



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, MARCH 1, 2021
6:30 PM

As a precautionary measure to help prevent exposure and spread of COVID-19, the Planning and Zoning Commission scheduled for Monday, March 1, 2021 at 6:30 p.m. will be livestreamed online.

The Council Chambers will be closed to the public; however, citizens are encouraged to participate and submit public comments in the following ways:

1. **Video Livestream** — Watch a live video broadcast of the Planning and Zoning Commission meeting here: <https://us02web.zoom.us/j/83482691871>. The public will be required to provide a name and email address to enter the meeting. The email address will not be saved or used to contact you. Citizens will have the opportunity to make public comments live during the meeting using the video livestream program ([How to Participate in Online Public Meetings](#)).
2. **Teleconference** — Call in to the meeting by dialing 1-301-715-8592/// Webinar ID: webinar ID: 834 8269 1871.
3. **Email** — Public comment may also be emailed to the City no later than 5:00 p.m. on March 1, 2021. Submit public comments to Whitney Kelly, City Planner, at wkelly@crevecoeurmo.gov.
4. **Live Audio** — Listen to a live audio broadcast of the Planning and Zoning Commission meeting by visiting the [Agendas & Minutes](#) page and clicking on the "Audio" link at the start of the meeting (audio only).

For agenda items that require a public hearing, the City's court reporter will swear in all persons who wish to speak on the application, however, the Planning and Zoning Commission may vote to suspend this rule for agenda items where significant public participation is expected in recognition of the logistical constraints of audio/ video conferencing. When the Chair believes it is in the best interest of the Commission to suspend this requirement, he/she shall call for a vote of the Commission to affirm the suspension prior to opening the public hearing. If the requirement is suspended, speakers in the hearing will nonetheless be expected to be truthful.

Members of the public will have three (3) minutes to provide comments. The Commission will utilize a timer that is visible to the public to monitor the time, subject to limits of technology. The Chair reserves the right to end the public comment for that individual if the time allowance is not being respected. The Chair will also have the discretion to end public comment for an individual for disruption of the hearing. Citizens are encouraged to select one or two members of

a group to address the Commission as a spokesperson. Time limits for spokespersons may be extended at the discretion of the Chair.

Reports, documents, plans, and related materials are available for examination at the Creve Coeur Government Center, 300 North New Ballas Road, prior to the meeting.

Special disabled service may be arranged by contacting the Office of the City Administrator in advance.

CALL TO ORDER

ROLL CALL

Ms. Beth Kistner (Chair)
Mr. Tim Carney
Ms. Muriel Hall
Mr. James Myers
Mr. Gene Rovak
Mr. Larry Potashnick
Mr. Todd Streiler
Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Whitney Kelly, City Planner
Ms. Jessica Stutte, Planning Assistant/Recording Secretary

ACCEPTANCE OF THE AGENDA

APPROVAL OF MINUTES

1. January 19, 2021 Planning and Zoning Commission Draft Meeting Minutes

PUBLIC COMMENT

An opportunity for members of the public to address the Planning and Zoning Commission regarding issues or concerns not already on the agenda for this meeting. Those wishing to speak will be asked to limit comments to three minutes and to complete a speaker card.

UNFINISHED BUSINESS

NEW BUSINESS

1. Application #21-005: Minor Site Development Plan Approval for the Sports Court Lighting for Property At 320 N. Mosley Road

Peter Stewart, of Envisioning Green, has submitted an application, on behalf of the homeowners, for approval of the permanent LED lighting for the game court built at 320 N. Mosley Road. The game court and two pole mounted light fixtures were installed without proper approval, and they are now seeking approval for the lighting. The City of Creve Coeur's Zoning Ordinance for Fences and Walls under Section 405.640(E) allowed for staff approval of any fence associated with a game court up to a height of 10 feet provided it is located 15 feet from any lot line. Approval of permanent lighting standards for Game Courts shall be reviewed by the Planning and Zoning Commission as a Minor Site Plan as provided in Section 405.1080.

WORK AGENDA

1. Residential Tree Replacement Requirements Work Session

Staff will discuss the components of a potential ordinance that would require preservation of existing trees and replacement of removed trees associated with development on existing residential properties.

DEPARTMENT REPORTS

Director of Community Development

ADJOURNMENT

Pursuant to Section 610.022 RSMO, the Planning and Zoning Commission 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: _____
Jason W. Jaggi
Director of Community Development



DRAFT MINUTES
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
TUESDAY, JANUARY 19, 2021
6:30 PM

CALL TO ORDER

Ms. Kistner, Chair, called the meeting to order at 6:30pm.

ROLL CALL

Beth Kistner	Commission Chair	(Remote)
Gene Rovak	Commission Member	(Remote)
Tim Carney	Commission Member	(Remote)
Muriel Hall	Commission Member	(Remote)
Larry Potashnick	Commission Member	(Remote)
James Myers	Commission Member	(Remote)
Todd Streiler	Commission Member	(Remote)

The following staff were also present: attending remotely, Carl Lumley, City Attorney; Jason Jaggi, Director of Community Development; Whitney Kelly, City Planner; Jessica Stutte, Planning Assistant/Recording Secretary, and, Chris Tumbarello, IT Coordinator.

ACCEPTANCE OF THE AGENDA

Mr. Rovak made a motion to accept the agenda. Mr. Potashnick seconded. All in favor.

APPROVAL OF MINUTES

1. December 21, 2020 Planning and Zoning Commission Draft Meeting Minutes

Mr. Carney made a motion to accept the minutes for December 21, 2020. Mr. Potashnick seconded. All in favor.

PUBLIC COMMENT

None

UNFINISHED BUSINESS

None

NEW BUSINESS**1. Application #21-001: Site Concept and Site Development Plan Approval for Mechanical Additions to Building K for Bayer at 10300 Olive Boulevard**

Mr. Paul Brennan said the building is underground. He showed where the K Cafe was located. He said the duct work is currently out of date. He said the addition would house the duct work on the surface. He said they would use materials to keep the site in harmony. He said the parapet comes up 4 feet and they would put in a new retention area to improve runoff.

He said their goal was to improve indoor air quality.

Mr. Myers asked if any noise would be associated with the equipment.

Mr. Vehige said the equipment would be housed and they did not anticipate a noise increase from what was currently there.

He said he agreed with the recommendations made by staff.

Mr. Carney asked if additional lighting would be added to the access drive.

Mr. Vehige said they would only be adding 3 lights at the doors as required by code.

Ms. Kelly went over the request. She said the new structure would match the existing structure in material. She said it is consistent with the Zoning Code and the Comprehensive Plan. She said staff recommends approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tim Carney, Commission Member
SECONDER:	Gene Rovak, Commission Member
AYES:	Kistner, Rovak, Carney, Hall, Potashnick, Myers, Streiler

2. Application #21-002: Minor Site Development Plan Approval for a 5 Year Extension for the Modular Buildings

Mr. Ken Revenaugh, representative for Missouri Baptist University, said they were requesting a 5-year extension for their modular offices. He showed the nearest homes to the request. He said they were 2 tenths of a mile away from residential. He said they intended the offices to be short term but have not raised the needed funds for a permanent building.

Ms. Kistner said the buildings were to be temporary and they had already been there for 15 years. She asked what the earliest time frame was they could be out of the building.

Mr. Revenaugh said three years.

Mr. Rovak asked if they could improve the appearance in some way.

Mr. Revenaugh suggested some shutters and landscaping.

Mr. Streiler suggested scaling back the length of time allowed on the site.

Ms. Kelly spoke to the request and the history of the modular buildings on the site.

Mr. Streiler suggested the structures be allowed 3 years.

Ms. Kistner said she thought 1 year was ample time given the length of time they had already been on the site.

Mr. Streiler asked if a sense of urgency was indicated in previous reports.

Ms. Kelly gave a brief history.

Mr. Carney asked if the modular buildings were placed where a future building would go.

Mr. Revenaugh said they were not.

Mr. Carney said he did not think 1 year was enough time given the current situation.

Mr. Streiler asked what needed to happen in order to make removal happen in 2 years' time.

There was some discussion regarding the time frame.

Mr. Streiler suggested the applicant be granted a one-year extension and there be a condition that the applicant submit a site development plan, or the modular buildings be removed.

Mr. Revenaugh said the timing would be a challenge.

Mr. Rovak made a motion to approve an extension of year with an additional year granted if site development plans have been submitted. Mr. Carney seconded. All in favor.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gene Rovak, Commission Member
SECONDER:	Tim Carney, Commission Member
AYES:	Kistner, Rovak, Carney, Hall, Potashnick, Myers, Streiler

3. Application #21-003: Minor Site Development Plan Approval for Renovations to 1200 Research Boulevard for a Plant Science Research Lab and Business Office

Ms. Rebecca Savage, of HOK, said the building would be used for plant research.

Mr. Michael Wainscoat, of Benson Hill, said they are limited in their current location due to space constraints. He said they are excited to be in the area and modernize an older building while growing with the 39N area.

Ms. Savage showed nearby buildings and elevations. She showed the growth phases and chamber expansion. She went over the site modifications for the exterior.

Mr. Carney asked if irrigation was required by code.

Ms. Kelly said it is required with building updates. She read the code regarding irrigation. She said there are some existing non-conformities. She said the property was included in the Greenways Plan and the 39N Master Plan. She went over staff recommendations.

There was some discussion regarding the mechanical coverage.

Mr. Rovak asked if the slatted screening provided enough coverage.

Mr. Jaggi said they typically require an opaque screen.

There was some discussion about the screen allowing wind movement and visibility.

Ms. Kistner asked about the gravel area.

Ms. Savage said they were trying to control the erosion, re-grade the area and cover it with more gravel.

Ms. Kistner said it would not look very finished.

Mr. Myers asked if they had allowed anything similar in other LI projects.

Ms. Kelly said they had not.

Mr. Myers said for consistency purposes they should require landscaping and irrigation on par with other projects.

There was some discussion about the railroad ties.

Mr. Jaggi said the photo demonstrates it needs attention.

Mr. Wainscoat said they would like to do as little as possible as the Greenway would be coming through.

Ms. Kelly went through the conditions for approval under question.

The commission discussed the conditions.

Mr. Carney expressed his concern in not requiring irrigation.

There was discussion regarding the plantings and alternate irrigation options.

There was consensus that the roof enclosure on all sides but east was sufficient to allow more solar panels but needed to be opaque. The CMU matching the building color would be sufficient in lieu of brick for the enclosures. The gravel was ok to remain without landscaping in anticipation of future greenway improvements. The scope and type of irrigation was to be determined by staff with the condition to remain per the staff recommendation. The variation for the street trees is to follow staff recommendation. Sidewalk work to proceed per staff recommendation.

Mr. Rovak made a motion to approve subject to the conditions as modified in the staff report and during the meeting. Ms. Hall seconded. All in favor.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gene Rovak, Commission Member
SECONDER:	Muriel Hall, Commission Member
AYES:	Kistner, Rovak, Carney, Hall, Potashnick, Myers, Streiler

WORK AGENDA

None

DEPARTMENT REPORTS

Planning and Zoning Commission – MINUTES

Tuesday, January 19, 2021

Mr. Jaggi gave an update that Creve Coeur Pavilion had requested to defer Council review to the February 8th meeting.

He said they were expecting an application for a Temporary Use Permit for Covid Vaccine trial.

ADJOURNMENT

Mr. Carney made a motion to adjourn. All in favor. Meeting adjourned at 9:06pm.



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

APPLICATION TO PLANNING AND ZONING COMMISSION #21-005: FOR A MINOR SITE DEVELOPMENT PLAN APPROVAL FOR THE SPORTS COURT LIGHTING FOR PROPERTY AT 320 N. MOSLEY ROAD

FOR THE MEETING OF: Monday, March 1, 2021

SUBJECT PROPERTY LOCATION: 320 N. Mosley Road, zoned A Single Family Residential.

REQUEST: Peter Stewart, of Envisioning Green, has submitted an application, on behalf of the homeowners, for approval of the permanent LED lighting for the game court built at 320 N. Mosley Road. The game court and two pole mounted light fixtures were installed without proper approval, and they are now seeking approval for the lighting.

ADDITIONAL INFORMATION: The City of Creve Coeur's Zoning Ordinance for Fences and Walls under Section 405.640(E) allowed for staff approval of any fence associated with a game court up to a height of 10 feet provided it is located 15 feet from any lot line. Approval of permanent lighting standards for Game Courts shall be reviewed by the Planning and Zoning Commission as a Minor Site Plan as provided in Section 405.1080. Section 405.680(B)(2) of Lighting states that in residential zoning districts ("A," "B," "C," "D" and "AR") lighting fixtures, except traffic signals and lighting for major outdoor recreation facilities, shall not exceed sixteen (16) feet in height (measured from the bottom of the base to the top of fixture) unless specifically permitted by the site development plan approval in accordance with Section 405.1080. City Council action is not required.

