



Bill No. 4182
Ordinance No. _____

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

AN ORDINANCE AMENDING ORDINANCE NO. 557, KNOWN AS "THE ZONING ORDINANCE" OF THE CITY OF BALLWIN, AND AMENDING "THE DISTRICT MAP" BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN LAND IN THE CITY OF BALLWIN FROM ST. LOUIS COUNTY R-4 TO BALLWIN R-4 PLANNED MULTIPLE DWELLING DISTRICT.

WHEREAS, a petition was received from City Staff, to change the zoning classification of certain land in the City of Ballwin; and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its consideration and recommendation; and

WHEREAS, a public hearing before the Planning and Zoning Commission was held on December 4, 2023, upon the petition, due notice of which was published and posted according to law and ordinance; and

WHEREAS, the Planning and Zoning Commission has submitted its report to the Board of Aldermen and has recommended that said property be rezoned in accordance with the petition received.

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

Section 1. Ordinance No. 557 of the City of Ballwin, known as "The Zoning Ordinance," and "The District Map" of the City of Ballwin are hereby amended by changing the existing zoning classification of the properties in the Cascades subdivision from St. Louis County R-4 to Ballwin R-4 Planned Multiple Dwelling District.

Section 2. The City Planner is authorized and directed to change "The District Map" of the City of Ballwin to reflect the changes made by this ordinance.

Section 3. The building setbacks approved in St. Louis County Ordinance 10,361 (attached) shall continue to apply to all buildings in existence upon the date of passage and approval of this Ordinance.

Section 4. 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be in full force and effect from after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.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



Bill No. 4182
Ordinance No. _____

APPROVED this ____ day of _____, 2023.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR

BILL NO. 320, 1981

ORDINANCE NO. 10,361, 1981

Introduced by Councilman Stewart

AN ORDINANCE

AUTHORIZING AND GIVING PRELIMINARY APPROVAL TO A PLANNED ENVIRONMENT UNIT DEVELOPMENT OF A TRACT OF LAND LOCATED IN THE "R-4" 7,500 SQ. FT. RESIDENCE DISTRICT AND THE "FP R-4" FLOOD PLAIN 7,500 SQ. FT. RESIDENCE DISTRICT, SUBJECT TO CONDITIONS. (P.C. 88-81 Westco Development Company, a Partnership).

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. Preliminary approval of a Planned Environment Unit Development of a tract of land located in the "R-4" 7,500 Sq. Ft. Residence District, and the "FP R-4" Flood Plain 7,500 Sq. Ft. Residence District in St. Louis County, Missouri, is granted, said tract being described as follows:

A tract of land in the Southwest quarter of Section 11, Township 44 North - Range 4 East, St. Louis County, Missouri, and being more particularly described as:

Beginning at a point reached by the following courses and distances: beginning at the Center of said Section 11, Township 44 North - Range 4 East; said point being also a point in the centerline of Oak Street, 60 feet wide; thence Westwardly along said centerline of Oak Street, being also along the East and West Center Section line of said Section 11, South 89 degrees 16 minutes West 85.25 feet to a point; thence South 01 degrees 18 minutes West 30:02 feet to a point in the South line of Oak Street, 60 feet wide; said point being the actual point of beginning; thence Southwardly along the West line of property now or formerly of Anthony S. Schumacher and wife South 01 degree 18 minutes West 313.98 feet and South 27 degrees 15 minutes West 1049.20 feet to a point in the North line of property now or formerly of Adeline E. Reilman; thence Westwardly along said North line of the Reilman property South 80 degrees 43 minutes West 770.60 feet to a point in the East line of Ries Road, 30 feet wide; thence Northwardly along said East line of Ries Road North 00 degrees 17 minutes East 1354.77 feet to its intersection with the South line of Oak Street, 60 feet wide; thence Eastwardly along said South line of Oak Street North 89 degrees 16 minutes East 1241.47 feet to the actual point of beginning and containing 31.146 acres.

