

**AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AMENDING ORDINANCE #2060 BY DELETING THE DESCRIPTION OF THE ASSOCIATED SERVICE LANES (ALLEYS) AS PRIVATE, CONSISTENT WITH THE PLANNING AND ZONING COMMISSION'S LETTER OF RECOMMENDATION DATED OCTOBER 2, 2023.**

**WHEREAS**, the trustees of the Homeowners Association are responsible for the maintenance of common elements in the Manors at the Meadows of Cherry Hills Subdivision, which includes the private alleys; and

**WHEREAS**, these alleys serve a series of lots that were designed to have rear access to their garages and, according to the Town Center Plan, these improvements need to be private in nature; and

**WHEREAS**, this requirement for private alleys was established when the original Town Center Plan was adopted in 1996 after the Andres Duany had assisted in its development and recommended this requirement as part of it; and

**WHEREAS**, for the first twenty (20) years of the plan's adoption, the City required that any alley to serve a residential area had to be private in nature and platted as such for perpetuity, which changed when the Town Center Plan was updated at the beginning of 2021; and

**WHEREAS**, the plan update was led by a group of volunteers and the first action it took was to consider making existing and future alleys public in nature, not private; and

**WHEREAS**, the volunteer committee recommended and adopted this change, as part of the final action on all of the recommended plan changes, which was adopted by the Planning and Zoning Commission shortly thereafter, as well as being endorsed and ratified by the City Council; and

**WHEREAS**, the trustees have petitioned the City Council for this acceptance of their private alleys for public maintenance to proceed and have acknowledged the policy adopted for these purposes and are addressing each of its steps; and

**WHEREAS**, part of this process was to amend the site-specific ordinance that governs this thirty-five (35) lot residential subdivision, which identified the alleys as private in nature, such being consistent with the Town Center Plan at the time this residential subdivision was approved by the City – (2015); and

**WHEREAS**, the Planning and Zoning Commission considered this request for a change to the ownership of the alleys at its meeting on October 2, 2023, and supported it, given the the Town Center Plan now accommodates the allowance for these types of improvements to now be publicly maintained; and

**WHEREAS**, this recommendation was forwarded to the City Council for the required public hearing that was scheduled for its meeting on November 13, 2023, where the recommendation of the Planning and Zoning Commission was presented to the members for consideration and direction; and

**WHEREAS**, the City Council completed public hearing process and authorized the preparation of the legislation for the change in the ordinance to accommodate these alleys to become public in nature (does not include the parking spaces that adjoin one (1) of the locations of the alleys); and

**WHEREAS**, this action is consistent with the authorities of the City to manage all land use decisions within its boundaries, such being administered by the City Council for the health, safety, and general welfare of its residents.

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

**Section One. Amendment Action.** The City of Wildwood Zoning Ordinances and Official Zoning District Maps, made a part thereof, are hereby amended by modifying certain conditions of the Planned Residential Development Overlay District (Town Center Neighborhood Edge District) Ordinance #2060, as amended, as set forth in this ordinance for the following described land:

(Legal Description on File in City Clerk’s Office)

**Section Two. Authority.** The zoning authority and approval embodied in this ordinance is granted subject to compliance with the Subdivision and Development Regulations, Zoning Ordinance, and all other City of Wildwood ordinances, rules, and regulations, and the conditions of this ordinance, except as, may be modified herein, upon the requirement the development and plan are carried out in accordance with the recommendation forwarded to the City Council by the Planning and Zoning Commission within the communication dated October 2, 2023, which is incorporated herein by reference, as if fully set forth in this ordinance. The zoning authority granted herein is further subject to the conditions and provisions in the City of Wildwood Ordinance #2060 (amended) as follows:

- 1. PERMITTED USES – Traditional and New Urbanism Lots**
  - a. This Planned Residential Development (P.R.D.) Overlay District shall authorize the maximum development of thirty-eight (38), detached single family dwellings, with common ground, public space, and all permitted accessory structures normally found in conjunction with the principal uses. A community swimming pool may be allowed with this Planned Residential Development Overlay District as well.
  
