



**JOINT WORK SESSION MEETING
AGENDA
CITY OF CREVE COEUR
CITY COUNCIL AND PLANNING AND
ZONING COMMISSION
300 NORTH NEW BALLAS RD
JANUARY 23, 2023
6:00 PM**

CALL TO ORDER

ROLL CALL

DISCUSSION ITEMS

- 1. Approval of December 12, 2022 City Council Work Session Minutes**
- 2. Planning and Zoning Implementation Priorities for Calendar Year 2023**
Summary: The joint work session between the City Council and Planning and Zoning Commission provides the opportunity to review several long-range planning initiatives in order to identify priorities for the upcoming year.

ADJOURNMENT

Pursuant to Section 610.022 RSMo., the City Council could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under Section 610.021(1) RSMo. and/or personnel matters under Section 610.021(13) RSMo. And/or employee matters under Section 610.021(3) RSMo. and/or real estate matters under Section 610.021(2) or other matters as permitted by Chapter 610.

Posted by: _____

Date/Time posted: _____

If you need special accommodations to attend a meeting, services may be arranged by contacting the Office of the City Administrator in advance.



**WORK SESSION MEETING
MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
DECEMBER 12, 2022
6:00 PM**

CALL TO ORDER

A Work Session of the City Council of the City of Creve Coeur was called to order by Mayor Robert Hoffman at the City Council Chamber, 300 North New Ballas Rd, City of Creve Coeur Government Center, Creve Coeur, MO 63141 on Monday, December 12, 2022 at 6:00 PM.

ROLL CALL

Mayor Robert Hoffman
Council Member, Ward 1 Mark Manlin
Council Member, Ward 1 Heather Silverman
Council Member, Ward 2 Tim Carney
Council Member, Ward 2 Nicole Greer
Council Member, Ward 3 Sari Neudorf
Council Member, Ward 3 David Hoffman
Council Member, Ward 4 Joseph Martinich
Council Member, Ward 4 Dan Tierney

Staff Present: City Administrator Mark Perkins, City Attorney Carl Lumley, Director of Community Development Jason Jaggi, Director of Finance Lori Obermoeller, Director of Public Works Jim Heines, Assistant Director of Public Works/ City Engineer Sinan Alpaslan, Chief of Police Jeff Hartman, Public Information Officer and Management Analyst Melissa Bradford, Senior Accounting Associate Tracy Brothers, and City Clerk Kellie Henke.

DISCUSSION ITEMS

1. Approval of November 28, 2022 City Council Joint Work Session Minutes

RESULT: APPROVE (UNANIMOUS)

MOVER: Daniel Tierney, Council Member, Ward 4

SECONDER: Heather Silverman, Council Member, Ward 1

AYES: Carney, Greer, Martinich, Hoffman, Manlin, Neudorf, Tierney, Silverman

The vote on the motion being 8 ayes and 0 nays, motion carried.

2. CIP Project Updates



**WORK SESSION MEETING
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Director of Recreation Jason Valvero provided an update of Phase 1 of the Millennium Park Project (See Exhibit A). Discussion included the Master Plan layout, Phase 1 objectives, and key elements: splash pad, playground, and band shelter. Director of Public Works Jim Heines provided an overview of other park projects such as a replacement of the playground safety surface at Venable Park and the water main repair at Conway Park.

City Administrator Mark Perkins stated the improved site grading (stormwater) includes drainage issues affecting the Tappmeyer House and the construction of a concrete pad to be used during outdoor events. Mr. Heines stated there are runoff issues on the trail on the south side of the park and a potential remedy is a bioretention basin which would collect runoff and empty clean water into the creek on the south side of the trail.

Mr. Valvero stated construction costs have increased substantially for the planned Phase 1 improvements; current construction cost estimated is \$2.54 million. Mr. Valvero stated bids will be solicited in April 2023.

Mr. Perkins stated Phase 2 of the Millenium Park project will include the nature trail, neighborhood connector and Tappmeyer House improvements; estimated construction cost of \$1.25 million.

Council Member Martinich asked for clarification regarding the budget line for all other miscellaneous improvements, to which Mr. Valvero stated this line includes costs needed for the site work such as irrigation, silt fence, piping, and tree protection. Council Member Martinich stated scaling back on the playground and splash pad may provide some cost savings.

Mr. Heines provided an update on the Government Center Renovation Review and discussed potential next steps.

Mr. Perkins stated more discussion will be held with the Facilities Task Force and shared his concerns on developing a Schematic Design at this time. Mr. Perkins recommended proceeding with the repairs necessary to keep the building functional while continuing to save money for future construction of a new building, thereby keeping the amount needed through a bond issue as low as possible.

Mr. Heines provided an update on the city's road projects, including annual programs and grant projects.



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ADJOURNMENT

RESULT: APPROVE (UNANIMOUS)

MOVER: Daniel Tierney, Council Member, Ward 4

SECONDER: Tim Carney, Council Member, Ward 2

AYES: Carney, Greer, Martinich, Hoffman, Manlin, Neudorf, Tierney, Silverman

The vote on the motion being 8 ayes and 0 nays, motion carried.

The meeting adjourned at 6:57 p.m.

Submitted by:

Kellie Henke
City Clerk

Dr. Robert Hoffman
Mayor

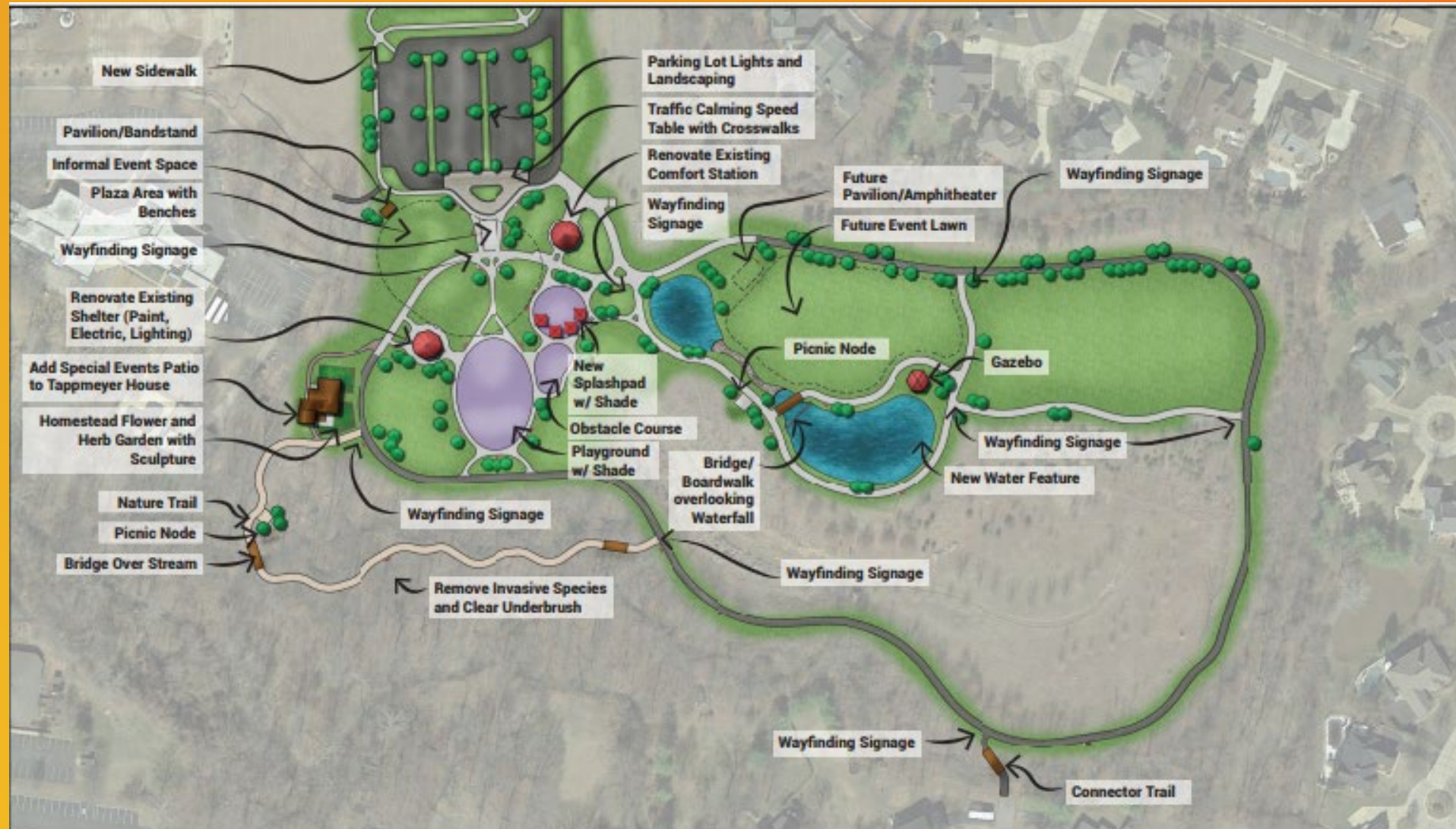
Exhibit A



Millennium Park

Phase 1 Update – December 12, 2022 City Council Work Session

Master Plan Layout

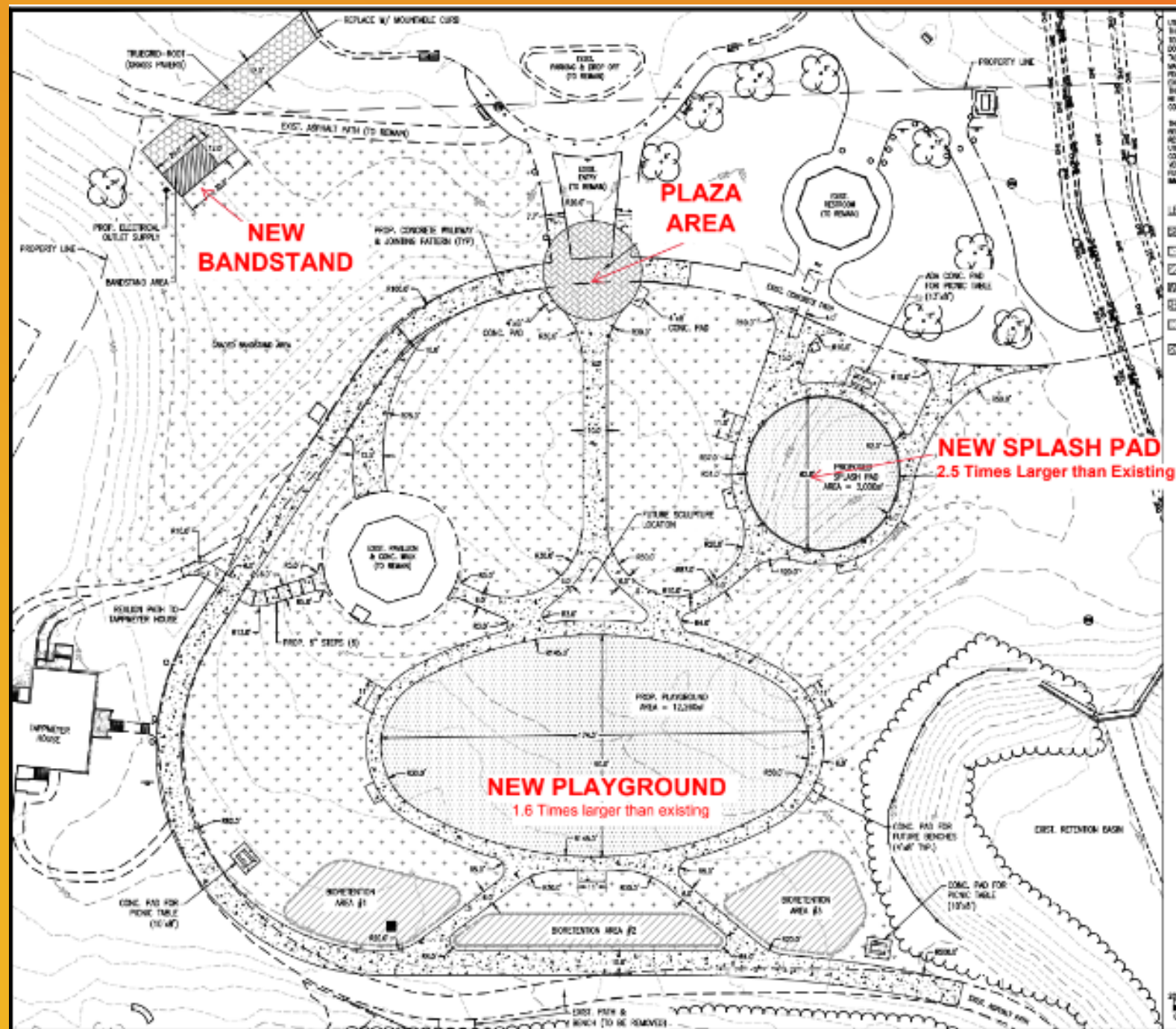


Master Plan Elements

- Walking / Nature Trails
- Signage
- Playground
- Open Space
- Pavilion
- Amphitheater
- Splash Pad
- Water feature
- Neighborhood Connection