SECTION 2. The preliminary approval, pursuant to Section 1003.187 SLCRO 1974, as amended, is granted subject to all ordinances, rules and regulations and to the conditions recommended by the Planning Commission in its report dated August 18, 1981, as follows:

PERMITTED USES

- 1. This Planned Environment Unit shall authorize the development of twenty (20) single family residences on separate lots, 142 multiple family units and supporting recreational facilities. A maximum of thirty-eight multiple family units may be garden apartment units.

FINAL DEVELOPMENT PLAN SUBMITTAL REQUIREMENT

- 2. Within twelve (12) months of the date of approval of the preliminary development plan by the County Council and prior any site preparation or construction, the petitioner shall submit to the Planning Commission for its review and approval a Final Development Plan. Where due cause is shown by the petitioner, this time interval may be extended through appeal to and approval by the Planning Commission. Said Final Development Plan shall include, but not be limited to, the following:
 - a. The general development plan, including basic arrangement of multiple-family building locations, common land areas, walkways, stormwater detention areas, setback lines from all streets and roadways on, or adjacent to the property in question including right-of-way dimensions, and a preliminary lighting plan.
 - b. A typical building configuration for each type of structure indicating size of buildings and associated parking facilities, architectural type, and construction materials to be used.
 - c. The approximate location and size of all parking areas.
 - d. The location and approximate size of all existing tree masses.
 - e. Existing and proposed contours at five (5) foot intervals. Slopes in excess of twenty (20) percent may be indicated with ten (10) foot intervals.
 - f. The design, location, and size of all proposed free standing signs, lighting, fences, and other above ground structures.
 - g. A landscape plan, including, but not limited to, the location, size, and type of all plant and other materials to be used. All new deciduous trees shall be a minimum of two (2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height and all shrubs shall have a minimum diameter of eighteen (18) inches.

FINAL DEVELOPMENT DESIGN CRITERIA

- 3. The above Final Development Plan shall adhere to the following specific design criteria:

PARKING REQUIREMENTS

- a. Parking shall be provided at a ratio of not less than two (2) parking stalls per dwelling unit.
- b. Each detached single family residence and townhouse unit shall have an enclosed parking space.
- c. No parking stall or internal drive, excluding points of ingress and egress, shall be located within the following established setbacks:
 - i. Fifty (50) feet of the proposed right-of-way of Oak Street.
 - ii. Thirty-five (35) feet of the proposed right-of-way of Ries Road.
 - iii. Twenty-five (25) feet of all other perimeter property lines of this Planned Environment Unit.

All said setbacks shall be landscaped with a combination of evergreen and deciduous trees and shrubs as approved by the Planning Commission on the Final Development Plan.

- d. No parking stall shall be located in front of the front yard building line on any single family detached lot.

MULTIPLE-FAMILY, INCLUDING ATTACHED SINGLE FAMILY BUILDING SETBACKS

- e. Setbacks for multiple-family buildings shall be as follows:
 - i. Fifty (50) feet from the proposed right-of-way of Oak Street.
 - ii. Thirty-five (35) feet from the proposed right-of-way of Ries Road.
 - iii. Ten (10) feet of all internal roadways.
 - iv. Twenty-five (25) feet of the high water line of the lake as approved by the Department of Public Works on the Final Development Plan.
 - v. Twenty-five (25) feet of all other perimeter property lines of this Planned Environment Unit.
 - vi. Twenty (20) feet minimum between sides of individual buildings.
 - vii. Thirty (30) feet minimum between facing balconies or decks.



DETACHED SINGLE-FAMILY BUILDING SETBACKS

- f. Setbacks for detached single-family buildings shall be as follows:
- i. Ten (10) feet minimum between buildings with zero (0) foot side yard lines.
 - ii. Thirty (30) feet from the proposed right-of-way of Oak Street.
 - iii. Except as otherwise noted, all other building lines shall conform with the setback requirements of the "R-4" Residence District.

