

# ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

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**Petition Number:** Z10-01

**Petitioner:** City of Ballwin

**Agent:** None

**Project Name:** Farmer's Market Regulations

**Location:** N/A

**Review Date:** 2/24/10

**Requested Action:** C-1 Zoning District Regulations Change

**Code Section:** Zoning Ordinance, Articles IX and XXIII

**Existing Land Use/Zoning:** N/A

**Surrounding Land Use/Zoning:** N/A

## Proposal Description:

The City of Ballwin has been approached by the owner of a parcel of commercial property about the possibility of sponsoring a seasonal farmer's market in 2010. I reviewed Ballwin's zoning regulations and such events are not presently addressed. As explained in the attached memorandum submitted to the Board of Aldermen, a farmer's market can presently be allowed as a special event three times per year for up to three days each time. The proposed farmer's market does not fit this time frame. The concept was to hold it one day a week throughout the summer. In a somewhat related matter, Ballwin has for many years allowed Christmas tree lots, which also involve the sale of agricultural products, for relatively long periods of time through the business licensing regulations. There are no zoning or licensing provisions in the code specifically addressing this use. I believed that the establishment of limited regulations that allow these kinds of uses and set appropriate criteria would be a useful addition to the Ballwin zoning ordinance. The concept was submitted to the Board of Aldermen which agreed and has sent the matter to the Planning and Zoning Commission for review and comment.

There are two simple approaches to such regulations. The more restrictive would be to make the uses allowed by special use exception. This imposes the planning and

procedural requirements of the SUE petition process and an approximately 90 day time frame. It struck me that this was probably more review and regulation than is really necessary for a relatively simple short-term event. The need to review a site development plan and the associated evaluation of traffic, lighting, storm water, etc. did not seem necessary for an event that will typically take place on an existing parking lot. The SUE process is really for permanent improvements and activities.

I believe that a less complicated approach would be to allow these activities by right in the C-1 Commercial district as temporary events subject to compliance with certain criteria. I think that most of the same criteria that would end up being included in an SUE review could be imposed under this approach, but the time and cost of an SUE petition could be avoided. My memorandum of 2/12/10 to the Board of Aldermen includes the criteria that I believe would be necessary to assure that such an activity is conducted in an appropriate manner. The aldermanic referral to P&Z did not address a preferred approach, so I recommend that the relative merits of each approach be considered as a part of the commission's discussions.

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Thomas H. Aiken, AICP  
Assistant City Administrator/City Planner