1003.182 Special Business Permit Procedure (SBP)

1. **Scope of Provisions.**

   This section contains the regulations of the Special Business Permit Procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter, which are incorporated as part of this section by reference.

2. **Statement of Intent.**

   The intent of this section is to provide a voluntary and alternative means for existing single family dwellings to be reutilized for office or commercial services, where certain site characteristics may have rendered these properties less than suitable for residential purposes. The issuance of any Special Business Permit shall only be approved after the St. Louis County Planning Commission has reviewed and determined the proposal does not adversely impact the character of the surrounding neighborhood and is compatible in appearance and function with nearby uses.

3. **Applicable Zoning Districts and Roadway Designation.**

   The Special Business Permit Procedure may be utilized in the following zoning districts: "NU" Non-Urban District and all "R" Districts. Lots considered for the Special Business Permit Procedure must front the right-of-way of a four lane or wider State or County road and have direct access on that four lane or wider road or an outer/service road within the same right-of-way. This four-lane or wider designation excludes turning lanes and is applicable only to existing pavement widths. (O. No. 18061 Adopted 6/13/96).

4. **Authorized Developments.**

   The Special Business Permit Procedure may authorize the following development types:

   (1) Office uses, including medical/clinical offices, but excluding financial institutions.

   (2) Commercial services of a personal or educational nature including beauty shops, barber shops, music schools, convalescent or nursing homes, tourist homes, or other establishments offering services to the general public, excluding the sale of any goods on the premises, except as an accessory use to a permitted use.

   (3) Mail order operations providing there is no storage or display of inventory outside the dwelling or visible from the roadway inside the dwelling.

5. **Site Requirements.**

   Yard setbacks, screening and landscaping, and building use limitations shall be as established within the conditions authorizing the Special Business Permit. Additional restrictions applicable on a case-by-case basis are as follows:

   (1) Any building addition, parking area, or drive aisle shall comply with the setback requirements of the underlying zoning district, except in the following instances:

   (a) where a Special Use Permit property abuts a residentially zoned area, the rear yard setback shall be a minimum of fifteen (15) feet in distance. If five (5) or more parking spaces are proposed in conjunction with the use, a minimum twenty-five (25) foot rear yard setback shall be required.

   (b) where a Special Use Permit property abuts a residentially zoned area, setback requirements may be made more restrictive in the conditions governing the site, as authorized by the Special Business Permit, than those of the underlying district designation.
(2) Any Special Business Permit property shall have the following use limitations:
   (a) A Special Business Permit may be issued only for an existing structure originally
       constructed for occupancy as a single family dwelling. Said structure shall have been
       constructed not less than one year prior to application for a Special Business Permit.
   (b) No addition shall be permitted to any structure for which a Special Business Permit has
       been issued that will increase the area of office/commercial use. This provision shall not
       prohibit the construction of an addition for living area or for sheltered parking otherwise
       permitted in the district in which the property is located. No such addition shall be eligible for
       an expansion of use granted under the Special Business Permit.
   (c) If residential use of the property is retained in part, such living area shall be limited to the
       family of the operator of the business for which the Special Business Permit is requested.

6. Off-Street Parking and Loading Requirements.

Off-street parking and loading spaces for a Special Business Permit use shall comply with the
applicable standards as established in Section 1003.165 Off-Street Parking and Loading
Requirements. If part of the dwelling is to be used for living quarters, the required parking and loading
spaces will be in addition to those accessory to the single family use.

7. Signage.

Signage for the Special Business Permit Procedure may consist of one (1) business identification sign
not to exceed twenty-four (24) inches by thirty-six (36) inches in sign face area. This signage shall be
located on the structure at its entrance. The sign, as well as lighting for the sign, shall be approved by
the Planning Commission on the Site Development Plan.


