BOARD BILL # 343FS **INTRODUCED BY ALDERMAN JOSPEH D. RODDY**

1 An ordinance pertaining to Special Use Districts; establishing The Grove Commercial Area
2 Special Use District (hereinafter the "District"); providing definitions and findings pertaining to
3 said District; further providing use and conditional use regulations for said District; and
4 containing an emergency clause.

5 **WHEREAS,** Ordinance 66941 provides for the establishment of Special Use Districts
6 (hereinafter "SUD"); and

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

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

19 **WHEREAS,** the purpose for creation of an SUD as an overlay zoning district for a
20 specific Zoning Districts area should also respond to well-defined health, safety, moral and/or

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

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

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

10 **SECTION ONE. Definitions.**

11 **A)** Except for terms defined below in this section, all terms used herein in this Ordinance
12 shall have the same meaning as those defined in Title 26 (hereinafter the "Zoning
13 Code") of the Revised Code of the City of St. Louis, 1994, Annotated (hereinafter the
14 "Revised Code").

15 **B)** "Lawfully occupied" shall mean that on the effective date of this Ordinance, or on the
16 effective date of any amendment to this Ordinance, a business owner or operator of a
17 business within the District held a valid occupancy permit and a valid business
18 license from the City of St. Louis.

19 **C)** "Nonconforming use" means any building, structure or land lawfully occupied with a
20 use on the effective date of this Ordinance, or on the effective date of any amendment
21 to this Ordinance, which on said effective date would otherwise be in conflict with
22 one or more of the regulations of The Grove Commercial Area Special Use District.

1 **D)** "Nonconforming building" means any building 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 Grove Commercial Area Special Use District.
5 **E)** "Nonconforming structure" means any structure which existed lawfully prior to the
6 effective date of this Ordinance, or on the effective date of any amendment to this
7 Ordinance, which on said effective date would otherwise be in conflict with one or
8 more of the regulations of The Grove Commercial Area Special Use District.
9 **SECTION TWO. Findings.** The Board of Aldermen hereby finds as follows:
10 **A)** The Special Use District (hereinafter "SUD") established in this Ordinance will assist
11 in the implementation of the Strategic Land Use Plan for a specific geographic area of
12 at least two (2) contiguous acres per metes and bounds legal description as provided
13 in Section Four, and depicted in Exhibit 1, of this Ordinance (the "Boundaries").
14 **B)** The SUD established in this Ordinance as an overlay zoning district for the specific
15 Zoning Districts currently included within Boundaries of the SUD responds to well-
16 defined health, safety, moral and/or general welfare problems, which problems
17 include, but are not limited to, the following:
18 a. Difficulty in attracting new businesses to, and retaining existing
19 businesses in, the SUD due to too many vacant, boarded and/or
20 underutilized commercial and mixed use buildings within the SUD;
21 b. Difficulty in attracting new businesses to, and retaining existing
22 businesses in, the SUD due to uncertainty about the establishment of
23 conforming, but potentially undesirable and incompatible, uses, which

may occupy vacant and existing commercial and mixed use buildings 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. Difficult y 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

1 along said boundary to its intersection with Cadet Avenue, thence eastward along Cadet
2 to its intersection with the western boundary line of City Parcel Number 5045-00-0600,
3 commonly known as 4535 Cadet; thence northward along said boundary to its
4 intersection with the east-west alley in City Block 5045; thence eastward along said alley
5 to its intersection with the north-south alley in City Block 5045; thence northward along
6 said alley to its intersection with the northern boundary line of City Parcel Number 5045-
7 00-0250, commonly known as 4509 Manchester; thence eastward along said boundary
8 and its eastern prolongation to its intersection with South Taylor Avenue; thence
9 northward along South Taylor to its intersection with the east-west alley in City Block
10 5108; thence northeastward along said alley to its intersection with Oakland Avenue;
11 thence eastward along Oakland across South Newstead Avenue to its intersection with
12 the east-west alley in City Block 5112.02; thence northeastward along said alley to its
13 intersection with Tower Grove Avenue; thence northward along Tower Grove to its
14 intersection with Arco Avenue; thence eastward along Arco to its intersection with the
15 eastern boundary line of City Parcel Number 5113-02-0250, commonly known as 4219
16 Arco; thence northward along said boundary to its intersection with the east-west alley in
17 City Block 5113.02; thence eastward along said alley to its intersection with the western
18 boundary line of City Parcel Number 5113-02-0150, commonly known as 4306 Gibson;
19 thence northward along said boundary and its northeast prolongation across Gibson;
20 thence northward along the western boundary line of City Parcel Number 5114-02-0165,
21 commonly known as 1025 South Boyle; thence northward along said boundary and its
22 northern prolongation to its intersection with the east-west alley in City Block 5114.02;
23 thence westward along said alley across Tower Grove Avenue, South Newstead Avenue

