



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, MARCH 7, 2022
6:30 PM

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.

This meeting will be held in-person at the Creve Coeur Government Center, 300 North New Ballas Road, Creve Coeur MO 63141. Due to the COVID-19 pandemic, masks are required to be worn for all attendees. 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

Mr. Gene Rovak (Chair)
Ms. Muriel Hall
Mr. Larry Potashnick
Mr. Todd Streiler
Ms. Julie LaBonte
Mr. AJ Wang

Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Bethany L. Moore, City Planner
Ms. Megan Waller, Administrative Supervisor/Recording Secretary

ACCEPTANCE OF THE AGENDA

APPROVAL OF MINUTES

1. February 7, 2022 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

(None)

NEW BUSINESS

(None)

WORK AGENDA

1. Residential Tree 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. Proposed changes to Ord. 410.320 *Tree Conservation* for lot subdivisions will also be discussed.

2. Drive through Restaurants Code Amendments Work Session

Staff will discuss the existing components of Ord. 405.470 *A Conditional Uses Food Services and Drinking Places* that regulates drive through restaurants. Staff has also prepared draft revisions to the current ordinance for discussion that incorporates comments from the February 7th work session.

3. Cancel May 2, 2022 Planning and Zoning Commission Meeting

DEPARTMENT REPORTS

Director of Community Development

ADJOURNMENT

Posted: _____

Jason W. Jaggi
Director of Community Development



DRAFT MINUTES
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, FEBRUARY 7, 2022
6:30 PM

CALL TO ORDER

Mr. Rovak called the meeting to order at 6:30 PM.

ROLL CALL

AJ Wang	Commission Member
Julie LaBonte	Commission Member
Gene Rovak	Chair/Commission Member
Muriel Hall	Commission Member
Larry Potashnick	Commission Member

The following staff were also present: Carl Lumley, City Attorney; Jason Jaggi, Director of Community Development; Bethany Moore, City Planner; and Megan Waller, Administrative Supervisor/ Recording Secretary.

ACCEPTANCE OF THE AGENDA

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

APPROVAL OF MINUTES

1. January 18, 2022 Planning and Zoning Commission Draft Meeting Minutes

Mr. Potashnick made a motion to accept the minutes. Ms. LaBonte seconded. All in favor.

PUBLIC COMMENT

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Conway Park Restroom Relocation and Replacement Project

Attachment: Draft Minutes - PZ 2-7-22 (February 7Th, 2022 DRAFT Meeting Minutes)

Matt Wohlberg, City Engineer, stated that his intention at tonight's meeting is to get feedback from the commissioners regarding the design of the restroom project at Conway Park for future approval in the spring.

Mr. Wohlberg explained that the cost and process of renovating the building would be more difficult than replacement. He also explained that relocating the new structure would allow for additional parking spaces to be added at a later date.

Mr. Wohlberg presented design materials for the exterior of the new building. Options presented were vinyl siding, brick veneer, or board and batten. Mr. Wohlberg also stated that pre-fabricated structures and brand new buildings are being considered, as well as the cost differences. The Parks and Historic Preservation committee is in favor of keeping a similar aesthetic for the new restroom with the porch and overhang.

Mr. Wohlberg asked the commission if they agree with the concept of moving the restroom to the north and their opinions of the design options presented.

Mr. Rovak stated that he agrees that moving the restroom to the north makes sense for future use of the current space, especially considering the structure will require new utilities for all options presented.

Mr. Potashnick had concerns with the cost and thoroughness of the evaluation of renovating the existing structure versus purchasing a new building. He also questioned if this would apply to all park restrooms in the future, and what those costs would be.

Mr. Rovak questioned whether there could be some cost savings for purchasing all four of the pre-fabricated restrooms in bulk rather than over time.

Mr. Potashnick asked if the restrooms would be held to the current building code standards and have a City of Creve Coeur building permit. Mr. Jaggi explained that the structure would require a City building permit and must meet all building code requirements.

Mr. Rovak questioned the location of the current site utilities, and how the utilities would reach the new site.

Ms. LaBonte wondered about the sustainability of the building as a storm shelter. Mr. Wohlberg explained that it would be similar to the current structure for storm protection.

Ms. LaBonte asked about energy efficiency and suggested using this structure to set an example for energy efficiency. Mr. Rovak suggested that this may be extreme for the use of the structure but agreed that it should be as efficient as possible.

Mr. Potashnick stated that he has concerns with how thoroughly the current building was evaluated and suggested that renovating may leave room in the budget for other amenities to be added as well.

Mr. Wohlberg stated that there is a 6-8 month timeline to have a pre-fabricated building built. This would have the new restroom in place near the end of 2022 or into 2023.

Ms. LaBonte stated she would like more information on the additional parking that could be added if the restroom is relocated.

Mr. Potashnick followed up by asking how many additional spots the parking lot would need to accommodate future plans for the park.

Mr. Wohlberg stated that the more amenities that are added to the park the more parking will be required.

Mr. Potashnick asked about a strategic plan for the parks. He had many concerns with the planning process for the park renovations.

Ms. LaBonte stated that a seeing a parks master plan at the next review would be very helpful for the commissioners to make a well-rounded recommendation.

Mr. Potashnick agreed that he would like to see a master plan as well as the budget for the park projects.

Mr. Wohlberg stated that his understanding is that the commissioners would like to see a broader plan for the future of the park for further review in the spring. He also asked the commissioners if the design of the new structure is favorable, or if they would like to see changes.

Ms. LaBonte stated that she appreciated that the design includes drinking fountains for citizens and their pets.

Mr. Wohlberg asked the commissioners for opinions of the design for the building.

Ms. LaBonte stated that she feels that the overhang of the porch fits the overall aesthetic of the park.

Mr. Rovak stated that the recommendation of the commission is to bring a more comprehensive plan for review in the spring.

RESULT:	ITEM DISCUSSED
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WORK AGENDA

1. Residential Tree Requirements Work Session

Ms. Bethany Moore, City Planner, stated that the first item for discussion is a proposed ordinance for new homes on existing platted lots. This ordinance would target only new homes. Room additions, pools, and garages would not be affected by the ordinance.

Ms. Moore explained that currently the City of Creve Coeur does not have any protection for trees on existing lots. She stated that the proposed ordinance would apply to existing lots that are zoned for a single family residence that will require a demolition permit and/or a residential development permit.