Key Issues:

- Does the request integrate with the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?
- Lighting impacts on neighboring properties

Creve Coeur 2030 References

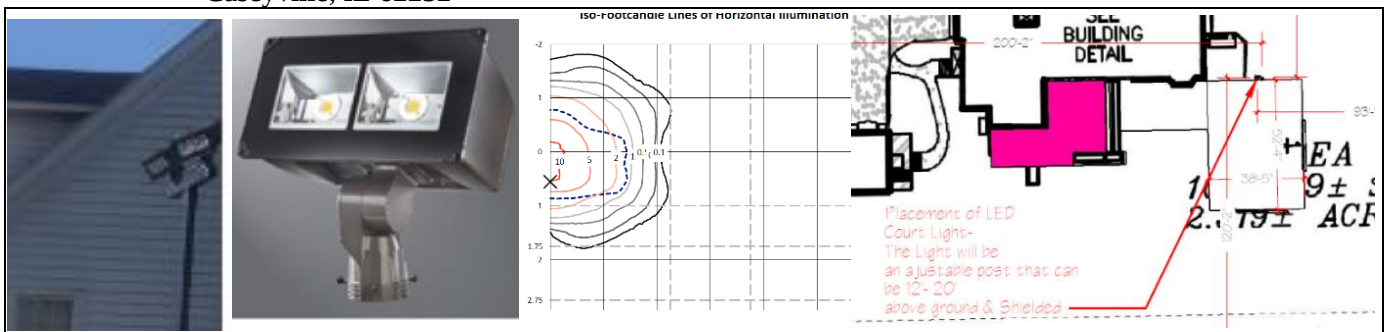
- Estate Neighborhood 2 (ER-2)
- Design Guidelines

Zoning Code References

- Section 405.250: A Single-Family Residential District.
- Section 405.640: Fences And Walls.
- Section 405.680: Lighting
- Section 405.1080: Site Concept, Site Development, and Minor Site Plan Approval

APPLICANT: Peter Stewart
Envisioning Green
8550 forest Blvd
Caseyville, IL 62232

PROPERTY OWNER: Sujani Narayan
320 M. Mosley Road
Creve Coeur, MO 63141



REPORT PREPARED BY: Whitney Kelly, AICP, City Planner

DATE: 2/23/2021

ATTACHMENTS: Applicant's Materials received January 29, 2021

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single family residence	A Single Family Residential	NA
South	Single family residence	A Single Family Residential	Partial Hunters Pond Road
East	Single family residence	A Single Family Residential	NA
West	Single family residence	A Single Family Residential	NA

LIGHTING PROPOSAL

The Applicant is seeking approval of the previously installed LED pole mounted light fixture for the property at 320 N. Mosley Road. The game court and light fixture were installed in November of 2019 without proper approval from the City, including a site improvement permit. It also appears that the improvements moved the site over the 25% maximum site coverage, however a full site plan and final survey has not been submitted. The site coverage is being reviewed as part of a separate application for a future pool project, where the reported coverage is 27.5%. The Applicant has indicated that the light fixture was installed at 22 feet in height but could be lowered.

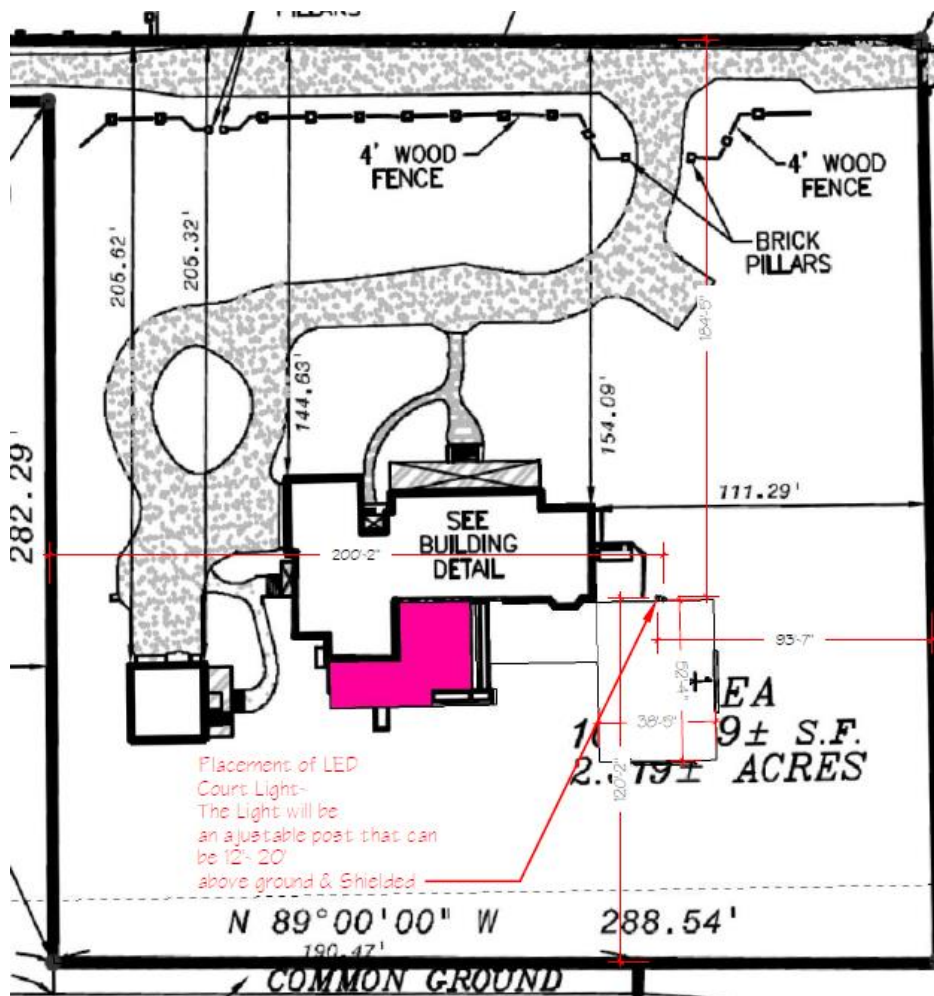


Figure 1: Applicants site plan and light fixture detail, and Staff photo of the lighting installed on the site.

COMPREHENSIVE PLAN REVIEW

The subject property is located in the Estate Neighborhood 2 (ER-2) of the Residential Place Type Districts of the Comprehensive Plan that has a vision for large lots with stately homes in a park-like setting. Homes should be architecturally harmonious, located to provide large front lawns and preserve existing trees, and built to a consistent setback from the street (p. 67). The Recommendations for Residential Place Types to provide a maximum for the amount of pervious pavement that does not count toward site coverage and to establish a minimum percent of green space to be preserved on site. Lighting is not specifically addressed, with the exception of under Sustainability & Resilience recommendation for energy efficient lighting (p. 38). And under Residential Development & Preservation Strategy 2.8: Mitigate the impact of non-residential uses such as lighting, noise, and trash on residential uses where they are adjacent. (p. 46). The proposed light fixture is LED, and not directed outward onto adjacent property. Therefore, in as much as the review of the lighting request can, the use of the LED lighting meets with these goals and objectives of the Comprehensive Plan. However, as discussed above, site coverage was increased beyond the 25% maximum coverage for the A Single-Family District. Therefore, the approval does include that the site coverage will need to be brought into compliance.

ZONING REVIEW

The Zoning Code provides standards for evaluating requests for game courts on residential properties under Fences and Walls, and permanent light fixtures under Lighting.

Section 405.640 Fences and Walls:

- E. Game Court Fence. Tennis, basketball, racquetball, handball, and other game courts, hockey/ice rinks, batting cages, and other similar facilities may have an open dark coated chain link, or black netted fence customary for recreational activities up to ten (10) feet in height, provided such fence is setback at least fifteen (15) feet from any property line abutting a single-family residence. Approval of permanent lighting standards for Game Courts shall be reviewed by the Planning and Zoning Commission as a Minor Site Plan as provided in Section 405.1080.

Section 405.680. Lighting:

- 2. In residential zoning districts ("A," "B," "C," "D" and "AR") lighting fixtures, except traffic signals and lighting for major outdoor recreation facilities, shall not exceed sixteen (16) feet in height (measured from the bottom of the base to the top of fixture) unless specifically permitted by the site development plan approval in accordance with Section 405.1080.
- 4. Lighting shall not be cast upon an adjacent property or right-of-way nor shall glare be emitted from an illuminant source.

The Applicant has indicated the lighting fixture was installed at 22 feet; however, it can be lowered. The Photometric Plan indicated that the lighting is at less than one foot candle within the property lines, at .1 fc approximately 13.5 feet from the east property line (closest residents), and 0.5 fc 25 feet from the south property line. The Applicant has indicated on the photometric plan that the lighting is not likely to be in use after 9PM. Staff does recommend that the lighting should be lowered to 16 feet, to be consistent the regulations for lighting in the residential districts. The Commission should hear from any adjacent residents, and if they find that the lighting as installed is sufficient, they will need to revise the recommended conditions of approval.

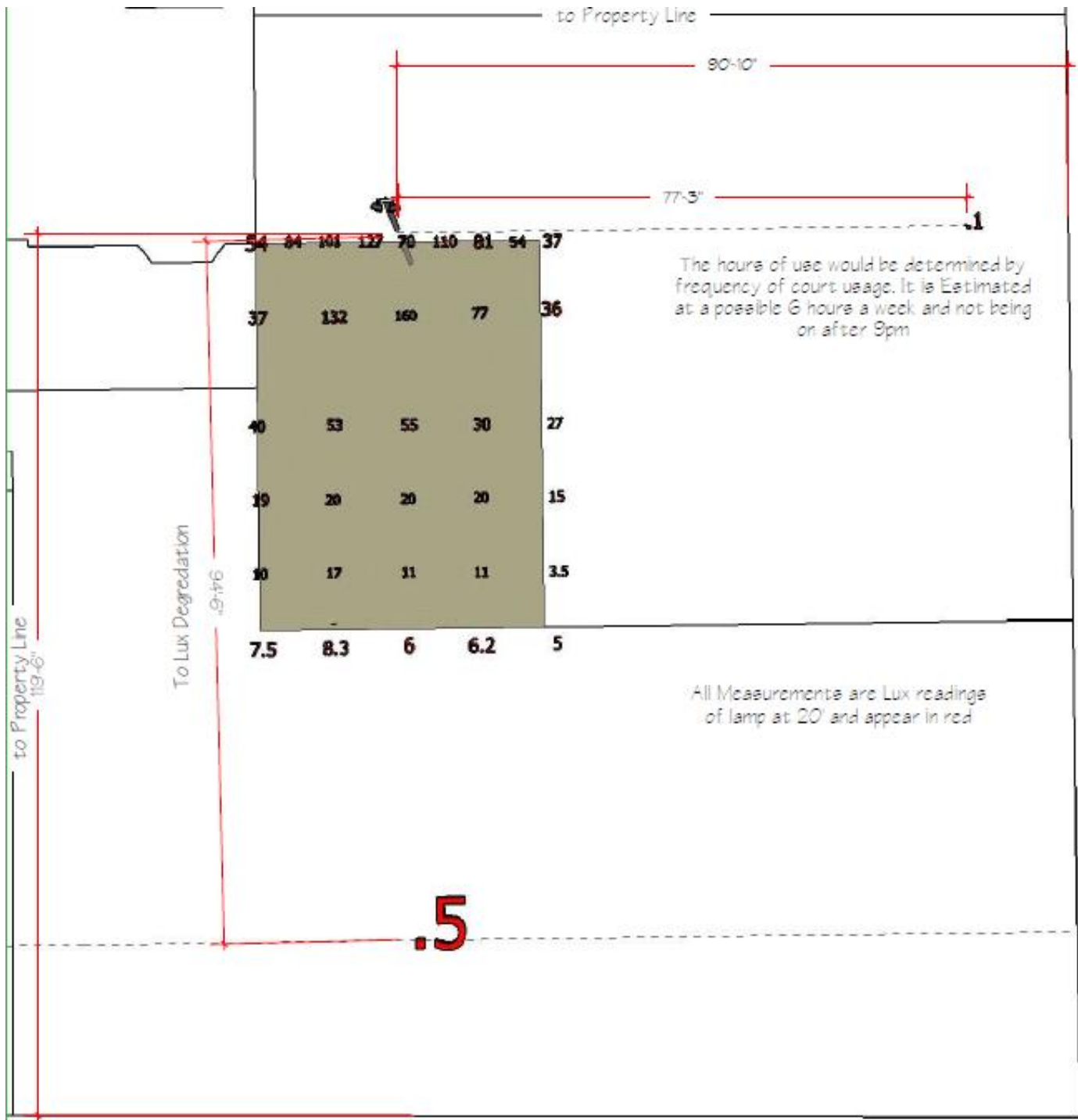


Figure 2: Applicants Photometric Plan of the Lighting Levels of the Game Court.

RECOMMENDATIONS

Based on the analysis within this report, Staff recommends the following conditions be incorporated in any motion for the approval of the Minor Site Plan. City Council action is not required.

1. The Applicant is required to submit a Building Permit application, as required by Article II of the Building Code for the light fixture consistent with plan as bound together and submitted in conjunction with Application #21-005 as submitted by Envisioning Green, and with all conditions of approval.
2. The Lighting fixture shall be lowered to a maximum height of 16 feet.

3. The Applicant and Property Owner shall submit a site plan demonstrating the overall site coverage is reduced to 25%.
4. No site development plan or minor site plan approval shall be valid for a period longer than twelve (12) months from the date it is approved, unless within such period a building permit is obtained and substantial construction is commenced. Substantial construction shall be deemed to consist of clearing the site, completion of footings, basement or building slab and inspection of such work. The Planning and Zoning Commission and the City Council, when required, may grant extensions not exceeding twelve (12) months each upon written request of the original applicant prior to the expiration of such period and resubmission of the application if the application as resubmitted is substantially the same as the initially approved application. However, the Commission and the Council, as applicable, have the power in such cases to attach new conditions to their re-approval or to disapprove the reapplication. Where the application for re-approval contains changes which the Zoning Administrator concludes materially alter the initial application, the Zoning Administrator shall initiate a new site development plan review procedure as stated in Section 405.1080 or a new minor site plan review procedure as stated in Section 405.1080.

MOTION

The motion for the lighting of the game court at 320 N. Mosley Road as shown in the enclosed site plan will be in the form of approval, approval with conditions, or deferral. City Council action is not required. The following is an example motion for this application:

“I move to approve the site plan for the LED lighting for the game court for the property addressed as 320 N. Mosley Road as discussed within the Staff Report on Application #21-005 for the March 1, 2021 Planning and Zoning Commission meeting, per the conditions within the Staff Report.” (Modification or revisions may be included by preceding motion).