1 and South Taylor Avenue to its intersection with the eastern boundary line of City Parcel
2 Number 5073-00-0186, commonly known as 4506 Chouteau; thence northward along
3 said boundary to its intersection with Chouteau Avenue; thence westward along
4 Chouteau to its intersection with the western boundary line of adjoining City Parcel
5 Number 5233-00-0080, commonly known as 4501 Chouteau; thence northward along
6 said boundary to its intersection with the east-west alley in City Block 5233; thence
7 westward along said alley to its intersection with the western boundary line of City Parcel
8 Number 5233-00-0020, commonly known as 4534 West Papin; northward along said
9 boundary to its intersection with the south boundary line of Interstate Route 64; then
10 eastward along said boundary line of Interstate Route 64 across South Taylor Avenue to
11 its intersection with the western boundary line of City Parcel Number 4807-00-0044,
12 commonly known as 4450 West Papin Street; southward along said boundary to its
13 intersection with the south boundary line of City Parcel Number 4807-00-0044,
14 commonly known as 4450 West Papin Street; eastward along said boundary across South
15 Newstead Avenue to its intersection with the western boundary line of City Parcel 4878-
16 00-0010, commonly known as 4376 West Papin Street; northward along said boundary to
17 its intersection with the south boundary line of Interstate Route 64; eastward along said
18 boundary line of Interstate Route 64 across Tower Grove Avenue, and South Boyle
19 Avenue to its intersection with the south boundary line of the Interstate Route 64 Ramps
20 from South Vandeventer Avenue: thence eastward along said boundary line of the ramps
21 across South Sarah Avenue to its intersection with South Vandeventer Avenue: thence
22 eastward across South Vandeventer to its intersection with the northern boundary line of
23 City Parcel Number 3946-00-0090, commonly known as 904 South Vandeventer; thence

1 eastward along said boundary to its intersection with the eastern boundary of the same
2 parcel; thence southward along said boundary to its intersection with the northern
3 boundary line of City Parcel Number 3946-00-0040, commonly known as 3923
4 Chouteau; thence eastward along said boundary to its intersection with the eastern
5 boundary of the same parcel; thence southeastward along said boundary to its intersection
6 with Chouteau Avenue; thence southwestward along the eastern property line of City
7 Parcel Number 5821-00-0040, commonly known as 3936 Chouteau to the southern
8 boundary of said parcel; thence westward along said southern boundary and its western
9 prolongation to its intersection with South Vandeventer Avenue; thence southwestward
10 along South Vandeventer to its intersection with Tower Grove Avenue; thence northward
11 along Tower Grove to its intersection with Hunt Avenue; thence westward along Hunt to
12 its intersection with the western boundary line of City Parcel Number 3982-00-0250,
13 commonly known as 1417 Tower Grove; thence northwardly along said boundary to its
14 intersection with the east-west alley in City Block 3982; thence westward along said alley
15 to its intersection with the western boundary line of City Parcel Number 3982-00-0165,
16 commonly known as 4310 Vista; thence northward along said boundary to its intersection
17 with Vista Avenue; thence eastward along Vista to its intersection with Tower Grove
18 Avenue; thence northward along Tower Grove to its intersection with Norfolk Avenue;
19 thence westward along Norfolk to its intersection with the western boundary line of City
20 Parcel Number 3976-00-0230, commonly known as 4309 Norfolk; thence northward
21 along said boundary to its intersection with the east-west alley in City Block 3976; thence
22 eastward along said alley to its intersection with the western boundary line of City Parcel
23 Number 3976-00-0195, commonly known as 1211 Tower Grove; thence northward along