- 2. LOT SIZES, DEPTHS, AND BUILDING REQUIREMENTS – Traditional and New Urbanism Lots**

- a. Each detached dwelling unit shall be located on an individual lot of record that is a minimum of 4,200 square feet or greater in size. However, no lot abutting the Meadows of Cherry Hills Subdivision shall be less than 7,800 square feet in area. The minimum width of any lot within this P.R.D. Overlay District shall be fifty-five (55) feet in distance, except for those properties located within a cul-de-sac, which shall be as approved by the Planning and Zoning Commission on the Site Development Plan. This width shall be measured at the lot's front building line.
- b. All detached single family dwellings shall have a minimum finish floor elevation of their front porches of eighteen (18) inches in height above the adjoining sidewalk grade. The size, depth, and extent of front porches, if provided, but not required on any dwelling units, shall be acted upon by the Architectural Review Board, in its review of the master plans and drawings for this project. No building facade shall show more than four (4) corners to the frontage line or as approved by the Architectural Review Board on the required elevations, except those units to be constructed on the traditional lots, which are exempt from this requirement.
- c. No building and/or structure shall be more than two (2) stories above final grade, as measured from the front building line on any individual lot.
- d. Direct residential drive access shall be allowed for up to twenty-three (23) of the single family detached units within this development from its internal street. For these twenty-three (23) lots, the garage door must be a carriage type, including windows, and incorporate other architectural treatments, as determined by the City's Architectural Review Board to be appropriate, to lessen their prominence within the visual corridor formed by these interior streets within the development, unless a suitable alternative design is provided for these openings.
- e. The New Urbanism lots that are part of this Planned Residential Development Overlay District boundary shall be accessed by service lanes (alleys) that comply in their construction with the Street Specifications of the Town Center Plan. These service drives shall provide access to rear loaded garages that must be provided, as part of any single-family detached dwelling, for a minimum of fifteen (15) of the allowable thirty-eight (38) lots.
- f. The first story, interior clear height for all single family dwellings shall be not less than eight (8) feet for dwelling units planned on the traditional lots, while nine (9) feet for those dwelling units planned on the New Urbanism lots.
- g. Detached single family dwelling units, which face the frontage line, but also with the side of the building placed along another right-of-way, shall be designed to incorporate the elements of the front facade along that portion of the structure. The placement and design of these units shall be approved by the Planning and Zoning Commission on the Site Development Plan and the elevations of these units by the Architectural Review Board. If brick is the primary material on any dwelling unit, the side of it that faces the adjoining

street must include, as a minimum, a twenty-four (24) inch return of that material on that side elevation.

- h. The proposed architectural design, character, and style of all buildings and dwelling units shall adhere to the City of Wildwood's Town Center Architectural Guidelines, Neighborhood Design Standards, and any other applicable requirements of the Town Center Plan, excepting no vinyl siding shall be allowed on any dwelling unit within the boundaries of this Planned Residential Development Overlay District (PRD). All materials used on any facade of a residential unit shall be fiber cement siding and backerboard, wood, stone, and/or brick. Architectural type shingle selections shall be required on all residential units of a minimum thirty (30) year standard, with all penetrations, i.e., vents, stacks, etc. to be painted to match the shingle's color. Approval of the required design shall be by the Architectural Review Board. Minimally, all buildings shall maintain a consistent theme throughout the boundaries of this Planned Residential Development Overlay District in terms of material, color, and style.

### **3. PLAN SUBMITTAL REQUIREMENTS**

Within twelve (12) months of the P.R.D. Overlay District approval by the City Council, and prior to any site disturbance, the developer shall submit to the Planning and Zoning Commission for their review and approval a Site Development Plan. Where due cause is shown by the developer, time intervals may be extended once by the Planning and Zoning Commission in accord with requirements of Section 420.060 of the City of Wildwood Zoning Ordinance. Said Site Development Plan shall include, but not be limited to, the following information:

- a. Outboundary plat and legal description of the property.
- b. A general numbered lot plan with setback lines from all streets and roadways on and adjacent to the property. A typical lot diagram, indicating all site design information such as, but not limited to, right-of-way width, improvement dimensions and locations, setbacks, and building placement.
- c. The location and size of all parking areas, pavement widths, and right-of-way dedications of all internal roadway improvements and drives.
- d. A general plan indicating setback lines along the perimeter of the subject tract of land and surrounding property lines and related improvements within four hundred (400) feet of this site's boundaries.
- e. Location of all roadways adjacent to the property, including required roadway right-of-way dedication and pavement widening with existing and proposed improvements, and general location, size, right-of-way, and pavement width of all interior drives.
- f. The location and size of all freestanding signs, lighting, fences, sidewalks, and other above ground structures, except retaining walls less than two (2) feet in height per section.
- g. Existing and proposed contours at vertical intervals of not more than two (2) feet.
- h. General location of sanitary sewer facilities.
- i. Parking and density calculations.
- j. Conceptual location and size of common ground areas.
- k. A typical section of the proposed road indicating the placement and design of required streetscape improvements.

