

City of  
**MARYLAND HEIGHTS**



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December 27, 2023

Dacey Bardak  
Bamboo Equity  
11701 Borman Dr., Ste 200  
St. Louis, MO 63146

**RE: Zoning Verification  
2228-2268 Welsch Industrial Ct., St. Louis, MO 63146**

**Parcel #15N410453**

Ms. Bardak:

In response to your request for zoning verification for the above referenced parcel (hereafter "the Property"), I can advise you as follows:

1. The Property is zoned as "M-1" (Office, Service, and Light Manufacturing District) and is governed by Conditional Use Permit Ordinance #2017-4215 (see attached);
2. In addition to permitting Pharmaceutical Preparation and Manufacturing (ECC #325412), Ordinance #2017-4215 allows all uses permitted in the "M-1" district. A list of these uses and the parking requirements can be found in Appendix B, Land Use and Required Parking Variances, of the Zoning Code;
3. The Property was originally developed prior to the enactment of the Zoning Code of the City of Maryland Heights and may have legally pre-existing, non-conforming rights, as they relate to development standards and as governed by Section 25-7 of the Zoning Code (see attached);
4. The properties to the north, across Page Avenue, are zoned "M-1" (Office, Service, and Light Manufacturing District). The properties adjacent and to the east and west of the Property are zoned "M-1" (Office, Service, and Light Manufacturing District). The properties adjacent and to the south are zoned "PDC" Planned District - Commercial;
5. The Property is not subject to any zoning variances or additional zoning requirements other than to the extent specified in the Ordinance;
6. A review of the current City records indicates that there are no documented outstanding violations of the Zoning Code or Building Code on the Property; and
7. The Property was developed in 1976, prior to the City's date of incorporation. As such, a site plan for the site must be obtained from St. Louis County.

If you have any questions regarding this matter, please do not hesitate to contact me at your convenience at (314) 738-2234 or [elorusso@marylandheights.com](mailto:elorusso@marylandheights.com).

Sincerely,

  
Erin LoRusso, AICP  
City Planner

Attach.

**Recommendation of Planning Commission**

**BILL NO. 4278**

**ORDINANCE NO. 2017-4215**

**AN ORDINANCE ENACTING A CONDITIONAL USE PERMIT AUTHORIZING A  
PHARMACEUTICAL MANUFACTURER AT 2208-2210 WELSCH INDUSTRIAL COURT  
(Petition of Pageview Pharmaceuticals with the consent of Pageview Partners, LLC)**

**WHEREAS**, a Public Hearing was held before the Planning Commission regarding the proposed Conditional Use Permit contained in this Ordinance; and

**WHEREAS**, the Planning Commission has determined that the proposed use is in general conformance with the goals of the Comprehensive Plan of the City of Maryland Heights; and

**WHEREAS**, the Planning Commission has determined that the proposed use satisfies the criteria for conditional uses as set forth in the Zoning Code of the City of Maryland Heights; and

**WHEREAS**, the Planning Commission has recommended approval of the conditions contained in this Ordinance; and

**WHEREAS**, the City Council has reviewed the recommendation of the Planning Commission and has determined that the Conditional Use Permit is appropriate.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYLAND HEIGHTS, MISSOURI, AS FOLLOWS:**

**SAMPLE**

**Section 1:** A Conditional Use Permit is approved for real estate in the City of Maryland Heights in the "M-1" Office, Service, and Light Manufacturing District for a 6.73 acre parcel of land located at 2208-2210 Welsch Industrial Court with a legal description as follows:

A tract of land being that part of property conveyed to U -Gas Westport Pageview, LLC, by deed recorded in Deed Book 19201, Page 267 of the St. Louis County Records, being situated in Fractional Section 27, Township 46 North, Range 5 East, in the City of Maryland Heights, St. Louis County, Missouri, being more particularly described as follows:

Beginning at the Northeast corner of Lot 1 of Red Roof Inns Subdivision according to the plat thereof recorded in Plat Book 240, Page 76 of the St. Louis County Records, said point being on the Southern line of property conveyed to the State of Missouri, for the establishment of Missouri State Highway " D" (aka Page Avenue Extension), by deed recorded in Deed Book 5544, Page 437 of the St. Louis County Records, and being 166.47 feet radial distant South of Centerline Station 1073+ 95.94 of Missouri State Highway " D"; thence Southeasterly and Northeasterly, along the South line of said property conveyed to the State of Missouri the following courses and distances: South 75 degrees 04 minutes 51 seconds East, 24.18 feet to a point, being 175.00 feet radial distant South of Centerline Station 1074+20.00 thereof; North 79 degrees 47 minutes 06 seconds East, 266.80 feet to a point, being 140.00 feet radial distant South of Centerline Station 1077+ 00.00 thereof; South 89 degrees 53 minutes 04 seconds East, 286.39 feet to a point, being 125.00 feet radial distant South of Centerline Station 1080+00.00 thereof;