Phase 1 Objectives

- New Entry Plaza
- Replace Splash Pad
- Replace Playgrounds
- Add Bandstand/Picnic Shelter
- Repaint Pavilion/Restroom
- Improve Connectivity within Park
- Improve Site Grading (stormwater)



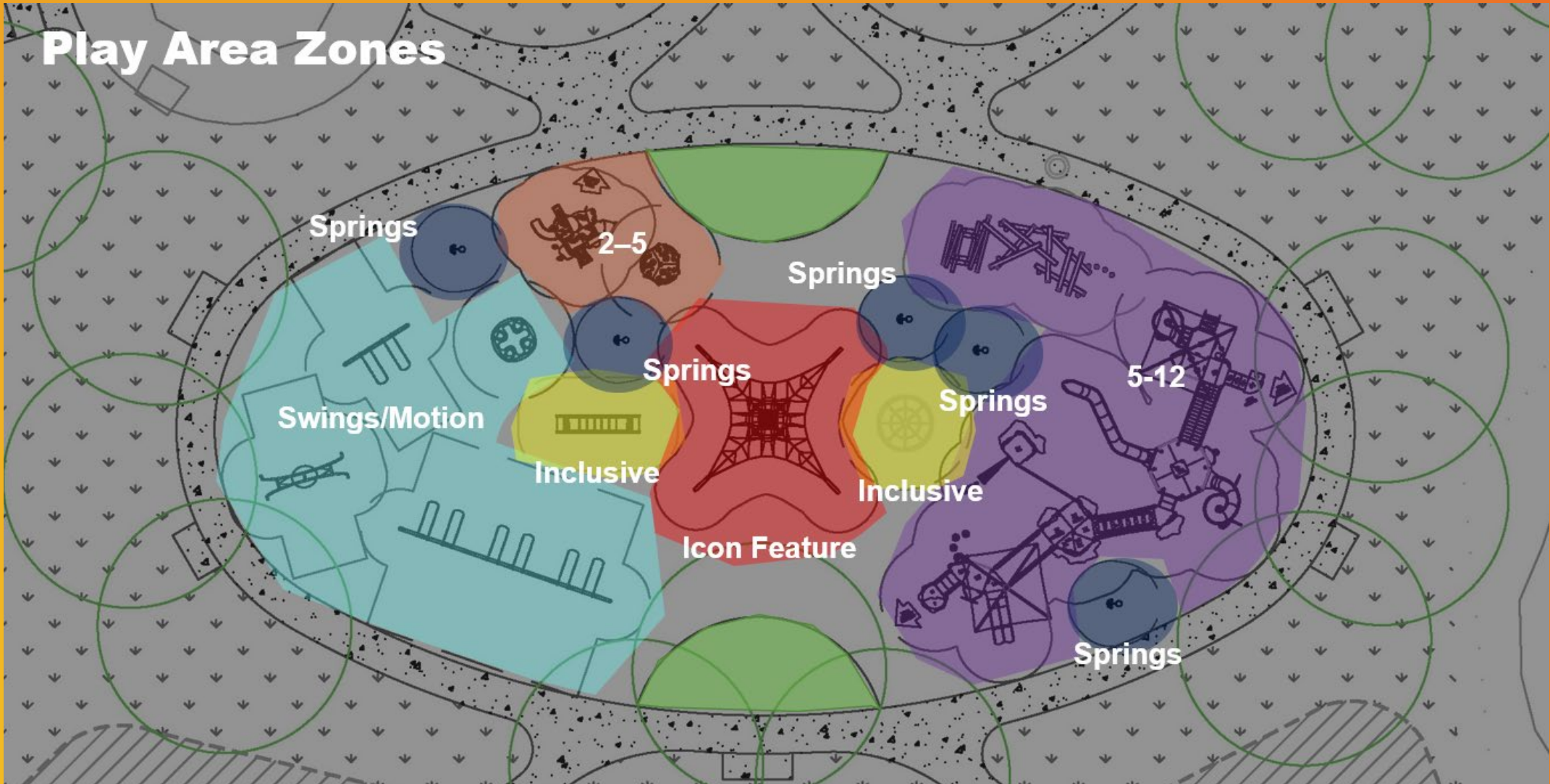
Key Element – Splash Pad



Key Element – Splash Pad



Key Element – Playground



Key Element – Playground



Key Element – Playground



Key Element – Band Shelter



Costs Figures

1.55 Million in Current FY CIP Budget

	August 2021 CIP FY 22	August 2022 PDS estimate	December 2022 updated PDS estimate
Splash Pad	\$450,000	\$175,000	\$249,000
Playground	\$400,000	\$300,000	\$616,000
Safety Surface	\$240,000	\$313,000	\$337,000
Bandstand	n/a	\$60,000	\$117,000
Restroom/Pavilion (rehab)	n/a	n/a	\$35,000
Sidewalk	n/a	\$98,000	\$102,000
Mobilization/Site Clearing	n/a	\$153,000	\$188,000
Earthwork	n/a	\$156,000	\$156,000
Lawn, Landscape, Trees	n/a	\$73,000	\$81,000
Bioretention Basins	n/a	\$36,000	\$39,000
All Other Misc. Improvements	\$460,000	\$636,000	\$620,000
Phase 1 Overall Cost	\$1.55 million	\$2 million	\$2.54 million

Schedule

- December – Council Work Session
- September 2022 to March 2023 – Bid Specs and MSD
- April 2023 – Solicit Bids
- May 2023 – PHP Review and Staff Recommendation
- June 2023 – Council Approval
- July 2023 to August 2023 – Order Equipment
- September 2023 to May 2024 – Construction
- Late May 2024 – Ribbon Cutting Ceremony

Phase 2 Project

Nature Trail + Neighborhood Connector +
Tappmeyer House Improvements

\$350,000 for Design/Management +
\$900,000 Construction = \$1.25 million



Future Phase Elements

- Obstacle Course
- Parking Lot Lighting
- Amphitheater
- Lakes
- Resurface Walking Trail

An aerial photograph of a park. In the center, there is a large, irregularly shaped pond with a light blue surface. Surrounding the pond are several winding paths in shades of grey and brown. To the left of the pond, there are several colorful play structures, including a red one, a purple one, and an orange one. The park is surrounded by dense green trees and grass. In the top left corner, there is a parking lot with several cars parked.

Discussion

Government Center Landscape Improvements















Creve Coeur Government Center Proposed Landscape





city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

MEMO TO MAYOR, CITY COUNCIL, AND PLANNING AND ZONING COMMISSION

Meeting Date: January 21, 2023

Subject: 2023 Planning Work Program--Joint Work Session

Memo Prepared by: Jason W. Jaggi, AICP, Director of Community Development

Attachments: *APA Zoning Practice*, October 2022: Preparing for the Electric Vehicle Surge
Staff memo to P&Z Commission, October 3, 2022, EV Zoning Regulations
Accessory Uses and Structures, Zoning Ordinance Section 405.450
Planned Zoning Districts, Chapter 405.390
St. Louis Business Journal article, Bayer West redevelopment, published Jan 11, 2023.

This joint work session with the City Council and Planning and Zoning Commission has been scheduled to identify planning priorities for 2023. A similar joint work session was held in December 2021 to review and identify priorities for 2022. The residential tree ordinance and amendments to the drive-through ordinance were identified as priorities for last year and have been completed. Other items such as the East Olive corridor and zoning updates for 39 North still remain and are discussed later in this memo.

Staff has identified six (6) topics for consideration. This memo will provide a brief summary of these topics with additional information provided with website links or attachments for further review in preparation for this work session. Due to the limited time available, it is important to keep a reasonable pace. If further discussion on some of these topics is needed, a follow up session can be scheduled in February, possibly at the February 21st P&Z meeting.

Recreational Adult-Use Marijuana

The Planning and Zoning Commission held a public hearing on January 17th to review the proposed zoning code amendments related to adult-use marijuana. After much discussion, the Commission continued this item and requested that it be added to the work session agenda for further discussion with Council.

The Planning and Zoning Commission staff report, draft ordinance, and supporting information can be found in the January 17th P&Z [agenda packet](#).

Planned Development Ordinance Revisions

Section 405.390 of the Zoning Ordinance outlines the procedure for Planned Zoning Districts. This rezoning option is available to facilitate innovative, high-quality development that implements the goals of the comprehensive plan and other land use objectives in exchange for flexibility from the specific

requirements of the zoning ordinance. The planned development ordinance is a useful option for larger, complex developments where strict adherence to the zoning code is not possible, but that could result in a desirable development. Approval for planned developments involves rezoning to the Planned District with approval of a site-specific development plan and ordinance that can regulate nearly all aspects of the development including uses, parking, building heights, setbacks, signage, etc. The Planned Zoning District procedure was created in 2008 and has been updated several times since then. Staff has found that this ordinance, as written, is difficult to implement and, as result, has not been greatly utilized. The most recent application of this process was for The Vue apartments at 10545 Old Olive which was approved by the City Council in 2013. The HBE redevelopment proposal was also submitted under this process in 2017 but was ultimately denied by the City Council in 2018.

Staff discussions with developers whose projects would be well-suited for consideration under the Planned Development ordinance, notably the redevelopment of the Bayer West campus, has demonstrated the need to make further updates to this ordinance. These changes include revising the qualifications for developments to utilize this process, addressing mixed-use developments that have a wide variety of uses, and the need to have an overall concept plan for multi-phased projects on large development sites.

Attached is Section 405.390 Planned Zoning Districts. In addition, a recent article from the St. Louis Business Journal discussing the planned redevelopment of the Bayer West campus is attached. Staff will review the existing ordinance and discuss areas that are in need of updates at the meeting.

Comprehensive Plan Updates—39 North—Bayer Campus

Along with the updates to the Planned Development ordinance discussed above, there may be a need to update the City's comprehensive plan to establish general goals of the Bayer West campus with respect to its role within the 39 North District. As many are aware, a developer has purchased the 95-acre Bayer West campus with plans for a "master-planned" major redevelopment consisting of a mix uses including multi-family, townhouses, hotel, retail, and office uses.

This site is located within the boundaries of the 39 North planning area and is identified as such in the City's comprehensive plan, *Creve Coeur 2030*, and the 39 North Master Plan. However, neither plan contemplated the redevelopment of a portion of the Bayer campus and; therefore, future land use goals have not been established. As this property represents a significant portion of the overall 500+ acre 39 North District, it would be prudent to consider a minor update to the comprehensive plan to provide general goals and objectives for this site prior to reviewing any proposal for redevelopment.

The [comprehensive plan](#) (Pages 96-99) and the [39 North Master Plan](#) can be viewed on the City's website.

