



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:	Z-25-03	

TO THE BOARD OF ALDERMEN CITY OF BALLWIN

Type of Zoning Ordinance Change: Text amendment to Appendix A, Article XVI, Section 9.

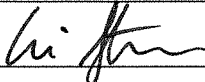
Now comes (*print name of Petitioner*) _____
and states to the Board of Aldermen:

- 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: 

AUTHORIZED SIGNATURE (PRINTED): _____

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: _____

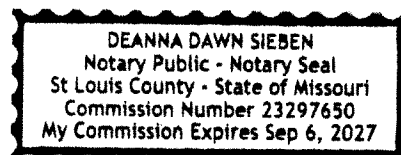
TELEPHONE NO. _____

Subscribed and sworn before me this 31st day of July, 2005.



My Commission Expires

Sept. 6, 2007





Petition Number: Z-25-03

Public Hearing Date: August 4, 2025

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

Project Name: Text Amendment to Appendix A, Article XVI, Section 9

Requested Action: Text Amendment pertaining to permitted fence location.

Location: This change would apply to all properties in the City.

Staff analysis:

Currently, the City Code does not permit fences to be located in the front yard of corner or double frontage lots unless approved by the Board of Aldermen. The Board has approved several such requests in the past and has directed City Staff to draft a text amendment that would allow fences on these lots, subject to defined parameters.

To accomplish this, amendments must be made to two (2) sections of the City's Code. Both sections will be discussed in this report for clarity. However, the Planning & Zoning Commission may only make a recommendation on the amendment proposed to Appendix A, Zoning Ordinance.

Chapter 7, Article VIII, Section 7-224b currently states:

Front yard location prohibited. No fence, wall or structure may be erected, constructed or maintained within the front yard area between the street right-of-way line and the building line, including corner and double-frontage lots, except with the permission of the board of aldermen for the following:

- (1) As required by article XVI, section 9, of the zoning ordinance for corner and double-frontage lots in a dwelling district; or
- (2) On lots located in a commercial C-1, C-2, C-3, P.A., MXD or S-1 zoned district.

The proposed language, which will only be considered by the Board of Aldermen, reads as follows:

Front yard location prohibited. No fence, wall or structure may be erected, constructed or maintained within the front yard area between the City's right-of-way line and the building line, including corner and double-frontage lots, except for the following:



- (1) As permitted by Article XVI, Section 9 of the Zoning Ordinance for corner and double-frontage lots in a dwelling district; or
- (2) On lots located in a commercial C-1, C-2, C-3, PA, MXD or S-1 zoned district.

Appendix A, Article XVI, Section 9 currently states:

- A. No fence or structure shall be erected, constructed or maintained between the right-of-way line and the building line in one or two front yards of a corner lot or a lot which has a double frontage in a dwelling district, except by permit granted by the city. No fence or structure shall be erected, constructed or maintained within a front yard in a dwelling district except in the situation just described.
- B. Permission of the city for constructing a fence or structure in the area between the right-of-way and the building line in one of two front yards of a corner lot or a lot which has a double frontage shall be obtained by submitting a site plan for approval. The site plan shall show the location of the fence; the height of the fence; the proposed landscaping on the right-of-way side of the fence; an illustration of the type of fence to be erected; and the approximate grade (elevations) of both sides in the area of the fence. The site plan or other application shall contain an agreement by the property owner that the fence shall be maintained; permit annual inspection by the city; and the property owner shall agree to make any repairs found necessary after such inspection, on penalty of revocation of such permit. No fee shall be required. The permit shall be transferable by written notice submitted to the city administrator.

The proposed language, which will be reviewed by the Planning & Zoning Commission and forwarded with their recommendation to the Board of Aldermen, reads as follows:

- A. No fence or structure shall be erected, constructed or maintained between the City's right-of-way line and the building line along the street in front of a dwelling. Additionally, no fence or structure is permitted within three feet (3') of the City's right of way line along the side street of a corner lot or on a lot which has a double frontage in a dwelling district.
- B. If an applicant seeks to construct a fence or structure more than three feet (3') from the City's right of way line on a side street of a corner lot or on a lot which has a double frontage in a dwelling district, applicant shall first obtain a fence permit from the City. Pursuant to this, applicant shall submit a site plan for approval, which shall show the following:
 1. The location of the fence;
 2. The height of the fence;
 3. The proposed landscaping on the right-of-way side of the fence;
 4. An illustration of the type of fence to be erected; and
 5. The approximate grade (elevations) of both sides in the area of the fence.



