

**Summary**

**Board Bill Number 81**

**Introduced by: Alderman Thomas Oldenburg**

**September 18, 2026**

An Ordinance recommended by the Planning Commission amending the text of the zoning code to define and regulate smoke shops in the City of St. Louis and containing a Severability Clause and an Emergency Clause.

**BOARD BILL NUMBER 81 INTRODUCED BY THOMAS OLDENBURG**

**COSPONSORS: ALDERMAN RASHEEN ALDRIDGE/ALDERMAN MATT DEVOTI**

1 An ordinance recommended by the Planning Commission amending **Chapter 26** of the Zoning  
2 Code, by adding a definition for smoke shops, regulating smoke shops, and containing a  
3 severability and emergency clause.

4 **WHEREAS**, the Zoning Code of the City of St. Louis exists in order to regulate land uses in the  
5 promotion of the public safety, health, convenience, comfort, prosperity and general welfare of its  
6 residents; and

7 **WHEREAS**, the current Zoning Code requires updates in order to appropriately define and  
8 regulate modern land uses; and

9 **WHEREAS**, this amendment addresses smoke shops, a land use that has potentially significant  
10 quality of life and nuisance property implications if not regulated appropriately; and

11 **WHEREAS**, smoke shops are currently regulated as general retail, and therefore are permitted by  
12 right in all non-residential zoning districts, and are not required to receive a conditional use permit;  
13 and

14 **WHEREAS**, the lack of a conditional use permit removes the possibility of revocation and makes  
15 it much more difficult for the public and enforcement officials to address nuisance issues that may  
16 arise at a business; and

17 **WHEREAS**, nuisance issues that may arise from an unconditionally permitted smoke shop  
18 include loitering, illegal signage, smoking on site or in the right of way, illegal sale of controlled  
19 substances, sale of age-restricted products to minors, disruptive lighting and/or music, and more;  
20 and

1   **WHEREAS**, this amendment defines and regulates smoke shops as a discrete use in the Zoning  
2   Code; and

3   **WHEREAS**, this amendment will allow for additional community input in the permitting of new  
4   smoke shops and help mitigate the potential negative impacts from them.

5   **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

6   **SECTION ONE.** The following definition is hereby added to Chapter 26.08 of the Zoning Code:

7   **26.08.389.05 Smoke Shop. A premise dedicated to the display, sale, distribution, delivery,**  
8   **offering, furnishing, or marketing of tobacco, tobacco products, e-cigarettes, or tobacco**  
9   **paraphernalia; provided, however that any grocery store, supermarket, convenience store**  
10   **or similar retail use that only sells conventional cigars, cigarettes, e-cigarettes or tobacco as**  
11   **an ancillary sale shall not be defined as a “smoke shop and tobacco store”. Smoke shops and**  
12   **tobacco stores shall not be considered dispensaries as defined in Chapter 26.70.**

13   **SECTION TWO.** The following Chapters and their Sections, **26.40.025, 26.52.025, 26.56.025,**  
14   **26.60.025, and 26.64.025** are hereby amended to include smoke shops, as follows:

15   **26.40.025 – Conditional uses.**

16   The following conditional uses may be allowed in the “F” Neighborhood Commercial District,  
17   subject to the provisions of Chapter 26.80:

18       A. Any use eligible to be a conditional use in the "E" Multiple-Family Dwelling District;

19       B. Arcades, including coin-operated amusement devices, as defined and subject to the  
20       additional provisions of Chapter 8.16;

21       C. Bar and taverns;

- 1 D. Bathhouses, including massage establishment(s), as defined and subject to the additional  
2 provisions of Chapter 8.24;
- 3 E. Billiards and pool rooms, as defined and subject to the additional provisions of Chapter  
4 8.26;
- 5 F. Package liquor stores;
- 6 G. Parking lots;
- 7 H. Pawnbrokers, as defined and subject to the additional provisions of Chapter 8.72;
- 8 I. Private clubs or lodges;
- 9 J. Restaurants and carry-out restaurants that meet the site requirements specified in Section  
10 26.40.026;
- 11 **K. Smoke shops;**
- 12 L. Tattoo parlors, as defined and subject to the additional provisions of Chapter 8.97;
- 13 M. Theaters;
- 14 N. Commercial uses similar to those permitted in Section 26.40.020;
- 15 O. Any permitted use which exceeds 3,500 square feet within a commercial structure to be  
16 erected, enlarged, structurally altered or moved;
- 17 P. Motor fuel pumping stations that meet the site requirements specified in Section 26.40.027;
- 18 Q. Any permitted or conditional use that utilizes a sales or service window or facility for  
19 customers who are in cars;
- 20 R. Any wireless facility not otherwise permitted under Section 26.24.020 unless prohibited  
21 by federal law, federal regulation, or a federal agency;

