



CITY OF BALLWIN
14811 Manchester Road, Ballwin, MO
63011

BILL NO. 3849

ORDINANCE NO. _____

INTRODUCED BY
ALDERMEN TERBROCK, FINLEY, HARDER, DOGAN, FLEMING, LEAHY, KERLAGON, BOLAND

AN ORDINANCE AMENDING THE PROVISIONS OF THE C-1 DISTRICT REGULATIONS AND THE ADDITIONAL HEIGHT AND AREA REGULATIONS WITH RESPECT TO THE OUTDOOR DISPLAY AND SALE OF MERCHANDISE

WHEREAS, the Board of Aldermen has determined it to be in the best interest of the businesses and citizens of Ballwin to permit the outdoor display and sale of merchandise, subject to certain conditions.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section One: Appendix A, Article XVI, Section 22 of the Ballwin Code of Ordinances shall be repealed and replaced with the following:

Section 22. - [Sale of merchandise to be in fully enclosed building.]

Except as may be otherwise specifically provided herein and in Article IX, Section 2(1)(32), no tract of land, lot or premises shall be used for the sale, display or storage of any merchandise, material, article or thing unless such merchandise, material, article or thing is kept within a building which is completely enclosed.

Section Two: Section 1-2 of the Ballwin Code of Ordinances shall be amended by adding a definition of “display-for-sale” as follows:

Display-for-sale. The term “display-for-sale” shall mean the display and sale of small quantities of merchandise at retail. It may include the associated storage of additional merchandise stock in close physical proximity to the point of sale for the immediate and convenient restocking of sales merchandise. It shall not include bulk storage of large quantities of merchandise stock nor storage without associated display and sales at the same location.

Section Three: Appendix A, Article IX, Section 2(1) of the Ballwin Code of Ordinances shall be amended by adding a new Section (32) thereto as follows:

(32) outside storage of merchandise subject to the following conditions:

- a. Only businesses licensed in Ballwin to do business on the premises shall be allowed to conduct this activity.

- b. This activity shall be allowed only in the C-1 district, and may be subject to additional limitations imposed by the MRD and NCD overlay districts which may prohibit this use or require special additional criteria for implementation.
- c. Any display-for-sale outside of a fully enclosed structure needs to be done in a manner that the merchandise is not subject to being moved, toppled over or otherwise disrupted by storms, customers and gravity.
- d. Any display- for- sale outside of a fully enclosed building must be conducted on a sidewalk that is located along and adjacent to the facade wall of the unit or space occupied by the business in which the principal pedestrian customer entrance is located. No such display-for-sale shall be allowed on any part of a site other than said front sidewalk adjacent to the façade wall. In the case of a corner entrance or multiple entrances on multiple sides, the front facade wall shall be the wall facing the primary adjoining roadway or primary parking lot. Only one facade wall per business may be utilized for outdoor display-for-sale.
- e. Merchandise displayed outdoor for sale pursuant to this section shall only be displayed in front of the store from which it is being sold. No sidewalk area suitable for outside storage may be rented or allowed to be utilized by a business, person or entity not occupying the store in front of which the merchandise is being displayed.
- f. Any use of a sidewalk for display-for-sale shall not block any building exits nor reduce the portion of the sidewalk available for pedestrian use to less than 3' in width or at all in front of store entrances. The minimum sidewalk space required pursuant to this section shall be provided at the side of the sidewalk away from the façade wall of the building. No such display-for-sale shall be permitted within 3' of any door opening.
- g. No merchandise shall be stacked in a manner that exceeds 4' in height. This does not preclude individual items that exceed 4' in height from being placed on a sidewalk as long as they are properly tied down or restrained from blowing around or toppling over.
- h. Marked fire lanes shall not be used for the display and storage of any product or merchandise.
- i. The City of Ballwin cannot assure security for merchandise stored and displayed in this manner.
- j. Outdoor placement of displays of merchandise and display racks and facilities shall only be allowed when the business is open. Merchandise and display facilities must be taken inside when the business is closed.
- k. No parking lot or green space areas shall be used for any display-for-sale activity.

l. Merchandise displayed for sale pursuant to and in compliance with this section shall be displayed in rolling carts or other facilities designed to be easily portable and built of materials suitable and intended for outdoor use. No pallets, cardboard boxes, untreated or unpainted wood or other non-weatherproof or similarly unsuitable materials shall be used for such display at any time.

m. Small point-of-sale price stickers are permitted for outdoor displays but all signage shall be subject to the Ballwin Sign Code and sign permits may be required.

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

PASSED this _____ day of _____, 2014.

TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2014.

TIM POGUE, MAYOR

ATTEST: _____
ROBERT KUNTZ, CITY ADMINISTRATOR