



ZONING ORDINANCE CHANGE PETITION

CITY OF BALLWIN	}	FEE:	with site plan review	\$ 1,250.00
	}		without site plan review	\$ 500.00
COUNTY OF ST. LOUIS	}	PAID:	N/A	
STATE OF MISSOURI	}	NUMBER:	2-23-05	

TO THE BOARD OF ALDERMEN
CITY OF BALLWIN

Type of Zoning Ordinance Change: Text Amendment
Regulations for hookah lounges, retail tobacco
stores & vapor lounges

Now comes (print name of Petitioner) City of Ballwin
and states to the Board of Aldermen:

- I. That he, she, it, they, has (have) the following legal interest in the tract of land and/or premises located within the corporate limits of Ballwin, Missouri, described in Section II of this petition.
 - A. State Legal Interest: Municipality
 - B. Documentation of Legal Interest must accompany this petition.
- II. That the legal description of the property/premises, for which a change in the Zoning Ordinance is requested, is enclosed.
- III. That a plat or drawing of the property/premises for which a change in the Zoning Ordinance is requested is enclosed, and said drawing is to a scale of 100 feet or less to the inch.
- IV. That the street address of said property/premises is: N/A
- V. That the area (acres or square feet) of said proposed zoning change is: N/A
- VI. That the existing zoning classification of said property is: N/A
- VII. That the existing use of said property/premises is: N/A
- VIII. That the proposed zoning classification is: N/A
- IX. That the proposed use of the property/premises is: N/A

X. That the deed restrictions, if any, on the petitioned property/premises are not violated by the provisions of the requested change to the Zoning Ordinance.

I, the Petitioner, do hereby request an Ordinance of the Board of Aldermen approving and granting the herein described Zoning Ordinance change.

PETITIONER: CITY OF BALLWIN
AUTHORIZED SIGNATURE: [Signature]
AUTHORIZED SIGNATURE (PRINTED): Eric Sterman
ADDRESS: 1 GOVERNMENT CENTER
CITY/STATE/ZIP: BALLWIN MO 63011
TELEPHONE NO. 636-227-9000

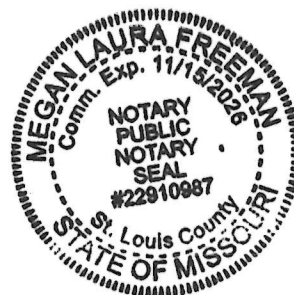
I, (print name of Petitioner) _____, do hereby designate _____ as my agent for purposes of presenting this petition, negotiating with the City of Ballwin on all issues relative to this petition, and corresponding and communicating with representatives of the City of Ballwin relative to this petition.

AGENT'S SIGNATURE: _____
AGENT'S NAME (PRINTED): _____
ADDRESS: _____
CITY/STATE/ZIP: _____
TELEPHONE NO. _____

THE STATE OF MISSOURI COUNTY AND/OR CITY OF St. Louis

On this 16 day of November in the year 2023, before me, a Notary Public in and for said State, personally appeared Eric Sterman (name of individual), known to me to be the person who executed the within testament (type of document), and acknowledged to me that he/she executed the same for the purposes therein stated.

[Signature]
Notary Public Signature
Megan Laura Freeman
Print



Zoning Ordinance Change Staff Report – Z-23-05

Petition Number: Z-23-05

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

Project Name: Retail tobacco store, vapor/hookah lounge
text amendment

Requested Action: Zoning Ordinance Regulations Change

Public Hearing Date: December 4, 2023

Code Sections: Section 1-2 Definitions
Appendix A, Article XVI, Section 11
Appendix A, Article XIV, Section 12
Appendix A, Article XIV, Section 1,
Subsection 38

Project Description:

This Petition is for a Text Amendment to adopt standards for retail tobacco stores, cigar bars, hookah lounges and vapor lounges. Currently, the Zoning Ordinance lacks regulations for the uses, categorizing them simply as retail uses. Recognizing concerns expressed by the Board of Aldermen regarding this use, there is a desire to conduct a more thorough review. To facilitate this, it is proposed to designate the uses as "Special Use Exception" necessitating review by the Planning & Zoning Commission and subsequent approval by the Board of Aldermen.