Ms. Moore stated that the proposed ordinance is less restrictive than surrounding municipalities with existing tree ordinances. She also said that the ordinance will be revisited in coming years to reevaluate the restrictiveness.

Ms. LaBonte asked to clarify why the ordinance would not apply to permits for room additions, pools, etc.

Ms. Moore explained that the comments and concerns regarding the ordinance have been for new construction projects that have heavy tree removal or clear cutting of lots.

Mr. Jaggi added that the scope of the ordinance is subject to feedback from the commissioners. He also explained that the initial goal of the ordinance is to target the areas with the highest level of concern, then reevaluate the ordinance to perhaps be more restrictive in the future.

Ms. LaBonte suggested a visual grid that shows other municipalities restrictiveness.

Mr. Rovak suggested adding a minimum threshold to the ordinance to include the other projects that may require tree removal.

Ms. Jaggi explained that a demo permit would also trigger the tree ordinance program.

Ms. Moore presented information that staff had been putting together over the past 3 years with input from council. This outlined that the purpose of the new ordinance is to protect the City's natural resources and maintain goals of the comprehensive plan.

Ms. Moore explained that the new ordinance would require a survey of the existing trees outlining types of trees, those that will be removed, and plan for replacement of trees.

Ms. Moore asked for input regarding potential size requirements for replacement trees.

Mr. Moore asked if the commissioners prefer the tree plans are submitted with the demolition permit application, building application, or both.

Mr. Rovak stated that he agrees the plans should be submitted as part of the demolition application.

Mr. Jaggi stated that this ordinance would also prompt an additional inspection of tree protection prior to the start of demolition.

Ms. Moore stated that there will be an approved list for replacement trees as well as trees for removal without penalty.

Ms. Moore stated that another item considered is having a specified number of replacement trees in the front yard in addition to street trees depending on district and lot size.

Mr. Rovak stated that he believes the street trees fill enough space, and that this additional requirement may be too much.

Mr. Jaggi stated that some municipalities require a minimum number of front yard trees for new construction. He explained that keeping existing street trees could count towards the minimum requirement. He also suggested that this may be dependent on lot size.

Mr. Rovak's concern with additional front yard trees is that they may get in the way of utilities such as sewer lines, and that the additional trees may be a nuisance.

Ms. Moore explained that the current requirement for street trees in subdivisions is currently one per every thirty feet of street frontage. She stated that there have been concerns that these are too close together. She asked the commission if one tree per every forty feet of street frontage may be acceptable as an alternative.

Mr. Rovak stated he agreed and would support the change to one tree per every forty feet of street frontage.

Ms. Moore confirmed that the commission would like to see a comparison of other municipalities tree ordinances, a higher threshold for tree replacement and preservation, and linking the caliper inch requirement to the tree species.

Mr. Wang arrived at 7:55 PM.

Ms. Moore summarized the already existing ordinance that applies to preliminary subdivision plats and requires a tree census. The ordinance currently allows for removal of up to 75% of the total trees and trees over 8 caliper inches. She explained that the goal is to amend the ordinance to be a lower percentage of trees removed.

Ms. Moore explained that part two of the ordinance also allows for an additional 10% removal of trees during construction.

Ms. LaBonte asked what the percentage is for other municipalities in the area. Ms. Moore did not have exact numbers but did know that the percentage is significantly lower.

Ms. Moore stated that one of the suggested amendments to the ordinance is to eliminate the additional 10% clause.

Ms. Moore stated that the ordinance should also include that invasive and diseased trees are allowed to be removed without penalty.

Ms. Moore explained that section three of the ordinance states that any mass tree removal not noted and approved on a preliminary plat must be replaced with three trees of 3 caliper inches.

Ms. Moore suggested removing section four of the current ordinance which states additional trees may be removed after occupancy has been established by the lot owner.

Ms. LaBonte asked where homeowners can find this information if they should ever need to remove a tree.

Mr. Moore stated that this is still outlined within the ordinance in part A.

Ms. Moore summarized that the intent is to add that removal of poor health and invasive trees would not count towards the percentage of total trees removed. She asked for feedback on reducing the number of allowable trees removed from 75% - 50%.

Ms. LaBonte stated that she would like to see a comparison of other municipalities before making a recommendation.

Ms. Moore asked for feedback on the removal of the additional 10% of tree removal .

Ms. LaBonte asked why there are different percentages for project types.

Mr. Jaggi explained that this is because creating a new subdivision affects more trees due to the larger amount of space. He explained that a single lot does not have as much risk of several trees being removed as a several acres proposed subdivision.

Mr. Rovak had concerns that a single lot developer will have much fewer restrictions than a subdivision developer.

Mr. Jaggi explained that these are two very different development types that require different restrictions.

Ms. LaBonte suggested having a maximum lot number before the ordinance would apply.

Mr. Jaggi explained that the amendments could apply based on major and minor subdivisions requirements.

Ms. Moore thanked the commissioners for their feedback.

RESULT:	ITEM DISCUSSED
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2. Drive through Restaurants Code Amendments Work Session

Mr. Jaggi stated there are separate restrictions in place for restaurant drive through facilities versus non-restaurant facilities. He stated that the non-restaurant facilities are much less restrictive. He also explained that the current ordinance separates drive throughs based on if they are adjacent to residential areas or not adjacent. Mr. Jaggi explained how these restaurants incorporated pedestrian access, screening on street fronts, landscaping, outdoor seating, and the overall site plan layout for the drive through lanes.

Mr. Jaggi stated that there are minimum size requirements and indoor seating requirements for all restaurants currently.

Mr. Jaggi presented photos of current existing drive through restaurants for reference. Mr. Jaggi also presented photos of drive through restaurants in neighboring municipalities. He explained the positive and negative aspects of the drive through layouts of these neighboring communities.

Mr. Jaggi suggested changing the ordinance to be more lenient on restrictions on secondary streets, not primary streets.

Mr. Jaggi suggested prioritizing the most important requirements of drive through lanes, and relying on screening, landscaping, and outdoor seating areas for aesthetics.

Mr. Jaggi presented suggested amendments to the ordinance as it stands. He stated that restrictions on adjacent to residential uses should be kept in place. He further explained that this dictates how many restaurants there can be and that they must be part of a continuous building.