ROAD IMPROVEMENTS INCLUDING SIDEWALKS

- g. Dedicate and improve one-half of Oak Street to a sixty-six (66) foot right-of-way and forty-seven (47) foot pavement, and one-half of Ries Road to a seventy (70) foot right-of-way and twenty-four (24) foot pavement including all bridges and culverts. Provide additional right-of-way and pavement for left turn facilities on Ries Road at Oak Street and left turn facilities on Oak Street at Ries Road. In addition, the developer shall be responsible for escrow of 25% of the cost of installation of traffic signals at the intersection of Oak Street and Ries Road as approved by the St. Louis County Department of Highways and Traffic.
- h. Sidewalks shall be provided along the entire frontage of this development on Oak Street and Ries Road. Meandering sidewalks are appropriate within the Ries Road right-of-way.

ACCESS

- i. Access shall be provided via four bi-directional drives, two off Ries Road and two off Oak Street at locations approved by the St. Louis County Department of Highways and Traffic.

MISCELLANEOUS CONDITIONS

- j. A low water pedestrian crossing and pathway shall be provided between single family residences and recreation facilities.
- k. The minimum lot area for single family residences shall be 8,000 sq. ft.
- l. Sign regulations for the Planned Environment Unit shall be the same as those specified in Section 1003.117 "R-4" Residence District Regulations of the St. Louis County Zoning Ordinance.
- m. All exterior trash areas shall be surrounded by a six foot high sight-proof fence.
- n. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 316.0 "Physically Handicapped and Aged" of S.L.C.R.O. 1974, as amended.
- o. Except for required street lighting, no source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property. The location of street light standards shall be as approved on the Final Development Plan.
- p. Except as herein noted, comply with all preliminary plat requirements of the St. Louis County Subdivision Ordinance. Said requirements shall be fulfilled in addition to those items specifically cited herein.
- q. All subdivision streets shall be constructed in accord with the approved design standards of the St. Louis County Department of Highways and Traffic.
- r. The stormwater detention areas for this development shall be located on common ground or within flood plain reservation lines.
- s. The height of garden apartment units shall be as approved by the Planning Commission on the Final Development Plan.
- t. Detached single family homes shall be restricted to that area east of the Fishpot Creek flood plain.
- u. If roadways in this petition are to be private roadways, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) or trustees forever.

RECORDING

4. Within sixty (60) days of approval of the Final Development Plan by the Planning Commission, the approved plan and a copy of conditions of the ordinance authorizing establishment of the Planned Environment Unit shall be recorded with the St. Louis County Recorder of Deeds.

VERIFICATIONS PRIOR TO APPROVAL

5. Prior to approval of the Final Development Plan, the petitioner shall:

ON-SITE STORMWATER

- a. Provide verification to the Department of Planning of a plan approved by the St. Louis County Department of Public Works, indicating adequate handling of differential runoff due to proposed impervious areas by use of reservoir or ponding on the site.

ROADWAY IMPROVEMENTS AND CURB CUTS

- b. Provide verification of approval by the St. Louis County Department of Highways and Traffic of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

FLOOD PLAIN STUDY

- c. Submit a flood plain study for approval by the Department of Public Works and Planning.

VERIFICATION PRIOR TO BUILDING PERMITS

6. Subsequent to approval of a Final Development Plan, and prior to issuance of any building permit, except for permits authorized under a Display House Plat, the following requirements shall be met:

SPECIAL STORMWATER EASEMENT REQUIREMENTS

- a. Designate on the Final Development Plan a Flood Plain Area easement along Fishpot Creek, that being the area below the 100 year flood elevation as determined by the Department of Public Works, and a stormwater control easement consisting of the area contained by a line ten feet outside of the high water elevation of the storm water retention lake.
- b. The Flood Plain Area easement, the stormwater control easement containing the lake and access easements from within the projects to each of the preceding shall be dedicated to the Metropolitan St. Louis Sewer District with the recording of each subdivision plat.
- c. No grading or development shall occur within the Flood Plain Area easement or stormwater control easement beyond that initially approved by the Department of Public Works in accordance with an approved plan for flood plain reclamation, or as necessary to specifically provide a structure at a location required by this ordinance.
- d. A trust indenture shall be filed with the first record plat and shall contain a provision and schedule for the assessment of fees for the purpose of maintaining the Flood Plain Area and stormwater control easement. Said fees shall be assessed until such time as the Flood Plain Area and stormwater control easement is accepted by MSD, their successors or assigns, and it is determined by MSD that such maintenance fees are no longer required.