Proposed Language:

If this Petition is approved, the following language will be added to the City's Ordinances:

Section 1-2, Definitions:

HOOKAH LOUNGE

Any facility, establishment, or location where the primary use is the smoking of tobacco or other substances through one (1) or more hookah pipes (also commonly referred to as a "hookah," "waterpipe," "shisha" or "nareghile"), including, but not limited to, establishments known as "hookah bars," "hookah lounges," or "hookah cafes."

RETAIL TOBACCO STORE

A retail store that devotes more than fifteen percent (15%) of its total floor area to the sale of electronic cigarettes, electronic cigarette products/paraphernalia, tobacco or smoking products and accessories/paraphernalia. A retail tobacco store may also be referred to as a smoke shop.

VAPOR LOUNGE

Any facility, establishment or location where the primary use is the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or other substances, through one (1) or more electronic or battery-operated delivery devices known as an electronic cigarette (also commonly referred to as "e-cig," "e-cigarette," "e-pipe," "electronic cigarillo," "hookah pen," "e-hookah," "vape pen," or "vape pipe"), or any other electronic cigarette product, including, but not limited to, establishments known as "vape bars," "vape lounges," "e-cigarette bars" or "vape cafes."

Appendix A, Article XIV:

Section 11 Restrictions on Retail Tobacco Stores.

- A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to retail tobacco stores:
 - 1. No retail tobacco store shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious,

- school, or public use, or within three hundred (300) feet of the right-of-way line of Manchester Road. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.
2. No retail tobacco store shall be allowed to locate or expand within seven hundred fifty (750) feet of any other such business or establishment or of any business licensed to sell or serve alcoholic beverages, whether or not such business is also an establishment as defined in this Section. The distance between any two (2) retail tobacco stores or between a tobacco retail store and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
 3. All access to and from a retail tobacco store shall be provided from a street classified as a public right-of-way.
 4. The property on which a tobacco retail store is located shall have a minimum of one hundred (100) feet of frontage on a public right-of-way.
 5. Off-street parking shall be provided pursuant to the City Code.
 6. All landscaping and screening requirements otherwise required by the Ballwin City Code shall be observed.
 7. Signage for a facility in which a retail tobacco store is located shall be pursuant to Chapter 22 of the City Code as it pertains to a retail tobacco store.
 8. Lighting of the parking area shall conform to the requirements of the City Code.

Section 12. Restrictions on Cigar Bars, Hookah Lounges, and Vapor Lounges.

- A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to cigar bars, hookah lounges, and vapor lounges:
 1. No cigar bar, hookah lounge, or vapor lounge shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.

Appendix A, Article XIV, Section 1:

(38) Hookah lounges, retail tobacco stores, cigar bars and vapor lounges in the C-1, C-2 and C-3 Zoning Districts.

Additionally, concerns have been expressed by some Aldermen regarding the sale of nitrous oxide at these businesses types. Currently, there are no restrictions on the sale of the product.

Staff recommendation:

This Petition is being considered at the request of the Board of Aldermen in order to have a higher level review of the business types listed above. The Board has reviewed the attached Bill and approved the language for consideration by the Planning & Zoning Commission. Staff recommends approval of this Petition as written.



Section 11, Item a.

Bill No. _____

Ordinance No. _____

INTRODUCED BY
ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, WEAVER, SIEGEL, BULLINGTON

AN ORDINANCE AMENDING REGULATIONS FOR HOOKAH LOUNGES, RETAIL TOBACCO STORES AND VAPOR LOUNGES IN THE CITY OF BALLWIN.

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

Section 1: Section 1-2 of the Code of Ordinances of the City of Ballwin shall be amended by adding the following definitions thereto:

HOOKAH LOUNGE

Any facility, establishment, or location where the primary use is the smoking of tobacco or other substances through one (1) or more hookah pipes (also commonly referred to as a "hookah," "waterpipe," "shisha" or "nareghile"), including, but not limited to, establishments known as "hookah bars," "hookah lounges," or "hookah cafes."