Mr. Jaggi suggested allowing the drive through facility on a side street with buffers and barriers such as landscaping and screening.

Mr. Jaggi suggested removing the minimum number of square feet and number of seating requirements from the ordinance. He stated that the ordinance could require indoor seating with no minimum amount.

Mr. Jaggi suggested altering the stacking lane requirements when leaving the restaurant. He also suggested clarifying where the stacking lane will begin. Mr. Jaggie explained that the order window, the menu board, and the pickup window should not be on a primary street front.

Mr. Lumley stated that there may be concerns about requirements on secondary streets. He also raised the issue of the newer practice of having split stacking lanes.

Ms. LaBonte had concerns about doing away with the minimum requirement of seats.

Mr. Jaggi stated that a traffic study and other studies are still in place.

Mr. Jaggi stated that for restaurants that do not have residential on either side must have minimum three acres site or combined three acres site. He explained that there must be one existing building on site that totals 200 feet of frontage, and the drive through could be the second.

Mr. Jaggi stated that this would not allow for a free standing drive through on its own lot.

Mr. Jaggi suggested changing the ordinance to require pedestrian oriented features to include landscape planting areas adjacent to the building, outdoor seating areas, and pedestrian connections.

Mr. Jaggi proposed removing the requirement of an 8ft planting strip on 2 adjacent sides of the building area. He explained that this is consolidated into number three.

Mr. Jaggi suggested that service areas must continue to be screened but are not required to be attached to the building.

Ms. LaBonte asked if there have been requests for drive throughs that have been denied, and if these changes would allow for these projects to be considered in the future.

Ms. LaBonte stated that she does have concerns for secondary streets adjacent to residential. She recommended removing adjustments to the drive through facility windows.

Mr. Wang asked if there is a way to discourage people from stopping on the street to wait in the driveway line.

Mr. Jaggi stated that the traffic study would provide this information.

The Commission recommended one more presentation.

RESULT:	ITEM DISCUSSED
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3. Commission Meeting Time Change

The commission suggested moving the start time of planning and zoning meetings to 6:00 PM rather than 6:30 PM.

4. Election of Vice Chair

Mr. Wang nominated Ms. LaBonte as Vice Chair. Mr. Rovak seconded. All in favor.

DEPARTMENT REPORTS

Mr. Jaggi stated that there are no applications for the next meeting.

ADJOURNMENT

Mr. Potashnick made a motion to adjourn. All in favor.

Meeting adjourned at 9:13 PM.



MEMO TO THE PLANNING AND ZONING COMMISSION

Date: March 2, 2022

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

Prepared by: Bethany Moore, City Planner

Meeting Date: March 7, 2022

Attachments: Proposed Regulations March 7, 2022 Draft
Staff Memo to P&Z 2-7-22
Staff Memo to P&Z 3-1-21
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

Staff presented an outline of a tree preservation and replacement ordinance to the Planning and Zoning Commission at the February 7th, 2022 work session. The comments received from the February 7th, 2022 work session have been incorporated into the revised draft to be presented for discussion at the March 7th, 2022 work session.

The attached revised draft provides the components of the proposed ordinance which would apply to all new homes on existing platted lots or any increase in impervious area of fifty percent (50%) or more including additions. Smaller construction activities such as room additions, swimming pools, or detached garages that do not increase the impervious area by at least fifty percent (50%) would not be subject to any tree removal or replacement requirements.

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. All existing trees in healthy condition measuring 6 inches or greater at DBH shall be retained at a fifty percent (50%) minimum without penalty. Trees removed beyond the 50% minimum at 6 inches or greater at DBH would be required to be replaced on a one-to-one basis (not total caliper inches) within the same category of tree based on mature growth height with a minimum size of 3-inches at the time of planting and trees greater than 20 inches DBH would be required to be replaced on a two-to-one basis. For example, a White Oak tree could not be replaced with an ornamental tree, such as a Dogwood. Dead, diseased, or invasive or undesirable tree species can be removed without replacement. Street trees would be required for all new homes, whether or not they are part of a new subdivision or on existing lots. 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.

Staff also added a payment in lieu of replacement on site in the event that some trees cannot be planted on site due to site constraints. The formula for this fee would need to be established, however, it would be based upon the value of the trees removed and not replaced on site. Additionally, the opportunity to request a review by P&Z in the form of a minor site development plan has been included. This option would be available in the event that the applicant does not agree with the requirements as applied to their property and would like to appeal to P&Z for just cause.

Changes to tree removal and replacement regulations to subdivision lots in Section 410.320 are also proposed for discussion in order to reflect the proposed tree conservation regulations applied to existing lots.

After P&Z review at this work session, staff will incorporate any changes. Staff would then present the updated draft to the Horticulture and Beautification Committee for their input. After these reviews are complete, staff will schedule a public hearing for formal review of a proposed ordinance 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 and property values, and maintain the goals of the Comprehensive Plan, by providing for regulations addressing protection, removal, and the 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 contain a permitted use as a single-family residence or with construction activities that involve a new home **or any increase in impervious area of fifty percent (50%) or more, including additions**, on an existing residential lot which is subject to a **demolition permit**, residential development permit, or **land disturbance/site improvement permit**. **An applicant that does not agree with the application of these requirements to their property may request review by the Planning and Zoning Commission in the form of a minor site development plan for consideration of any hardship, exceptional circumstances or other just cause for deviation from the requirements.**

Tree Protection and Replacement Plan Submittal Requirements

A Tree Protection and Replacement Plan (TPRP) shall be submitted for review **as part of the initial permit process, be it demolition, building permit or 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), caliper size in inches, 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.
6. **Street Trees should be specifically marked as such separately from other trees on survey.**

Tree Removal and Replacement Requirements

1. **Fifty (50 percent) of all existing trees in fair or better condition measuring 6-inches or greater at DBH shall be retained on the lot.**
2. **Trees removed beyond the 50 percent lot retention minimum that have 6-inches or more at DBH shall be replaced on the basis of a one-to-one ratio (1:1) based on the total number of trees removed. Trees that are more than 20-inches at DBH shall be replaced on the basis of a two-to-one ratio (2:1).**
3. **If the replacement trees as required by this Section cannot be provided on-site, based upon the opinion of a certified arborist or licensed landscape architect, due**

to site constraints, a payment in lieu of tree replacement shall be made to the City's Forestry fund. This fee shall be established by the City Council based upon a formula representing the valuation of trees removed.