East Olive Corridor

No additional work has been done over the past year to facilitate appropriate redevelopment within the East Olive corridor. With the Olive/Graeser litigation nearing conclusion and the proximity of the planned redevelopment of the Bayer West campus into a regional mixed-use development, the City should consider resuming the study of this corridor that would ultimately lead to updates to the zoning ordinance.

The East Olive corridor comprehensive plan recommendations can be found on the City' website [here](#) on Pages 88-94.

Electric Vehicle Infrastructure

The City's zoning ordinance does not address electric vehicle charging stations. Last summer, the Planning and Zoning Commission reviewed a site plan request for electric vehicle charging stations provided by EVGo within the parking lot at Plaza Shops on North New Ballas Road. After considerable discussion and requests to the applicant to modify the proposal to reduce the impacts without success, the Commission ultimately voted to deny the site plan request.

Following this application, on October 3, 2022, staff and the Planning and Zoning Commission held a work session to discuss how to regulate these uses in preparation for future applications. After this work session, the Commission agreed that this topic should also be discussed with the City Council to determine the appropriate approach to regulate these uses.

The staff memo from that work session is attached as well as a recent issue from the American Planning Association's Zoning Practice that discusses the need for local governments to provide reasonable zoning regulations in order to facilitate the deployment of EV infrastructure.

Accessory Buildings and Uses

Accessory buildings in residential districts continue to be popular with residents. These buildings consist of pool houses, detached garages, storage buildings, workshops, and additional living space. Due to the continued popularity and increasingly elaborate nature of these accessory buildings, several applicants have been required to modify their plans due to the zoning code restrictions. Last February, a homeowner requested a variance from the height restriction from the Board of Adjustment and was denied. The greatest constraint that staff is seeing is with the height limits for accessory structures, which is 12-feet. For reference, the height limit for the primary house is 35-feet in residential districts. Per the zoning code, height of buildings is measured from the average existing grade to the mean height of the roof for sloped roofs and to the top of the roof for flat roofs. If the height was increased by a few feet to 15 or 16-feet, all of the prior permits would have been approved without modifications.

Staff will provide examples of permit requests for accessory buildings and will review the current zoning standards for discussion on the need to update these standards. Attached is Section 405.450 of the Zoning Ordinance which regulates Accessory Uses and Structures.

Conclusion

Staff appreciates the opportunity to discuss these matters with both the Council and P&Z Commission in one setting. Staff will present each of these items at the meeting to receive feedback and direction for future action.



MEMO TO THE PLANNING AND ZONING COMMISSION

Date: September 29, 2022

Subject: Electric Vehicle Charging Stations Work Session

Prepared by: Bethany L. Moore, City Planner

Meeting Date: October 3, 2022

Attachments: Fairfax, Virginia EV Charging Memo, Ameren Missouri EV Charging Guide for Business, Electrek-Charging Standard and How They Differ, Summary of Best Practices in Electric Vehicle Ordinances pg. 9-12 and 19-21 and Planning for Electric Vehicle Charging Facilities

Electric vehicle charging stations are becoming more common and all over the country municipalities are determining how to regulate this new use. The number of publicly available fast electric vehicle chargers worldwide jumped from 1,740 in 2012 to 563,910 in 2021. Creve Coeur has several single stall charging stations throughout the city and recently had the first application for a larger, multi-stall installation of chargers via EV Go at the Plaza Shops. The application included installation of Level 2 and Level 3 chargers and came before the Commission as a minor site plan in order to review the use's impacts on the site and surrounding area. The application was ultimately denied after lengthy discussion with the applicant. This application was undoubtedly the first of many that Creve Coeur will see as the popularity of electric vehicles grow and the charging infrastructure across the country expands. With these considerations in mind, it is imperative that the City establish the appropriate regulations to prepare for future requests.

St. Louis County and St. Louis City both have fairly new regulations for electric vehicle charging. The goal of those ordinances is focused on providing the infrastructure necessary to support the installation of electric vehicle charging stations. Very little information is available from surrounding municipalities as to the regulation of the use. Staff's goal for the discussion of EV charging regulations is to create requirements for this use that allow the public to take advantage of these technologies that are quickly becoming necessary while also protecting the aesthetic qualities of existing sites and mitigating the potential impacts on surrounding uses.

Background on EV Charging

According to Global EV Outlook 2022's Data Explorer, "Sales of electric vehicles (EVs) doubled in 2021 from the previous year to a new record of 6.6 million. In 2012, just 120 000 electric cars were sold worldwide. In 2021, more than that many are sold each week. Nearly 10% of global car sales were electric in 2021, four times the market share in 2019. This brought the total number of electric cars on the world's roads to about 16.5 million, triple the amount in 2018. Global sales of electric cars have kept rising strongly in 2022, with 2 million sold in the first quarter, up 75% from the same period in 2021." The rising demand for electric vehicles also leads to a rising demand for publicly available charging stations. Charging stations are popping up on commercial sites for public use either free to patrons of the primary use where the chargers are located or more commonly, at a cost via companies such as EV Go.

Many businesses and offices see the chargers as an incentive; either for employees or business patrons. EV charging stations can be free standing pedestals or wall mounted. Both require additional equipment and power connections with the size of such utilities dependent on the type of charging station.

There are currently 3 common types of charges on the market today: Level 1, Level 2, and DC Fast chargers, sometimes called Level 3. Level 1 produces the lowest amount of charging power and is equivalent to a standard 120-V AC wall outlet. The range per hour provided by Level 1 chargers amounts to roughly 5 miles of range per 1 hour of charging. Although not the most desirable chargers for distance drivers, this type of charging does allow most EVs to be charged almost anywhere. Level 2 is equivalent to 240-V electric connection and offers a larger range per hour than Level 1 at roughly 30 miles of range per 1 hour of charge. Level 2 chargers can charge most EVs fully in 8 hours. Level 2 is the most common level of charger typically provided by individual businesses or offices due to cost of installation and range per hour output. DC Fast chargers, as the name suggests, are the fastest of the three levels and provide a full charge in less than an hour. Due to the higher power capabilities of DC Fast chargers, they require a higher power supply and typically the largest utility equipment. DC Fast chargers are ideal for long distance travel and are the most ideal charging type needed to build a national framework of chargers to enable long-distance EV trips.

Framework for New Regulations

Staff seeks to regulate EV charging stations as an Accessory Use. Per Section 405.460, an Accessory Use is only permitted in connection with a principal use, both uses must be permitted in the district and is subject to the established Use Limitation and Location requirements for all accessory uses and structures. As a permitted accessory use, EV charging stations would be able to be approved at a staff level without the need for Planning and Zoning Commission approval of each project if the requirements for such a use were met. This would also avoid having lots used only for EV Charging without a principal building and give the Commission the ability to regulate which zoning districts allow EV charging stations. Any EV charging station project that does not meet the requirements would come before the Commission as a Minor Site Plan.

The following are areas for discussion that staff is seeking the Commission's feedback on in order to create a set of draft regulations for further discussion at a later work session:

- **Zoning districts in which the use is allowed.** Staff suggests allowing charging stations in all commercial and light industrial districts. Single chargers for personal, residential use would be allowed.
- **Site location.** Staff suggests creating placement requirements for the chargers and their equipment to mitigate any site traffic issues and negative impacts on the streetscape or surrounding uses. Example: No charging stations shall be placed in the first row of parking stalls adjacent to a street.
- **Screening.** Screening should be a requirement for all EV charging stations and is a key component in the integration of the chargers into the site. The charging stations themselves should include landscaping elements around and between them in some way in order to help them to blend in to the site. The equipment associated with charging stations, especially Level 3 charging stations, is of the utmost concern as they tend to be large and bulky. Screening these elements in some way, either with fencing or landscaping or some combination of both is ideal.
- **Quantity and Parking.** Each EV charging station requires a parking space in order to be used. Each parking space could be occupied for several hours as the vehicle charges. This takes available parking spaces away from the principal use. Limiting the number of charging stations allowed per site or tying the number of charging stations to the size of the lot, number of available parking spaces or some other factor can help to regulate the amount of available parking spaces used for this use on any given site. Since EV charging is something that staff and the country as a whole is trying to encourage, counting the required parking spaces as a fraction instead of a 1:1 basis is also suggested as an incentive.

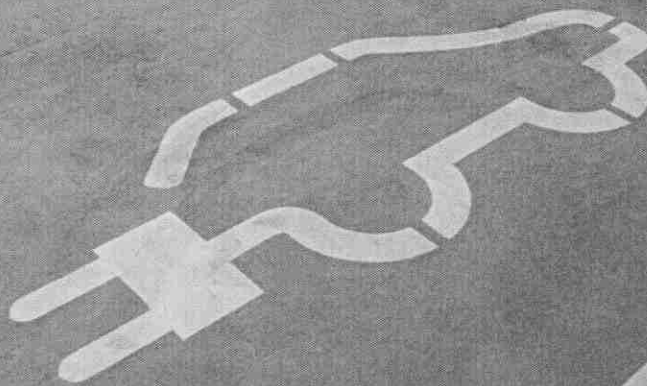
- **Signage.** EV Charging stations can include a large amount of signage on the charging stations, on the parking spaces and with free standing signage. This is an area worth considering in order to prevent visual clutter.
- **Site Coverage.** EV charging stations would count towards site coverage if they are placed within existing non-paved areas. To encourage their use, EV charging stations and related equipment could either be eliminated completely from the site coverage requirement or be counted as a fraction of the total area.

In addition to these zoning considerations, staff would also like the Commission to provide input on the desirability to require electric car charging facilities as part of new commercial and/or residential construction. After P&Z review at this work session, staff will incorporate any comments or suggestions into draft guidelines for discussion at a subsequent work session. After discussion on the draft guidelines with P&Z, staff will take the guidelines to a discussion with City Council before scheduling a public hearing for formal review by the public and the Commission.

ZONING PRACTICE

Unique Insights | Innovative Approaches | Practical Solutions

Preparing for the Electric Vehicle Surge



In this Issue: [Why Are EVs Coming?](#) | [Charging Stations as Land Uses](#) | [Zoning Trends](#) | [Zoning Standards for Different Land Uses](#) | [Equity Considerations](#) | [Non-Zoning Tools and State Preemption](#) | [Conclusion](#) | [References](#)

Preparing for the Electric Vehicle Surge

By Brian Ross, AICP, Jessica Hyink, and Rebecca Heisel

Electric vehicles (EVs) are a rapidly growing sector of our nation's (and the world's) light-duty vehicle market. In the second quarter of 2022, EV sales accelerated, reaching 442,740 and marking a 12.9 percent increase from the same time last year. During the same period, traditional gasoline-powered vehicle sales were down more than 20 percent compared to the second quarter in 2021 (Cox 2022).

The transforming market has implications for communities and for local governments, including land-use and development changes that need to be addressed in policy, programs, and regulation. In particular, planners and local government decision makers need to consider the land-use implications of the extensive build-out of EV charging infrastructure that is a necessary part of this new technology.

This issue of *Zoning Practice* identifies the land-use implications of the ongoing EV market transformation, particularly the considerations that communities need to address in regard to public EV charging infrastructure. It describes the significant differences between gas and electric vehicles in fueling practices, the unique land-use nature of EV charging equipment, and the evolving zoning practices that communities across the country are using for public (i.e., non-home) charging equipment and land use. Finally, this issue recommends some tools for assessing zoning considerations of EV charging infrastructure and shares examples of best practices that enable transparent and predictable zoning practices across jurisdictions.

Why Are EVs Coming?

The EV market transformation is driven by climate action and air quality goals, but also by economic factors, such as lower fuel and maintenance costs for vehicle owners. Just as planners and local decision makers must address infrastructure and land uses associated with gasoline-powered vehicles, they will need to address the new infrastructure and the local land-use decisions associated with EVs.



A plug-in electric vehicle at a public charging station in Goodyear, Arizona
(Credit: [Arizona Department of Transportation / Flickr](#))

What are Electric Vehicles?