The site plan or other application shall contain an agreement by the property owner that the fence shall be maintained; permit annual inspection by the city; and the property owner shall agree to make any repairs found necessary after such inspection, on penalty of revocation of such permit.

C. Front yard fences approved by the city under the provisions of this section shall be erected in a manner which is uniform and harmonious with similar existing fences in the neighborhood as follows:

1. All fences shall generally be erected on private property. Fences may only be placed in public right-of-way subject to special conditions approved by the board of aldermen.
2. All fences shall have a gate providing access to the right-of-way for maintenance purposes.
3. All fences shall be erected with the finished side facing the roadway unless adjoining previously existing fences that are built with the unfinished side out. Only in this situation, with the approval of the city, may the fence be erected with the unfinished side facing the roadway.
4. Fences shall blend with existing nearby front yard fences in orientation, color, style, height, materials of construction and location.

When drafting the proposed language, Staff consulted with the Public Works Department to evaluate the space needed for the construction and maintenance of improvements within the City right-of-way, such as streets and sidewalks. It was determined that a setback of three feet (3') would provide sufficient space for this work to occur without causing damage to the fence.

Staff recommendation:

This Petition is for a Text Amendment to the City Code, to permit fences to be constructed in the side yard of corner lots and the rear yard of double-frontage lots, with a setback of three feet (3') required from City right-of-way. Staff has no concerns about the approval of this Petition.



Bill No. _____
Ordinance No. _____

INTRODUCED BY
ALDERMEN FINLEY, JUDD, HAUG, GRAY, FLEMING, WEAVER, SIEGEL, LEHMKUHL

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE VIII, SECTION 7-224 AND APPENDIX A, ARTICLE XVI, SECTION 9, PERTAINING TO FENCE REGULATIONS.

WHEREAS, the City of Ballwin wishes to increase governmental efficiency and reduce the burden on residents who are attempting to make improvements to their properties while still ensuring that all improvements are made according to the codes of the City and with the safety and general welfare of the community in mind; and

WHEREAS, it is consistent with these goals to change the review and approval process for fences on corner or double frontage lots to be one which is conducted by staff rather than requiring review and approval by the Board of Aldermen in each instance; and

WHEREAS, a public hearing was held before the Planning & Zoning Commission on August 4, 2025 with respect to the amendments to the Zoning Ordinance pertaining to fence regulations. Following the hearing, the Planning & Zoning Commission recommended _____ in regard to the amendments to the Zoning Ordinance; and

WHEREAS, the Planning & Zoning Commission also reviewed and considered related but non-zoning amendments to Section 7-224 relating to fence regulations and recommended _____ of those amendments as well.

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

Section 1: Chapter 7, Article VIII, Section 7-224 of the Municipal Code of the City of Ballwin, Missouri is hereby amended to read as follows:

CHAPTER 7 – BUILDINGS AND STRUCTURES

ARTICLE VIII. – FENCES

SECTION 7-224. – RESTRICTIONS.

- a) Location for intersections. No fence, wall, structure or planting higher than 2.5 feet above the grade of the street may be erected, planted or maintained within 15 feet of the right-of-way lines of any intersecting alleys, streets, roads or highways.
- b) Front yard location prohibited. No fence, wall or structure may be erected, constructed or maintained within the front yard area between the City's ~~street~~ right-of-way line and the building line,

including corner and double-frontage lots, except ~~with the permission of the board of aldermen~~ for the following:

- 1) As ~~permitted~~ ~~required~~ by article XVI, section 9, of the zoning ordinance for corner and double-frontage lots in a dwelling district; or
 - 2) On lots located in a commercial C-1, C-2, C-3, P.A., MXD or S-1 zoned district.
- c) Construction materials prohibited. No fence, wall or structure may be constructed in whole or in part as follows:
- 1) Cloth, canvass or other flexible material.
 - 2) Barbed wire or other single wire strung between posts or supports except public utilities for gas, electric, cable, telephone, telegraph, sewer and water; or any government may use barbed wire and single wire at the top of fences, provided that the wire is at least six feet above grade.
 - 3) No wall, structure, fence, chain, chainlink or wire on a fence shall have electrical current passing through it except if the wire is properly insulated and installed in accordance with the electrical code.
- d) Maintenance of fences. All fences, screens, structures and walls are to be maintained and kept in good condition and repair, including paint and stain. Any fence, screen, structure or wall not kept in good condition and repair can be declared by the city to be a dangerous building or structure and can be repaired or removed as a dangerous building or structure pursuant to section 7-127.