4. 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 **approved 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.
5. The removal of any trees that are hazardous, in poor condition, dead, diseased, or considered invasive by the Missouri Department of Conservation 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.
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. Street Trees shall be maintained or provided in order to meet **1 tree per 40 feet** of street frontage and does 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, whichever is earliest.
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. *<Note: Such standards are widely available and will need to be adopted and altered to the needs of Creve Coeur >*

Discussion Items

- Approved Tree List to be created through consultation with the Horticulture, Ecology, and Beautification Committee and maintained by Planning Staff to be available on the City's website but not codified in case changes need to be made.
- The establishment of a Forestry Fund to allow payment in lieu of providing trees on site has been added. The formula needs to be established but would be based upon the total valuation of the removed trees not replaced on site. Fund could be used for the Public Works 50/50 Tree Program.
- Further discussion for an administrative option to allow some alternative flexibility for applicants that are unable to meet the requirements before the request reaches the level of the Planning and Zoning Commission.
- Added a 2 to 1 replacement requirement for trees over 20 inches.

Updates to Ordinance Section 410.320 Tree Conservation

- 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 six (6) 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 fifty percent (**50%**) of the area of such tree masses nor fifty- percent (**50%**) of such six (6) inch caliper trees shall be proposed for removal. **The removal of any trees that are hazardous, in poor condition, dead, diseased, or considered invasive by the Missouri Department of Conservation 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.**

- ~~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 replace all trees **6-inches DBH on the basis of a one-to-one ratio (1:1) based on the total number of trees removed. Trees that are over 20-inches at DBH shall be replaced on the basis of a two-to-one ratio (2:1).** All replacement trees shall be a minimum of three (3) caliper inches. 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.~~

Creve Coeur's Tree Preservation/Replacement Ordinance Compared to Surrounding Municipalities

1. Applicability (new houses, subdivisions, land disturbance thresholds)

Creve Coeur	• Subdivisions, new construction, any increase in impervious areas of 50% including additions • Subject to demolition permits, residential development permit or land disturbance/site improvement permit.
Kirkwood	• All new construction, demolition, excavation, and site redevelopment requiring permits from the Building and/or Engineering Department.
Ladue	• Any tree removal over 6 caliper inches or 3 caliper inches in a woodland.
Maryland Heights	• New development requiring the disturbance or removal of trees in conjunction with site improvement, building permit or subdivision.
Town and Country	• New infill house construction or protects that increase impervious area by 50% or greater
Webster Groves	• Tree permit required for removal or disturbance of any Valued Tree (8 caliper inches or greater) in association with site plan approval, demo of existing primary structure or building permit for new primary structure.
Wildwood	• Tree Preservation Plan required with every grading permit for authorized land disturbance.
Clayton	• Any project located on private property subject to a Site Plan Review, Special Development District to Planned Unit Development.

2. Tree Inventory and Preservation/Replacement Plan Components (is a plan required showing all this information, when? Demo permit, grading permit, new house etc what is the minimum size of existing trees that have to be show on the plan?)

Creve Coeur	• Tree Protection and Replacement Plan (TPRP) submitted with demo, residential development or land disturbance/site improvement permits. • TPRP completed by landscape architect or certified arborist to include: site plan showing existing and proposed grades, utility easements, new water and sewer lines and location of all improvements. Survey of all existing trees, 6 in DBH or greater, size in inches on the property, type and whether to be removed or remain. Graphic depiction of tree protection fencing location. Location of new trees graphically shown and keyed to a tree chart providing DBH, species and quantity, street trees specifically marked.
Kirkwood	• Tree Protection Plan including Tree Study and Canopy Coverage Map for all new construction, demo, excavation and site development permits.

	• Tree Study includes: site map marking all trees and those to be removed, appraisal and assessment of all trees greater than 3 inch diameter on property and neighboring property in a 10 foot buffer, species, DBH, condition rating, location and appraisal value in dollars. • Canopy Coverage Map includes current canopy coverage, proposed site plan, proposed canopy coverage post site disturbance including new trees to reach 35% minimum, trees marked and numbered, species names and numerical indicators.
Ladue	• Tree protection plan, tree chart and tree survey when project includes tree removal. • Documentation should include: Tree chart of all trees over 6 caliper inches with genus, species, size and condition. Identification of woodlands with total number of trees, number of trees to be removed, and percentage of removal in the woodland. Overall tree removal percentage on property. Tree survey with location on property, critical root zone, status of maintenance or removal, reason for removal, photos of each tree keyed to the tree chart and survey. Identification of landmark trees. Narrative of why a landmark tree can not be preserved if it is shown to be removed. List of trees to be used as replacements with sizes.
Maryland Heights	• Tree information provided as part of the landscape plan submitted with site improvement permits, building permits and subdivisions. • Landscape plan must be completed by a landscape professional and include tree survey of all trees 6 inch caliper or greater, status of removal, identification of trees 20 caliper inches or greater, trees to be preserved and location, caliper and species of replacement trees and protection methods for existing trees.
Town and Country	• Tree Protection Plan (TPP) required at initial permit process be it demo, architectural review or building permit. • TPP must include scaled site plan with all existing and proposed improvements, grades and utilities, graphic depiction of existing trees to remain or be removed with location, type and size, graphic depiction of tree protections with detailed protection notes, and a tree chart listing size (DBH), (CSA), species, condition and reservation/removal status of all trees. Plans must be sealed by a Missouri licensed landscape architect or certified arborist.
Webster Groves	• A TPP is required with a site plan, demo permit or building permit and must show all Valued Trees (8in caliper or greater), in location, species, DBH, condition, value or within two feet of the construction boundary. TPP must mark which trees are to be saved and which are to be removed, proposed protective measures, location of new trees with species and size and a table of total caliper inches required and provided with new trees.
Wildwood	• TPP required as part of grading permits. Must include a Tree Stand Delineation. Must include disturbance area, percentage of canopy coverage required and provided, existing and proposed contours, locations of all improvements, graphics of tree preservation areas with

	location, type and size of Grand Trees (tree in better or fair condition that is equal to or exceeds 24 in DBH for hardwoods, 20 inch DBH for softwood, and 12 inch DBH for small trees), tree protection notes, locations of utilities, reforestation areas, and maintenance schedule.
Clayton	• Landscape plan including TPP submitted as part of other required applications and plans. • Should provide existing and proposed grades, location of all improvements, existing and proposed utilities, graphic legend of existing vegetation and proposed conditions, graphic depiction and listing of all proposed trees, digital tree chart based on digital spreadsheet provided by the city which calculates required and proposed tree canopy lot coverage or caliper replacement based on inputs provided by landscape architect, tree chart listing size, specie and conditional of all existing and proposed trees.