South 75 degrees 38 minutes 54 seconds East 354.43 feet to a point, being 153.00 feet radial distant South of Point of Tangency Centerline Equation Station 1083+ 71.60 Back equals 30+98.22 Ahead; South 75 degrees 38 minutes 54 seconds East, 141.79 feet to a point, being 155.00 feet perpendicular distant South of Centerline Station 32+ 40.00 thereof; North 76 degrees 58 minutes 49 seconds East, 13.84 feet to a point, being 148.81 feet perpendicular distant South of Centerline Station 32+ 52.38; thence Southwesterly, departing the South line of said property conveyed to the State of Missouri for the establishment of Missouri State Highway "D", South 00 degrees 27 minutes 26 seconds West, 194.64 feet to a point; thence Northwesterly, along the East-West Centerline of said Fractional Section 27, North 89 degrees 32 minutes 41 seconds West, 1067.89 feet to the Southeast corner of Lot 1 of Red Roof Inns Subdivision, as aforementioned; thence Northeasterly, along the East line of said Lot 1, North 00 degrees 37 minutes 07 seconds East, 265.53 feet to the point of beginning and containing 6.73 acres, more or less (292,965 square feet).

**Section 2:** The Conditional Use Permit is granted subject to all rules and regulations and to conditions set forth for the property described in Section 1 as follows:

**I. PERMITTED USES**

- A. All permitted land uses in the "M-1" Office, Service, and Light Manufacturing District.
- B. Pharmaceutical Preparation Manufacturing (LUC #3-5412) shall be permitted, subject to the limitations set forth in this ordinance.

**II. USE LIMITATIONS**

Pharmaceutical Preparation Manufacturing shall be limited as follows:

- A. All activities, other than parking and loading, shall be performed inside the building.
- B. No outdoor storage of equipment or materials shall be permitted.
- C. The occupant shall secure and maintain all necessary certifications from the Maryland Heights Fire Protection District, St. Louis County, and other applicable agencies/entities.

**III. GENERAL LIMITATIONS**

- A. No parking or outside storage of vehicles unrelated to the permitted uses occupying the site shall be permitted.
- B. Penalties for noncompliance and abandonment shall be governed by Section 25-5.17, Time Limit of Conditional Use Permit.
- C. In the event of a disagreement between any owner/operator and the City Planner as to whether the use of the site meets the criteria or conditions set forth in this ordinance, such disagreement shall be submitted to the Planning Commission for recommendation to the City Council, which shall make the decision on such disagreement, provided the

Developer shall have the right to appeal such decision pursuant to Article 9, Variances, of the Zoning Code and to pursue any other available legal or equitable remedy.

#### IV. MAINTENANCE

- A. The building and site shall be maintained in accordance with the Property Maintenance Code.
- B. Landscaped areas shall be properly maintained. Plant materials shall be replaced or replanted as determined by annual inspection of the site by the City Planner or his assigns.

#### V. MISCELLANEOUS

- A. Every use, activity, process or operation on the site shall comply with the performance standards prescribed in Article 17, Environmental Standards, of the Zoning Code.
- B. No new business license or occupancy permit for the conditional use(s) permitted herein shall be approved in connection with a change of owner/operator or expansion without verification by the City Planner that the use of the site will continue to meet the conditions of Section 25-5.8, Burden of Proof, of the Zoning Code.

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Section 3: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL THIS 3<sup>rd</sup> DAY OF MARCH 2017.

michael moeller  
MAYOR/PRESIDING OFFICER

APPROVED BY THE MAYOR THIS 3rd DAY OF MARCH 2017.

michael moeller  
MAYOR

ATTEST:

Debrah Cova mm/cpc  
CITY CLERK



## **ARTICLE 7. NONCONFORMING LOTS, STRUCTURES, AND USES.**

### **Sec. 25-7.1. Purpose.**

The purpose of this section is to provide regulations for nonconforming lots, structures, and uses. These regulations are necessary in that such nonconformities may:

- A. Be incompatible with and detrimental to permitted land uses and structures in the zoning districts in which they are situated.
- B. Inhibit present and future development of nearby properties.
- C. Confer upon their owners and users a position of unfair advantage.