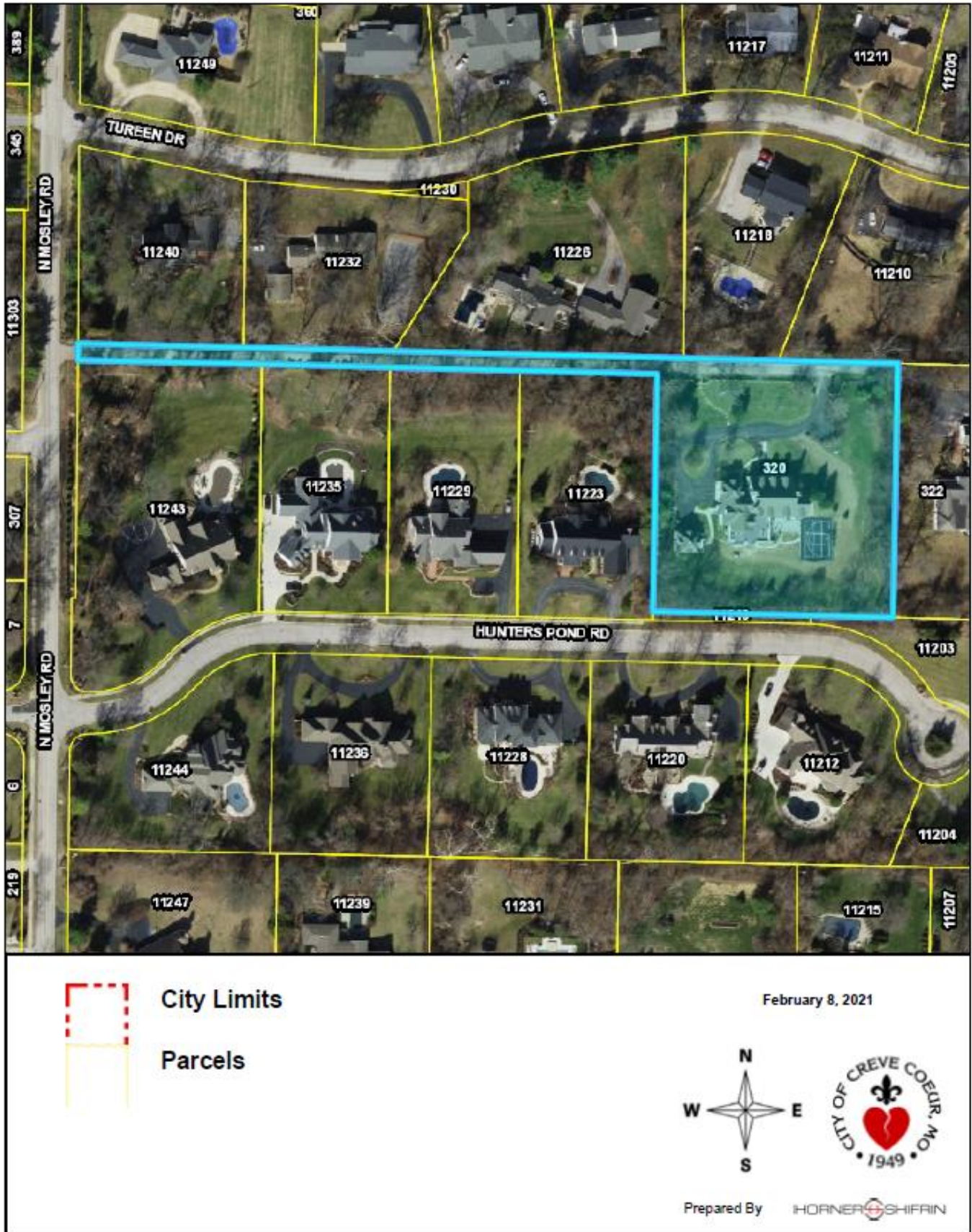
APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL MAP



APPENDIX 4: SITE PHOTOGRAPHS

Photo Dates: 02/22/2021



Description: View looking north at the existing game court and light fixture.



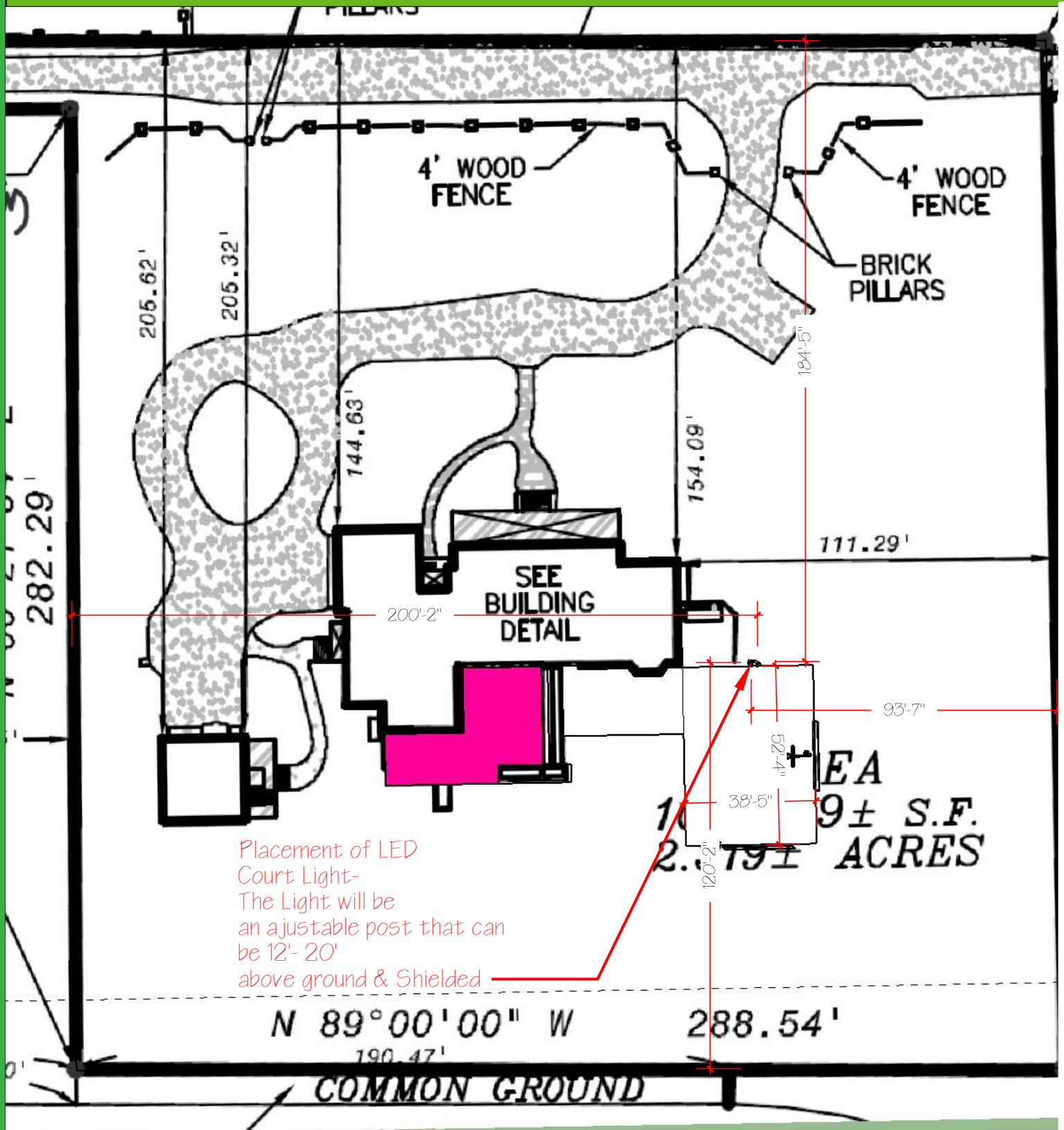
Description: View looking west at the existing lighting fixture.



Description: View looking south of the area from the game court and the east property line on the left, and the adjacent residence to the south.

JOB JACKET LAYOUT & SPECS

7.1.b



Attachment: Site Improvement Layout For LED- Photometric (#21-005: 320 N. Mosley Rd Sports Court Lighting)

01

Page Description:
**LED Distances from
property Lines**

Prepared for
Client:

Rev. Date:

January 29, 2021

Name:

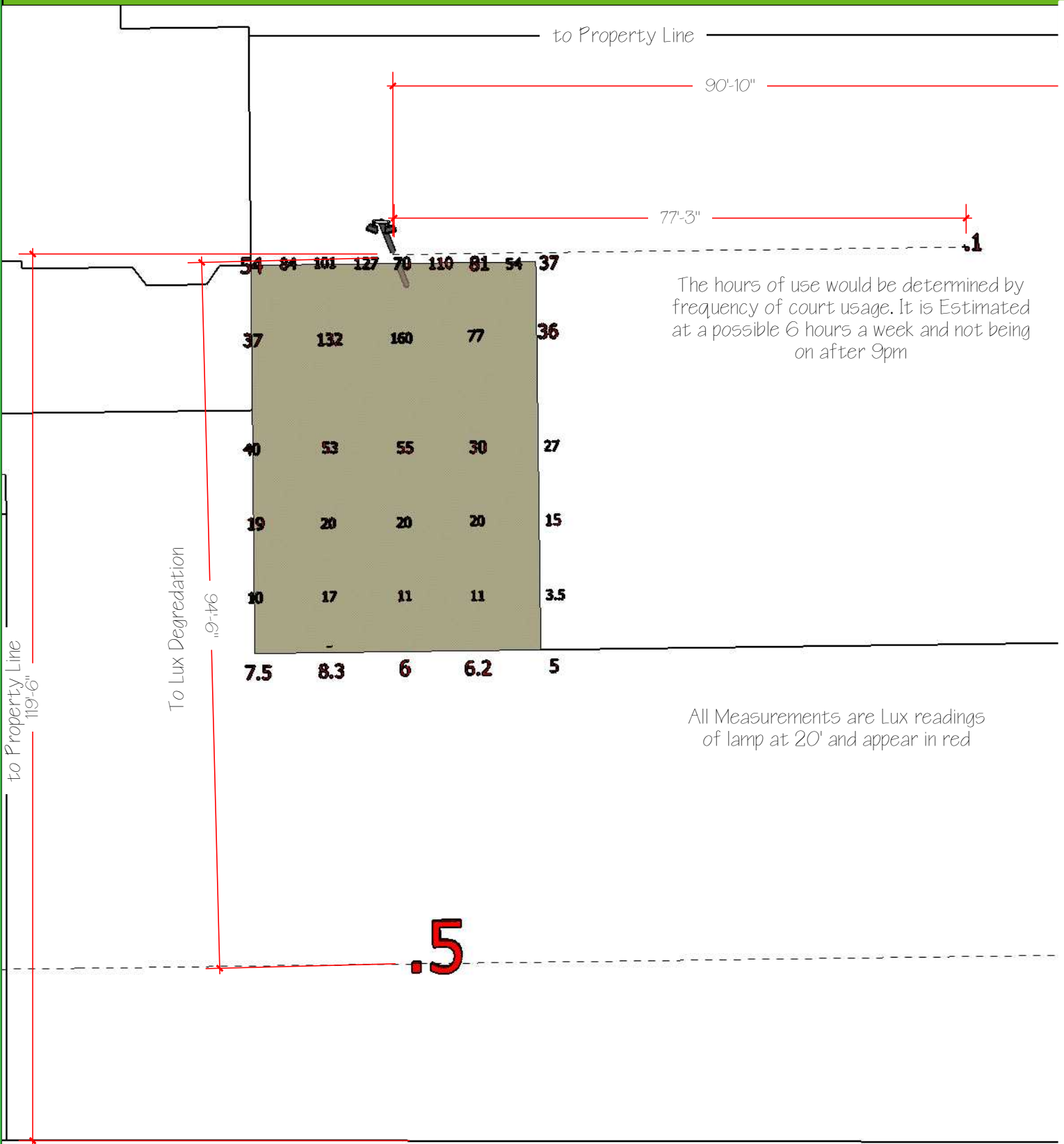
Filename: Site Improvement Layout For LED Court
Light

envisioni
GREEN
DESIGN/BUILD - LANDSCAPES - MAINTENANCE
618-307-6677 & 314-718-7100

Packet Pg. 16

JOB JACKET LAYOUT & SPECS

7.1.b



Attachment: Site Improvement Layout For LED- Photometric (#21-005: 320 N. Mosley Rd Sports Court Lighting)

02

Page Description:
Photometric Lux Readings

Prepared for
Client:

Rev. Date:

January 29, 2021

Name:

Filename: Site Improvement Layout For LED Court Light



Packet Pg. 17



Scaled data based on original data using
LM-79-08 Approved Method: Electrical and Photometric Measurements of Solid-
State Lighting Products

Test Report Prepared for
Cooper Lighting Solutions
(formerly Eaton)

Brand: LUMARK

Report Number: G2-16-1017-1

Luminaire Tested: **NFFLD-S-C70-D-UNV-66**

Test Date: 05/20/16

Attachment: NFFLD-S-C70-E-UNV-66 (#21-005: 320 N. Mosley Rd Sports Court Lighting)

Test Information

Test Method: LM-79-08
Report Number: G2-16-1017-1
Test Lab: INNOVATION CENTER(G2)
Test Date: 05/20/16
Issue Date: 3/3/2020
Manufacturer: COOPER LIGHTING SOLUTIONS (FORMERLY EATON)
Product Line: LUMARK
Catalog Number: NFFLD-S-C70-D-UNV-66
Description: LOW WATTAGE LED FLOODLIGHT
Light Source: (1) CITIZEN 4000 70
CLU038-1208C4-40AL7K3
Ballast/Driver: (1) ERP ELECTRONIC DRIVER
ESS030W-0500-42

Summary

Lumens per Lamp: N/A
Luminaire Lumens: 2712.6 lumens
Efficiency: N/A
Efficacy: 137.7 lumens/watt
Luminous Opening: (L: 0 ' x W: -0.46 ' x H: 0 '
IES Classification: Type I - Short - Full Cutoff
BUG Rating: B1 - U0 - G0

Input Watts (W): 19.7
Input Voltage (V): 120.0
Input Current (Ain): 0.167
Voltage Rise (V): NR
Power Factor: 0.995
Total Harmonic Distortion (THDi): 15.0%
Frequency (hertz): 60
Stabilization Time: 0.5 HR
Operation Time: 24 HR
Ambient Temperature (°C): 24.2
Test Distance: 25 FT