3. Tree Preservation Requirements (percentage of existing trees, canopy percentage)

Creve Coeur	• 50% min. of existing healthy trees 6 DBH or greater • Existing healthy trees of 6 inches or greater to be removed must be replaced on a 1 to 1 basis. Trees beyond 20 inches DBH shall be replaced on a 2 to 1 basis.
Kirkwood	• 35% canopy coverage minimum. Trees included in the minimum must be approved species from Tree Manual and over 8 inches in diameter.
Ladue	• Replacement required when 25% of trees of property or 25% of woodlands proposed for removal. Any 6 inch caliper trees beyond 25% must be replaced with 1, 6 inch caliper tree or 2, 3 inch caliper trees.
Maryland Heights	• All feasible methods should be used to preserve all existing trees outside the minimum building and site development area and in the "Tree Preservation Area" which is 15 feet into the property from each exterior property line.
Town and Country	• No trees 6 caliper inches or greater shall be removed for the purposes of preparing a lot for development without an approved TPP. • Min. 50% of the calculate total area (CSA) of all healthy trees 6 in diameter or greater shall be preserved.
Webster Groves	• Each Valued Tree (8 caliper inches or greater) should be protected during development and subject to replacement requirements. • Lots equal or greater than 3 acres must retain 30% of the existing tree canopy.
Wildwood	• 30% of all tree canopy coverage on land not within any building setback area shall be retained.
Clayton	• Min. tree canopy lot coverage based on the zoning district, ranging from 5% to 62%, with landmark trees counting for 125% of their calculated tree canopy to promote their preservation.

4. Tree Replacement Requirements (caliper per caliper replacement, one-for-one, canopy calculations, or scaled replacements depending on classification of tree size, etc., penalties if not able to replace on site)

Creve Coeur	• Trees of 6 inches or greater must be replaced on 1 to 1 basis. Trees greater than 20 inches DBH shall be replaced on a 2 to 1 basis. • Must be 3 caliper inches at time of planting and from recommended tree list. • Street Trees maintained or provided to meet 1 per 40 feet of street frontage. Does not count toward replacement of removed trees of private property.
Kirkwood	• New deciduous trees shall be a minimum of 2.5 inches in caliper and evergreen trees shall be min. of 6 ft in height • New trees required when the min. 35% Canopy Coverage Requirement not met or fines accrued.
Ladue	• If 25% or more trees are to be removed, any 6 inch caliper tree must be replaced with 1, 6 inch caliper tree or 2, 3 inch caliper trees. • At least half of replacement trees must be canopy trees from approved tree list.
Maryland Heights	• Replacement trees based on 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 up to 300 caliper inches per acre. • Replacement trees must be 2.5 caliper inches and same quality of species as those removed. • If not able to replace tree on site, replacement trees shall be planted as close to the site as possible or another location at the City Planner's discretion.
Town and Country	• Replacement based on any additional removal beyond 50% preservation of existing 6 inch diameter trees • Replacement trees must have 25% of the CSA of the removed tree in 3 in diameter increments. • If there is not sufficient room on the site, contributions to the Tree Fund in \$30 per cross sectional inch may be made. • Tree restoration escrow deposit made with permit application.
Webster Groves	• Tree replacement shall occur in such amounts so that the total caliper measurement of all replacement trees must equal one-half the total adjusted diameter measurement of removed Valued Trees (8 inch caliper or greater). • If the site doesn't allow room for such replacement, the owner/developer can provide the City with replacement trees for City property or pay \$120 per replacement caliper inch with a max of \$5000 an acre for non-residential property and \$800 a lot for single-family residential property.
Wildwood	• Grand trees or trees are to be replaced with 1 of 3 approaches.

	1 to 1 replacement of a grand tree with new trees min. 3 inch caliper but 25% of the caliper removed must be replaced and multiple trees may be required to do so. - A grove of 8 or more trees with a cumulative caliper of which shall equal the caliper of the removed grand tree - Submittal of a plan created by a landscape architect with 10+ years experience showing how new landscaping will accommodate for the loss of the grand tree in terms of shade, screening, aesthetics, soil stabilization and wildlife habitat. - Fines assigned as necessary for ordinance violations
Clayton	- Tree replacement requirements based on tree canopy lot coverage requirement for each zoning district. - Required new tree amount based on their tree canopy cover potential. 1/3 must be native and 1/3 must be Missouri native, min 1 new large or medium deciduous tree on each site.

5. Number of inspections/escrow or separate fee information/who reviews at the city (building staff, city forester, planner, etc.)

Creve Coeur	Community Development Staff to review upon application and city inspectors to review after permit approval. Additional fees not yet determined
Kirkwood	- Review by Urban Forester or designee on all new construction, demo, excavation and site redevelopment permits. - Fees accrued for non-compliance or removal in violation.
Ladue	- Tree removal permits and tree replacement plans reviewed by City Arborist. \$100 tree removal application fee
Maryland Heights	- Landscape plans reviewed by the City Planner - Planning Commission may approve waiver or modification of requirements
Town and Country	- Reviewed by City Administrator or designee - And again prior to escrow release when a report shall be submitted verifying that preserved trees are alive.
Webster Groves	- Reviewed by the Park Manager \$25 application fee, \$25 inspection fee, \$10 per each Valued Tree
Wildwood	- Zoning inspector (Planning Department) reviews - Min of 3 inspections before any grading occurs. - Tree bond based on number of Grand Trees held until final inspection with 15% held until 30 months after approval to insure survival of protected trees.
Clayton	- Reviewed by City Landscape Architect and Director of Planning or Planning Commission or Board of Alderman depending on type of development 3+ inspections, After submission of the TPP, prior to any site work to ensure tree protection measures are in place and during or after construction at any time to ensure compliance.