### **Sec. 25-7.2. Intent.**

It is the intent of this section to:

- A. Ensure, to the greatest extent practical, that nonconformities are not expanded; and
- B. Encourage nonconformities to be abolished or reduced to conformity as quickly as the fair interest to the parties will permit.

### **Sec. 25-7.3. Scope.**

- A. The provisions of this section shall apply to all nonconforming lots, structures, and uses as defined in Appendix A, Rules and Definitions.
- B. Regulations for nonconforming motor vehicle oriented businesses (MVOB) shall be as per Section 25-23.2, Nonconforming Motor Vehicle Oriented Businesses.
- C. Specific regulations for nonconforming signs shall be as per Section 25-15.7, Nonconforming Signs, of the Zoning Code.
- D. In the event right-of-way acquisition by a governmental agency causes a property or its improvements to be in violation of provisions of the Zoning Code, said property shall be exempt from said provisions to the extent said violation is caused by the right-of-way acquisition, subject to the following:
  1. Property which undergoes a change in zoning district initiated by the property owner subsequent to right-of-way acquisition shall no longer be subject to this exemption and shall be treated as nonconforming pursuant to the provisions of this Section rather than exempt as provided above. However, a zoning change initiated by the City shall not cause a property to lose the exemption provided by this section for properties affected by right-of-way acquisitions.
  2. Nothing provided in this provision shall be construed to permit any obstruction which may create a traffic safety hazard as determined by the City Engineer or any other safety hazard as determined by the Building Commissioner. However, said obstructions may be relocated as close as possible inside the new property line.

### **Sec. 25-7.4. General Regulations.**

- A. *Construction.* Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun in good faith prior to the date this Zoning Code, or any amendment thereto, became effective, if such construction is diligently prosecuted to completion within two (2) years following such date. Actual construction is hereby defined to include the placing of the construction materials so that they are in a permanent position and fastened to the earth in a

**SAMPLE**

permanent manner.

- B. An existing nonconformity shall not cause further departures from the Zoning Code.
- C. An existing nonconformity may be continued except as hereinafter limited in this section.
- D. The number of dwelling units in a nonconforming residential structure shall not be increased over the number of dwelling units in the structure at the time of the structure becoming a nonconforming structure.
- E. The existence of any present nonconformity anywhere in the City shall not itself be considered grounds for the issuance of a variance for other property.

**Sec. 25-7.5. Change to Another Use.**

A nonconforming use may be changed to another use only in accordance with the following:

- A. The new use may be one that is permitted in the district in which the nonconformity is situated, provided that the new use complies with the regulations of that district; or
- B. The new use may be one that is permitted in the most restrictive district in which the nonconforming use is a permitted use, provided that the new use complies with the regulations of that district. For the purpose of this paragraph, a permitted use is a use listed as a permitted land use under one of the districts of this chapter, excluding the Planned Districts, and does not include a use which may be authorized by a Conditional Use Permit.
- C. Where any change is proposed to be made to a use that is permitted in the district only by a Conditional Use Permit, such change may be made only through a Conditional Use Permit granted pursuant to the procedure delineated by this Code.

**Sec. 25-7.6. Relocation**

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- A. A nonconforming use shall not be moved to another part of a lot or outside the lot.
- B. A nonconforming use of a structure shall not be moved to any part of the structure not manifestly arranged and designed for such use at the time the use became nonconforming.
- C. *Exception.* In the case of extraction of raw materials from the earth, extraction operations and moving of related structures may occur on any part of the tract owned or leased by the operator at the time of becoming a nonconforming use.

**Sec. 25-7.7. Enlargement, Alteration, or Reconstruction.**

A nonconforming use, structure, or any part or a structure thereof devoted to a nonconforming use, shall not be enlarged, extended, reconstructed, or structurally altered, except:

- A. As may be required by law.
- B. In changing the use to one which is permitted in the zoning district in which such use is situated.
- C. To the extent hereinafter permitted.
- D. To provide off-street parking or loading spaces.

**Sec. 25-7.8. Damaged or Substandard Structures.**

- A. Nothing in this Code shall be deemed to prohibit the restoration of any structure and its use where such

structure has been destroyed by any means out of the control of the owner to an extent less than sixty (60%) percent of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any foundation adaptable to a conforming use) at the time of destruction, provided the restoration of such structure and its use:

1. In no way increases any former nonconformity; and
2. Is begun within six (6) months of such destruction and diligently prosecuted to completion within two (2) years following such destruction.

B. Whenever such structure has been destroyed by any means out of the control of the owner to an extent of more than sixty (60%) percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any foundation adaptable to a conforming use) at the time of destruction, as determined by the Building Commissioner, or by any means within the control of the owner to any extent whatsoever, the structure shall not be restored except in full conformity with all regulations of the district in which such structure is situated.