Electric vehicle is a designation that includes several different technologies and transportation modes. Most commonly, EVs refer to light-duty (passenger car and light truck) vehicles that are hybrid-, plug-in-hybrid-, or battery-electric technologies. The EV designation also includes medium- and heavy-duty vehicles, such as delivery vans and buses, and electrified bicycles and scooters, which are a growing new mode of transport. This article uses the term “EV” to refer to vehicles that can be plugged into the electric grid to provide some or all of the vehicle fuel (excluding non-plug-in hybrid technologies) and is primarily focused on the light-duty fleet.

Climate and Environmental Policies

The transportation sector is the largest emitter of carbon (carbon dioxide equivalent, or CO₂e) in our nation and most of our states, more than industry, the power sector, or land-use-related emissions (U.S. BTS 2021). Similarly, health-related air quality problems from internal combustion engines, primarily from the use of light-duty vehicles, continues to plague our urban areas. Many of our nation’s urban centers are “nonattainment” areas under the federal Clean Air Act’s National Ambient Quality Standards that must enact policies to improve environmental and health outcomes associated with various air pollutants (EPA 2022). Electrification of transportation is a primary tool to reduce both transportation carbon emissions and regulated pollutants, particularly in urban areas.

Consequently, many cities have included EV adoption goals in both comprehensive plans and local climate action and energy plans (Samphea and Ross 2020). At least 13 states have adopted a low-carbon fuel standard for vehicles, and most states have adopted market transformation plans, incentives, or tax policies (Hartman and Shields 2022).

Emerging Competitiveness of EVs

While policy drivers often get the headlines as the reason for growing EV market share, the more universal reason that planners need to address emerging EV land-use issues is simply because EVs will be the least expensive form of personal vehicle transportation in the very near future (Lutsey and Nicholas 2019). Every major car manufacturer in the world has announced transition plans for moving to predominantly or exclusively EV production (Motavalli 2021).

The net effect is that even for those local governments who are not setting climate goals, planning for an EV future is highly warranted. And the single biggest local planning consideration for an EV future is planning for the charging infrastructure to support a high-penetration future of EVs.

Market Transformation: Chicken or Egg?

Accelerating the electrification of transportation requires that consumers choose EVs over internal combustion engine vehicles. One of the acknowledged barriers to consumer adoption of EVs is the lack of charging infrastructure in both private residences and public charging opportunities for longer trips and to relieve “range anxiety.” But non-home charging opportunities are unlikely to be installed until market demand is clearly in place to justify installing new infrastructure. The market will not respond to anticipated demand, creating a classic chicken-or-egg dilemma: We need charging infrastructure to enable vehicle purchase, but we need vehicle ownership and use to justify investment in charging infrastructure.

Two recent federal legislative changes are accelerating the pace of EV market transformation. The Bipartisan Infrastructure Law (BIL) passed in 2021 is funding a substantial buildout of EV charging infrastructure, with \$5 billion in formula funding for states over the next four years and an additional \$2.5 billion in competitive grants for communities and corridors (White House 2021). These public charging facilities in communities

and along transportation corridors will be only part of the charging infrastructure buildout; additional charging infrastructure will need to be installed in homes and apartment buildings, in workplace employee parking lots, and in private commercial parking lots to serve clients, shoppers, and other patrons of those businesses. As the infrastructure buildout is funded, these projects will require cities and other jurisdictions to make land-use decisions about where and how to permit installation.

Similarly, the Inflation Reduction Act (IRA) of 2022 will significantly incentivize purchase of EVs. The IRA makes \$7.5 billion in tax credits for new EVs, and \$1.3 billion for purchase of used vehicles available, as well as substantial funding for EV infrastructure in disadvantaged (as defined by Justice 40) or underserved communities, and tens of billions to incentivize expanded domestic manufacture of batteries (White House 2022). These policies will certainly increase the urgency for all communities to consider the land use implications of EV charging needs ([H.R.5376 §1.D.13401-4](#)).

Charging Stations as Land Uses

The U.S. Energy Information Administration reports that the U.S. has more than 100,000 retail gas stations (2022). These stations are the exclusive place for consumers to purchase gasoline, diesel, and ethanol as fuel for the light-duty fleet. But EVs present a dramatic departure from the historic driving culture, where gas stations are the only place for consumers to refuel their vehicles and where fueling infrastructure is highly regulated and associated with a variety of health, safety, and environmental risks. Most EV charging occurs at home, so public chargers are (for most households) supplemental rather than primary, except when traveling outside one's home community or region. Similarly, EV chargers do not have nearly the same public health or environmental risk of gas refueling infrastructure.

So, what kind of land use is an EV charger? Are they simply an accessory device in a parking lot, like a parking

What Is Electric Vehicle Charging Infrastructure?

Different EV technologies use different forms of charging that fall in different classes of land use. EV charging infrastructure (a.k.a. electric vehicle supply equipment or EVSE) for light-duty vehicles is distinctly different in both design and use than charging equipment for trucks, buses, bikes, or scooters. Here we are focusing on three charging technologies designed primarily for light-duty vehicles: Level 1 charging (using a household plug-in at 15–20 amps and 120 volts); Level 2 charging (using a circuit similar to an electric dryer or oven at 40–60 amps and 240 volts); and Direct Current Fast Charging (DCFC) that utilizes a separate utility transformer and much higher power capacity (25–300 kW).

payment kiosk? Or does the presence of an EV charger change the nature and function of a parking lot into a separate business for which a separate zoning application and permit is needed? What about electric infrastructure, such as transformers, that must be installed in some cases?

Vehicle Fueling as a Land Use

Traditional gas stations are typically principal uses but can be an accessory use. As a principal use, associated secondary uses often include a convenience store, fast food service, car wash, or service station. As an accessory use, gas stations are most frequently sited with grocery or large wholesale stores, although the designation even in those instances may be as a principal use.

The business model of a traditional gas station necessitates coupled land uses. Convenience stores are the dominant coupled land use with traditional gas stations, with approximately 80 percent of fuel purchased at a convenience store (NACS 2022). While an estimated 30 percent of a traditional gas station's revenue is attributable to sales of goods from inside convenience stores, these sales account for approximately 70 percent of the profit (Crockett 2022).

Traditional gas stations are often regulated through zoning, with prohibitions on locating traditional gas stations in residential zones. Zoning regulation of traditional gas stations developed in consideration of heavy vehicular traffic use and associated nuisance but also of the environmental and health impacts imposed by traditional gas stations.

According to the U.S. EPA, traditional gas stations emit air pollution, contaminate soil and ground water, and cause vapor intrusion into structures, resulting in the potential contamination of sites within 1,000 feet of the traditional gas station (2011). Additionally, the U.S. EPA estimates that half of the existing 450,000 brown-field sites were caused by petroleum, most often due to leaking storage fuel tanks (2022).

Conversely, EV charging stations are most frequently accessory uses, with an array of principal uses in residential, commercial, industrial, institutional, and recreational zones. Because EV charging stations do not contaminate the air, soil, or ground water, zoning of EV fueling stations should differ from traditional gas stations.

While some traditional gas stations may offer electric vehicle charging to draw these customers to their coupled land uses, most public charging takes place at destinations with longer parked times (e.g., parking lots at grocery stores, restaurants, shopping centers, places of work, and transportation hubs, such as airports or transit facilities) (Ricardo 2021). This behavior indicates EV drivers seldom seek out fueling for the sake of fueling but instead fuel as a convenience when an electric vehicle charger is present. Fast chargers are the exception to this and account for approximately five percent of all charging (Wood, 2017). This makes many EV charging land uses more comparable to that of charging a cell phone when a cell phone charger is available for use rather than fueling a combustion vehicle.

The business model established by traditional gas stations and the behavior of EV drivers makes a case for a local government to encourage electric vehicle charging infrastructure coupled with commercial and recreational zones. According

to the U.S. Department of Transportation, public electric vehicle charging can draw EV drivers, and thereby increase economic development benefits, with the coupled use of electric vehicle charging and local attractions (2022). Allowing public EV charging as a principal or accessory use is critical for promoting this potential economic development driver.

EV chargers are not a single land use but take different forms that need to be considered in developing land-use regulations, particularly when communities are looking to enable and accelerate the electrification of transportation.

Different Charging Use Cases, Different Land Uses

EV chargers are not a single land use but take different forms that need to be considered in developing land-use regulations, particularly when communities are looking to enable and accelerate the electrification of transportation. Moreover, an equitable market transformation to an EV future requires that different forms of public EV charging infrastructure be enabled in local regulation to ensure fueling opportunities for all residents, regardless of access to home charging. The following are four considerations that should be assessed in land-use and zoning decision-making.

Type of Use. Different levels of charger create different charging use cases and affect the resulting treatment in the zoning code. Level 1 and 2 chargers are used where the vehicle will be parked for hours, or when the user is just “topping off” a charge while in an associated business or institution. DCFCs are more akin to a traditional fueling station, where the primary purpose is likely to be getting fuel while enroute to another destination.



A single charging station (left) versus a bank of chargers (right) (Credit: Brian Ross)

Intensity or Density of Use. The number of chargers in a single installation or parking area is a critical factor in assessing impacts to surrounding land uses and the transportation system. A bank of 10 or 15 chargers has different visual impact, different electrical infrastructure, and different trip generation than one or two chargers provided as an amenity at a business, workplace, or institution.

Public Access of the Use. Different levels of public access create different zoning considerations. Chargers that are broadly accessible to the public create different zoning considerations than chargers restricted to customers or employees of an adjacent business or institution, or home charging, which is completely private. The degree to which the chargers are a destination, or just an accessory use associated with parking, affects how the use is permitted or regulated in zoning.

Business Case of the Use. How, or whether, the chargers are paid for (requiring payment by the user or payment by the site owner to a vendor) can affect zoning considerations. Zoning frequently distinguishes between virtually identical land uses or activities based on whether the activity is a business. Defining what qualifies as a business is a judgment faced by many planning commissions and local officials. Zoning standards will vary if a third party is providing EV charging as a service to an existing business and its customers or is offering fueling services independently as a separate business.

Zoning Trends

In 2019, our organization, the Great Plains Institute (GPI), released the *Summary of Best Practices in Electric Vehicle Ordinances* (Cooke and Ross 2019). We created the summary to provide local governments looking to develop EV zoning standards or development regulations with real-life references. However, the regulatory landscape has changed significantly since 2019. To address this, GPI is working to create an updated version of the guide. The updated scan of best practices in EV zoning standards and development regulations is expected to be publicly available by the end of the year.

As EVs become more common, and as more cities adopt policies encouraging EV market transformation, zoning practices for EV charging infrastructure reflect this evolving EV landscape. Trends include evolving terminology reflecting different development use cases and increasing percentage requirements for both installed chargers and “make-ready” parking requirements.

Developing Terminology

Defining terms within your ordinance is key to ensure that there is no confusion for ordinance users and staff. In the 2019 summary, terms related to EVSE that were defined in ordinances include *battery charging station*, *electric vehicle charging station*, *electric vehicle supply equipment*, and *electric vehicle infrastructure*. While all slightly different terms, each term

essentially refers to the infrastructure from the building electric supply to the installation location for the EV charging station.

Our new ordinance scan reflects a growing granularity for the required completeness of charging infrastructure in new construction or renovation. The best practice definitions distinguish between *EV-capable*, *EV-ready*, and *EV-installed*. An ordinance from Avon, Colorado, demonstrates how some cities are defining these terms (**\$15.28.020**):

- *EV Capable* means the installation of electrical panel capacity with a dedicated branch circuit and a continuous raceway from the panel to the future EV parking spot(s).
- *EV Ready* means the installation of electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt charging outlet.
- *Electric Vehicle Supply Equipment (EVSE) Installed* means the installation of a Level 2 EV charging station.

Some cities choose to use all three of these definitions in their ordinances, while others elect to only differentiate between EV-installed and EV-ready, leaving out EV-capable. The evolution and separation of these terms impact the required percentages we see in EV parking standards.