6. Approved Tree List

Creve Coeur	Yes
Kirkwood	Yes
Ladue	Yes, Mo Dept of Cons. List
Maryland Heights	Yes, based on Mo Dept of Cons. List
Town and Country	Recommended List
Webster Groves	Yes
Wildwood	Recommended List
Clayton	Yes



MEMO TO THE PLANNING AND ZONING COMMISSION

Date: February 2, 2022

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

Prepared by: Bethany Moore, City Planner

Meeting Date: February 7, 2022

Attachments: **Proposed Regulations February 2021 Draft**
Staff Memo to P&Z 3-1-21
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

In 2020, 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 the 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. Staff then refined the requirements for preliminary review and discussion in a work session format to obtain feedback and general direction on March 1, 2021. Since that time, the project has stalled and is now being revisited due to renewed interest, as discussed at the December 6th Joint Work Session.

The attached revised draft provides the components of the proposed ordinance which would apply to all new homes on existing platted lots. This threshold is meant to target only new homes, where greater tree removal is most likely. Smaller construction activities such as room additions, swimming pools, or detached garages would not be subject to any tree removal or replacement requirements. For reference, within the past three years, the City has issued 42 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. Removed trees would be required to be replaced on a one-to-one basis (not total caliper inches) 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 couldn't be replaced with an ornamental tree, such as a Dogwood. Dead, diseased or invasive or undesirable tree species can be removed without replacement. Street trees would be required for all new homes, whether or not they are part of a new subdivision or on existing lots. 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.

Changes to tree removal and replacement regulations to subdivision lots in Section 410.320 are also proposed for discussion in order to reflect the proposed tree conservation regulations applied to existing lots.

After P&Z review at this work session, staff will incorporate any changes and, if necessary, bring them before the Planning and Zoning Commission for a final discussion at the February 22, 2022 work session meeting. Staff would then present them to 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, and property values and maintain the goals of the Comprehensive Plan, by providing regulation concerning protection, removal, and the 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 contain a permitted use as a single-family residence, with construction activities that involve a new home subject to a **demolition permit** or residential development 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. In the event a demolition permit application is filed prior the issuance of a residential development permit for a new home, a TPRP shall be submitted as part of the demolition permit application. 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 in caliper which are to be removed shall be replaced on the basis of a one-to-one ratio (1:1) based on the total number of trees removed.
2. All replacement trees shall be at least **3 or 2.5** caliper inches in size at time of planting and shall be selected from the City of Creve Coeur's **approved tree list, which may be updated as needed from time to time**. Replacement trees shall be selected from the same category based on mature tree height of the tree removed to the maximum extent practicable.
3. The removal of any trees that are hazardous, dead, diseased or considered invasive by the Missouri Department of Conservation 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.
4. 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.

5. Street Trees shall be maintained or provided in order to meet **1 tree per 30 or 40 feet** of street frontage and does 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.

Discussion Items

- Tree survey required as part of a demolition application.
- Approved Tree List to be created through consultation with the Horticulture, Ecology, and Beautification Committee and maintained by Planning Staff to be available on the City's website but not codified in case changes need to be made.
- Require a certain number of replacement trees to be in the front yard, number dependent on district or lot size. And/or require a minimum number of trees in the front yard separate of replacement trees.
- Require street trees at 1 per 30 lineal feet of lot frontage for existing platted lots when a new house is constructed.

Updates to Ordinance Section 410.320 Tree Conservation

- 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. **The removal of any trees that are hazardous, dead, diseased or considered invasive by the Missouri Department of Conservation 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.**
 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.

Discussion Items

- A.1.-Removal of Invasive, undesirable, poor health trees won't count towards % removed max.
 - Replace tree from same category (shade, decorative, etc) of tree removed.
 - Is the 75% max for removal too large? Consider revising to 50% max removal?
- A.2.-Consider removing. Total tree removal should be accounted for at approval of subdivision improvement plans.
 - Any additional removal requires 1 to 1 replacement with tree of 3 caliper inch minimum.
 - Diversify Replacement Trees
- A.3.-No change
- A.4.-Remove all together. Lot owners are not prohibited from removing additional trees at will after final inspection, not necessary to codify.

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.



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 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 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 can't 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 after a year. 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 are 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 doesn't 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 less 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 doesn't 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.



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 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 the 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 the 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. 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 couldn't 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.



MEMO TO THE PLANNING AND ZONING COMMISSION

Date: March 1, 2022

Subject: **Drive Through Restaurants Code Amendments Work Session**

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

Meeting Date: March 7, 2022

Attachments: **Section 405.470.A Conditional Uses Food Services and Drinking Places**
Memo from 2-7-22 P&Z Work Session
3-7-22 Revised Section 405.470.A (Drive Through Ordinance)

Background

Staff presented suggested revisions to the drive through ordinance as a work session item at the February 7th meeting. Based upon that discussion, staff has made further refinements to the ordinance.

Proposed Revisions

The ordinance maintains the existing framework that establishes different regulations for drive through restaurants that are adjacent to residential uses and those that are not. The following are highlights of the proposed ordinance, including items that were revised since the last meeting and regulations that remain.

Adjacent to Residential Uses

- One drive through facility allowed within a multi-tenant retail building of at least 200-feet. No freestanding drive through facilities are allowed. This is not changed from the existing ordinance.
- Drive through order facility and service window cannot be located adjacent to a primary street but would be allowed adjacent to a secondary street. *This topic was discussed at the last meeting. Staff requests further direction on this provision.*
- If adjacent to a street, the order facility and service window is required to be screened from the right-of-way with landscaping.
- Remove the minimum restaurant size and number of indoor seats. Currently, 2,400 square feet and 55 indoor seats are required. In staff's view, this provision doesn't seem relevant because drive through restaurants must be located within a multi-tenant building. The requirement for indoor seating has been retained with a specific number of seats provided. Seasonal outdoor seating is encouraged with no additional off-street parking required.

- Stacking lanes cannot cross between the building and primary street frontage. This has been amended to remain in place. Given the requirement that drive throughs are only permitted within multi-tenant buildings, this should not be a concern.
- The existing requirements for a traffic study, acoustical study and automatic volume control for the order facility, and screening from residential uses remains in place.