said boundary and the west boundary line of City Parcel Number 3976-00-0190, commonly known as 1201 Tower Grove and its prolongation to the western boundary line of City Parcel Number 3973-00-0240, commonly known as 1125 Tower Grove; thence northward along said boundary and its northern prolongation to its intersection with the east-west alley in City Block 3973; thence westward along said alley across South Newstead Avenue to its intersection with South Taylor Avenue; thence southward along South Taylor to its intersection with Swan Avenue; thence westward along Swan to its intersection with South Kingshighway Boulevard at the point of beginning.

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

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

Area 2 Beginning at the intersection of the centerlines of Talmage Avenue and the east-west alley in City Block 3992; and proceeding along the following centerlines and city

parcel boundary lines, and their prolongations, in a generally clockwise direction southwardly along Talmage to its intersection with the northeast-southwest alley in City Block 3992; thence southwestward along said alley to its intersection with South Boyle Avenue; thence southward along South Boyle to its intersection with Vista Avenue; thence westward along Vista to its intersection with the north-south alley in City Block 3978; thence northward along said alley to its intersection with the east-west alley in City Block 3978; thence westward along said alley to its intersection with the western boundary of City Parcel Number 3978-00-0030, commonly known as 4264 Norfolk; thence northward along said boundary to its intersection with Norfolk Avenue; thence eastwardly along Norfolk to its intersection with the western boundary of City Parcel Number 3977-00-0360, commonly known as 4257 Norfolk; thence northward along said boundary to its intersection with the east-west alley in City Block 3977; thence eastward along said alley to its intersection with the western boundary of City Parcel Number 3977-00-0010, commonly known as 4258 Swan; thence northward along said boundary and its prolongation along the western boundary of City Parcel Number 3972-00-0380, commonly known as 4261 Swan to its intersection with the east-west alley in City Block 3972; thence eastwardly along said alley across South Boyle Avenue and Kentucky Avenue to its intersection with Talmage Avenue at the point of beginning.

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

A) Adult Book Stores;

B) Adult Motion Picture Theaters;

1 **C)** Adult Peep Shows;

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

4 **E)** Free standing Package Liquor Stores;

5 **F)** Blood donor f acilities that pay donors for their blood;

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

8 **H)** Short-Term Loan Establishments, including, but not limited to, vehicle and/or other
9 such personal property title loan centers or agencies (except for Financial Institutions,
10 as defined and regulated in the Zoning Code);

11 **I)** Pawn Shops;

12 **J)** Restaurants that sell products through a sales window to customers who are in cars, or
13 to customers who are in cars on the restaurant premises, or to customers who may
14 consume the sold products in cars parked on the restaurant premises;

15 **K)** Restaurants that sell products through a sales window to pedestrians outside the
16 building for immediate consumption by the customers either on or off the premises;

17 **L)** Carry-Out Restaurants with no indoor table service;

18 **M)** Any use that utilizes a sales or service window or facility for customers who are in
19 cars (except for Financial Institutions, as defined and regulated in the Zoning Code);

20 **N)** Motor Fuel Pumping Stations;

21 **O)** Car washing or detailing facilities;

22 **P)** Automobile or truck deal ers (new or used);