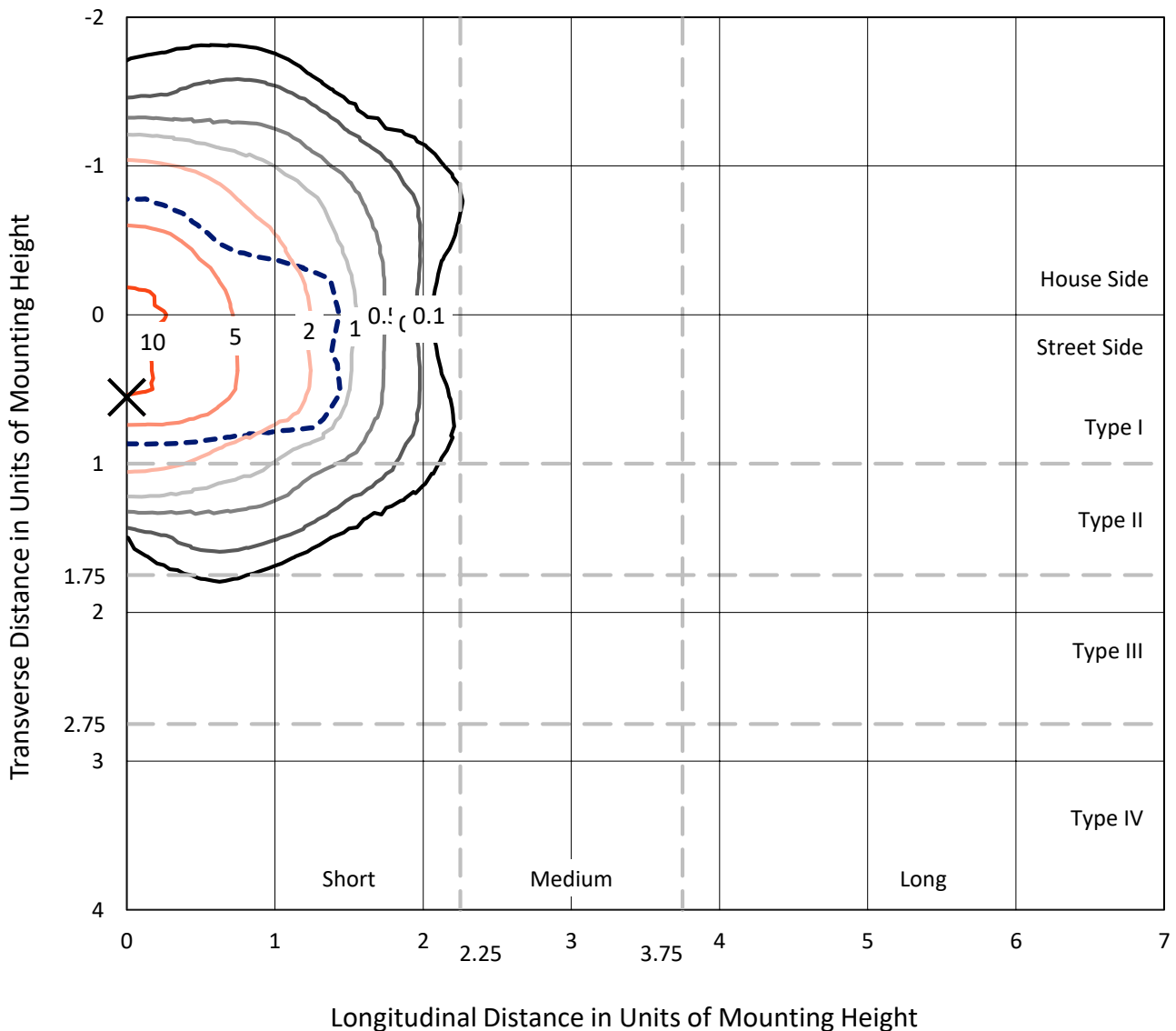


REPORT NUMBER: G2-16-1017-1

CATALOG NUMBER: NFFLD-S-C70-D-UNV-66

Iso-Footcandle Lines of Horizontal Illumination

× Max cd
 --- 1/2 Max cd

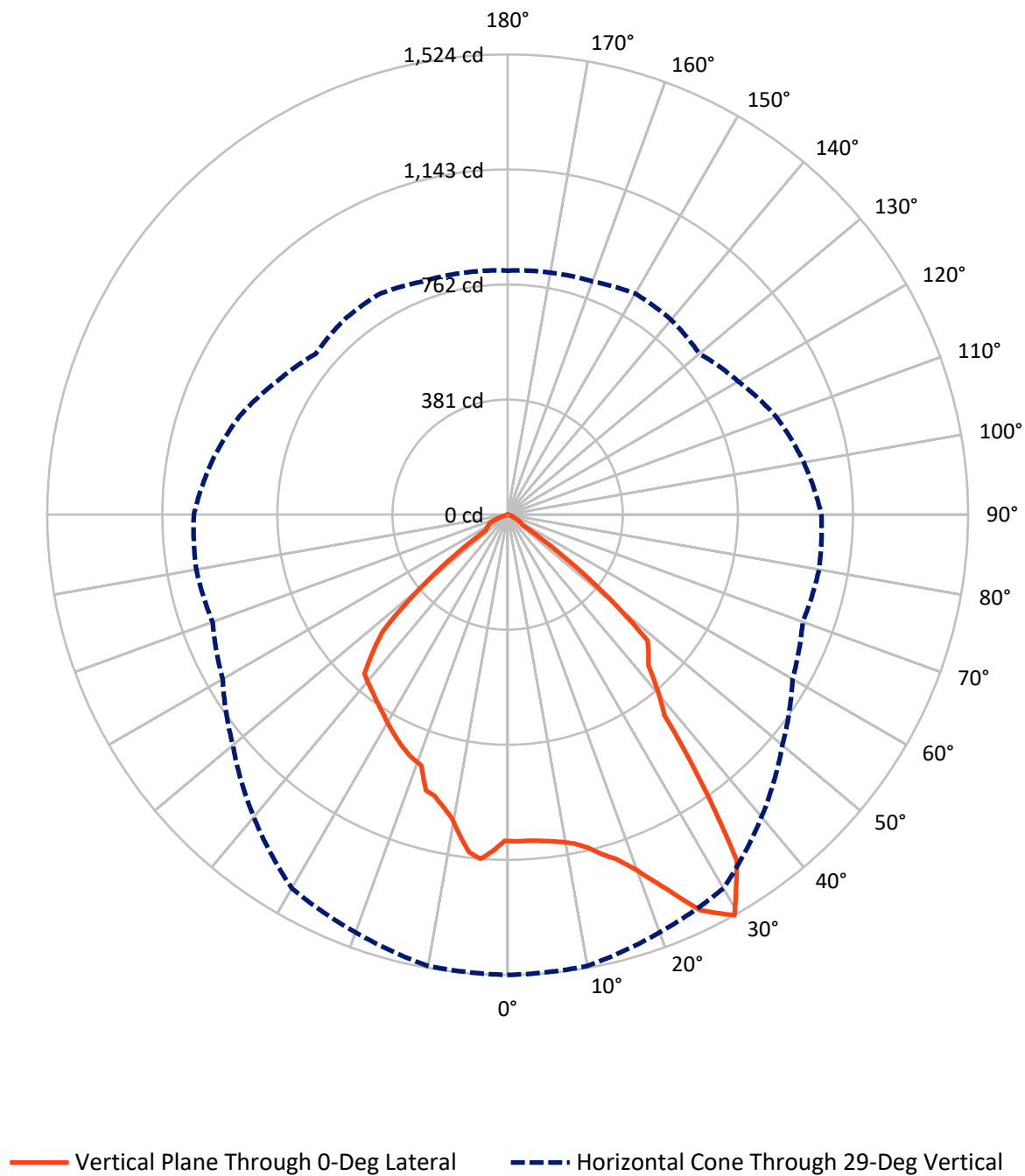


Based on 10 foot mounting height. Maximum calculated value = 11 fc
 Type I - Short - Full Cutoff

REPORT NUMBER: G2-16-1017-1

CATALOG NUMBER: NFFLD-S-C70-D-UNV-66

Luminous Intensity Polar Plot



Attachment: NFFLD-S-C70-E-UNV-66 (#21-005: 320 N. Mosley Rd Sports Court Lighting)

REPORT NUMBER: G2-16-1017-1

CATALOG NUMBER: NFFLD-S-C70-D-UNV-66

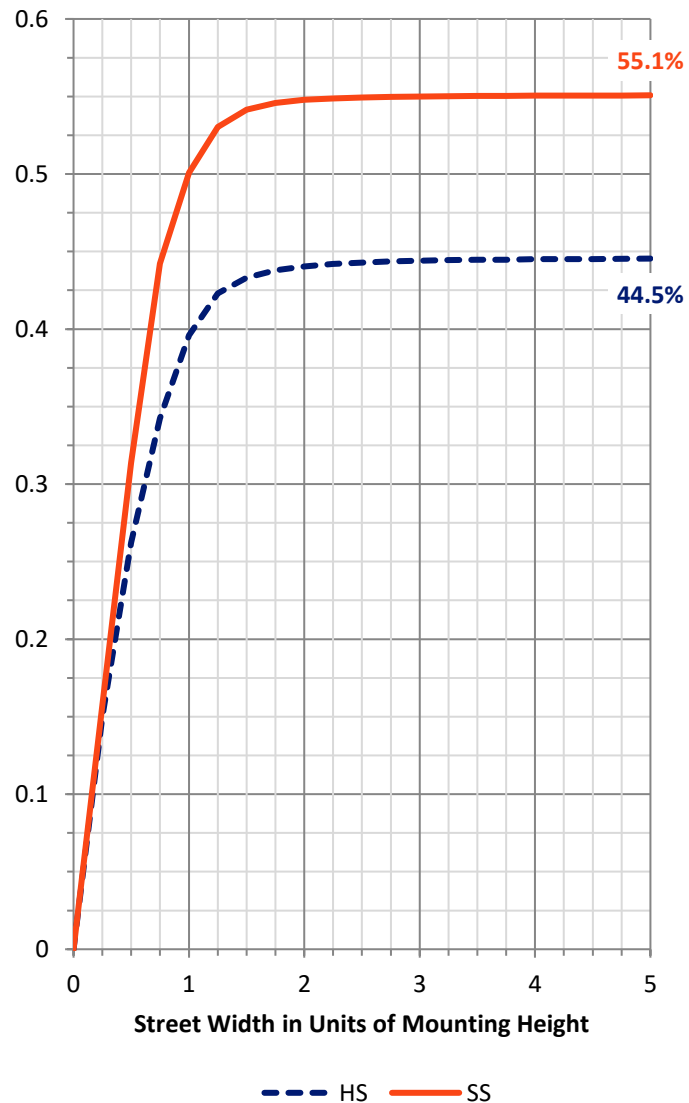
FLUX DISTRIBUTION:

		Downward	Upward	Total
House Side	Lumens	1219.3	0.0	1219.3
	% Fixture	45.0	0.0	45.0
Street Side	Lumens	1493.3	0.0	1493.3
	% Fixture	55.0	0.0	55.0
Total	Lumens	2712.6	0.0	2712.6
	% Fixture	100.0	0.0	100.0

ZONAL LUMENS:

Zone	Lumens	% Fixture
0°-10°	105.3	3.9
10°-20°	303.8	11.2
20°-30°	493.7	18.2
30°-40°	610.4	22.5
40°-50°	602.8	22.2
50°-60°	422.2	15.6
60°-70°	172.7	6.4
70°-80°	35.9	1.3
80°-90°	5.4	0.2
90°-100°	0.0	0.0
100°-110°	0.0	0.0
110°-120°	0.0	0.0
120°-130°	0.0	0.0
130°-140°	0.0	0.0
140°-150°	0.0	0.0
150°-160°	0.0	0.0
160°-170°	0.0	0.0
170°-180°	0.0	0.0
0°-90°	2712.6	100.0
0°-180°	2712.6	100.0

Coefficient of Utilization



REPORT NUMBER: G2-16-1017-1

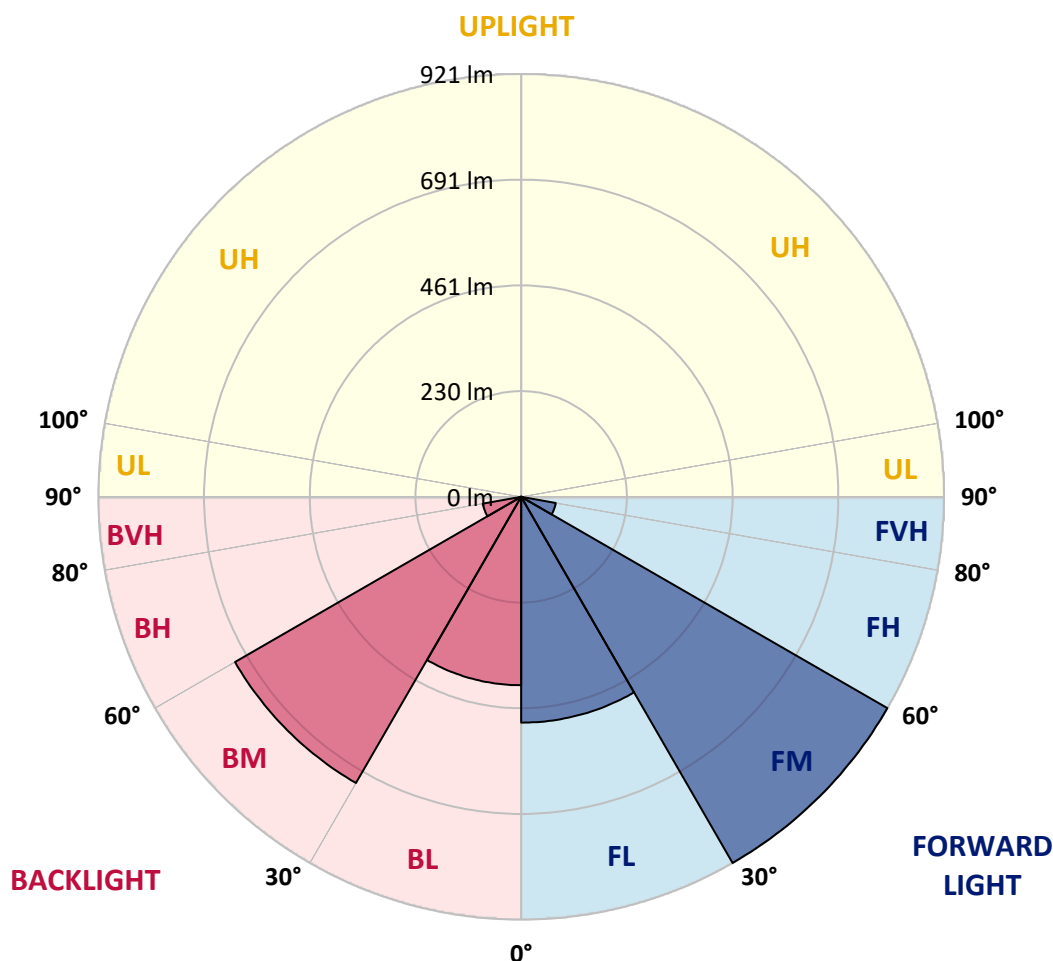
CATALOG NUMBER: NFFLD-S-C70-D-UNV-66

LUMINAIRE CLASSIFICATION SYSTEM LUMEN TABLE AND BUG RATING:

Zone		Lumens	% Fixture	Zone Rating/Lumen Limit		
				B	U	G
FL	(0°-30°)	492.0	18.1			
FM	(30°-60°)	921.2	34.0			
FH	(60°-80°)	76.5	2.8			G0/660
FVH	(80°-90°)	2.5	0.1			G0/10
BL	(0°-30°)	410.4	15.1	B1/500		
BM	(30°-60°)	719.9	26.5	B1/1000		
BH	(60°-80°)	84.8	3.1	B0/110		G0/110
BVH	(80°-90°)	3.2	0.1			G0/10
UL	(90°-100°)	0.0	0.0		U0/0	
UH	(100°-180°)	0.0	0.0		U0/0	

BUG Rating: B1-U0-G0

Type I Short



REPORT NUMBER: G2-16-1017-1

CATALOG NUMBER: NFFLD-S-C70-D-UNV-66

CANDELA DISTRIBUTION (FULL):

	0°	10°	20°	30°	40°	50°	60°	70°	80°	90°	100°
0°	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1
1°	1082.1	1082.1	1082.0	1081.9	1081.7	1081.4	1081.2	1080.8	1080.5	1080.1	1079.9
3°	1082.1	1082.1	1082.2	1085.0	1087.6	1089.8	1091.5	1092.8	1092.7	1091.9	1092.7
5°	1085.0	1084.1	1087.6	1091.8	1094.0	1092.8	1092.1	1091.9	1092.0	1091.9	1095.3
7°	1090.9	1090.7	1095.7	1096.7	1093.5	1090.1	1086.5	1084.5	1084.3	1087.0	1098.1
9°	1098.8	1099.4	1105.5	1099.8	1091.9	1084.8	1085.7	1088.5	1092.4	1100.8	1116.9
11°	1111.7	1114.9	1114.7	1103.7	1091.1	1089.1	1085.2	1079.9	1081.4	1091.9	1109.0
13°	1133.4	1137.6	1131.2	1111.2	1099.6	1084.0	1069.8	1074.8	1084.9	1103.8	1112.1
15°	1166.9	1170.9	1157.0	1130.3	1106.7	1078.8	1069.5	1076.7	1093.0	1119.6	1113.9
17°	1195.5	1201.4	1182.8	1157.8	1114.7	1087.5	1076.7	1072.3	1083.0	1103.8	1086.5
19.5°	1252.7	1251.8	1224.5	1179.1	1140.4	1112.2	1074.1	1067.7	1091.5	1110.7	1067.9
22.5°	1346.4	1338.7	1296.6	1225.0	1173.7	1129.1	1083.9	1065.1	1086.1	1077.1	1037.5
25.5°	1456.9	1444.8	1388.1	1306.4	1228.4	1156.8	1086.9	1047.7	1067.8	1050.5	1010.7
29°	1524.0	1517.3	1472.0	1428.5	1307.2	1187.1	1088.9	1039.2	1046.5	1038.7	995.5
33°	1373.1	1397.4	1411.3	1484.6	1397.0	1224.3	1098.2	1043.0	984.1	949.9	914.6
37.5°	843.4	897.4	1037.4	1241.8	1371.8	1290.7	1114.0	1036.3	963.5	903.5	857.7
42.5°	683.6	688.6	727.8	772.3	1007.7	1220.6	1163.9	1045.8	931.7	892.7	830.5
47.5°	623.4	621.0	623.8	628.8	660.9	900.9	1191.1	1052.6	855.2	836.5	815.6
55°	61.2	127.5	229.9	337.8	476.0	500.7	815.8	857.0	730.1	779.2	730.0
65°	27.6	25.5	51.3	41.3	51.7	117.7	186.8	203.5	133.4	29.6	138.6
75°	3.0	4.7	8.6	7.9	9.2	7.4	12.0	14.5	15.2	25.6	25.5
85°	0.0	3.4	4.9	5.0	5.5	5.2	5.9	6.4	6.5	6.9	6.7
90°	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Attachment: NFFLD-S-C70-E-UNV-66 (#21-005: 320 N. Mosley Rd Sports Court Lighting)

REPORT NUMBER: G2-16-1017-1

CATALOG NUMBER: NFFLD-S-C70-D-UNV-66

CANDELA DISTRIBUTION (continued):

	110°	120°	130°	140°	150°	160°	170°	180°	190°	200°	210°
0°	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1
1°	1079.8	1079.7	1079.7	1079.7	1079.7	1079.8	1079.9	1080.1	1079.9	1079.8	1079.7
3°	1093.0	1098.9	1103.5	1106.8	1108.6	1108.9	1112.3	1114.6	1112.3	1108.9	1108.6
5°	1107.2	1119.5	1129.3	1136.6	1140.2	1140.8	1140.4	1143.2	1140.4	1140.8	1140.2
7°	1115.8	1130.6	1142.7	1146.4	1143.1	1137.6	1128.5	1125.5	1128.5	1137.6	1143.1
9°	1131.2	1137.5	1130.5	1124.0	1108.8	1096.8	1080.6	1072.2	1080.6	1096.8	1108.8
11°	1120.7	1122.4	1104.1	1076.1	1058.4	1044.6	1028.4	1019.9	1028.4	1044.6	1058.4
13°	1104.3	1073.6	1055.7	1038.4	1015.3	1008.4	997.4	989.4	997.4	1008.4	1015.3
15°	1085.2	1042.4	1016.5	1006.9	989.6	980.9	970.8	962.7	970.8	980.9	989.6
17°	1055.5	1027.9	1001.0	977.5	967.8	960.5	960.6	951.9	960.6	960.5	967.8
19.5°	1032.7	1006.3	987.9	954.6	944.5	912.7	893.7	877.9	893.7	912.7	944.5
22.5°	1017.4	993.6	947.2	921.0	871.3	874.6	871.2	862.1	871.2	874.6	871.3
25.5°	988.5	949.8	905.8	867.3	867.9	856.4	847.2	838.4	847.2	856.4	867.9
29°	946.3	881.9	828.7	842.0	844.8	821.5	813.8	807.9	813.8	821.5	844.8
33°	874.7	813.9	787.7	797.6	791.9	776.3	777.8	773.3	777.8	776.3	791.9
37.5°	804.0	757.1	741.7	736.3	739.4	739.9	743.3	739.8	743.3	739.9	739.4
42.5°	761.5	719.3	684.7	683.8	693.2	703.3	710.8	708.2	710.8	703.3	693.2
47.5°	736.6	696.4	629.6	633.8	638.0	592.5	561.9	563.2	561.9	592.5	638.0
55°	648.6	666.2	553.4	471.4	310.1	191.7	118.0	88.8	118.0	191.7	310.1
65°	229.4	184.4	95.0	69.2	85.5	70.8	64.1	64.1	64.1	70.8	85.5
75°	30.8	18.9	20.8	15.8	19.3	13.4	7.5	4.9	7.5	13.4	19.3
85°	6.9	6.4	6.1	5.5	5.2	6.0	4.4	0.0	4.4	6.0	5.2
90°	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Attachment: NFFLD-S-C70-E-UNV-66 (#21-005: 320 N. Mosley Rd Sports Court Lighting)

REPORT NUMBER: G2-16-1017-1

CATALOG NUMBER: NFFLD-S-C70-D-UNV-66

CANDELA DISTRIBUTION (continued):

	220°	230°	240°	250°	260°	270°	280°	290°	300°	310°	320°
0°	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1	1081.1
1°	1079.7	1079.7	1079.7	1079.8	1079.9	1080.1	1080.5	1080.8	1081.2	1081.4	1081.7
3°	1106.8	1103.5	1098.9	1093.0	1092.7	1091.9	1092.7	1092.8	1091.5	1089.8	1087.6
5°	1136.6	1129.3	1119.5	1107.2	1095.3	1091.9	1092.0	1091.9	1092.1	1092.8	1094.0
7°	1146.4	1142.7	1130.6	1115.8	1098.1	1087.0	1084.3	1084.5	1086.5	1090.1	1093.5
9°	1124.0	1130.5	1137.5	1131.2	1116.9	1100.8	1092.4	1088.5	1085.7	1084.8	1091.9
11°	1076.1	1104.1	1122.4	1120.7	1109.0	1091.9	1081.4	1079.9	1085.2	1089.1	1091.1
13°	1038.4	1055.7	1073.6	1104.3	1112.1	1103.8	1084.9	1074.8	1069.8	1084.0	1099.6
15°	1006.9	1016.5	1042.4	1085.2	1113.9	1119.6	1093.0	1076.7	1069.5	1078.8	1106.7
17°	977.5	1001.0	1027.9	1055.5	1086.5	1103.8	1083.0	1072.3	1076.7	1087.5	1114.7
19.5°	954.6	987.9	1006.3	1032.7	1067.9	1110.7	1091.5	1067.7	1074.1	1112.2	1140.4
22.5°	921.0	947.2	993.6	1017.4	1037.5	1077.1	1086.1	1065.1	1083.9	1129.1	1173.7
25.5°	867.3	905.8	949.8	988.5	1010.7	1050.5	1067.8	1047.7	1086.9	1156.8	1228.4
29°	842.0	828.7	881.9	946.3	995.5	1038.7	1046.5	1039.2	1088.9	1187.1	1307.2
33°	797.6	787.7	813.9	874.7	914.6	949.9	984.1	1043.0	1098.2	1224.3	1397.0
37.5°	736.3	741.7	757.1	804.0	857.7	903.5	963.5	1036.3	1114.0	1290.7	1371.8
42.5°	683.8	684.7	719.3	761.5	830.5	892.7	931.7	1045.8	1163.9	1220.6	1007.7
47.5°	633.8	629.6	696.4	736.6	815.6	836.5	855.2	1052.6	1191.1	900.9	660.9
55°	471.4	553.4	666.2	648.6	730.0	779.2	730.1	857.0	815.8	500.7	476.0
65°	69.2	95.0	184.4	229.4	138.6	29.6	133.4	203.5	186.8	117.7	51.7
75°	15.8	20.8	18.9	30.8	25.5	25.6	15.2	14.5	12.0	7.4	9.2
85°	5.5	6.1	6.4	6.9	6.7	6.9	6.5	6.4	5.9	5.2	5.5
90°	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Attachment: NFFLD-S-C70-E-UNV-66 (#21-005: 320 N. Mosley Rd Sports Court Lighting)

REPORT NUMBER: G2-16-1017-1

CATALOG NUMBER: NFFLD-S-C70-D-UNV-66

CANDELA DISTRIBUTION (continued):

	330°	340°	350°	360°
0°	1081.1	1081.1	1081.1	1081.1
1°	1081.9	1082.0	1082.1	1082.1
3°	1085.0	1082.2	1082.1	1082.1
5°	1091.8	1087.6	1084.1	1085.0
7°	1096.7	1095.7	1090.7	1090.9
9°	1099.8	1105.5	1099.4	1098.8
11°	1103.7	1114.7	1114.9	1111.7
13°	1111.2	1131.2	1137.6	1133.4
15°	1130.3	1157.0	1170.9	1166.9
17°	1157.8	1182.8	1201.4	1195.5
19.5°	1179.1	1224.5	1251.8	1252.7
22.5°	1225.0	1296.6	1338.7	1346.4
25.5°	1306.4	1388.1	1444.8	1456.9
29°	1428.5	1472.0	1517.3	1524.0
33°	1484.6	1411.3	1397.4	1373.1
37.5°	1241.8	1037.4	897.4	843.4
42.5°	772.3	727.8	688.6	683.6
47.5°	628.8	623.8	621.0	623.4
55°	337.8	229.9	127.5	61.2
65°	41.3	51.3	25.5	27.6
75°	7.9	8.6	4.7	3.0
85°	5.0	4.9	3.4	0.0
90°	0.0	0.0	0.0	0.0

Attachment: NFFLD-S-C70-E-UNV-66 (#21-005: 320 N. Mosley Rd Sports Court Lighting)

(END OF REPORT)



DESCRIPTION

The Night Falcon™ LED floodlight luminaire combines high-efficiency optics, superior thermal management and energy efficiency in a cost-effective solution. The compact, robust design incorporates a separate driver compartment for maximum heat dissipation to insure longevity of both the fixture and the LEDs. The Night Falcon luminaire uses precision engineered optics delivering superior uniformity and excellent illumination to the targeted application. Typical applications include area lighting for security, building facade lighting, accent and signage lighting in both commercial and industrial applications. The Night Falcon luminaire is UL/cUL listed for wet locations and is IP66 rated.

SPECIFICATION FEATURES

Construction

Heavy-duty, die cast aluminum housing, driver compartment and driver housing door. A separate driver compartment and external fins provide optimal thermal management that result in longer LED and driver life. The housing, driver compartment and optical chamber are IP66 rated. Access to the driver for maintenance is achieved with a removable driver door using pan head screws. A one-piece silicone gasket seals the door to the fixture housing. The fixture is 3G vibration rated (ANSI C136.31) to ensure durability in area and site lighting applications.

Optics

The LED chamber incorporates a vacuum metalized reflector that provides high-efficiency illumination. Optics are precisely designed to shape the wide NEMA type 6H x 6V distribution, maximizing efficiency and application spacing. Clear glass tempered lens with full circumference form-in-place silicone gasket protects the optics from damage. Offered standard in 4000K (+/- 275K) CCT and minimum 70 CRI. Optional 5700K CCT and 3000K CCT and minimum 70 CRI are available.

Electrical

LED driver is mounted to the removable die-cast aluminum door for optimal heat sinking and ease of maintenance. 120-277V 50/60Hz, 347V 60Hz or 480V 60Hz operation. Integral 6kV surge is standard. 10kV/10kA common- and differential- mode surge protection available as an option. 0-10V dimming driver is available to accommodate controls capability such as dimming and occupancy. Standard NEMA 3-PIN twistlock photocontrol receptacle and NEMA 7-PIN twistlock photocontrol receptacles are available as options. Suitable for ambient temperatures from -40°C to 40°C. Optional 50°C HA (high ambient) available. 90% lumen maintenance greater than 50,000 hours per IESNA TM-21.