Adjacent to Non-Residential Uses

- The requirement that drive through facilities must be located within coordinated developments, including shared access and complimentary design remains. The provision has been clarified that one other building in addition to the drive through building is required.
- Drive through facilities and service windows cannot be located adjacent to a primary street. The regulation has been revised to allow them adjacent to a secondary street but that they must be visually screened with landscaping. This will allow greater flexibility in the site design.
- Pedestrian-oriented features are required for freestanding buildings. Examples of such features are now provided. Removed are specific percentages.
- Kept the minimum seating and size of freestanding buildings as currently written: 2,400 square feet and 55 indoor seats. Added a provision that seasonal outdoor dining does not require additional parking.
- Allows stacking lane to cross the primary street frontage but requires landscape screening.

Staff will present this information to the Commission for discussion and feedback. The next steps would be to schedule a public hearing for formal review and comment of any zoning code changes.

Revised Section 405.470.A (Drive-thru Restaurant Ordinance)

14. Food services and drinking places — (NA/CS 722). Shall be located on sites of not less than two (2) acres with the following exceptions and conditions:
[Ord. No. 5400 §2, 11-10-2014]

a. The acreage requirement does not apply to restaurants without drive-thru services within the "GC" District;

b. The acreage requirement does not apply to restaurants without drive-thru services in the "CB," "PO," "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage;

c. Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that abut residential uses are subject to the following:

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes which shall all be located on the rear or one (1) end of a multi-tenant retail building having a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides).

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a primary street, ~~unless otherwise approved, and if adjacent to residential uses, the facility and service window~~ shall be completely screened from the ground-floor level of adjacent residences with a property line wholly or partially within two hundred (200) feet of either the order facility or the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns. If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of dense landscaping as approved by the Planning and Zoning Commission.

(3) The drive-thru restaurant shall have no minimum building size requirement; however, less than two thousand four hundred (2,400) square feet of gross floor area and a minimum of fifty-five (55) indoor seats for customers shall be provided. Seasonal outdoor seating is encouraged and, if provided, shall not require additional off-street parking.

(4) The drive-thru order facility and service window shall be no less than fifty (50) feet from any property line of any residential use.

(5) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars] excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

(6) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.

(7) If the designated stacking lane crosses between the building and principal street frontage it shall be screened in a manner consistent with Section 405.470.A.14.c.2 above. The designated stacking lane shall not cross between the building and principal street frontage.

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Draft Revisions 3-7-22 P&Z Work Session

(8) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site [on adjacent roadways](#).

(9) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.

(10) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding sixty (60) dB as measured at any property line abutting a residential use, up to a height of eight (8) feet above ground at the property line and demonstrating that the order facility and service windows will not increase ambient sound levels at other property lines above the average Monday to Friday midday level.

d. Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that only about non-residential uses are subject to the following:

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes in a coordinated development located on one (1) or more lots totaling three (3) or more acres, with shared access and two (2) or more buildings [\(including the proposed drive-thru\)](#), one (1) of which shall have a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides). All buildings shall be designed with similar use of materials and design elements such that the buildings are aesthetically complementary to each other.

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a [primary street](#). [If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of dense landscaping as approved by the Planning and Zoning Commission.](#)

(3) The drive-thru restaurant shall have pedestrian-oriented [site features](#).

[These features shall include, but not be limited to, the following: landscaped planting areas adjacent to the building, outdoor seating areas, and pedestrian connections throughout the site. Seasonal outdoor seating areas shall not require additional off-street parking.](#)

(5) If the drive-thru restaurant is freestanding, it shall have no less than two thousand [four](#) hundred (2,400) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats for customers.

(6) Any service areas, including, but not limited to, trash receptacles, compactors, transformers, outdoor cooking or refrigeration equipment must be fully enclosed.

(7) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars], excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

(8) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.

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(9) If the designated stacking lane crosses between the building and principal street frontage it shall be screened in a manner consistent with Section 405.470.A.14.d.2 above by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site on adjacent roadways.

(11) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.

(12) An acoustical study shall be submitted demonstrating that the order facility and service windows will not increase ambient sound levels at the property lines above the average Monday to Friday midday level.

e. "Drive-thru" shall mean service to on-premises patrons who do not enter the restaurant/patio area, but rather receive service through a drive-up window.



MEMO TO THE PLANNING AND ZONING COMMISSION

Date: February 3, 2022

Subject: **Drive Through Restaurants Code Amendments Work Session**

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

Meeting Date: February 7, 2022

Attachments: **Section 405.470.A Conditional Uses Food Services and Drinking Places**

Background

At the December 6, 2021 Joint Work Session with P&Z and City Council, the drive through ordinance was discussed and there was general agreement to review the current ordinance to determine if changes need to be made. The current drive through ordinance for restaurants was established in 2014 associated with a request for a drive through facility for St. Louis Bread Company at 447 North New Ballas Road. This ordinance found in Section 405.470.A requires a conditional use permit in all commercial and light industrial zoning districts. The regulations for drive throughs are attached for reference.

The current drive through ordinance is highly restrictive compared to other municipalities but has been effective in limiting the development of these uses in the City. Currently, there are three drive throughs in Creve Coeur: McDonald's, St. Louis Bread Company, and Panda Express. Creve Coeur continues to be the subject of interest for additional drive through developments, but many have difficulty meeting the requirements of the ordinance. The Covid-19 pandemic and the rise of contactless food service has helped to fuel interest in drive through developments not only in Creve Coeur but in many other cities as well. While these uses provide a convenience to the public, if not regulated appropriately, they can have detrimental impacts on the City's commercial districts and adjacent residential areas.

Existing Ordinance

The ordinance is split into two separate sets of requirements for lots that abut residential and lots that do not abut residential. For properties adjacent to residential, the drive through facility must be located within a multi-tenant building located to the side or rear and cannot be freestanding. Other restrictions include the location of the window and ordering facilities, the minimum size, and number of seats of the establishment.

For properties not located adjacent to residential, the drive through facility must be located within a coordinated development that has at least two buildings and at least 3 acres combined and can be freestanding. The location of the drive through window, stacking lane, minimum size and number of seats are addressed.