RETAIL TOBACCO STORE

A retail store that devotes more than fifteen percent (15%) of its total floor area to the sale of electronic cigarettes, electronic cigarette products/paraphernalia, tobacco or smoking products and accessories/paraphernalia. A retail tobacco store may also be referred to as a smoke shop.

VAPOR LOUNGE

Any facility, establishment or location where the primary use is the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or other substances, through one (1) or more electronic or battery-operated delivery devices known as an electronic cigarette (also commonly referred to as "e-cig," "e-cigarette," "e-pipe," "electronic cigarillo," "hookah pen," "e-hookah," "vape pen," or "vape pipe"), or any other electronic cigarette product, including, but not limited to, establishments known as "vape bars," "vape lounges," "e-cigarette bars" or "vape cafes."

Section 2: Appendix A, Article XIV shall be amended by adding a new Section 11 thereto, as follows:

Section 11. Restrictions on Retail Tobacco Stores.

- A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to retail tobacco stores:
 - 1. No retail tobacco store shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use, or within three hundred (300) feet of the right-of-way line of Manchester Road. Such distance shall be

measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.

2. No retail tobacco store shall be allowed to locate or expand within seven hundred fifty (750) feet of any other such business or establishment or of any business licensed to sell or serve alcoholic beverages, whether or not such business is also an establishment as defined in this Section. The distance between any two (2) retail tobacco stores or between a tobacco retail store and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
3. All access to and from a retail tobacco store shall be provided from a street classified as a public right-of-way.
4. The property on which a tobacco retail store is located shall have a minimum of one hundred (100) feet of frontage on a public right-of-way.
5. Off-street parking shall be provided pursuant to the City Code.
6. All landscaping and screening requirements otherwise required by the Ballwin City Code shall be observed.
7. Signage for a facility in which a retail tobacco store is located shall be pursuant to Chapter 22 of the City Code as it pertains to a retail tobacco store.
8. Lighting of the parking area shall conform to the requirements of the City Code.

Section 3: Appendix A, Article XIV shall be amended by adding a new Section 12 thereto, as follows:

Section 12. Restrictions on Cigar Bars, Hookah Lounges, and Vapor Lounges.

A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to cigar bars, hookah lounges, and vapor lounges:

1. No cigar bar, hookah lounge, or vapor lounge shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.



Section 11, Item a.

Bill No. _____

Ordinance No. _____

Section 4: Appendix A, Article XIV, Section 1 shall be amended by adding a new subsection (38) thereto, as follows:

(38) Hookah lounges, retail tobacco stores, cigar bars and vapor lounges in the C-1, C-2 and C-3 Zoning Districts.

Section 5: This ordinance shall be in full force and effect from after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

PASSED this ____ day of _____, 2023.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2023.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



PLANNING AND ZONING COMMISSION
1 GOVERNMENT CTR, BALLWIN, MO 63011
MONDAY, DECEMBER 4, 2023 at 7:00 PM

PUBLIC HEARING

Notice is hereby given that on Monday, December 4, 2023 at 7:00 P.M. – A Public Hearing will be held by the Planning & Zoning Commission in the City Government Center Board Room at 1 Government Center, Ballwin, Missouri. The Commission will consider the following petitions:

SUE 23-03 – Petition for a Special Use Exception (SUE) for an automobile and motor vehicle service and/or repair facility at 15230 Manchester Road

Z-23-03 – Zoning Change from St Louis County’s R-4 Residence District to the City of Ballwin’s R-4 Planned Multiple Dwelling District for the lots in The Cascades Subdivision

Z-23-04 – Zoning Change from St Louis County’s R-3 Residence District to the City of Ballwin’s R-3 Single Family Dwelling District for the lots in Charleston Oaks Subdivision

Z-23-05 – Text Amendment to Appendix A, Article XIV, adding the following as special use exceptions in the C-1 Commercial Zoning District:

- **Retail Tobacco Stores**
- **Cigar Bars, Hookah Lounges, and Vapor Lounges**

Additional information on this petition is at the City Government Center, or by calling 636-227-2243.

Planning & Zoning Commission
Eric Sterman, City Administrator