Mounting

Mounting options include an integral die-cast aluminum slipfitter that is preset to a tilt of 45°. The knuckle base is supplied with a tooth lock adjustment that can be adjusted in 5° increments to provide flexibility in aiming the fixture from a variety of surfaces. Visual 15° adjustment indicators on the knuckle allow for 180° field rotation of the floodlight assembly. The slipfitter fits standard 2-3/8"-3" O.D. tenon.

Finish

Housing and cast parts finished in five-stage super TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Standard color is carbon bronze. Additional colors available in summit white, white, grey, bronze and black. Consult your Eaton's Cooper Lighting business representative for a complete selection of standard colors.

Warranty

Five-year warranty.



NFFLD NIGHT FALCON

Solid State LED

FLOODLIGHT



CERTIFICATION DATA

UL/cUL Wet Location Listed
IP66 Fixture and Optical Chamber
LM79/LM80 Compliant
3G Vibration Rated
RoHS Compliant
DesignLights Consortium® Qualified*

ENERGY DATA

Electronic LED Driver
> 0.9 Power Factor
< 20% Total Harmonic Distortion
120V 50/60Hz, 347V/60Hz and 480V/60Hz
-40°C Minimum Ambient Temperature Rating
+40°C Maximum Ambient Temperature Rating

EPA

Effective Projected Area (Sq. Ft.): 1.25

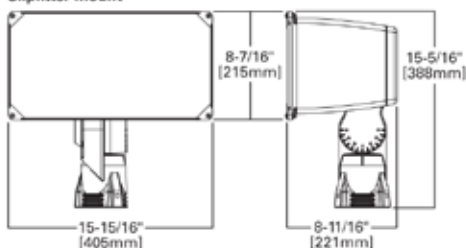
SHIPPING DATA

Approximate Net Weight:
20 lbs. (9.09 kgs.)



DIMENSIONS

Slipfitter Mount





POWER AND LUMENS

A25 LED	NFFLD-A25	NFFLD-A25-7060	NFFLD-A25-7030
Delivered Lumens	9,432	9,937	9,297
CCT (Kelvin)	4000K	5700K	3000K
CRI (Color Rendering Index)	70	70	70
NEMA Distribution (H x V)	6 x 6 Wide	6 x 6 Wide	6 x 6 Wide
Power Consumption (Watts)	85W	85W	85W

CURRENT DRAW

Voltage (V)	Model Series
	NFFLD-A25
Current (A)	
120V	1.105
208V	0.725
240V	0.631
277V	0.556
347V	0.372
480V	0.275

LUMEN MULTIPLIER

Ambient Temperature	Lumen Multiplier
10°C	1.04
15°C	1.03
25°C	1.00
40°C	0.96
50°C	0.92

LUMEN MAINTENANCE

Ambient Temperature	TM-21 Lumen Maintenance (50,000 Hours)	Theoretical L70 (Hours)
NFFLD-A25		
25°C	> 93%	> 300,000
40°C	> 93%	> 295,000
50°C	> 92%	> 285,000

ORDERING INFORMATION

Sample Number: NFFLD-A40-E-UNV-66-S-CB-PER

Product Family ¹	Light Engine ²	Driver ³	Voltage	Distribution	Mounting	Color
NFFLD=Night Falcon LED Floodlight	A25=9,400 Nominal Lumens	E=Non-Dimming D=Dimming (0-10V)	UNV=120-277V 347=347V ⁴ 480=480V ⁴	66=NEMA 6H x6V Wide	S=Slipfitter ⁶	CB=Carbon Bronze (Standard) BK=Black BZ=Bronze AP=Grey WH=White WHT=Summit White
Options (Add as Suffix)						
7030=70 CRI / 3000K ⁸ 7060=70 CRI / 5700K ⁸ PER=NEMA 3-PIN Twistlock Photocontrol Receptacle PER7=NEMA 7-PIN Twistlock Photocontrol Receptacle ⁷ 10K=10kV/10kA UL 1449 Surge Protective Device HA=50°C High Ambient Temperature D10=<10% Dimming ⁷						

NOTES:

- DesignLights Consortium[®] Qualified. Refer to www.designlights.org Qualified Products List under Family Models for details.
- Standard 4000K CCT and minimum 70 CRI. Consult IES file for actual lumen output.
- Consult factory for driver surge protection values.
- Not recommended for use with ungrounded, delta configured systems.
- Fits 2-3/8" to 3" O.D. tenon, wire leads run through slipfitter.
- Extended lead times apply. Use dedicated IES files for 3000K and 5700K when performing layouts. These files are published on the Night Falcon luminaire product page on the website.
- Must order with dimming driver.
- Replace XX with color designation. Additional brackets and adaptors available on the poles product page on the website.
- Not available with tenon mount.
- Not available with slipfitter mount.
- Cannot combine TS2 (Top and Side Visor), VS (Vandal Shield), or WG (Wire Guard), limited to one external guard per fixture.



Side of the property that the lamp will be facing.



Side of property that the lamp is next to.



Star indicates LED lamp placement.







MEMO TO THE PLANNING AND ZONING COMMISSION

Date: February 25, 2021

Subject: **Residential Tree Replacement Requirements Work Session**

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

Meeting Date: March 1, 2021

Attachments: **Proposed Regulations 3-1-21 Draft**
Staff Memo to P&Z 9-21-20
Staff Memo to Council 2-10-20
Staff Memo to Council 6-22-20
Code Excerpt, Section 410.300 and 410.320
Code Excerpt, Chapter 220, Article II

Last year, the City Council requested staff to present information on how the City might regulate tree removal and replacement on residential properties associated with major construction activities, such as a new home on an existing lot. Staff presented information to both the City Council and the Planning and Zoning Commission with an outline of the various components of a tree replacement ordinance. For its part, the Planning and Zoning Commission reviewed this information at the September 21, 2020 meeting and expressed support for the development of regulations to require tree replacement on existing residential properties. Since that time, staff has refined the requirements for preliminary review and discussion in a work session format to obtain feedback and general direction prior to scheduling the public hearing on this topic.

The attached draft provides the components of the proposed ordinance which would apply to all new homes on existing platted lots or for any increase in impervious coverage of 50 percent or greater. This threshold is meant to target major construction activities on residential properties and not smaller construction activities such as room additions, swimming pools, or detached garages. For reference, within the past three years, the City has issued 39 permits for new houses on existing lots.

The submittal requirements would include the preparation of a Tree Protection and Replacement Plan (TPRP) by a licensed landscape architect or ISA certified arborist to show all trees on the property 6-inches or greater in caliper. Removed trees would be required to be replaced on a one-to-one basis within the same category of tree based on mature growth height with a minimum size of 3-inches at the time of planting. For example, a White Oak tree could not be replaced with an ornamental tree, such as a Dogwood. Dead or diseased trees can be removed without replacement. For trees not able to be replaced on site, the option would be available to contribute to a Tree Replacement fund to offset the cost of tree maintenance and plantings within public rights-of-way or parks. This element has not been fully created at this time and would need to establish a funding formula based on the cost of tree replacements on a per-inch basis.

Tree protection standards would be required on site as shown on the approved TPRP. For those trees that are removed at time of final inspection but not shown on the plan, replacement would be required.

After P&Z review at this work session, staff will incorporate any changes and present them to the City Council and the Horticulture and Beautification Committee for their input. After these reviews are complete, staff will schedule a public hearing for formal review by the public and the Commission.

Residential Tree Replacement Requirements

New Zoning Ordinance Section 405.560

Purpose And Intent

It is the purpose and intent of this Section to require adequate protection of the City's natural resources, preserve property values, and maintain the goals of the Comprehensive Plan, by providing for the regulation of protection, removal, and planting of trees on residential lots within the City's residential zoning districts.

Applicability

The provisions of this Section shall apply to existing lots of record that have contained as a permitted use a single-family residence, with construction activities that involve a new home or any increase in impervious area of fifty percent (50%) or more, including additions, which is subject to a demolition permit, residential development permit, or land disturbance/site improvement permit.

Tree Protection and Replacement Plan Submittal Requirements

A Tree Protection and Replacement Plan (TPRP) shall be submitted for review concurrent with the submittal of other required permit applications and plans. The TPRP shall be completed by a licensed landscape architect or certified arborist and include the following minimum information:

1. Project title listing the project name, owner name, and name of individual or firm preparing the plan.
2. North arrow, graphic and written scale which shall be based on the site plan showing existing and proposed grades, utility easements, new water and sewer lines, and location of all improvements.
3. A survey of all existing trees 6-inch diameter at breast height (DBH) or greater, providing their type (botanical and common name), size in inches on the property, and identification of the tree whether to be removed or to remain.
4. Graphic depiction showing the location of tree protection fencing.
5. Location of new trees graphically shown and keyed to a tree chart providing size (DBH), species and quantity.

Tree Removal and Replacement Requirements

1. All existing trees in healthy condition measuring 6-inches or greater which are to be removed shall be replaced on a one-to-one ratio (1:1) based on the total number of trees removed.
2. All replacement trees shall be at least 3 caliper inches in size at time of planting and shall be selected from the City of Creve Coeur's **recommended tree list**. Replacement trees shall be selected from the same category based on mature tree height of the tree removed to the maximum extent practicable.
3. If there is not sufficient room on the site, a contribution to the City's **Tree Fund** shall be made in the amount equal to ~~\$\$\$~~ per caliper inch in 2021. This amount shall increase by X% each year, effective January 1.
4. The removal of any hazardous, dead, or diseased trees on private property, as determined by a licensed landscape architect, certified arborist, or other evidence as deemed credible by the City, is not subject to the requirements of this Section.

5. Trees removed within one (1) year preceding the submittal of a development application to the City must be documented by a dated conditions report prepared by a certified arborist or licensed landscape architect, dated conditions photographs, and a copy of the work order with date of service. Any tree removed within one (1) year prior to the submittal of a development permit application that is not documented and approved by the City will be considered in Good condition by default.
6. The installation of all trees shall be completed prior to the issuance of a final occupancy permit. Any trees that are removed at time of final inspection and are not shown on the approved TPRP shall be replaced in accordance with the requirements of this Section.
7. The removal of any street tree outside of private property shall be prohibited. If the residential lot is within a subdivision that required street trees as required by Section 410.300. Street Trees of Chapter 410. Subdivision and Development of Land that are missing, the property owner shall replace the street tree as directed by the Department of Public Works, and such replacement shall not count toward the replacement of the removed trees on private property.

Tree Protection Requirements

1. All tree protection measures shall be installed prior to the commencement of demolition, excavation, construction, or site work.
2. Tree protection fencing shall be installed around the dripline of each impacted tree or cluster of trees within disturbed areas.
3. City of Creve Coeur Tree Protection Details and Standards shall be provided on the plan and followed at all times.



MEMO TO THE PLANNING AND ZONING COMMISSION

Date: September 16, 2020

Subject: **Tree Preservation and Replacement on Residential Properties**

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

Meeting Date: September 21, 2020

Attachment: Staff Memo to Council 2-10-20
Code Excerpt, Section 410.300 and 410.320
Code Excerpt, Chapter 220, Article II

Earlier this year, the City Council directed staff to present information on how the city might regulate tree removal on residential properties associated with construction. At the June 22nd City Council meeting, Staff presented the possible components of a tree protection and replacement ordinance which are explained in this memo. Staff would like to review this information with the Planning and Zoning Commission to obtain initial feedback on the components of a possible ordinance and the overall desirability of pursuing these additional regulations. Staff will then present the suggestions from P&Z back to the City Council to determine future steps.

Background

The City of Creve Coeur's regulations provides that when subdividing a property, a minimum of 25% of the existing trees and tree mass must be maintained, per Section 410.320 Tree Conservation under Chapter 410 Subdivision and Development of Land. Should additional trees be removed that were not indicated on the approved subdivision plan, they must be replaced at a 3:1 ratio, in addition to any Street Trees that are required under Section 410.300 Street Trees. However, once the project has been completed and final inspection/occupancy obtained, the City does not have a regulation regarding maintaining those trees on private residential properties, and the homeowner may remove any of the trees on their lot. The Street Trees are usually placed in the City's right-of-way (once the City has accepted it as a public road) and therefore, cannot be removed without the approval of the City. Additionally, the City does not prohibit the removal of any trees in anticipation of redevelopment of a lot after approval of the initial subdivision.

Chapter 220 Weeds and Vegetation, Article, II, Trees and Shrubs applies to trees, plants and shrubs that are located within street rights-of-way, parks and publicly owned places of the City. This authority also extends to private property but only for trees or other plant material that constitute a hazard or threat.

To establish a tree conservation and replacement ordinance for individual residential properties would require updating various sections of the City's codes. For changes to the Zoning Ordinance, a text amendment application with a public hearing and recommendation by the Planning and Zoning Commission and final approval by the City Council would be required. As previously discussed with the City Council, if this ordinance moves forward, staff would work with the Horticulture, Environment and Beautification Committee (HEB) to craft the requirements for a new ordinance. The HEB would then provide its recommendations to the Planning and Zoning Commission for their consideration. With this

approach, Planning staff attended the HEB meeting on March 11th and informed them of City Council's desire to consider a tree preservation and replacement ordinance that would apply to existing residential properties. Staff presented background information and reviewed possible components of an ordinance and summarized ordinances that are in place in surrounding communities. The HEB was supportive of moving forward with such an ordinance.

At this time, staff would like to provide an overview of the components of the ordinance and receive feedback from the City Council as to the level of regulations desired. Staff will proceed accordingly based on the direction received from Council.

Components of a Residential Tree Preservation and Replacement Ordinance

Based on similar ordinances from other communities, staff has outlined the essential components of the ordinance with areas highlighted for discussion.

1. Applicability

This ordinance would apply only to existing, platted single family residential lots located within a single family zoning district when a new home is proposed or when a major addition is proposed.

Discussion Items: The term Major Addition would need to be defined. Similar ordinances define major as an increase of 50% or more of existing impervious coverage. If a more restrictive approach is desired, the requirements of this ordinance could occur with the filing of a Residential Development Permit. The RD permit is an integrated permit issued by the Building Division associated with most construction activities on a single family property. This includes new single family homes, additions, detached buildings and pools. It could also be tied to a land disturbance permit that is required when 2,000 square feet or more of disturbance activities such as grading or excavating are involved. Additionally, staff would like to confirm that this ordinance would not apply to non-residential uses in residential districts (schools, places of worship, etc.) or to apartment communities or other non-single family residential districts.