Section 2: Appendix A, Article XVI, Section 9 of the Municipal Code of the City of Ballwin, Missouri is hereby amended to read as follows:

APPENDIX A – ZONING ORDINANCE

ARTICLE XVI. – ADDITIONAL HEIGHT AND AREA REGULATIONS

SECTION 9. – FENCES AND STRUCTURES IN DWELLING DISTRICTS.

- A. No fence or structure shall be erected, constructed or maintained between the City's right-of-way line and the building line ~~along the street in front of a dwelling. Additionally, no fence or structure is permitted within three feet (3') of the City's right of way line along the side street of a corner lot in one or two front yards of a corner lot or on a lot which has a double frontage in a dwelling district, except by permit granted by the city. No fence or structure shall be erected, constructed or maintained within a front yard in a dwelling district except in the situation just described.~~

- B. ~~If an applicant seeks to~~ Permission of the city for constructing a fence or structure ~~more than three feet (3')~~ from the City's right of way line on a side street of a corner lot or on a lot which has a double frontage in a dwelling district, ~~in the area between the right of way and the building line in one of two front yards of a corner lot or a lot which has a double frontage~~ applicant shall first obtain a fence permit ~~shall be obtained from the City. Pursuant to this, applicant shall by submitting a site plan for approval, which . The site plan shall show the following:~~

1. The location of the fence;
2. The height of the fence;
3. The proposed landscaping on the right-of-way side of the fence;
4. An illustration of the type of fence to be erected; and
5. The approximate grade (elevations) of both sides in the area of the fence.

The site plan or other application shall contain an agreement by the property owner that the fence shall be maintained; permit annual inspection by the city; and the property owner shall agree to make any repairs found necessary after such inspection, on penalty of revocation of such permit. ~~No fee shall be required. The permit shall be transferable by written notice submitted to the city administrator.~~

- C. Front yard fences approved by the city under the provisions of this section shall be erected in a manner which is uniform and harmonious with similar existing fences in the neighborhood as follows:
1. All fences shall generally be erected on private property. Fences may only be placed in public right-of-way subject to special conditions approved by the board of aldermen.
 2. All fences shall have a gate providing access to the right-of-way for maintenance purposes.
 3. All fences shall be erected with the finished side facing the roadway unless adjoining previously existing fences that are built with the unfinished side out. Only in this situation, with the approval of the city, may the fence be erected with the unfinished side facing the roadway.
 4. Fences shall blend with existing nearby front yard fences in orientation, color, style, height, materials of construction and location.

Section 3: 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.



Bill No. _____
Ordinance No. _____

PASSED this ____ day of _____, 2025.

MARK STALLMANN, MAYOR

APPROVED this ____ day of _____, 2025.

MARK STALLMANN, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



Clean Bill

Bill No. _____

Ordinance No. _____

INTRODUCED BY
ALDERMEN FINLEY, JUDD, HAUG, GRAY, FLEMING, WEAVER, SIEGEL, LEHMKUHL

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- B. If an applicant seeks to construct a fence or structure more than three feet (3') from the City's right of way line on a side street of a corner lot or on a lot which has a double frontage in a dwelling district,



Bill No. _____

Ordinance No. _____

applicant shall first obtain a fence permit from the City. Pursuant to this, applicant shall submit a site plan for approval, which shall show the following:

1. The location of the fence;
2. The height of the fence;
3. The proposed landscaping on the right-of-way side of the fence;
4. An illustration of the type of fence to be erected; and
5. The approximate grade (elevations) of both sides in the area of the fence.

The site plan or other application shall contain an agreement by the property owner that the fence shall be maintained; permit annual inspection by the city; and the property owner shall agree to make any repairs found necessary after such inspection, on penalty of revocation of such permit.

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4. Fences shall blend with existing nearby front yard fences in orientation, color, style, height, materials of construction and location.

Section 3: 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 _____, 2025.

MARK STALLMANN, MAYOR



Bill No._____

Ordinance No._____

APPROVED this ____ day of _____, 2025.

MARK STALLMANN, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



PUBLIC HEARING

Notice is hereby given that on Monday, August 4, 2025 at 7:00 pm, a Public Hearing will be held by the Planning & Zoning Commission in the City Government Center Board Room at 1 Government Center, Ballwin, Missouri 63011. The Commission will consider the following Petitions:

Z-25-03 Amendment to Appendix A, Article XVI, Section 9A of the City Code of Ordinances to change the fence requirements in dwelling districts.

Z-25-04 Amendment to Appendix A, Article XVI, adding Section 32 pertaining to screening of roof mounted equipment and flat roofing on new commercial developments.

Additional information on the Petitions is available at the City Government Center or by calling 636-227-2243