1 S. Wireless support structures unless prohibited by federal law, federal regulation, or a federal  
2 agency.

3 **26.52.025 – Conditional uses.**

4 The following conditional uses may be allowed in the “I” Central Business District subject to the  
5 provisions of Section 26.80.010:

6 A. Bathhouses, including massage establishment(s), as defined and subject to the additional  
7 provisions of Chapter 8.24;

8 B. Billiards and pool rooms, as defined and subject to the additional provisions of Chapter  
9 8.26;

10 C. Day care centers;

11 D. Hotels;

12 E. Pawnbrokers, as defined and subject to the additional provisions of Chapter 8.72;

13 F. Penal institutions;

14 **G. Smoke shops;**

15 H. Telephone, outdoor pay, if the proposed telephone is located on a lot that is located  
16 contiguous with or directly across a street, alley, public or private easement from a dwelling  
17 district.

18 **26.56.025 – Conditional uses.**

19 The following conditional uses may be allowed in the “J” Industrial District subject to the  
20 provisions of Section 26.80.010:

21 A. Bathhouses, including massage establishment(s), as defined and subject to the additional  
22 provisions of Chapter 8.24;

1 B. Billiards and pool rooms, as defined and subject to the additional provisions of Chapter  
2 8.26;

3 C. Day care centers;

4 D. Hotels;

5 E. Pawnbrokers, as defined and subject to the additional provisions of Chapter 8.72;

6 F. Penal institutions;

7 **G. Smoke shops;**

8 H. Telephone, outdoor pay, if the proposed telephone is located on a lot that is located  
9 contiguous with or directly across a street, alley, public or private easement from a dwelling  
10 district.

11 **26.60.025 – Conditional uses.**

12 The following conditional uses may be allowed in the "K" Unrestricted District, subject to the  
13 provisions of Section 26.80.010:

14 A. Acid manufacture;

15 B. Day care centers;

16 C. Bathhouses, including massage establishment(s), as defined and subject to the additional  
17 provisions of Chapter 8.24;

18 D. Billiards and pool rooms, as defined and subject to the additional provisions of Chapter  
19 8.26;

20 E. Cement, lime, gypsum, or plaster-of-Paris manufacture;

21 F. Fireworks, exposures, manufacture or storage;

22 G. Fertilizer manufacture and potash refining;

- H. Fuel manufacture;
- I. Garbage, offal, or dead animals, reduction or dumping;
- J. Glue manufacture, fat rendering, or distillation of bones;
- K. Hotels;
- L. Pawnbrokers, as defined and subject to the additional provisions of Chapter 8.72;
- M. Penal institutions;
- N. Petroleum refining;
- O. Salvage storage, wholesaling or retailing;
- P. Smelting or refining of metals;
- Q. Smoke shops;**
- R. Stockyards or abattoir;
- S. Telephone, outdoor pay, if the proposed telephone is located on a lot that is located contiguous with or directly across a street, alley, public or private easement from a dwelling district.

**26.64.025 – Conditional uses.**

The following conditional uses may be allowed in the "L" Jefferson Memorial District, subject to the provisions of Section 26.80.010:

- A. Bathhouses, including massage establishment(s), as defined and subject to the additional provisions of Chapter 8.24;
- B. Billiards and pool rooms, as defined and subject to the additional provisions of Chapter 8.26;
- C. Day care centers;

1 D. Hotels;

2 E. Pawnbrokers, as defined and subject to the additional provisions of Chapter 8.72;

3 F. Penal institutions;

4 **G. Smoke shop.**

5 **SECTION FOUR. Severability Clause.** If any section, subsection, sentence, clause, phrase or  
6 portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction,  
7 such portion shall be deemed a separate, distinct and independent provisions, and such holding  
8 shall not affect the validity of the remaining portions thereof.

9 **SECTION FIVE. Emergency Clause.** This being an ordinance for the preservation of public  
10 peace, health and safety, it is hereby declared to be an emergency measure within the meaning of  
11 Sections 19 and 20 of Article IV of the Charter, and, therefore, this Ordinance shall become  
12 effective immediately upon its passage and approval of the Mayor of the City of St. Louis.