District are prohibited; and the City shall deny
13 applications for any such expansion and/or structural alternations that do not comply
14 with District regulations.
- 15 **G)** Owners or prospective owners or operators may appeal permit denials to the City's
16 Board of Adjustment pursuant to the provisions of Chapter 26.84 of the Zoning Code,
17 provided that any such appeals are made within thirty (30) days after a permit
18 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 |

Kosciusko Business & Industrial
Special Use District (SUD)

PDA-084-10-SUD

SUD Area



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