C. When a structure is determined to be substandard by the Building Commissioner under any applicable ordinance of the City and the cost of placing the structure in condition to satisfy the standards under such ordinance shall exceed sixty (60%) percent of the reconstruction cost of the entire structure, such nonconforming structure shall not be restored for the purpose of continuing a nonconforming use.

D. None of the restrictions contained in this section shall limit the authority of the Board of Adjustment to grant relief for reconstruction of a nonconforming structure.

E. *Parking.* Whenever a single-family dwelling has been destroyed to an extent of more than sixty (60%) percent of its replacement value (excluding the value of the land and the cost of preparation of land) at the time of destruction, as determined by the Building Commissioner, the number of required enclosed garage spaces shall be those on site at the time of the destruction. If the dwelling has an attached carport, it may be replaced or restored as per Section 25-2.1.E, Replacement or Restoration.

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#### **Sec. 25-7.9. New Construction or Replacement of Existing Structures on Nonconforming Lots.**

Construction of new structures or replacement of existing structures on nonconforming lots shall not be deemed an expansion, enlargement, or alteration as used in this section subject to the following conditions:

- A. Said structures do not reduce the minimum required front or side yard, or exceed the maximum lot coverage. However, for any included corner lot, the required setbacks and maximum lot coverage shall be those in effect as of September 6, 2001.
- B. The non-conforming lot has a minimum of seventy (70%) percent of the required lot width.
- C. The nonconforming lot has a minimum of eighty (80%) percent of the required lot depth.
- D. The nonconforming lot has a minimum of eighty (80%) percent of the required lot area.

#### **Sec. 25-7.10. Additions to Residential Structures on Nonconforming Lots.**

Additions to or replacement of existing residential structures on nonconforming lots located in a Single-Family Residential District ("R-1" through "R-5"), shall not be deemed an expansion, enlargement, or alteration as used in this section subject to the following conditions:

- A. Said additions or replacement do not reduce the minimum required front or side yard.
- B. Unless further decreased by provision "D" below, the required rear setback for corner lots shall be:

1. "R-1" Single-Family Residential Zoning District.
  - a. Rear Yard.
    - i. Principal Structure—Not less than twenty-five (25) feet.
    - ii. Unroofed and Unenclosed Deck, Pool, or Accessory Structure—Not less than fifteen (15) feet.
2. "R-2" Single-Family Residential Zoning District.
  - a. Rear Yard.
    - i. Principal Structure—Not less than twenty (20) feet.
    - ii. Unroofed and Unenclosed Deck, Pool, or Accessory Structure—Not less than twelve (12) feet.
3. "R-3" Single-Family Residential Zoning District.
  - a. Rear Yard.
    - i. Principal Structure—Not less than fifteen (15) feet.
    - ii. Unroofed and Unenclosed Deck, Pool, or Accessory Structure—Not less than eight (8) feet.
4. "R-4" Single-Family Residential Zoning District.
  - a. Rear Yard.
    - i. Principal Structure—Not less than fifteen (15) feet.
    - ii. Unroofed and Unenclosed Deck, Pool, or Accessory Structure—Not less than six (6) feet.
5. "R-5" Single-Family Residential Zoning District.

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- a. Rear Yard.
  - i. Principal Structure—Not less than fifteen (15) feet.
  - ii. Unroofed and Unenclosed Deck, Pool, or Accessory Structure—Not less than six (6) feet.

C. Said additions may reduce the rear setback to a distance no less than the average rear setback of the other residential properties:

1. On the same block face in the same subdivision; or
2. Within three hundred (300) feet of the subject property, whichever is less.

D. Said additions or improvements are limited to:

1. An enclosed or open deck;
2. An attached garage or garage addition;
3. A detached accessory structure not exceeding five hundred (500) square feet in area;
4. Room additions;
5. Inground or above ground pools.

**Sec. 25-7.11. Abandonment of Nonconforming Uses.**

- A. Any nonconforming use which has been abandoned shall not thereafter be re-established. Any structure or land, or structure and land in combination, which was formerly devoted to a nonconforming use which has been abandoned, shall not again be devoted to any use other than those uses which are permitted in the district in which the structure or land, or structure and land in combination, is situated.
- B. The term "abandonment," as used herein, shall mean the voluntary discontinuance of a use:
  1. For a period of twelve (12) consecutive months, in the case of a structure, or of a structure and land in combination; or
  2. For a period of ninety (90) consecutive days, or for a total of six (6) months during any one (1) year period, in the case of land only.

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