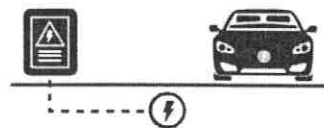
Requiring Increased Percentages

In the 2019 document, “Required EV parking capacity & minimum parking requirements,” the best practice category discusses minimum EV-ready or EV-installed parking space requirements. Recent trends are toward requiring much higher percentages of the total parking spaces to meet an EV charger standard.

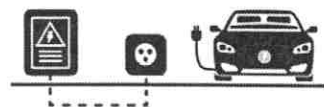
Montgomery County, Maryland, was highlighted as an example in the 2019 guide. The county required one percent of parking stalls to have an installed EV charging station.

“Any parking facility constructed... containing 100 parking stations or more, must have a minimum of one parking space ready to be converted to a station

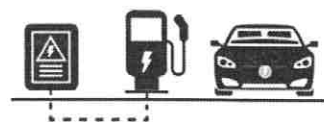
EV Capable



EV Ready



EVSE Installed



*A visualization of EV-capable, EV-ready, and EV-installed
(Credit: Southeast Michigan Council of Governments)*

for charging electric vehicles for every 100 parking spaces, or fraction thereof” (Cooke 2019).

Another example comes from Indianapolis, Indiana, requiring 0.4 percent of parking stalls to have charging stations in developments with off-street parking lots with over 500 parking stalls (§744-402.D).

Comparatively, in the updated scan we see much higher percentages required, especially for cities that differentiate between EV-ready and EV-capable. In the previous example of Avon, Colorado, above, for multifamily dwellings with over seven spaces, the town requires five percent EV-installed, 10 percent EV-ready, and 15 percent EV-capable. For commercial development parking lots with over 10 stalls, the same percentages hold true (**\$15.28.040**).

Richfield, Minnesota, provides another example of the increased percentages required. Its requirements for multifamily dwellings with 15 or more units are 10 percent Level 2 EV-installed and 10

Jurisdiction	Multifamily Parking	Commercial Parking	Code Citation
Atlanta, GA	NA	20% of spaces must be EV-ready	<u>Appendix B §101.8</u>
Chicago, IL	20% of spaces must be EV-ready or EV-installed	20% of spaces must be EV-ready or EV-installed	<u>§17-10-1011</u>
Honolulu, HI	Buildings with 8+ spaces: 25% must be EV-ready	Buildings with 12+ spaces: 25% must be EV-ready	<u>§32-1.1(20)</u>
Issaquah, WA	10% of spaces must be EV-installed; 30% must be EV-ready	5% of spaces must be EV-installed; 10% must be EV-ready	<u>§18.09.140</u>
Madison, WI	2% of spaces must be EV-installed; 10% must be EV-ready (increases by 10% every 5 years)	1% of spaces must be EV-installed (increases by 1% every 5 years); 10% must be EV-ready (increases by 10% every 5 years)	<u>§28.141(8)(e)</u>
San Jose, CA	10% of spaces must be EV-installed; 20% must be EV-ready; 70% must be EV-capable	10% of spaces must be EV-installed; 40% must be EV-ready	<u>§24.10.200</u>
St. Louis, MO	2% of spaces must be EV-installed; 5% must be EV-ready (increases to 10% in 2025)	2% must be EV-installed; 5% must be EV-ready	<u>§25.01.020-406.2.7</u>
Washington, DC	Buildings with 3+ spaces: 20% must be EV-ready	Buildings with 3+ spaces: 20% must be EV-ready	<u>§6-1451.03a</u>

Select Findings from the 2022 Scan of EV Ordinances

percent EV-ready stalls capable of Level 2 charging, with at least one space capable of fast charging (Appendix B §544.13.7).

Seattle goes one step further. It requires 100 percent EV-ready for multifamily residences with up to six spaces but backs down to 20 percent EV-ready for parking lots with over seven spaces. In commercial developments, 10 percent are required to be EV-ready (§23.54.030.L).

Zoning Standards for Different Land Uses

Based on our review of existing local and state land-use standards, technical assistance on EV-readiness, and stakeholder discussions at the state and national level, we recommend the following general best practices.

Define Distinct EV Charger Uses

Provide definitions for different EV charger use cases as distinct land uses. Consider defining accessory-use and principal-use installations and consider a separate definition for DCFC installations.

Explicitly Permit Accessory Uses

Most installations of EV charging equipment are accessory uses; the primary use is either a building or parking (in those instances where the parking is on a separate parcel). For clarity, zoning ordinances should explicitly permit EV charging equipment for all home chargers (subject to accessory use dimensional and performance standards). Level 1 and 2 charger installations associated with commercial or institutional land uses should similarly be listed as permitted accessory uses up to at least the

minimum installation requirements in the city's parking standards. All EV charging equipment installed and maintained in a surface parking area by the property owner or lessee should be considered a permitted accessory use in all districts where vehicle parking is required or allowed as an accessory use.

Set Parking Design or Performance Standards

Many communities will have parking or zoning standards that include a design or performance element (e.g., size or configuration of space, Americans with Disabilities Act requirements, landscaping, stormwater management, lighting, etc.). In most states, EV charging capability can

Allowing EV charging stations in the public ROW along curbs can benefit underserved communities and people with disabilities

be included as a minimum standard. As noted above, many cities are requiring minimum levels of EV charging capability for specific land-use types (single-family homes, multifamily buildings) or as part of commercial parking standards.

Some states, such as Minnesota and New Jersey, have a "max/min" state building code, where the state code is both a floor and a ceiling for local regulation. These states may limit local zoning requirements to those that clearly do not overlap with building code standards.

Communities will have a judgment call on whether installations that are installed or maintained by third party providers, such as a bank of chargers installed and maintained by a charging infrastructure

company in a retail store parking lot, are accessory uses or principal uses, and whether design standards apply. Evaluating the installation under the four considerations noted above will help parse the question.

EV chargers should only be subject to aesthetic or landscaping standards where cities have established standards for surface parking lots. Applying design or aesthetic standards uniquely to EV charging infrastructure could be deemed arbitrary. Signage is another judgment call, where signage may be appropriate when charging infrastructure is either a principal use or accessory to a mix of commercial uses that also have signage. Accessory uses in other land-use cases should not have signs or advertising, except to distinguish the availability of, type of, or vendor for charging.

Develop a Mixed-Use Standard

Commercial operation of a vehicle charging station by a third party (particularly for fast charging) where there is a synergistic mix of uses will be a growing instance of mixed-use development that incorporates EV charging with other compatible businesses. The business case for EV charging is similar to existing business models for gasoline refueling, where fuel is part of a convenience store, fast food, auto repair, and car wash. Gasoline refueling is a destination but makes for a poor business case without other revenue streams. This is also true for DCFC charging; the business case typically requires revenue beyond what the customer pays for fuel. But like gasoline stations, DCFC charging is a critical element to enable widespread EV use.

Communities should enable DCFC charging land uses along transportation corridors and create standards for DCFC charging stations as a mixed-use component that complements synergistic transportation corridor uses. DCFC charging installations along transportation corridors are similar in use to gas fueling in that the charging is the reason that people stop. Consideration should be given to site

*An example of
ROW charging
infrastructure
(Credit: HourCar)*



Rule Making to solicit comments from the public. Some municipalities have already adopted codes to address the accessibility of EVSE, including number of accessible stations, cord management, and site planning considerations. Best practices consider ADA regulations for parking and sidewalk management and apply these practices to EV charging stations.

Multifamily

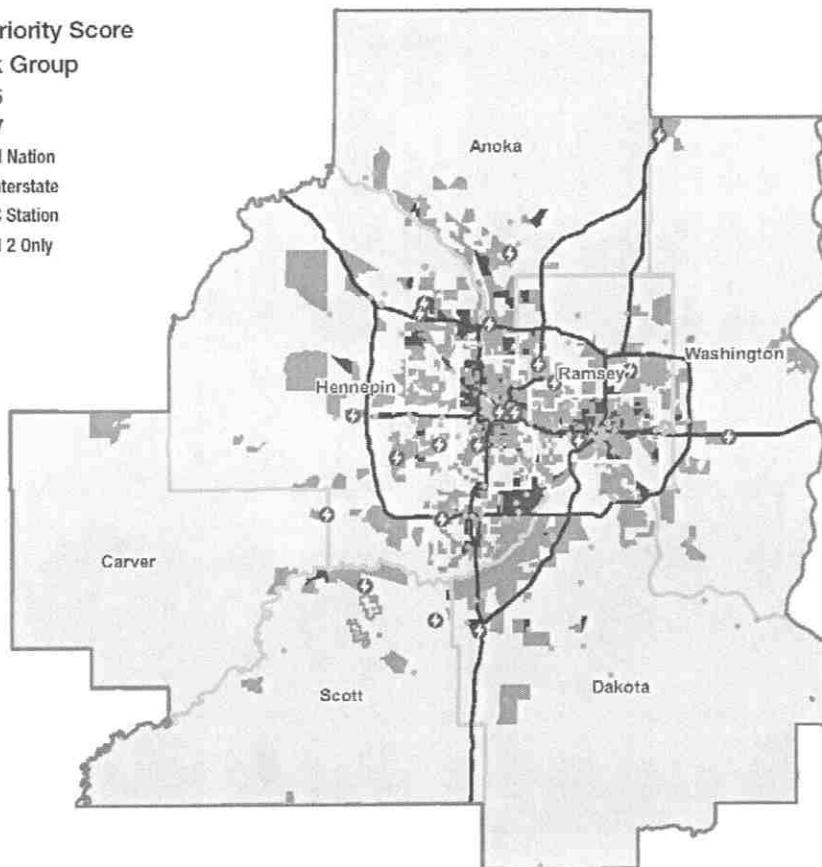
While there are policies for including charging infrastructure in new multifamily developments, there are fewer policies and programs to address a lack of EVSE in existing multifamily buildings. In some cases, existing electricity service may be inadequate for EV charging stations. Ensuring an equitable distribution of public EV in proximity to multifamily buildings and underserved communities can alleviate limitations with existing buildings.

Right-of-way

Allowing EV charging stations in the public ROW along curbs can benefit underserved communities and people with disabilities. By developing an application process for placement of EV charging stations in the ROW, greater equitable distribution of EV charging stations can be achieved, particularly in locations lacking access to private, off-street parking. Where private off-street parking is not available, EV owners may choose to park along the curb and lay a charging cable across the right-of-way, including the sidewalk, to charge from home. This scenario can limit a person using an assistive device from navigating the sidewalk. Allowing the placement of EV charging infrastructure in the right-of-way between the curb and sidewalk, can allow the placement of EVSE in underserved communities while allowing sidewalks to remain free of charging cables.

Equity Priority Score by Block Group

- 4 to 5
- 6 to 7
- Tribal Nation
- US Interstate
- ⊙ DCFC Station
- * Level 2 Only



An analysis of areas of high priority or greatest opportunity for equitable EV charging deployment (i.e., block groups with equity priority scores of six or seven) in the Twin Cities, Minnesota, metropolitan area (Credit: Minnesota Department of Transportation)

Coverage

To ensure equitable access to EV charging stations, communities can evaluate existing locations to determine coverage and then evaluate data on underserved communities to develop a plan for addressing inequities in EVSE access. The U.S. Department of Transportation has a toolkit on “Equity Considerations in EV Infrastructure Planning,” including engagement and outreach, using equity data, and EV infrastructure funding (2022).

Non-Zoning Tools and State Preemption

In states where cities can adopt their own building code, many cities are choosing to use the building code instead of parking standards or zoning standards to implement EV-readiness in new construction (Salcido et al. 2021). Where cities do not have independent jurisdiction over the building code, zoning or parking standards are the primary new construction EV-readiness tools.

