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**Sponsored by: Mayor Hennessy**

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**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLE IV: LAND USE, CHAPTER 400 RELATED TO REGULATIONS PERTAINING TO DEVELOPMENT ACTIVITIES WITHIN THE CITY OF O’FALLON, MISSOURI.**

**WHEREAS**, certain sections pertaining to procedures and standards for the zoning and development of property need to be clarified or amended for more effective regulation; and

**WHEREAS**, a Public Hearing was held on June 6, 2024, by the Planning and Zoning Commission regarding the proposed ordinance; and

**WHEREAS**, following the Public Hearing on June 6, 2024, by the Planning and Zoning Commission and after consideration of the request and testimony presented therein, the Planning and Zoning Commission recommended approval of the ordinance to the City Council; and

**WHEREAS**, a Public Hearing was held on June 13, 2024, by the City Council regarding the ordinance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O’FALLON, MISSOURI, AS FOLLOWS:**

**Section 1:** Section 400.035 of Article II of Chapter 400 of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect)

**MAIL KIOSK**

A freestanding receptacle or structure designed for the collection and temporary storage of incoming and outgoing mail items. It is typically located in a public or semi-public area and provides a convenient location for individuals or businesses to deposit and receive mail.

**ELECTRIC VEHICLE CHARGING STATION**

A public or private parking space or parking lot that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric vehicle.

**Section 2:** Article VI of Chapter 400 of Title IV of the Municipal Code is hereby amended to add Section 400.297 and read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect)

**Section 400.297 Mail Kiosks**

A. Purpose. It is the intent of this Chapter to create guidelines for the placement and design of mail kiosks in developments throughout the City of O’Fallon. Mail kiosks should be placed and designed in such a way as to seamlessly fit within the larger development

and help foster a neighborhood feel. Mail Kiosks shall be reviewed as part of a Site Plan, Preliminary Plat, or Area Plan submittal.

**B. Location.**

1. Mail Kiosks shall be located within the first quarter of a subdivision based on the subdivision's main entrance to allow easy access for all residents/business owners. If additional kiosks are needed in other locations, they shall be located to provide convenient access to as many residents/business owners as possible. When present, mail kiosks should be located within amenity areas or common ground for residential subdivisions.
2. Mail Kiosks shall be located with sidewalk access to allow easy connection for pedestrians. This sidewalk shall be connected to any trail system throughout the development and surrounding areas if one is present.

**C. Design Standards.**

1. All Mail Kiosks shall be covered with a permanent structure to provide protection from rain, sun and other harsh weather.
2. Mail Kiosk location shall be ADA accessible.
3. Mail Kiosks shall have adequate lighting per Section 400.277 for use during evening and nighttime hours. Lighting shall be provided under the cover, in the designated parking area, and in the area surrounding the mail kiosk.
4. When located near the street, bollards shall be installed to provide protection for the kiosks and those using the kiosk.

**D. Parking.**

1. One (1) parking space shall be provided per thirty-two (32) mailboxes in a mail kiosk location, with a minimum of two (2) spaces. The parking area shall have signage indicating they are 15-minute parking spaces designated for the mail kiosks.

**E. Maintenance.**

1. The maintenance of Mail Kiosks throughout a development shall be the responsibility of the property owner or the Homeowner's Association. This shall include routine cleaning, snow and ice removal, etc.

**Section 3:** Paragraph B of Section 400.150 of Article IV of Chapter 400 of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect)

**B. Permitted Uses.** The following activities are permitted subject to the development and performance standards set forth herein:

22. Electric Vehicle Charging Lot as the primary use of a property.

**Section 4:** Article XII of Chapter 400 of Title IV of the Municipal Code is hereby amended to add Section 400.513 and read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect)