2. Administration

This ordinance would be administered by the Department of Community Development. The Building Division, including plans examiners and inspectors, as well as the City Planner would be involved in administering this ordinance. Depending on the level of restrictions and requirements desired, the City may want to engage the services of a contracted landscape architect or certified arborist to conduct plan reviews and perform inspections. The fees for such services would be passed on to the applicant based on a fee schedule as part of the approved contract.

3. Definitions

New definitions of terms would be added to the Zoning Code as needed to support the ordinance.

4. Tree Preservation and Replacement Plan

This section would outline the components of a tree protection and replacement plan that would need to be submitted for staff review at the time a permit is applied. A site plan would be needed showing the property boundaries and all proposed improvements (structures, paved surfaces, utility connections, etc.), existing trees, trees to be removed and trees to be protected. For trees that are to be protected, the City would require standard protection details and notes to be shown on the plan (protective fence around trees, etc.). This plan would need to be prepared by a licensed landscape architect or certified arborist.

5. Tree Replacement Requirements

Staff would suggest that all existing deciduous trees, 6-inches in diameter or greater and all coniferous (evergreen) trees of at least 15-feet in height are required to be shown on the existing

tree plan. The requirements for tree preservation and replacements would be within this section. It would also be appropriate to include an updated approved tree list as part of this ordinance.

Discussion Items: The City could take the approach that there are no defined requirements for the protection of existing trees and focus more on the need to replace a portion of the trees that are removed. It is inevitable that some trees will need to be removed to allow construction to occur. The replacement ratio could be based on total caliper trees removed for trees that are in healthy condition. Replacement trees would be required based on the City's approved tree list with a minimum size of 3-caliper inches at time of planting.

If tree preservation is desired, there are many approaches to this goal. Some ordinances set forth a desired amount of trees to remain on site with greater requirements for removal of trees above this amount. Other ordinances classify trees as "landmark" or "contributing" with specific replacement requirements for these classification of trees. If the applicant cannot meet the requirements for replacement of trees on site, some ordinances require a payment in lieu to the City presumably for the planting of trees in public lands in the city. It is important to note that most cities do not prohibit the removal of any single tree. The ordinances instead focus on replacement requirements to compensate for lost tree cover. Additionally, trees that are in poor condition, are hazardous, or of an undesirable species are typically exempt from any replacement requirement.

6. Inspections

Inspections by city building inspectors or a contracted professional would be expected to ensure the requirements of the ordinance are being met. At a minimum, an initial inspection would need to be performed to ensure tree protection fencing is installed and that the trees removed are consistent with approved plans. A final inspection prior to Certificate of Occupancy approval would also need to be conducted to ensure the replacement trees meet code and are consistent with approved plans.

As presented in the February City Council staff memo, several cities in St. Louis County regulate tree removal associated with construction activities on individual residential properties. These communities have determined that trees help to define community character, add to the value of residential property and offer environmental benefits such as erosion control and reduced energy costs for the home. However, as an additional regulatory requirement, a tree ordinance in the manner described would be expected to add to the cost of construction for many residential projects and also would involve additional staff time in the form of plan reviews and inspections. With respect to the cost of preparing a tree protection plan and a planting plan, staff reached out to a local landscape architect who frequently prepares landscape plans for applicants. His general estimate, to meet the provisions contained in this ordinance, was approximately \$2,500. Further, additional staff time would add to the current workload of the Building and Planning Divisions and professional consulting assistance could be needed based on the level of regulation.



MEMO TO THE DIRECTOR OF COMMUNITY DEVELOPMENT

Date: 2/5/2020

Subject: **Tree Preservation on Private Residential Properties**

Prepared by: Whitney Kelly, AICP, City Planner

Attachments: Sec. 410.320: City of Creve Coeur Tree Conservation Requirements

The City of Creve Coeur's regulations provide that when subdividing a property, a minimum of 25% of the existing trees and tree mass must be maintained, per Section 410.320 Tree Conservation under Chapter 410 Subdivision and Development of Land. Should additional trees be removed that were not indicated on the subdivision plan, they must be replaced at a 3 /1 ratio, in addition to any Street Trees that are required under Section 410.300 Street Trees. However, once the project has been completed and final inspection/occupancy obtained, the City does not have a regulation regarding maintaining those trees on private residential properties, and the homeowner may remove any of the trees on their lot. The Street Trees are usually placed in the City's right-of-way (once the City has accepted it as a public road) and therefore, cannot be removed without the approval of the City. Additionally, the City does not prohibit the removal of any trees in anticipation of redevelopment of a lot after approval of the initial subdivision.

Staff has reviewed the tree preservation ordinances for residential properties of the following nearby communities: Ladue, Webster Groves, Wildwood, Town and Country, Clayton, Des Peres, Olivette, Maryland Heights and Kirkwood. Below is a summary of these requirements and when they are applied.

- Ladue has the most restrictive tree preservation requirements that are separate from other construction activity requirements on the property. Ladue has a City Arborist review and permit any tree removal applications and tree replacement plans.
 - No person shall remove, injure, damage, or cause the death of a living tree having a caliper of six or more inches, or clear or cut within a woodland area any trees having a caliper of three inches unless the person has first secured a permit from the city.
 - Tree replacement is required when 25 percent of the trees are proposed to be removed on the property or when 25 percent or more of any woodland is proposed to be cleared on the property. If 25 percent or more of the trees or woodlands on the property are removed, any tree scheduled for removal having a caliper of six inches or more shall be replaced by a tree having at least a six-inch caliper or with two three-inch caliper equivalent trees. At least half of the replacement trees must be canopy trees from the approved tree list.
 - When no appropriate tree locations are available, a payment of \$120.00 per replacement caliper inch may be paid to the city's tree fund which shall be utilized for future forestry efforts in the city. This option may reduce the required number of trees on a project by no more than 25 percent.
- Webster Groves is undergoing text amendments to revise their Ordinance to address tear downs and will provide that information as soon as there is a clearer redline version.
The existing regulations are:

- New residents cannot take a tree down in the first year they live at a residence without a permit. This is to prevent house flippers taking them down.
- After a year of home ownership, trees can be removed without a permit. However, they are supposed to use a registered tree contractor (insurance, knowing proper techniques etc.). If a tree company is doing work within the city limits that are not registered, they are given a summons to court.
- These requirements are tied to an occupancy permit for existing homes or for new construction
- Wildwood has tree preservation requirements for new construction as follows:
 - 30% of all tree canopy coverage on land shall be retained and undisturbed
 - Grand Trees shall not be disturbed at any time without a permit, and a one-to-one replacement with the planting of a new tree having a caliper of no less than 3 inches.
- Town and Country
 - Tree Preservation Plan for infill housing or additions that add more than 50% of new impervious area or greater:
 - The removal of any hazardous, dead or diseased trees on private property, as determined by a licensed landscape architect, certified arborist, or other evidence deemed credible by the City, as necessary to remedy an immediate threat to person or property is not subject to the requirements of this Section.
 - Trees removed within one (1) year preceding the submittal of a development application to the City must be documented by a dated conditions report prepared by a certified arborist or forester, dated conditions photographs and a copy of the work order with date of service. Any tree removed within one (1) year prior to the submittal of a development or building permit application that is not documented and approved by the City will be considered in good condition by default.
 - With the exception of any property for which a tree preservation plan has been approved in accordance with this Section and a building permit has been issued, it shall be prohibited for any person to remove any trees six (6) inches in diameter or greater for the purposes of preparing a lot for development that is subject to a demolition permit, grading permit, building permit or architectural review.
 - A minimum of 50% of the calculated total of (CSA) of all healthy trees, six (6) inches in diameter or greater, shall be preserved.
- Clayton:
 - The removal of any hazardous, dead, or diseased trees on private property, as determined by a letter from a qualified arborist, and as necessary to remedy an immediate threat to person or property is not subject to the requirements of this Article.
 - Trees removed within one (1) year preceding the submittal of a development application to the City must be documented by a dated conditions report prepared by a certified arborist or forester, dated conditions photographs and a copy of the work order with date of service. Any tree removed within one (1) year prior to the submittal of a development application that is not documented and approved by the City will be considered in good condition by default.
 - With the exception of any property for which a landscape/tree preservation plan has been approved in accordance with this Article and a building permit has been issued, it shall be prohibited for any person to remove nineteen (19) or more caliper inches of contributing trees or any landmark tree located outside a lot's buildable area (as defined in Article III: Definitions) for the purposes of preparing a lot for a development project subject to Article VIII: Site Plan Review, Article IX: Special Development District, or Article X: Planned Unit Development. In talking with their staff, this requirement has been extended to include residential properties without construction permits, although the

ordinance does not appear to be written to include such properties. Any tree removal of a total of 19 or more caliper inches will need to be replaced.

- Des Peres: The policy, in practice, only applies when reviewing infill housing and new developments.
 - Includes adding at least 2 trees of 2" or greater in diameter, exist in the include adding at least 2 trees of 2" or greater in diameter, exist in the front yard of each home site for a lot undergoing a replacement of the residence
 - Healthy desirable trees not maintained or removed shall be replaced. If not sufficient room to provide for replacement trees, then developer shall contracture to the City's tree fund.
- Olivette: The City of Olivette does not have an established tree preservation policy. There is reference to 'Tree Preservation' within the Olivette Residential Redevelopment and Design Guidelines, however, there is no teeth to the guideline without an actual standards and policy behind.
 - The Tree Preservation discussion on Page 27 includes:
 - Try to avoid mature trees within the buildable area established by the zoning district. The buildable area is the area bounded within the front, side, and rear yard setbacks.
 - Avoid the removal of trees and disturbing the ground area within a tree dripline/canopy between the front building line and street.
 - Limit the unnecessary removal of trees outside the buildable area established by the zoning district.
 - If removing a tree outside the buildable area established by the zoning district, consider replacement of the tree with a younger species.
- Maryland Heights: Tree preservation is part of the landscape design standards for site plans and subdivisions. It does not appear to apply to individual residential properties.
 - Site plans and subdivisions shall incorporate all feasible methods and approaches to preserve all existing trees and wooded areas outside of the minimum building and site development area or within residential tree preservation areas. The following replacement standards shall apply:
 1. Based on the tree survey, the landscape plan shall indicate where all trees exceeding six (6) inches caliper not within the building and/or site development area and all trees exceeding twenty (20) inches caliper within the property, that were removed as a result of the development, are to be replaced.
 2. The removal of trees within an existing underground utility easement as part of either the maintenance or improvement of the utility line shall not be included in the mitigation plan.
 3. The replacement of trees removed shall be based on their total caliper inches. Each caliper inch removed from outside the building and site development area or from the residential tree preservation area shall be on a two for one caliper inch basis. Trees within the building and site development area that are twenty (20) inches caliper or greater shall be replaced on a one-for-one caliper inch basis.
 4. Replacement trees shall be a minimum of two and one-half (2 ½) inches caliper at installation and shall be of no fewer quality species than the tree removed.
- Kirkwood: This community recently passed a tree preservation ordinance for residential properties that is triggered by building permits. It does not prevent property owners from removing trees unrelated to a building permit activity.
 - A permit must be obtained to remove or plant a tree within the City's right-of-way.
 - The City's Urban Forester may deny the issuance of any permit, if in the sole discretion of the Urban Forester, the issuing of the permit is not in the best interest of the City in maintaining the sustainability and health of the urban forest.
 - A tree protection plan approved by the urban Forester, or designee, shall be required on all new construction, demolition, exaction, and site redevelopment requiring

permits from the Building and /or Engineering Department. All tree protection plans shall be completed by a Certified Arborist and must follow the protocols outlined in the tree manual. Approval shall be determined upon reasonable efforts to preserve trees on the site as determined by the guidelines listed in the Tree Manual

- All single family lots shall have a minimum tree canopy coverage of 350 square feet per 1000 square feet of lot area (35%).
- Failure to comply with the tree protection plan will result in penalties, where the appraised value for damages and violations of any provision shall be determined by the Urban Forester using the latest revision of the “Guide for Plant Appraisal” as published by the international Society of Arboriculture.
- Anyone pruning, removals, cutting, spraying, injecting, protection, appraisals, or assessments requiring a permit from the Building Commission or Urban Forester or must obtain a business license as a “Arboricultural contractor”



MEMO TO THE MAYOR AND CITY COUNCIL

Date: June 17, 2020

Subject: Tree Preservation and Replacement on Residential Properties

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

Meeting Date: June 22, 2020

Attachment: 2-5-20 Staff Memo
Code Excerpt, Section 410.300 and 410.320
Code Excerpt, Chapter 220, Article II

As discussed in the staff memo dated February 5, 2020, the City of Creve Coeur's regulations provides that when subdividing a property, a minimum of 25% of the existing trees and tree mass must be maintained, per Section 410.320 Tree Conservation under Chapter 410 Subdivision and Development of Land. Should additional trees be removed that were not indicated on the approved subdivision plan, they must be replaced at a 3:1 ratio, in addition to any Street Trees that are required under Section 410.300 Street Trees. However, once the project has been completed and final inspection/occupancy obtained, the City does not have a regulation regarding maintaining those trees on private residential properties, and the homeowner may remove any of the trees on their lot. The Street Trees are usually placed in the City's right-of-way (once the City has accepted it as a public road) and therefore, cannot be removed without the approval of the City. Additionally, the City does not prohibit the removal of any trees in anticipation of redevelopment of a lot after approval of the initial subdivision.

Chapter 220 Weeds and Vegetation, Article, II, Trees and Shrubs applies to trees, plants and shrubs that are located within street rights-of-way, parks and publicly owned places of the City. This authority also extends to private property but only for trees or other plant material that constitute a hazard or threat.