1 **Q)** Automobile, truck, or other equipment rental requiring outside storage of vehicles or
2 equipment;
3 **R)** Rent-to-own furniture, electronics and/or home appliance shops;
4 **S)** Utility stations or towers;
5 **T)** Free standing cell phone towers;
6 **U)** Public storage facilities for rent or lease (provided, however, that this prohibition
7 shall not be construed to prohibit any normal warehouse activities, otherwise allowed
8 in the particular Zoning District where the warehousing is located, for businesses
9 lawfully occupying the same building or adjacent buildings);
10 **V)** Open storage;
11 **W)** Rooming Houses and Boarding Houses (provided, however, that this prohibition shall
12 not be construed to prohibit Bed and Breakfast Establishments as defined and
13 otherwise regulated in Chapter 8.25 of the Revised Code, or Bed and Breakfast
14 Districts as defined and regulated in Chapter 26.66 of the Zoning Code); and
15 **X)** Outdoor Pay Telephones.
16 **SECTION SIX. SUD Conditional Use Regulations.** Notwithstanding any Zoning District Use
17 or Conditional Use Regulations contained in the Zoning Code to the contrary, the following uses
18 may only be allowed in the District as conditional uses subject to the provisions of Section
19 26.80.010 of the Zoning Code:
20 **A)** Automobile or truck service and repair shops;
21 **B)** Automobile or truck parts sales (new or used);
22 **C)** Automobile lubrication facilities;

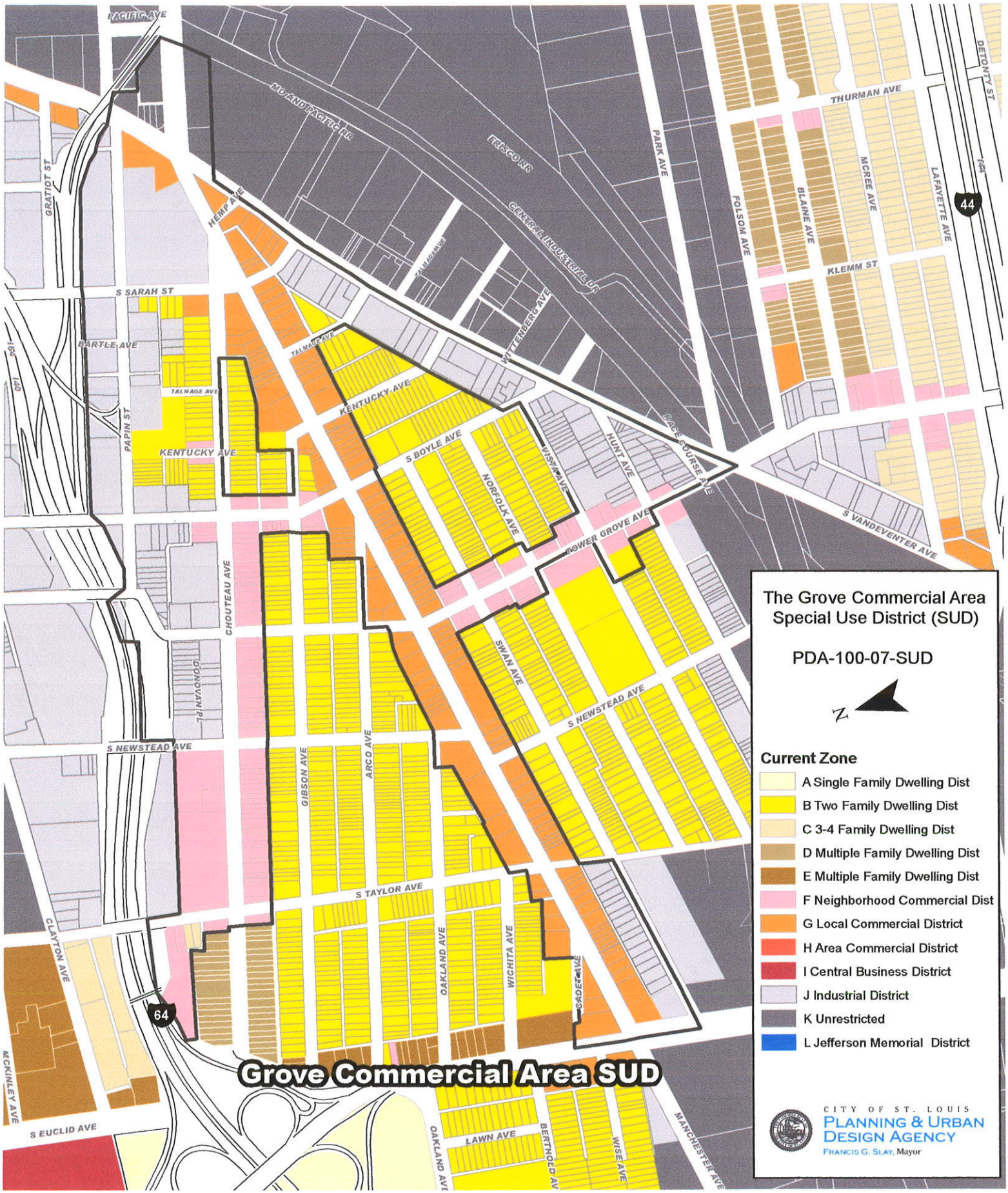
1 **D)** Secondhand or junk clothing or retail shops (hereby defined as stores carrying items
2 having limited collectors' value and not commonly classified as "antique" or "vintage"
3 items and/or commonly valued as "good-as-new" quality of clothing);
4 **E)** Beauty supply stores;
5 **F)** Cell phone, beepe r, or pager shops;
6 **G)** Cell phone transmitters on buildings;
7 **H)** Convenience food stores and confectionaries;
8 **I)** Establishments selling alcoholic beverages by the glass which do not have a
9 Restaurant Permit in addition to a Liquor License;
10 **J)** Tattoo and/or body piercing parlors;
11 **K)** Laundromats open to the general public at any time between Midnight and 6:00 AM;
12 **L)** Seasonal businesses leasing locations on an annual basis, while utilizing the premises
13 for access by the general public less than eleven (11) months of the year and/or less
14 than four (4) days a week; and
15 **M)** Pinball/video and/or amusement game arcades.
16 **SECTION SEVEN: Nonconforming Uses; Appeals.** Notwithstanding any provisions of the
17 Zoning Code to the contrary:
18 **A)** All businesses lawfully operating within the District on the effective date of this
19 Ordinance, which such business or use would otherwise be prohibited or subject to
20 the granting of a conditional use permit in order to conduct such business lawfully
21 after the effective date of this Ordinance, shall hereby be considered legal and
22 nonconforming uses.