The appearance and operation of the structure shall be compatible with the surrounding area. Each
request shall be required to meet the following requirements:

(1) A Site Development Plan shall be submitted in conjunction with the Special Business Permit
    application for approval by the Planning Commission.
(2) A rendering of the dwelling that reflects the existing facade treatments, as well as any proposed
    remodeling or alterations to the exterior of the dwelling in adherence to permit requirements, shall
    be submitted to the Planning Commission for approval.
(3) A review by the Department of Highways and Traffic, the Missouri Highway and Transportation
    Department, and the Metropolitan St. Louis Sewer District shall be completed for each Special
    Business Permit Procedure request relative to the on-site handling of stormwater, required
    right-of-way dedications along applicable roadways, and accessory entrance improvements.


Procedures for filing, review, and approval of the Special Business Permit shall be as follows:

(1) Application.

Application for a Special Business Permit for a specific tract of land shall be initiated by the filing
of a verified application by the owner or owners of record or owners under contract of a lot or tract
of land, or their authorized representatives. Application shall be addressed to the St. Louis
County Planning Commission and submitted to the Department of Planning upon forms
prescribed for such purpose by the Planning Commission and accompanied by the following:
(a) Legal description of the property.
(b) Outboundary plat of the property.
(c) Preliminary Development Plan including, but not limited to, the following:

(i) Proposed uses. Approximate location and designated uses of buildings and other structures, as well as parking and open areas shall be indicated.
(ii) Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas shall be delineated.
(iii) Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, existing tree masses, and proposed landscaping.
(iv) Two (2) cross section profiles through the site showing preliminary building form, existing natural grade, and proposed final grade.
(v) Proposed ingress and egress to the site, including adjacent streets.
(vi) Preliminary plan for provision of sanitation and drainage facilities.
(vii) Preliminary plan for stormwater quality control measures. (O. No. 23553 - Adopted 3/31/08).
(viii) Stream buffer areas. (O. No. 23553 - Adopted 3/31/08).
(ix) The Department of Planning may waive those requirements deemed inessential for a specific tract of land.

(2) Public Hearing.

A public hearing on the petition shall be held by the Planning Commission in the same manner and public notice procedure as required for a change of zoning. The public hearing shall be held within forty-five (45) days of verification the application meets the application requirements.

(3) Planning Commission Action.

Upon review of the application, the Planning Commission may grant approval subject to appropriate conditions or denial. Conditions may relate to, but need not be limited to, the following:

(a) Conditions relative to the type and extent of improvements and landscaping.
(b) Conditions governing development and improvements (including minimum yard requirements).
(c) Conditions relative to the maximum gross floor area for non-residential use.
(d) Conditions relative to sign regulations.
(e) Conditions relative to performance standards.

When approval has been granted subject to conditions, and the conditions would cause a substantial change in the site plan presented at public hearing, the Commission shall withhold forwarding their decision to the County Council pending receipt of a revised plan from the petitioner reflecting compliance with the conditions. The petitioner shall be allowed a maximum of forty-five (45) days to submit the revised plan to the Department of Planning. Said plan shall be reviewed by the Planning Commission at its next Executive Meeting. If the petitioner fails to submit the revised plan, the Planning Commission shall forward its decision to the County Council. The Planning Commission's decision shall be based upon whether the Special Business Permit Procedure proposal is consistent with the overall intent of the ordinance regarding the style and functional aspects of the subject dwelling and the operational compatibility of the proposed use with surrounding uses, topography, and infrastructure. The decision, along with preliminary plans and conditions, where approval has been granted, shall be forwarded to the County Council for its review.
(4) Permit Effective, When.

Unless the County Council exercises its power of review or a duly filed protest is received by the County Clerk, a Special Business Permit or an amendment thereto shall become effective after fifteen (15) days of the County Council's receipt of the Planning Commission's report granting the application.

(5) Effect of Denial.

If no appeal is filed from the denial and the County Council does not exercise its power of review, no subsequent application for a Special Business Permit with reference to the same property or part thereof shall be filed by any applicant until the expiration of twelve (12) months after the denial.

10. Appeal or Protest Procedure.

(1) Appeal by Petitioner to Recommendation of Denial.