A growing number of states are also addressing the land-use and development standards associated with EV charging infrastructure. In 2010 the State of Washington passed legislation requiring cities along its major transportation corridors to meet minimum zoning requirements for EV charging equipment in new development (**HB 1481**). California similarly passed minimum requirements in 2015 (updated in 2021)(GOV [§65850.7](#) & [§65850.71](#)), New Jersey in 2021 ([§40:55D-28](#), [§40:55D-89](#) & [§40A:12A-7](#)), Hawaii in 2012 ([§291-71](#) & [§291-72](#)), and Oregon in 2021 (**HB 2180**). State laws generally set a floor that cities must meet, although the New Jersey law sets a uniform standard that municipalities cannot depart from, and other states have limited local jurisdictional control to health and safety issues (excluding aesthetics or character considerations).

Conclusion

The automotive industry is in an accelerating state of transition, moving from internal combustion vehicles to electric powered vehicles. This market change is accompanied by the need for new refueling infrastructure and a change in refueling “culture” that affects how communities consider the deployment of vehicle charging infrastructure. Infrastructure is likely to be part of all new development, and the new business model of public vehicle fueling significantly changes existing zoning considerations and practices. Charging infrastructure will generally be sited and used very differently than traditional gas stations.

To accommodate EV market transformation, communities need to consider clear and transparent zoning standards for enabling accessory use deployment of Level 1 and Level 2 charging infrastructure and, in some cases, for DCFC (fast charging) land uses. Using parking and development standards to ensure home-charging capacity in all forms of housing enables the EV market to accelerate. Equity concerns regarding access to charging infrastructure similarly need to be deliberately addressed in local codes and programs by making sure that charging infrastructure is accessible to people who might not have home-charging ability, including various forms of public charging, right-of-way charging, destination charging, and workplace charging. Finally, the small but critical market services of fast charging infrastructure needs to be thoughtfully incorporated into appropriate travel corridors.

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Section 405.460. Accessory Uses and Structures. [R.O. 2008 §26-51; Ord. No. 1903 §1, 11-24-1997; Ord. No. 2123 §1, 5-29-2001; Ord. No. 2156 §1, 10-22-2001; Ord. No. 2198 §1, 10-28-2002; Ord. No. 5163 §1, 12-13-2010; Ord. No. 5165 §3, 12-13-2010; Ord. No. 5188 §2, 4-11-2011]

- A. *Authorization.* Accessory uses are permitted in any zoning district in connection with any principal use which is permitted within such district.
- B. *Permitted Accessory Uses And Structures.* A "*permitted accessory use or structure*" is any use or structure that complies with the definitions contained in Section 405.120 including, but not limited to, the following typical uses:
1. Private garages or carports.
 2. Off-street parking for permitted motor vehicles and loading spaces as required by Article VII and any additional off-street parking or loading spaces which are devoted exclusively to the principal use or activity subject to other limitations and regulations of this Chapter.
 3. Private parking or storage of major recreational equipment or commercial vehicles, not exceeding seven (7) feet in height or twenty (20) feet in length, in any residential zoning district provided such parking or storage takes place in a garage or carport in a manner that screens the vehicle or equipment from view at normal eye level from any street or adjacent private property; or provided such parking or storage takes place in a rear yard in a manner that screens the vehicle or equipment from view at normal eye level from any street or adjacent private property; further provided that any such parking or storage does not encroach upon the required off-street parking for standard passenger vehicles. Boats, not exceeding seven (7) feet in height or twenty-five (25) feet in length, may be stored on a private driveway, located behind the front building line, within a recorded residential subdivision with a residential lake not less than twenty (20) acres in size.
 4. A structure for storage incidental to a permitted use, provided no such freestanding structure that is accessory to a single-family dwelling shall exceed one hundred (100) square feet in gross floor area and twelve (12) feet in height.
 5. A child's playhouse.
 6. Recreation facilities located within the required side or rear yard including private swimming pools, bathhouses, tennis, basketball, racquetball, handball and other game courts, hockey/ice rinks, batting cages, and other similar facilities, provided that such facilities are set back at least fifteen (15) feet from any lot line and any fence associated with such uses shall comply with the provisions of Section 405.640. Patios constructed in conjunction with any swimming pool may be located within a required rear yard provided that they are not located within an easement or closer than ten (10) feet to any property line. **[Ord. No. 5563, 1-8-2018]**

7. Greenhouses.
8. Statuary, arbors, trellises, barbecue stoves, doghouses, flagpoles, fences, walls, hedges and gazebos, provided these elements are in compliance with other regulations of this Chapter including those relating to fences in Section 405.640. **[Ord. No. 5563, 1-8-2018]**
9. Auditoriums and other public assembly halls clearly accessory to any permitted use in a multi-family or non-residential district.
10. Health clubs including baths and gymnasiums clearly accessory to a permitted use in a multi-family or non-residential district.
11. Fallout shelters.
12. Mechanical equipment or utility facilities which are specifically related to and required by a permitted use.
13. Solar collectors, provided such accessory structures shall not be located in the front yard or along street right of way within the area equivalent to the front yard setback of the applicable zoning district, and shall not exceed a maximum height of six feet or a maximum capacity exceeding the reasonably anticipated needs of the primary use on the site. **[Ord. No. 5431 §13, 7-27-2015]**
14. Boat docks.
15. Outdoor lighting, provided these are in conformance with the standards and regulations specified in Section 405.680.
16. Satellite dish antennas up to one meter in diameter shall be permitted in the "A", "B", "C", "D" and "AR" Districts. **[Ord. No. 5431 §13, 7-27-2015]**
17. Satellite dish antennas up to two meters in diameter shall be permitted in the "MR", "HE", "PH", "PO", "RO", "MX", "PC", "GC", "CB" and "LI" Districts. **[Ord. No. 5431 §13, 7-27-2015]**
18. Accessory antennas.
19. Roof-mounted telecommunication equipment in the "A," "B," "HE," "PH," "PO," "RO," "MX," "PC," "GC," "CB" and "LI" Zoning Districts, subject to the following: **[Ord. No. 5381 §2, 7-14-2014]**
 - a. Administrative approval may be granted for the placement of roof-mounted telecommunication equipment, subject to the conditions outlined under Sections 405.470(A)(4), 405.470(A)(5) and 405.690 and the following design standards:
 - (1) An antenna is rectangular in shape, limited to a width of one and one-half (1.5) feet, height of six (6.0) feet and a depth of one (1.0) foot.
 - (2) The antennas and band are mounted to the face of an existing wall

including existing penthouses and do not extend beyond the height of the wall.

- (3) No more than four (4) antennas are placed on a band per building wall plane.
 - (4) No part of the antenna, including the antenna and holding brackets, extends beyond two (2.0) feet from the face of the wall on which it is mounted.
 - (5) All wiring and conduits connecting to the antennas from the rooftop must be within the wall cavity; thus no exposed wire or conduits are permitted, other than the antenna wall brackets.
 - (6) All equipment shelters in non-residential districts shall either be completely enclosed or fully screened from the rooftop elevation. All equipment shelters in residential districts must be located within the primary structure on which the antennas are mounted or below grade level so as to minimize the visibility from the outside.
- b. Any application which does not meet the standards cited in Subsection (B)(19)(a) above shall require application for a conditional use permit in accordance to Section 405.1070 and subject to the standards of Section 405.470(A)(4), Section 405.470(A)(5) and Section 405.690.
 - c. Consideration of an application shall meet applicable time limitations pertaining to proposed wireless communications facilities and support structures under Sections 67.5090, RSMo. et seq. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.¹ **[Ord. No. 5620, 12-10-2018]**
 - d. Any telecommunication equipment that is no longer in use for its original communication purposes shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the equipment. Removal of existing equipment shall not be a condition of approval of any subsequent application.
20. Accessory basement storage or inventory use.
- a. The occupancy and use of such basement space shall only be in support of and operated by the user of a primary retail activity.
 - b. The primary retail use shall be one requiring large amounts of inventory

1. Note: Review of an application shall be completed within applicable time limitations including those pertaining to proposed wireless communications facilities and support structures under State and Federal law, which are generally: 45 days for collocation or replacement of wireless facilities or non-substantial modifications of existing facilities, 60 days for small wireless facilities on new poles, and 120 days for other (not small) wireless facilities on new poles or substantial modifications of such existing facilities. See Sections 67.5090, et seq., and 67.5110, et seq., RSMo., and 47 CFR 1.40001 and 1.6003.

space relative to sales and low customer sales activity.

- c. No personnel shall be permanently stationed, no offices shall be located, no sales shall be transacted and no goods shall be displayed for customer inspection within said accessory basement space.
 - d. The City may include the conditions imposed upon the user due to basement space utilization in the business license issued to said user.
21. Horses and horse stables in residential districts "A", "B", "C" and "D" provided that:
- a. The lot on which the use exists is at least three (3) acres in size;
 - b. No more than one (1) horse is kept per one (1) acre of fenced pasture;
 - c. All horses are kept within a stable; and
 - d. The stable is set back from any property line a minimum of fifty (50) feet.
22. Disguised support structure. **[Ord. No. 5381 §2, 7-14-2014]**
- a. Any freestanding, man-made structure designed for support of antennas, the presence of which is camouflaged or concealed as an appropriately placed architectural or natural feature. Such structures may include, but are not limited to, clock towers, observation towers, water towers, light standards, flagpoles, church steeples.
 - b. The placement of disguised support structures, which:
 - (1) Do not require a new structure or addition; and
 - (2) Are permitted in the applicable zoning districts,
 - may be administratively reviewed and approved by the Department of Community Development.
 - c. The mounting of disguised support structure antennas shall not exceed the height limit established by the applicable zoning district regulations, and each such antenna shall be concealed or disguised by architectural or natural elements or camouflaged by including, but not limited to, painting a color matching the surface to which they are attached. The location of all equipment, equipment shelters, wires, conduits and/or any other related accessories or devices shall either be completely situated within an existing structure or fully screened from view. Notwithstanding the items above, equipment shelters and related elements, in appropriate residential districts, must be located within the primary structure (on which the antennas are concealed or disguised) or below grade level. However, the equipment may be located in an addition to the primary structure, in which event a conditional use permit must be secured if required by this Code. Furthermore, other reasonable design standards or

requirements, not listed or identified herein, may be required by the City as a condition of the administrative approval.

- d. The location of such equipment shall not be placed closer than one hundred fifty (150) feet from any residential structure.
- e. Should the Director of Community Development determine such an application does not meet the spirit, intent and conditions outlined above in Subsections 405.460(B)(22)(a), (b) and/or (c) and cannot be administratively approved, the application, as requested by the applicant, may be reviewed and acted on by the Planning and Zoning Commission and City Council as per the procedures in Section 405.1070.
- f. Consideration of an application shall meet applicable time limitations pertaining to proposed wireless communications facilities and support structures under Sections 67.5090 RSMo. et seq. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.² **[Ord. No. 5620, 12-10-2018]**
- g. Any telecommunication equipment that is no longer in use for its original communication purposes shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the equipment. Removal of existing equipment shall not be a condition of approval of any subsequent application.

C. Use Limitations.

1. No accessory structure shall be built prior to the construction of the principal use.
2. No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
3. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which located.
4. No accessory structure shall be used as a dwelling unless specifically allowed in the applicable zoning district regulations.
5. Accessory structures in any residential district shall not exceed twelve (12) feet in height with the exception of walls, fences or hedges located within the required side, rear or front yard setback which shall not exceed six (6) feet in height.

2. Note: Review of an application shall be completed within applicable time limitations including those pertaining to proposed wireless communications facilities and support structures under State and Federal law, which are generally: 45 days for collocation or replacement of wireless facilities or non-substantial modifications of existing facilities, 60 days for small wireless facilities on new poles, and 120 days for other (not small) wireless facilities on new poles or substantial modifications of such existing facilities. See Sections 67.5090, et seq., and 67.5110, et seq., RSMo., and 47 CFR 1.40001 and 1.6003.