Section 400.513 Electric Vehicle Charging Stations

- A. Purpose. It is the intent of this Chapter to create guidelines for the placement and use of electric vehicle charging stations throughout the City of O’Fallon. Electric vehicle charging stations should be placed and designed in such a way as to seamlessly fit within the larger development.
- B. Electric vehicle charging stations and lots throughout the City of O’Fallon shall meet the following requirements.
  - 1. Electric Vehicle Charging Stations and Lots shall be allowed as a permitted use in “C-O,” “C-1,” “C-2,” “C-3,” “HTCD,” “I-1” and “I-2” zoning districts, and in the “C-O,” “C-1,” and “C-2” zoning districts in the Downtown Overlay District.
  - 2. Electric Vehicle Charging Stations and Lots shall be allowed as an accessory use in all zoning districts.
  - 3. The individual charging stations shall be located so as to not interfere with any circulation on the site or any required landscaping or lighting.
  - 4. For the purposes of parking requirements, one (1) Electric Vehicle charging station shall count as the equivalent of one (1) parking space. When added to an existing site, parking spaces converted to electric vehicle charging stations shall still count towards the minimum parking requirements.
  - 5. All design requirements of an electric vehicle parking station and lot shall meet the minimum standards of a standard parking lot, including, but not limited to, the minimum dimensions of parking spaces, minimum dimensions of drive aisles, lighting requirements, landscaping requirements, ADA requirements, etc.
  - 6. Signage should be provided to indicate that the electric vehicle charging stations are reserved for charging of electric vehicles only.
  - 7. The individual charging stations may have a screen for the operation of the charging station; however, any additional screens, graphics or accent lighting shall be prohibited.
  - 8. All utilities to service the Electric Vehicle Charging Stations shall be located underground.
  - 9. Electric Vehicle Charging Stations and Lots as a primary use of a property shall be approved with the review of a Site Plan by the Planning and Zoning Commission.
  - 10. Electric Vehicle Charging Stations as an accessory use of a property shall be approved with the review of a building permit.

**Section 5:** Section 400.163(N) of Article IV: Downtown Overlay District of Title IV of the Municipal Code is amended as follows (those categories not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

**Section 400.163(N)**

Land Use Category	Zoning District Permitted Use (P) Or Conditionally Permitted Use (C)					
	R-2	R-3	R-4	C-O	C-1	C-2
Electric Vehicle Charging Stations and Lots				P	P	P

**Section 6:** Appendix A of the Zoning Code of the City of O’Fallon, Missouri is amended as follows (those categories not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

**Appendix A**

<b>Appendix A To Title IV, Permitted And Conditional Use Table</b>														
<b>Land Use Category</b>	<b>Zoning District Permitted Use (P) Or Conditionally Permitted Use (C) Or (C-A)</b>													
	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>C-O</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	<b>AG</b>	<b>P-R</b>
Electric Vehicle Charging Stations and Lots							P	P	P	P	P	P		C

**Section 7:** Section 400.125(D)(5) of Article IV of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

5. Height Requirements. Except as otherwise provided in Article VI of this Chapter, no building or structure should exceed fifty (50) feet or three (3) stories. The Planning and Zoning Commission may allow additional height to a maximum of six (6) stories where it is determined that:
  - a. Additional height will not adversely impact the surrounding land uses.
  - b. The building height will not interfere with the St. Charles County's emergency microwave communications system. For purposes of this Subsection, the lack of interference may be shown by submitting a letter from or written findings of the St. Charles County Emergency Communications System Manager after review of the site and building plans.
  - c. The applicable fire protection district can provide the necessary emergency fire protection and emergency access.

**Section 8:** Section 400.285(B)(8) of Article VI of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

**Section 400.285(B)(8)**

8. Special Events. A Special Event is any activity outside of the normal permitted use of a property, including but not limited to customer appreciation events, holiday celebrations, sales events, etc. The following information will be required for a special event temporary use permit.
  - a. A drawing/plan showing all activities and where they will be taking place on the site.
  - b. Signed approval from the property owner.
  - c. The date and time of the event.
  - d. Tents over 400 square feet with closed sides, or tents over 700 square feet with open sides will require approval of a Temporary Structure Permit.

- e. If alcohol is being served, a Liquor License/Caterer's License shall be required as set forth in Section 600.020 and 600.030.
- f. If there will be live music or other live entertainment, a Live Entertainment License shall be required as set forth in Section 635.020.
- g. If food is being served, approval from the St. Charles County Health Department may be needed.
- h. A maximum of ten (10) Special Event Permits shall be approved per property/business location per calendar year.

**Section 9:** It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**Section 10:** The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of re-codifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**Section 11:** This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

**PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON, MISSOURI, THIS 27<sup>TH</sup> DAY OF JUNE, 2024.**



*Bill Anthony*  
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Presiding Officer

Attest:

*Bess Bacher*  
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Bess Bacher, City Clerk



APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI, THIS 27<sup>TH</sup> DAY OF JUNE, 2024.



*Bill Hennessy*

Bill Hennessy, Mayor

Attest:

*Bess Bacher*

Bess Bacher, City Clerk

Approved as to Form:

*Stephanie Karr*

Stephanie Karr, City Attorney