The petitioner may file an appeal to the County Council of a Planning Commission recommendation of denial of an application for a Special Business Permit Procedure or an amendment thereto in accord with the provisions of Section 1003.193 Appeal and Protest Procedure for Special Procedures.

(2) Protest by Specified Nearby Property Owners to Recommendation of Approval.

Specified nearby property owners may file a protest with the County Council against the Planning Commission's approval of an application for a Special Business Permit or an amendment thereto in accord with the provisions of Section 1003.193 Appeal and Protest Procedure for Special Procedures.


(a) Within fifteen (15) days after receipt of the Planning Commission's report, the County Council, upon motion adopted by majority vote, may exercise the power of review of any Planning Commission decision on an application for a Special Business Permit or an amendment thereto.

(b) Upon adoption of the motion to exercise the power of review, the County Council shall refer the subject to the Planning Commission. The Planning Commission shall respond thereon to the County Council, disclosing in what respect the application and facts offered in support thereof met or failed to meet the criteria specified in this section.

(c) Before acting on the Special Business Permit, the County Council or its Committee on Planning and Zoning shall set the matter for hearing. The County Council shall give written notice of such hearing to the applicant and all other persons who appeared and spoke in opposition to the application at the public hearing before the Planning Commission and to the protestants in the case of a protest. The applicant shall be heard at the hearing. In addition, any other person or persons who, in the discretion of the County Council, will be aggrieved by any decision or action with respect to the Special Business Permit may also be heard at the hearing.
(4) County Council Decision.

Following the hearing by the County Council or its Committee on Planning and Zoning on an application, the County Council may affirm, reverse, or modify, in whole or in part, any determination of the Planning Commission. An affirmative vote of two-thirds (2/3) of the members of the whole County Council shall be required to reverse or modify any determination of the Planning Commission.

11. Site Development Plans.

Subsequent to the effective date of the Special Business Permit, a site development plan shall be submitted for review and approval to the Planning Commission or the Department of Planning, as specified in the conditions of the permit. The plan shall contain the minimum requirements established in the conditions governing the Special Business Permit. No building or occupancy permits or authorization for improvement or development for any use requested under provisions of this permit procedure shall be issued prior to approval of such plan. The approved plan shall be retained on file by the Department of Planning.

Requirements for site development plans shall be as follows:

(1) Site Development Plan Requirements.

Site Development Plans shall include, in addition to specific information required by the permit authorizing office or commercial service uses, the following general information:

(a) Outboundary plat and legal description of the property.
(b) Location of all roadways adjacent to the property and general location, size, and pavement widths of all interior roadways.
(c) General design of the development including dwelling type, location of dwelling, and size of single-family lot.
(d) Location and size of any commercial use; type of use proposed and general parking layout.
(e) Zoning district lines and flood plain boundaries.
(f) Site coverage calculations.

(2) Planning Commission Review.

The Planning Commission shall determine if the site development plan complies with the conditions of the Special Business Permit. The Site Development Plan shall not be approved unless it is in full compliance with the conditions specified in the applicable Special Business Permit.

(3) Recording.

Upon approval of the site development plan, and prior to the issuance of any building permit or permit authorizing the use of the property in question, the owner(s) shall, within sixty (60) days of the approval date, record a copy of the approved Special Business Permit, including attached conditions and any subsequent amendments thereto, and the legal description of the tract of land with the St. Louis County Recorder of Deeds, a copy of which is to be filed with the Department of Planning.

12. Procedure to Amend the Conditions of Special Business Permit or Site Development Plan

In order to amend the conditions of an existing Special Business Permit or to amend the site development plan approved for a Special Business Permit, the procedure shall be as follows:
(1) To Amend Conditions of a Special Business Permit:

(a) The property owner or authorized representative shall submit a written request to amend conditions to the Department of Planning for review. The Department shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.