D. *Location.*

1. If an accessory-type building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this Chapter applicable to a principal building.
2. If an accessory building is detached from the principal building, it shall be located at least ten (10) feet from the principal building.
3. No accessory structure or use shall be located in any required corner visibility triangle as established in Section 405.670.
4. No accessory structure, except those exempted by Section 405.630(A), shall be located within a front yard.
5. Accessory structures and uses shall be set back at least five (5) feet from the rear lot line.
6. Accessory structures and uses shall maintain the same side yard as is required for the principal structure located on the zoning lot, except that off-street parking, fences, walls and hedges may be located in the required side yard areas.

Section 405.390. Planned Zoning Districts. [R.O. 2008 §26-46.1 — 26-46.13; Ord. No. 5057 §2, 9-4-2008; Ord. No. 5134 §§1 — 3, 4-26-2010; Ord. No. 5165 §7, 12-13-2010; Ord. No. 5243 §4, 2-13-2012; Ord. No. 5300 §§16 — 17, 4-22-2013]

- A. *Definitions Of Terms.* Unless a contrary intention clearly appears, the following words and phrases shall have the meanings given in the following clauses for the purposes of this Section. Where a conflict arises between these definitions and those contained in Section 405.120, Definitions, the wording in this Section shall prevail only to the extent needed to interpret and enforce the regulations of this Section. Further, words and phrases which are not defined by this Section nor Section 405.120, Definitions, shall be given their usual meaning except where the context clearly indicates a different or specific meaning.

PLANNED ZONING DISTRICT — A designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers and industrial parks, all within one (1) contained development or subdivision.

PREDOMINATELY NON-RESIDENTIAL — A descriptive phrase that applies to areas in which less than fifty percent (50%) of the adjoining land area (excluding streets) within five hundred (500) feet is developed as single-family residences, either detached or attached (the latter includes only stand-alone development of four (4) attached units or less).

PREDOMINATELY RESIDENTIAL OR INSTITUTIONAL — A descriptive phrase that applies to areas in which fifty percent (50%) or more of the adjoining land area (excluding streets) within five hundred (500) feet is developed as either:

1. Residential uses, or
2. Institutional uses consisting of non-profit or quasi-public uses, such as a religious institution, library, public or private school, hospital or government-owned or government-operated structure or land used for public purposes.

UTILITIES — All lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, video, telecommunication and telephone.

- B. *Purpose.* The purpose of the Planned Zoning District is to allow innovative design, solve problems on difficult sites, meet market niches, encourage housing in different price ranges, promote well designed developments and encourage infill and redevelopment within the existing urban area. Through the flexibility of the Planned Zoning District, the City seeks to achieve the following objectives:

1. Fulfillment of the goals and objectives of the Comprehensive Plan;
2. Creation of a more desirable environment than would be possible through application of conventional City land use regulations;
3. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development including aesthetic amenities;

4. Combination and coordination of architectural styles, building forms and building relationships;
 5. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, preferably by means of natural erosion control and stormwater control best management practices;
 6. Use of design, landscape or architectural features consistent with the City's design guidelines; and
 7. Mutually desired elimination of obsolete or deteriorated structures or incompatible uses through redevelopment.
- C. *Eligibility.* A development proposal shall be eligible for consideration under the planned zoning district process if the Zoning Administrator finds that it cannot be approved under any other Zoning District and that the applicant has provided credible evidence that the proposal is an appropriate implementation of the Comprehensive Plan due to the fulfillment of the purpose of this Section, the substantial incorporation of the design criteria for each the applicable district type identified in this Section 405.390 and the provision of a substantial tangible public benefit(s) to the City including, but not limited to, the following:
1. Provision of public or quasi-public parking facilities;
 2. Provision of on-street and off-street pedestrian facilities linking surrounding business, office and residential uses;
 3. Consolidation and/or elimination of overhead utility wires;
 4. Inclusion of landscaped gardens, plazas or parks available for public use;
 5. Provision of alternative street connections or the dedication of land for additional street right-of-way;
 6. Fountains, statuary, public art;
 7. Architectural distinction and significance that would make the building(s) noteworthy;
 8. Extensive use of high quality building materials that would add to the assessed valuation of the structures.

It should be noted that the benefits listed may not necessarily satisfy the public benefit requirement as final discretion falls on the City Council, upon receipt of a recommendation of the Planning and Zoning Commission, in determining the level of benefit derived.

D. *Relationship Of Planned Districts To Zoning Map.*

1. *A mapped district.* The planned zoning district designation shall not be attached to existing zoning districts as an overlay. The planned zoning districts, as detailed in this Section, are separate zoning districts and applied to

a specific parcel or parcels of land following a public hearing and all other requirements of Section 405.1060 Zoning Changes and Text Amendments.

2. *Types of planned zoning districts.*

- a. *Planned residential development (PRD).* A "planned residential development" shall mean a development on a plot of land, containing a limited mixture of uses and building types, which may include single-family houses, clustered housing, multi-family dwellings, open space and small service commercial (boutique style business uses) that complement the area. Although no particular combination of the aforementioned uses is predetermined, all applications for PRD zoning must contain a clear statement and placement of the specific uses within the district with the NAICS Designation from Table A. Note that no use which is listed as a conditional use in the Creve Coeur zoning ordinance shall be considered approved for a PRD unless it is expressly listed in the application and approved. Subsequent requests for additional conditional uses shall be treated as amendments to the zoning district and subject to all of the original approval criteria. The minimum gross area (includes floodplain areas) required for PRD is five (5.0) acres, composed of one (1) parcel or two (2) or more contiguous parcels of land.

Design criteria.

- (1) Adjoining areas should be predominately residential or institutional.
- (2) Housing densities may not exceed six (6) units per acre for new single-family residential nor thirty (30) units per acre for new multi-family residential. For the purpose of calculating density, acreage shall not include areas located in a 100-year floodplain. **[Ord. No. 5333 §1, 9-9-2013]**
- (3) Includes dwelling units (all types) subject to height and development and performance standards substantially similar to surrounding residential development. In addition, properties adjacent to any single-family residential development shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located thirty-five (35) feet above the property line and will have a slope of thirty degrees (30°) rising towards the center of the site.
- (4) The floor area ratio (FAR) shall not exceed six-tenths (0.6). However, where a proposed district includes pre-existing buildings that are found to otherwise satisfy the overall purpose and intent of this Chapter, the FAR may be waived so long as the building coverage does not exceed thirty-three percent (33%) of the site area and the sky exposure plane requirement is met. **[Ord. No. 5333 §2, 9-9-2013]**

- (5) Any tract or site abutting or adjoining a single-family residential development shall provide a buffer yard of twenty-five (25) feet on all sides that abut the single-family development. The buffer yard shall not contain any impervious surface and shall be landscaped and provided with other screening devices as deemed appropriate by the Planning and Zoning Commission.
 - (6) No new residential building may be located closer than twenty (20) feet to any required buffer yard.
 - (7) No new commercial building may be located closer than forty (40) feet to any required buffer yard.
 - (8) Balances increased structure densities for the subject property with more cohesive and organized open space.
 - (9) Improves on, or provides for, efficient circulation patterns, access controls and screening of parking facilities.
 - (10) Provides adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer and parks and recreation facilities.
 - (11) Utilizes high-quality architectural design, placement, relationship and orientation of structures.
 - (12) Places all utilities serving new projects underground, to the extent feasible, except where specific allowances and design considerations are provided elsewhere in this Section. **[Ord. No. 5381 §1, 7-14-2014]**
 - (13) Provides effective landscaping or screening in or around the separate developments within the PRD.
 - (14) Provides for vehicular mobility in a manner that does not compromise pedestrian safety and mobility.
 - (15) Functionality and aesthetically integrates all proposed storm water collection basins with the surrounding development through undergrounding or extraordinary design of above ground facilities that is visually commensurate with the surrounding development.
- b. *Planned commercial development (PCD)*. A "planned commercial development" shall mean a development on a plot of land containing a mixture of commercial, office, miscellaneous service activities and multi-family dwellings when acceptable to the area. The purpose of a PCD is to provide sites for the development of commercial retail and office uses in a manner which is attractive for such uses and compatible with surrounding neighborhoods. The PCD will also encourage the efficient use of land and resources, offer a mix of amenities for the populace of the

area and promote greater efficiency in public and utility services. Although no particular combination of the aforementioned uses is predetermined, all applications for PCD zoning must contain a clear statement and placement of the specific uses within the district, with the NAICS Designation from Table A. Note that no use which is listed as a conditional use in the Creve Coeur zoning ordinance shall be considered approved for a PCD unless it is expressly listed in the application and approved. Subsequent requests for additional conditional uses shall be treated as amendments to the zoning district and subject to all of the original approval criteria. The minimum gross area (includes floodplain areas) required for PCD is three and one-half (3.5) acres, composed of one (1) parcel or two (2) or more contiguous parcels of land. In addition, a PCD may not be requested for properties described by the Central Business District land use plan.

Design criteria.

- (1) Adjoining areas must be predominantly non-residential as defined for this district and the project shall have primary access, from Olive Boulevard, Lindbergh Boulevard, North New Ballas Road or any street within the "LI" Light Industrial zoning district, and may also have secondary access to a side road or from any street within the "LI" Light Industrial zoning district. **[Ord. No. 5578, 4-9-2018]**
- (2) Proposed development adjacent to any single-family residential development shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located thirty-five (35) feet above the property line and will have a slope of thirty degrees (30°) rising towards the center of the site.
- (3) The floor area ratio (FAR) for new developments shall not exceed six-tenths (0.6). However, where a proposed district includes pre-existing buildings that are found to otherwise satisfy the overall purpose and intent of this Chapter, the FAR may be waived so long as the building coverage does not exceed forty percent (40%) of the site area and the sky exposure plane requirement is met.
- (4) Any tract or site abutting or adjoining a single-family residential development shall provide a buffer yard of thirty-five (35) feet on all sides that abut the single-family development. The buffer yard shall not contain any impervious surface and shall be landscaped and provided with other screening devices as deemed appropriate by the Planning and Zoning Commission.
- (5) No new residential building may be located closer than fifteen (15) feet to any property line or any required buffer yard.
- (6) No new commercial building may be located closer than forty (40) feet to any required buffer yard.

- (7) Makes efficient use of parking and storage areas including cooperative parking facilities.
- (8) Provides for the more efficient provision of public and private utilities and facilities throughout the development area.
- (9) Provides adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer and parks and recreation facilities.
- (10) Incorporates pocket parks, small plazas and places for public art where appropriate.
- (11) Locates buildings in appropriate relation to sidewalks or public parks and plazas.
- (12) Provides for vehicular mobility in a manner that does not compromise pedestrian safety and mobility.
- (13) Allows for on-street parking and locates surface parking to the side and rear of buildings.
- (14) Utilizes high-quality architectural design, placement, relationship and orientation of structures.
- (15) Places all utilities serving new projects underground, to the extent feasible, except where specific allowances and design considerations are provided elsewhere in this Section. **[Ord. No. 5381 §1, 7-14-2014]**
- (16) Provides effective landscape or screening in or around the separate developments within the PCD.
- (17) Functionally and aesthetically integrates all proposed storm water collection basins with the surrounding development through undergrounding or extraordinary design of above ground facilities that is visually commensurate with surrounding development.

E. *Submittal Requirements.* For a planned zoning district to be accepted for review, the application must be accompanied by a complete site development plan submitted in accordance with Section 405.1080 with the information listed below placed either on the plan or on a separate sheet accompanying the plan, unless otherwise approved by the Zoning Administrator.

