



ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

Petition Number: Z19-03

Petitioner: City of Ballwin
1 Government Center
Ballwin, MO 63011

Commission Review Date: August 5, 2019

Requested Action: Zoning Ordinance Regulation Change

Code Section: Zoning Ordinance: Chapter 14, Article IX. Adult Oriented Business and Adult Services Providers

Background:

In 2008 the City adopted language regarding the operations of Adult Oriented Businesses and Adult Service Providers. Over the course of the past year City Officials has been reviewing the Zoning Code and updating it as needed. The proposed additions to the existing provision in Chapter 14, Article IX is the next step in our process.

Proposal Description:

The sections in the proposed ordinance will provide additional regulations and clarification as to where and how Adult Oriented Businesses and Adult Service Providers can locate and operate their establishments.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Andy Hixson". The signature is written in a cursive style.

Andy Hixson
Assistant City Administrator



Bill No. _____

Ordinance No. _____

INTRODUCED BY
ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, KERLAGON, BULLINGTON

AN ORDINANCE PROVIDING FOR THE ZONING AND REGULATION OF ADULT ORIENTED BUSINESSES AND ADULT SERVICE PROVIDERS.

WHEREAS, the Board of Aldermen of the City of Ballwin has determined that public health and safety require specific zoning and regulation of Adult Oriented Businesses and Adult Service Providers; and

WHEREAS, The Board of Aldermen previously adopted Chapter 14, Article IX with respect to the regulation of Adult Oriented Businesses and Adult Service Providers; and

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

Section 1. Appendix A, Article IX, Section 2 of the Code of Ordinances of the City of Ballwin shall be amended by adding a new Subsection (1)(33) thereto, as follows:

(33) Adult Oriented Businesses and Adult Service Providers, as defined in Chapter 14, Article IX of this Code. No adult oriented business or adult service provider shall be operated or maintained within 300 feet of any school property, child daycare center property or church property and may not be operated or maintained within 1,500 feet of another Adult Oriented Business or Adult Service Provider.

Section 2. Chapter 14, Article IX of the Code of Ordinances of the City of Ballwin shall be amended by repealing Subsection 14-612(1) and adding a new Subsection 14-612(l) thereto, as follows:

(l) A patron may not place any money on the person or in or on the costume of an adult service provider while the adult service provider is nude or semi-nude. No patron may directly tip or provide a gratuity to an adult service provider, at any time.

Section 3. Chapter 14, Article IX of the Code of Ordinances of the City of Ballwin shall be amended by adding new Subsections 14-612(o) and 14-612(p) thereto, as follows:

(O) The sale or consumption of alcohol within an adult oriented business or the premises of an adult service provider is prohibited.

(P) With the exception of the cashier, employees and contractors of an adult oriented business or adult service provider must remain a distance of four (4) feet away from all customers.

Section 4. Chapter 14, Article IX, Section 14-601 of the Code of Ordinances of the City of Ballwin shall be amended by adding a new definition of Adult Retail Store, as follows:



Adult Retail Store as used in this Article, means a commercial establishment which devotes more than 1/3 of its total retail sales floor area to any of the following:

- (1) The sale or rental, for any form of consideration, books, magazines, periodicals, photographs, films, motion pictures, video cassettes or video reproductions, slides, or other printed or visual matter that predominantly depict or describe "specified sexual activities" or "specified anatomical areas";
- (2) The sale or rental of instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities", excluding condoms and other birth control and disease prevention products;
- (3) The regular exclusion of all minors from the premises because of the sexually explicit nature of the items sold, rented or displayed therein.
- (4) For the purpose of determining one-third (1/3) of the total retail sales floor area, display items shall be clearly separate from the remaining merchandise and shall not be visible from the remaining two-thirds (2/3) of the retail sales floor area, separated by a solid non-transparent partition, and shall not be visible from the exterior of the business.

An application for a business license for an Adult Retail Store shall include an accurate, to scale floor plan or diagram of the business premises clearly showing the configuration of the premises, including a statement of total floor space occupied by the business, the place at which the license will be conspicuously posted, if granted, the location of all manager's stations and overhead lighting fixtures, and clearly designating all portions of the premises in which patrons will not be permitted. Each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The licensing officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;

Section 5. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this ____ day of _____, 2019.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2019.

TIM POGUE, MAYOR

ATTEST: _____
ROBERT KUNTZ, CITY ADMINISTRATOR