(b) The Department shall then forward the request and its report to the Planning Commission. The Planning Commission shall review the proposed condition amendments and file a report with the County Council in which the Commission shall grant, deny, or modify the requested condition amendments. If the Planning Commission determines the requested condition amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require a new public hearing on the matter in accord with the procedures specified in Section 1003.300 Procedure for Amending the Zoning Ordinance.

(2) To Amend the Site Development Plan:

(a) The property owner or authorized representative shall submit an amended site development plan to the Department of Planning for review. The Department shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.

(b) If the Department of Planning determines the proposed amendment to the site development plan is not in conflict with the original proposal as advertised and the preliminary development plan, and meets all conditions of the Special Business Permit, the Department may approve said amended plan. The approved plan shall be retained on file by the Department of Planning.

(c) If the Department of Planning determines the proposed amendment to the site development plan is not consistent in purpose and content with the nature of the proposal, as originally advertised for public hearing, or with the preliminary development plan, the Department shall so report to the applicant and the Planning Commission. The Planning Commission shall review the proposed site development plan amendment and make a final determination. The Planning Commission may, if deemed necessary, require a new public hearing on the matter in accord with procedures specified in Section 1003.300 Procedure for Amending the Zoning Ordinance.

13. Appeal to Commission of a Decision by the Department in Reviewing Development Plans.

The petitioner/developer may appeal to the Planning Commission a decision by the Department of Planning in cases where the Department of Planning is authorized to review development plans. The petitioner shall have a fifteen (15) day period in which to file a written appeal and plan with the Commission. The written appeal, stating the reasons for the appeal, shall be submitted to the Department. The Commission shall make the final determination of the matter.

14. Time Periods for Submission of Plans and Installation of Improvements and Extensions of Time.

(1) Site Development Plan.

The site development plan shall be submitted to the Planning Commission for review within three (3) months after approval of the application by the Planning Commission, unless such time is extended by the Planning Commission. One such extension shall be allowed for a maximum of three (3) months.
(2) Installation of Improvements

All required improvements (parking lots and/or landscaping, etc.) shall be installed within three (3) months of the approval of the site development plan, unless such time is extended by the Planning Commission. One such extension shall be allowed for a maximum of three (3) months.

(3) Appeal of a Denial of an Extension of Time.

Upon the denial by the Planning Commission of a request to extend the time for the filing or recording of a site development plan, the applicant may file an appeal with the County Council requesting a determination from that body, except in such instances where the maximum time extensions have been granted.

A notice of appeal shall be filed within fifteen (15) days of action by the Commission. Notice of appeal to the County Council shall be in writing and shall be filed in duplicate with the County Clerk of the County Council. The applicant shall have an additional thirty (30) days to file the appeal. The appeal shall set forth the specific causes why the previously approved time for the filing of a site development plan and within what period of time such requirement can be met.

Upon receipt of an appeal for a time extension, the County Council shall refer same to the Planning Commission for report therein as to whether or not the facts offered in the appeal have or have not justified the requested time extension. The County Council on receipt of the Commission’s report may affirm, reverse, or modify, in whole or in part, any determination of the Planning Commission or may grant or deny any request for an extension of time upon which the Planning Commission has taken action. An affirmative vote of five members of the whole County Council shall be required to reverse, modify, or amend any determination of the Planning Commission. A majority vote of the whole County Council shall be sufficient to affirm any determination of the Planning Commission.

(4) Termination of Special Business Permit Procedure

In the event the site development plan or the installation of required improvements is not submitted or completed within the prescribed time limits, the Special Business Permit Procedure shall terminate.

15. Time Limit of Special Business Permits.

Special Business Permits shall be valid for a two (2) year period unless a lesser period of time shall be provided in a particular permit. The property owner may request the Special Business Permit be renewed by the Planning Commission by requesting a renewal, in writing, not less than thirty (30) days prior to expiration. The Planning Commission may extend it for intervals of two (2) years each or less and are not required to provide public notice or hold a public hearing with a request for renewal.

(O. No. 15681 - Adopted 10/17/91)