- 1. All submissions to the City's Planning and Zoning Commission and City Council shall be properly sealed and signed by a licensed architect, professional engineer or land surveyor registered in the State of Missouri, as applicable, pursuant to laws and regulations established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. An original seal, signature and print date shall appear on each page of one (1) original submittal set as evidence that the submitted material was prepared under the direction of

- a licensed architect, professional engineer or land surveyor. All other submissions shall be copies of the original set.
2. Title block including name of the proposed project, name, address and phone number of preparers and project applicant or owner.
 3. The location, dimensions and total area of the site.
 4. The location, height, floor area, type of construction and intended use of each proposed building or structure.
 5. Architectural elevations depicting size, shape and special design elements proposed as well as proposed exterior finish materials to be used.
 6. A plan of the entire planned zoning district shall be drawn at a scale of 1" = 20' or larger bearing a minimum of two (2) surveyed points located in conformance with the Missouri Coordinate System ("State Plane Coordinates").
 7. Two (2) cross sections at ninety degrees (90°) from each other through the proposed site and building(s).
 8. The number, location and dimensions of parking spaces, surface lot or structures and loading docks, in relation to the applicable parking regulations in Article VII, with means of ingress and egress. Layout of physically disabled parking and accessibility shall be included.
 9. The proposed traffic circulation pattern within the area of the development including the location and description of public improvements to be installed including any streets and access easements.
 10. The location and purpose of any existing or proposed dedication, easement or right-of-way (public or private) within the boundaries of the site.
 11. Location and dimensions of adjacent properties, abutting public rights-of-way and easements and utilities serving the site.
 12. Location of existing and proposed sewage treatment, stormwater runoff collection and detention and preliminary stormwater runoff calculations (amount of detention required and provided).
 13. Existing and proposed contour lines or elevations based on mean sea level datum at two (2) foot intervals and extending one hundred (100) feet beyond the property line.
 14. Site coverage data in a percentage form (a ratio of non-impervious to impervious area).
 15. Ratio of floor area to site area (FAR).
 16. Location and height of all light poles and trash enclosures including detailed sketches or cut sheets.

17. The proposed treatment of open spaces including existing and proposed landscaping.
 18. When the planned development is to be constructed in stages or units, a schedule for the development of stages or units stating the approximate beginning and completion time for each stage or unit.
 19. Copies of any restrictive covenants that are to be recorded with respect to property in the proposed planned zoning district.
 20. A narrative addressing each of the standards set forth in Section 405.390(F) Review Criteria and such additional standards, if any, as may be applicable under the specific provisions of these planned zoning district regulations. The statement shall explain specifically how the proposed planned zoning district relates to and meets each such standard.
 21. A traffic impact analysis prepared by a Missouri registered traffic engineer depicting the project's impact on vehicular and pedestrian traffic.
- F. *Review Criteria.* The Planning and Zoning Commission shall recommend to the City Council approval, approval with conditions or denial of a planned zoning district application primarily based upon satisfaction of Section 405.390(C), Eligibility and meeting the applicable design criteria in Section 405.390(D)(2), Types of Planned Zoning Districts. Supplemental to these items, every application shall also be reviewed for conformance with the standards set forth below:
1. The proposed development is in harmony with the general purpose and intent of this Chapter and is compatible with and implements the planning goals and objectives of the City including the Comprehensive Plan and CBD land use plan.
 2. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets.
 3. The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians.
 4. Existing or proposed utility services are adequate for the proposed development.
 5. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.
 6. Architecture and building materials are consistent with the character of the proposed development and compatible with areas of the City proximate thereto.
 7. Landscaping is appropriate for the scale of development and consistent with any applicable City codes, ordinances and standards.
 8. The proposed development preserves any significant architectural and

environmental features of the property.

9. Operating and delivery hours are compatible with adjacent land uses.
10. The proposed uses are compatible with the area surrounding the proposed development and will not have a material net cumulative adverse impact on the surrounding area or the City as a whole.
11. The proposed development complies with all other applicable codes and ordinances.
12. The layout of structures and spaces adequately takes into account the potential for future subdivision of the development.
13. There is a demonstrated level of the public benefit to the City derived from the proposed development, per Section 405.390(B).

G. Review Procedure For A Planned Zoning District.

1. *Finding of eligibility.* The Zoning Administrator shall make a written finding of eligibility under Section 405.390(C), Eligibility, within fifteen (15) days following submittal of a proposal by an applicant.
2. Following a positive finding of eligibility by the Zoning Administrator, an application for approval of a planned zoning district shall be reviewed and presented at a public hearing according to the procedures outlined in Section 405.1060.
3. Once approved by the City Council, the planned zoning district, including the associated site development plan, replaces all prior zoning regulations on the property and should be noted on the Zoning Map.
4. Any applicable time limitations shall be met, such as those pertaining to proposed wireless communications facilities and support structures under Section 67.5090 RSMo. et seq. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.¹ [**Ord. No. 5381 §1 7-14-2014; Ord. No. 5620, 12-10-2018**]

H. Conditions Of Approval.

1. The City Council shall consider the same criteria as set forth for the Planning and Zoning Commission review (Section 405.390(F), Review Criteria) and may impose such conditions and limitations including, but not limited to, those recommended by the Planning and Zoning Commission, as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the planned zoning district, upon the City as a

1. Note: Review of an application shall be completed within applicable time limitations including those pertaining to proposed wireless communications facilities and support structures under State and Federal law, which are generally: 45 days for collocation or replacement of wireless facilities or non-substantial modifications of existing facilities, 60 days for small wireless facilities on new poles, and 120 days for other (not small) wireless facilities on new poles or substantial modifications of such existing facilities. See Sections 67.5090, et seq., and 67.5110, et seq., RSMo., and 47 CFR 1.40001 and 1.6003.

whole or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, maintenance, operational elements that would impact adjoining land uses and other matters relating to the purposes and objectives of these planned zoning district regulations. Such conditions shall be expressly set forth in the ordinance and depicted, as appropriate, on the associated site development plan authorizing the planned zoning district.

2. The ordinance approving a planned zoning district shall contain a legal description of the subject property to the planned zoning district, all imposed conditions of approval and the site development plan. The ordinance and the approved development plan shall be recorded by the applicant in the office of County Recorder of Deeds. The applicant must present proof to the City of such recording before any permits may be issued.
 3. Following planned zoning district approval, the development plan, rather than any other provision of this Chapter, shall govern the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property and no use or development, other than temporary uses, shall be permitted within the area of the planned zoning district pursuant to the zoning district regulations otherwise applicable to such area.
- I. *Reapplication.* In the event the City Council denies an application for planned zoning district, no application for the same or substantially similar proposal will be accepted for a period of at least one (1) year from the date of denial by the City Council, unless the City Council affirmatively waives this restriction for good cause.
 - J. *Final Building, Construction And Site Improvement Plans.* Once a planned zoning district and its included site development plan receives final approval by the City Council, further review of the final building, construction and site improvement plans by the Planning and Zoning Commission or the City Council will not be required, provided those final plans are consistent with and in substantial conformance with the approved planned zoning district and its included site development plan.
 - K. *Building Permit Issuance.* A copy of the approved planned zoning district shall be retained in the records of the Department of Community Development and all building and occupancy permits issued by the City shall conform to the provisions of the approved planned zoning district.
 - L. *Violations.* Failure to comply with any of the conditions and/or provisions of an approved planned zoning district plan shall constitute a violation of this Chapter, punishable as provided in Section 405.1150 of this Chapter. The City may seek judicial remedies to compel compliance.
 - M. *Amendments.* No amendments shall be made in the construction, development or use permitted under a planned zoning district except as follows:

1. *Minor amendments.* During build-out of the planned zoning district, the Zoning Administrator may authorize minor adjustments to the approved site development plan when such adjustments appear necessary in light of technical or engineering considerations and the project will remain in substantial conformance with the original approval.
2. *Major amendments.* If the Zoning Administrator determines that the proposed amendment will result in a major change to the site development plan (not in substantial conformance with the original approval) or any change to the list of permitted uses, the matter shall be subject to review as a new application under the provisions of these planned zoning district regulations.

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COMMERCIAL REAL ESTATE

Private equity firm Fireside Financial paid millions for Bayer site in Creve Coeur



The western part of Bayer's Creve Coeur campus.

JONES LANG LASALLE

IN THIS ARTICLE



By Jacob Kirn
Managing Editor, St. Louis Business Journal
Jan 11, 2023

A private equity firm paid millions of dollars for part of the Bayer campus in Creve Coeur, newly available records show.

An entity tied to Edwardsville-based Fireside Financial, 10300 Olive LLC, paid Bayer \$5.5 million for the site, at 10300 Olive Blvd., St. Louis County records say. The deal, announced in November but with no purchase price,

closed in September. It was for 95 acres, the western side of Bayer's campus, bounded by Lindbergh Boulevard to the east and Olive to the north.

Fireside officials didn't immediately respond to requests for comment.

In partnership with Jack Matthews Development, it's planning a master-planned development with a mix of multifamily, townhouses, hotels, retail and repurposed office space.

Amenities for the development include green space and a greenway that will connect with the proposed 39 North Greenway system.

A budget for the project was being developed as of November, and any plan would require approval from the city of Creve Coeur. The site is zoned for research and office and has a height restriction of six stories, or 90 feet.

Hearth Construction will provide construction oversight. St. Louis-based L3 Corp. represented 10300 Olive LLC in the purchase and will also lease the project. Financing was secured by Northmarq Capital. Although developer Pier Property Group was originally part of the development group that had the property under contract with Fireside Financial, Pier is no longer involved.

Germany-based Bayer acquired the campus when it bought Monsanto for \$65 billion in 2018. The firm said in February that due to lower demand for office space post-pandemic, the company requires less real estate.

Bayer's North American crop science division is headquartered on the now-smaller campus, east of Lindbergh.

The property purchased by the Fireside entity has four existing buildings totaling 546,000 square feet. It includes:

- Two office buildings, built in 1963 and 1972, totaling 449,000 square feet

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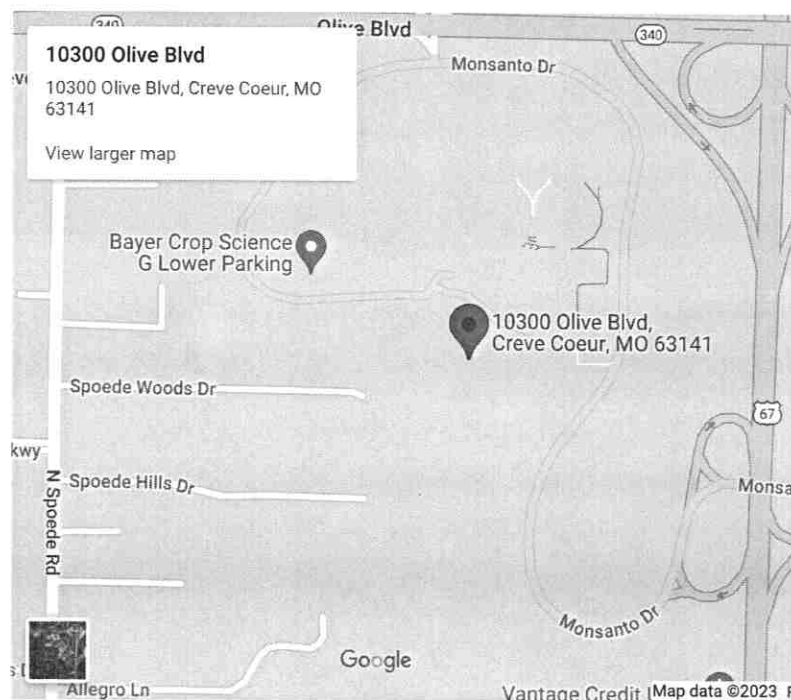
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- A data center, built in 2007, totaling 36,000 square feet
- A dining facility, built in 1972 and renovated from 2021-2022, totaling 56,000 square feet
- And a 5,000-square-foot utility building

The plan at the former Bayer campus is the second announced this year that will turn excess corporate campus property in St. Louis into a mixed-use destination.

St. Louis-based CRG, the development arm of Chicago-based contractor Clayco, plans a \$500 million mixed-use development on the 9-acre campus in Clayton occupied by footwear retailer Caleres Inc. Depending on state and local incentives, Caleres would stay at the site in a new office building.

Fireside has another mixed-use project under construction with a \$20 million project in downtown Edwardsville.



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