To establish a tree conservation and replacement ordinance for individual residential properties would require updating various sections of the City's codes. For changes to the Zoning Ordinance, a text amendment application with a public hearing and recommendation by the Planning and Zoning Commission and final approval by the City Council would be required. As previously discussed with the City Council, staff would work with the Horticulture, Environment and Beautification Committee (HEB) to craft the requirements for a new ordinance. The HEB would then provide its recommendations to the Planning and Zoning Commission for their consideration. With this approach, Planning staff attended the HEB meeting on March 11th and informed them of City Council's desire to consider a tree preservation and replacement ordinance that would apply to existing residential properties. Staff presented background information and reviewed possible components of an ordinance and summarized ordinances that are in place in surrounding communities. The HEB was supportive of moving forward with such an ordinance.

At this time, staff would like to provide an overview of the components of the ordinance and receive feedback from the City Council as to the level of regulations desired. Staff will proceed accordingly based on the direction received from Council.

Components of a Residential Tree Preservation and Replacement Ordinance

Based on similar ordinances from other communities, staff has outlined the essential components of the ordinance with areas highlighted for discussion.

1. Applicability

This ordinance would apply only to existing, platted single family residential lots located within a single family zoning district when a new home is proposed or when a major addition is proposed.

Discussion Items: The term Major Addition would need to be defined. Similar ordinances define major as an increase of 50% or more of existing impervious coverage. If a more restrictive approach is desired, the requirements of this ordinance could occur with the filing of a Residential Development Permit. The RD permit is an integrated permit issued by the Building Division associated with most construction activities on a single family property. This includes new single family homes, additions, detached buildings and pools. It could also be tied to a land disturbance permit that is required when 2,000 square feet or more of disturbance activities such as grading or excavating are involved. Additionally, staff would like to confirm that this ordinance would not apply to non-residential uses in residential districts (schools, places of worship, etc.) or to apartment communities or other non-single family residential districts.

2. Administration

This ordinance would be administered by the Department of Community Development. The Building Division, including plans examiners and inspectors, as well as the City Planner would be involved in administering this ordinance. Depending on the level of restrictions and requirements desired, the City may want to engage the services of a contracted landscape architect or certified arborist to conduct plan reviews and perform inspections. The fees for such services would be passed on to the applicant based on a fee schedule as part of the approved contract.

3. Definitions

New definitions of terms would be added to the Zoning Code as needed to support the ordinance.

4. Tree Preservation and Replacement Plan

This section would outline the components of a tree protection and replacement plan that would need to be submitted for staff review at the time a permit is applied. A site plan would be needed showing the property boundaries and all proposed improvements (structures, paved surfaces, utility connections, etc.), existing trees, trees to be removed and trees to be protected. For trees that are to be protected, the City would require standard protection details and notes to be shown on the plan (protective fence around trees, etc.). This plan would need to be prepared by a licensed landscape architect or certified arborist.

5. Tree Replacement Requirements

Staff would suggest that all existing deciduous trees, 6-inches in diameter or greater and all coniferous (evergreen) trees of at least 15-feet in height are required to be shown on the existing tree plan. The requirements for tree preservation and replacements would be within this section. It would also be appropriate to include an updated approved tree list as part of this ordinance.

Discussion Items: The City could take the approach that there are no defined requirements for the protection of existing trees and focus more on the need to replace a portion of the trees that are removed. It is inevitable that some trees will need to be removed to allow construction to occur. The replacement ratio could be based on total

caliper trees removed for trees that are in healthy condition. Replacement trees would be required based on the City's approved tree list with a minimum size of 3-caliper inches at time of planting.

If tree preservation is desired, there are many approaches to this goal. Some ordinances set forth a desired amount of trees to remain on site with greater requirements for removal of trees above this amount. Other ordinances classify trees as "landmark" or "contributing" with specific replacement requirements for these classification of trees. If the applicant cannot meet the requirements for replacement of trees on site, some ordinances require a payment in lieu to the City presumably for the planting of trees in public lands in the city. It is important to note that most cities do not prohibit the removal of any single tree. The ordinances instead focus on replacement requirements to compensate for lost tree cover. Additionally, trees that are in poor condition, are hazardous, or of an undesirable species are typically exempt from any replacement requirement.

6. Inspections

Inspections by city building inspectors or a contracted professional would be expected to ensure the requirements of the ordinance are being met. At a minimum, an initial inspection would need to be performed to ensure tree protection fencing is installed and that the trees removed are consistent with approved plans. A final inspection prior to Certificate of Occupancy approval would also need to be conducted to ensure the replacement trees meet code and are consistent with approved plans.

As presented in the February staff report, several cities in St. Louis County regulate tree removal associated with construction activities on individual residential properties. These communities have determined that trees help to define community character, add to the value of residential property and offer environmental benefits such as erosion control and reduced energy costs for the home. As an additional regulatory requirement, a tree ordinance in the manner described would be expected to add to the cost of construction for many residential projects and also would involve additional staff time in the form of plan reviews and inspections.

Staff will be present at the meeting to answer any questions from the City Council. Upon receiving further direction as to the appropriate level of regulating trees on residential property, staff will prepare a draft ordinance and work with the HEB and P&Z on a final recommended version.

City of Creve Coeur, MO
Thursday, June 18, 2020

Chapter 410. Subdivision and Development of Land

Article III. Land Development Standards

Section 410.300. Street Trees.

[R.O. 2008 App. B, §22A-30; Ord. No. 1045, 7-25-1983; Ord. No. 2184 §1, 6-24-2002; Ord. No. 4071 §3, 4-9-2007; Ord. No. 5068 §1, 11-10-2008]

The developer shall plant trees along all streets in new residential subdivisions or along the street frontage of any land development. The trees shall be provided in the ratio of not less than one (1) tree for each thirty (30) feet of such frontage. Before any trees are planted, a plan of such planting shall be submitted to the Commission as part of the improvement plans for its study and recommendation. Factors to be considered by the Commission in reviewing the plan shall include, but shall not be limited to, prevention of the planting of certain species that would become nuisances because of insects or disease or because of their roots unduly interfering with the sewer mains or other underground utilities or location of the trees obstructing sight distances for vehicles at intersections or making the installation of utilities, sidewalks or similar improvement costly or difficult or similar locational features that may be undesirable. In no case shall a tree be planted that has a trunk diameter of less than two and one-half (2½) inches as measured six (6) inches above the ground. The Department of Public Works shall maintain a list of recommended street trees and undesirable trees.

Section 410.320. Tree Conservation.

[R.O. 2008 App. B, §22A-32; Ord. No. 1045, 7-25-1983; Ord. No. 1789 §1, 4-8-1996; Ord. No. 4071 §3, 4-9-2007; Ord. No. 5068 §1, 11-10-2008]

- A. Any subdivision preliminary plat submitted after the effective date of this Section shall provide for the conservation of existing trees on the site. Nothing in this Section is intended to preclude the removal of existing trees after the receipt of an initial occupancy permit.
1. A tree census shall accompany every preliminary plat application. The tree census shall graphically depict the general location of all tree masses and all trees of eight (8) inch caliper size or larger. In addition, such census shall indicate which tree masses and trees are to remain and which tree masses and trees are to be removed. Not more than seventy-five percent (75%) of the area of such tree masses nor seventy-five percent (75%) of such eight (8) inch caliper trees shall be proposed for removal.
 2. After approval of subdivision improvement plans and during construction of subdivision infrastructure, the City staff may approve removal of not more than ten percent (10%) of the area of tree masses and not more than ten percent (10%) of the eight (8) inch caliper trees which were indicated as tree masses and trees to remain as depicted on the tree census submitted with the preliminary plat. For example, if the preliminary plat indicated two hundred (200) eight (8) inch caliper trees on the site and fifty (50) were indicated to remain, the City staff could approve the removal of not more than five (5) of those trees. This approval may be granted only if such tree masses or trees are determined to interfere with the construction of such infrastructure. Inadvertent damage to or removal of any such tree mass or such eight (8)

inch caliper tree shall be counted towards the maximum ten percent (10%) removal of tree masses and trees to remain.

3. Any tree mass removal or tree removal not approved with the preliminary plat or subsequently approved by the City staff shall cause the City to require the developer to plant three (3) three (3) inch caliper trees for each ten (10) square feet or portion thereof of tree mass area removed and three (3) three (3) inch caliper trees for each tree removed. Such three (3) inch caliper trees shall be of a species contained in the City's list of approved street trees and shall be in addition to the street trees required by Section **410.300**. The Department of Public Works shall maintain a list of recommended street trees.
4. After receipt of an initial occupancy permit, additional trees may be removed from individual lots at the discretion of the lot owner.

City of Creve Coeur, MO
Thursday, June 18, 2020

Chapter 220. Weeds and Vegetation

Article II. Trees and Shrubs

Section 220.130. Applicability.

[R.O. 2008 §26.5-11; Ord. No. 1899 §1, 11-10-1997]

This Article provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks and publicly owned places of the City (not including subdivision common ground) and to trees, plants and shrubs located on private property that constitute a hazard or threat as described herein.

Section 220.140. Definitions.

[R.O. 2008 §26.5-12; Ord. No. 1899 §2, 11-10-1997]

As used in this Article, the following terms shall have these prescribed meanings:

CITY ARBORIST

The designated official at the City of Creve Coeur, Missouri, assigned to carry out the enforcement of this Article.

CITY-OWNED PROPERTY

Property within the City limits of the City of Creve Coeur, Missouri, that is:

1. Owned by the City in fee simple absolute, or
2. Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public utility easements.

CONTRACTOR

Someone paid to supply goods or services at a fixed price.

LANDMARK TREES

Trees with historic value or unusual qualities. A tree may qualify as a landmark tree if it meets one (1) or more of the following criteria: rare species, old age, association with a historical event or person, abnormality or scenic enhancement.

PARK TREES

Trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the City or to which the public has free access as a park.

PROPERTY OWNER

The record owner or contract purchaser of any parcel of land.

PUBLIC NUISANCE

Any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb(s) that obstructs street lights, traffic signs or the free passage of pedestrians or vehicles; or a tree that

poses a threat to safety.

STREET TREES

Trees, shrubs, bushes and all other woody vegetation on land lying within the public right-of-way of all streets, avenues or ways within the City.

Section 220.150. Landscaping.

[R.O. 2008 §26.5-13; Ord. No. 1899 §3, 11-10-1997]

The Community Development Department will review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting lands henceforth developed and/or subdivided according to Section **405.540** of the City Zoning Code.

Section 220.160. Tree Planting, Maintenance and Removal.

[R.O. 2008 §26.5-14; Ord. No. 1899 §4, 11-10-1997; Ord. No. 4071 §2, 4-9-2007]

- A. *Tree Species.* The Community Development Department has a list of desirable trees for planting along streets as required under the Zoning Code. Deviations from the approved list of street trees are subject to review and must be approved by the City prior to installation to prevent the use of species that are intolerant of disease, salt or other factors or which are susceptible to disease or decay.
- B. *Spacing.* The spacing of street trees will be in accordance with the Zoning Code, but in no case less than thirty (30) feet, center to center, except in special plantings designed or approved by a landscape architect.
- C. *Utilities.* No street trees other than those species listed by the Community Development Department as small trees may be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.
- D. *Distance From Curb And Sidewalk.* The distance street trees may be planted from curbs or curb lines and sidewalks will be in accordance with the Zoning Code (eight (8) feet minimum and twelve (12) feet maximum). If there is a grass strip between street and sidewalk, trees shall be centered in grass strip.
- E. *Topping.* It shall be unlawful for any person, firm or City department, as a normal practice, to top any street tree, park tree on public property. "*Topping*" is defined as the severe cutting back of branches or limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and/or disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section at the determination of the Recycling and Environment Committee.

Section 220.170. Landowner Responsibility.

[R.O. 2008 §26.5-15; Ord. No. 1899 §5, 11-10-1997]

No person shall plant, remove, cut above the ground or disturb any tree on any street, park or other public place without first procuring permission from the City Arborist. The person receiving the permission shall abide by the standards set forth in this Article.

Section 220.180. Protection of Landmark Trees.

[R.O. 2008 §26.5-16; Ord. No. 1899 §6, 11-10-1997]

The City Arborist shall have as one of his/her duties the location, selection and identification of any trees that qualify as "landmark trees". Landmark trees shall be protected under new development or in public places.

Section 220.190. Private Trees.

[R.O. 2008 §26.5-17; Ord. No. 1899 §7, 11-10-1997]

The City Arborist or his/her official designee has the authority to enter onto private property to determine if a public nuisance exists regarding a tree, shrub, plant or plant part.

Section 220.200. Enforcement.

[R.O. 2008 §26.5-18; Ord. No. 1899 §8, 11-10-1997]

The City Arborist shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the right-of-way of any street, alley, sidewalk or other public place in the City.

Section 220.210. Penalties, Claims and Appeals.

[R.O. 2008 §26.5-19; Ord. No. 1899 §9, 11-10-1997]

- A. *Notice Of Violation.* Any person who violates any provision of this Article or who fails to comply with any notice issued pursuant to provisions of this Article, upon being found guilty of violation, shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) for each separate offense. Each day during which any violation of the provisions of this Article shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this Article, the injury, mutilation or death of a tree, shrub or other plant located on City-owned property is caused, the cost of repair or replacement of such tree, shrub or other plant shall be borne by the party in violation and shall be in addition to any fine imposed hereunder. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens as published by the International Society of Arboriculture.
- B. *Abatement Of Nuisance.* In the event that a nuisance is not abated by the date specified in the notice, the City Arborist is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the owner of the property upon which the nuisance was located shall be subject to prosecution.
- C. *Procedure For Appeals.*
 1. *Time for appeals.* Notice of appeal of an action, event or requirement of the City Arborist shall be filed with the City Administrator within a reasonable time, not to exceed thirty (30) days from the date of the event or action appealed from occurred.
 2. If an appeal is timely filed with the City Administrator, such person shall be entitled to a hearing before the City Administrator within thirty (30) days after the notice of appeal has been filed. The City Administrator shall issue a written decision on such appeal within ten (10) days after such hearing. An appeal from the decision of the City Administrator may be filed with the City Council within fifteen (15) days after receipt of the City Administrator's decision. On an appeal to the City Council, a hearing shall be held in accordance with the Administrative Procedures Act of the State of Missouri (Chapter 536, RSMo.). Any appeal

from the City Council's decision shall be to the Circuit Court in accordance with Chapter 536, RSMo.

Section 220.220. Reporting.

[R.O. 2008 §26.5-20; Ord. No. 1899 §10, 11-10-1997]

The City Arborist will write an annual report to be submitted to the Recycling and Environment Committee.