1 **B)** But if any such existing business within the District does not have a valid occupancy
2 permit held by the existing owner or operator and a valid business license from the
3 City of St. Louis held by such owner or operator, such business and use must be
4 discontinued within no more than thirty (30) days from the date upon which the City
5 issues notice of such unlawful occupancy or use.
6 **C)** No new owner or operator of a nonconforming use within the District shall be granted
7 an occupancy permit to continue any such nonconforming use unless such new owner
8 or operator accepts all conditions upon which previous permits and licenses for such
9 operation were based, if any.
10 **D)** If a new owner or operator of a nonconforming use within the District applies for an
11 occupancy permit more than thirty (30) days after the transfer of ownership, such
12 application shall be denied.
13 **E)** If an owner or operator of a nonconforming use within the District discontinues its
14 operations for more than thirty (30) days, any subsequent use in such a building,
15 structure or premises shall conform to the regulations of the District.
16 **F)** E xpanding legal nonconforming uses, or structural alterations to nonconforming
17 buildings or structures, within the District are prohibited; and the City shall deny
18 applications for any such expansion and/or structural alternations that do not comply
19 with District regulations.
20 **G)** Owners or prospective owners or operators may appeal permit denials to the City's
21 Board of Adjustment pursuant to the provisions of Chapter 26.84 of the Zoning Code,
22 provided that any such appeals are made within thirty (30) days after a permit
23 application is denied.

1 **SECTION EIGHT. Emergency Clause.**

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

EXHIBIT 1
Boundaries



67924

Clerk, Board of Aldermen

President, Board of Aldermen

Approved ☑

Disapproved ☐

Date March 17, 2008

Mayor

Truly Engrossed and Enrolled

Chairman