SANITARY SEWERS

- e. Provide verification to the Department of Planning of a plan approved by the St. Louis County Department of Public Works, indicating adequate provision of sanitary services.

STORMWATER AT ROADWAYS

- f. Provide verification to the Department of Planning of a plan approved by the St. Louis County Department of Highways and Traffic indicating adequate handling of stormwater runoff off the subject property at abutting roadways.

LANDSCAPE BONDS OR ESCROWS

- g. The developer shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of all landscaping shown on the Final Development Plan. Said bonds or escrows shall be based on costs determined by a plant nursery and approved by the Department of Planning.



DEVELOPMENT PHASING

- h. The petitioner shall furnish a bond or place into a County approved escrow the monies necessary to insure the construction of improvements and landscaping as necessary. If development phasing is anticipated, the petitioner shall provide the necessary funds as above for each plat or phase of development.

RECORD PLAT

- i. Record a proper subdivision of the property.

INDENTURES

- 7. With the filing of the first record plat the petitioner shall record an approved indenture or other document defining the necessary assessment and specific resident obligations for care of all open space in accord with provisions of Section 1003.187 of the St. Louis County Zoning Ordinance.

STANDARD DEVELOPMENT CONDITIONS

- 8. Within twelve (12) months of the date of approval of the Final Development Plan by the Planning Commission, construction shall commence. Said time limit may be extended on approval by the Planning Commission.
- 9. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion.
- 10. During the period of construction, heavy accumulation of stormwater shall be temporarily diverted away from the construction site by using ditches, cofferdams, earth berms, and/or channels. Early installation of storm drains to collect water and convey it underground to a safe discharge point shall also be used.
- 11. No outdoor incineration shall be permitted.
- 12. The petitioner shall be required to provide temporary off-street parking for construction employees. Parking on non-paved surfaces shall be prohibited.
- 13. Prior to the issuance of an occupancy permit, all right-of-way dedication and required road improvements shall be completed as necessary to each plat.
- 14. Any transfer of ownership or lease of property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the conditions herein set forth and included in the approved development plan for the property. A copy of the above conditions shall be furnished by the owner or petitioner to the operator(s), owner(s), or manager(s), including successive operator(s), owner(s), or manager(s), who shall forward to the Zoning Enforcement Officer an acknowledgement that he or she has read and understood each of these conditions and agrees to comply therewith.
- 15. The Zoning Enforcement Officer of St. Louis County, Missouri, shall enforce the conditions of this permit in accord with the Final Development Plan approved by the St. Louis County Planning Commission.

SECTION 3. The St. Louis County Council, pursuant to petition of Westco Development Company, a Partnership, requesting the approval of a Planned Environment Unit Development for the tract of land described in Section 1 of this ordinance as an alternative zoning, and pursuant to the recommendation of the Planning Commission that said petition be granted after public hearing held by the said Commission on July 20, 1981, adopts this ordinance pursuant to the St. Louis County

Charter authorizing the Council to exercise legislative power pertaining to planning and zoning, and returns the application and plan to the St. Louis County Planning Commission for consideration of final development plans pursuant to Section 1003.187 SLCRO 1974, as amended.

ADOPTED September 10, 1981

HARRY E. VON ROMER
CHAIRMAN, COUNTY COUNCIL

APPROVED September 11, 1981

GENE MCNARY
COUNTY EXECUTIVE

ATTEST: LELA APPERSON
DEPUTY ADMINISTRATIVE DIRECTOR