Proposed Revisions

To begin the discussion, Staff has prepared draft revisions to the current ordinance. Adjustments have been made to several areas of the existing code; however, the overall restrictive nature of the code

remains in place. The structure for separate requirements for drive throughs adjacent to residential and those that are not have been left in place. The redlined version of the ordinance is attached for review.

Objectives

At the meeting, staff will review the existing ordinance and proposed changes with the Commission and provide illustrative examples of desirable and undesirable drive through developments. The Commission's goal in this work session is to review and understand the existing ordinance requirements and provide input on any desired changes—particularly those that may be viewed as “over-regulating”. As part of this review, it is important to keep in mind that specific regulations for these uses remains desirable. If not, a proliferation of drive throughs has the ability to change the character of and promote less walkable commercial districts. On the other hand, with targeted regulations, the negative impacts associated with drive throughs can be minimized. Balancing the need to revise the drive through ordinance to remove unnecessary restrictions while also protecting residential areas, and controlling the negative aspects of these uses to provide the best overall development out of such a use is the objective.

Section 405.470.A

14. Food services and drinking places — (NA/CS 722). Shall be located on sites of not less than two (2) acres with the following exceptions and conditions:

[Ord. No. 5400 §2, 11-10-2014]

a. The acreage requirement does not apply to restaurants without drive-thru services within the "GC" District;

b. The acreage requirement does not apply to restaurants without drive-thru services in the "CB," "PO," "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage;

c. Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that about residential uses are subject to the following:

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes which shall all be located on the rear or one (1) end of a multi-tenant retail building having a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides).

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street, unless otherwise approved, and shall be completely screened from the ground-floor level of adjacent residences with a property line wholly or partially within two hundred (200) feet of either the order facility or the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns.

(3) The drive-thru restaurant shall have no less than two thousand four hundred (2,400) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats for customers.

(4) The drive-thru order facility and service window shall be no less than fifty (50) feet from any property line of any residential use.

(5) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars] excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

(6) The entrance to the designated stacking lane shall be no less than fifty (50) feet from the nearest point on the property line across the nearest vehicular entrance.

(7) The designated stacking lane shall not cross between the building and principal street frontage.

(8) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.

(9) The order facility shall utilize automatic volume control which adjusts outbound volume based on the outdoor ambient noise level.

(10) An acoustical study shall be submitted demonstrating that the order facility and service windows will not produce sounds exceeding sixty (60) dB as measured at any property line abutting a residential use, up to a height of eight (8) feet above ground at the property line and

demonstrating that the order facility and service windows will not increase ambient sound levels at other property lines above the average Monday to Friday midday level.

d. Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that only about non-residential uses are subject to the following:

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes in a coordinated development located on one (1) or more lots totaling three (3) or more acres, with shared access and two (2) or more buildings, one (1) of which shall have a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides). All buildings shall be designed with similar use of materials and design elements such that the buildings are aesthetically complementary to each other.

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a street, unless otherwise approved.

(3) The drive-thru restaurant shall have pedestrian-oriented landscape adjacent to the building equivalent in area to fifty percent (50%) of the gross floor area of the entire restaurant use (area under roof).

(4) If the drive-thru restaurant is freestanding, an eight-foot-wide planted landscape strip shall be adjacent to at least two (2) other sides of the building, exclusive of the pedestrian area.

(5) If the drive-thru restaurant is freestanding, it shall have no less than two thousand five hundred (2,500) square feet of gross floor area (area under roof) and a minimum of fifty-five (55) indoor seats for customers.

(6) Any service areas, including, but not limited to, trash receptacles, compactors, transformers, outdoor cooking or refrigeration equipment and utility connections, must be fully enclosed. Such enclosures shall appear as a part of the restaurant building to the maximum extent as found to be practicable by the City.

(7) The designated stacking lane shall be no less than one-hundred ninety (190) feet long [approximately ten (10) cars], excluding the space being served by the window, which shall be no less than nine (9) feet wide by nineteen (19) feet long. The lane shall, at a minimum, provide for vehicular escape prior to the point of the facility order board, which escape route can be shared with the general parking lot circulation.

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e. "Drive-thru" shall mean service to on-premises patrons who do not enter the restaurant/patio area, but rather receive service through a drive-up window.

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Revised Section 405.470.A (Drive-thru Restaurant Ordinance)

14. Food services and drinking places — (NA/CS 722). Shall be located on sites of not less than two (2) acres with the following exceptions and conditions:
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c. Drive-thru services on sites in the "MX," "GC," "CB," "PO," "PC," and "LI" Districts that abut residential uses are subject to the following:

(1) Drive-thru facilities shall be limited to one (1) restaurant with no more than two (2) service windows, two (2) order facilities and two (2) designated stacking lanes which shall all be located on the rear or one (1) end of a multi-tenant retail building having a continuous structure frontage of at least two hundred (200) feet. Such frontage may include one (1) passageway or arcade (not open on the sides).

(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a primary street, ~~unless otherwise approved, and if adjacent to residential uses, the facility and service window~~ shall be completely screened from the ground-floor level of adjacent residences with a property line wholly or partially within two hundred (200) feet of either the order facility or the service window by means of a solid barrier or topographic change. Vegetation cannot be used to meet this requirement but may be needed to address aesthetic concerns. If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of evergreen landscaping as required by the Planning and Zoning Commission.

(3) The drive-thru restaurant shall have no less than ~~two thousand four hundred one thousand five hundred (2,4001,500)~~ square feet of gross floor area (area under roof) ~~and a minimum of fifty-five (55) with~~ indoor seats for customers.

(4) The drive-thru order facility and service window shall be no less than fifty (50) feet from any property line of any residential use.

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(7) If the designated stacking lane crosses between the building and principal street frontage it shall be screened in a manner consistent with Section 405.470.A.14.c.2 above. ~~The designated stacking lane shall not cross between the building and principal street frontage.~~

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(8) A traffic study shall be submitted by the applicant that demonstrates, to the satisfaction of the City, that the required drive-thru facilities shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site [on adjacent roadways](#).

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(2) The drive-thru order facility and service window shall only be on or adjacent to a wall not facing a [primary street](#). [If adjacent to a street, the drive-thru order facility and service window shall provide visual screening in the form of evergreen landscaping as required by the Planning and Zoning Commission.](#)

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