- l. A Landscape Plan including, but not limited to, the location, size, and general type of plant materials to be used in accord with the City of Wildwood's Ordinance 410 and accompanying Tree Manual.
- m. An inventory of the percent of tree canopy or individual trees to be retained on the site.
- n. Location of all existing and proposed easements.
- o. All other information not mentioned above, but required on a preliminary plat in accord with Section 420.060 of the City of Wildwood Subdivision and Development Regulations.

#### **4. SITE DEVELOPMENT PLAN DESIGN CRITERIA**

The above Site Development Plan shall adhere to the following specific design criteria:

##### **Build-To Lines – Residential – Traditional and New Urbanism Lots**

- a. Any building or structure, other than boundary and/or retaining walls, fences, detention facilities, and/or light standards, shall adhere to the following build-to lines, as specified in the Town Center Plan's Neighborhood Design Standards:

Traditional Lots -

1. Twenty (20) feet from any right-of-way line.
2. Five (5) feet for any side yard property line and ten (10) feet for side yard areas that abut the perimeter of the Planned Residential Development Overlay District.
3. Fifteen (15) feet from any rear yard property line.

New Urbanism Lots -

4. Fifteen (15) feet from any right-of-way line.
5. Five (5) feet for any side yard property line and ten (10) feet for side yard areas that abut the perimeter of the Planned Residential Development Overlay District.
6. Twenty (20) feet from any rear yard property line.

##### **Miscellaneous Setbacks – Traditional and New Urbanism Lots**

- b. A minimum twenty (20) foot wide landscape easement strip shall be provided along the southern boundary line of this Planned Residential Development Overlay District, from Cherry Hills Meadows Drive to the western property line of the subject parcel of ground. Within this easement strip, the developer shall be required to install landscaping consistent with the requirements of City of Wildwood's Tree Manual and Sustainable Plantings Guide. The design of this landscaping shall be reviewed and acted upon by the Planning and Zoning Commission, as part of the Landscape Plan/Site Development Plan submittal. A registered Landscape Architect shall sign and seal this plan.
- c. A minimum fifteen (15) foot wide landscape easement strip shall be provided along either side of Cherry Hills Meadows Drive from Manchester Road to the southern edge of the boundary of this Planned Residential Development Overlay District. Within this easement

strips, the developer shall be required to install landscaping consistent with the requirements of City of Wildwood's Tree Manual and Sustainable Plantings Guide. The design of this landscaping shall be reviewed and acted upon by the Planning and Zoning Commission, as part of the Landscape Plan/Site Development Plan submittal. A registered Landscape Architect shall sign and seal this plan.

- d. No land disturbance activity shall be authorized within twenty-five (25) feet of the existing creek that parallels Manchester Road and trends through the site in a west/east direction, excepting those required utility connections, which will be reviewed and acted upon by the Planning and Zoning Commission on the Site Development Plan.

**Parking Setbacks – All Residential Lots**

- e. All parking stalls or loading spaces, excluding points of ingress or egress for the detached dwelling units, shall be located behind the front building line of each lot, excepting the twenty-three (23) New Urbanism lots, which said must be accessed by service lanes (alleys). Driveway widths serving these required parking spaces, specifically between the edge of the public right-of-way and the front building line, shall be as approved by the Planning and Zoning Commission on the Site Development Plan, but be minimized in their respective distances to the greatest extent possible.

**Access and Roadway Improvements**

- f. Dedicate the required amount of right-of-way and/or easements along this property's Manchester Road frontage to the City of Wildwood for public roadway purposes. Improvements to Manchester Road shall conform to the requirements of the City of Wildwood's Street Specifications of the Town Center Plan, as directed and approved by the State of Missouri and the City of Wildwood's Department of Public Works. All streetscape requirements (street trees, lights, signs, waste receptacles, benches, and other items consisting of approved materials) shall be installed by the developer, as specified by the City of Wildwood's Town Center Plan within the right-of-way of Manchester Road and directed by the Department of Public Works.
- g. Access to Cherry Hills Meadows Drive shall be authorized for no more than two (2) residential street intersections, as directed and approved by the Department of Public Works and in compliance to the Street Specifications of the Town Center Plan. No direct residential access shall be allowed to Cherry Hills Meadows Drive. A parking restriction shall be imposed on Cherry Hills Meadows Drive, with the developer responsible for the purchase and installation of said signage in this regard.
- h. Establish a minimum forty (40) foot wide public right-of-way for the construction of a twenty-seven (27) foot wide asphalt pavement area (including concrete rolled curb and gutter) and five (5) foot sidewalks on both sides of this internal roadway, which adhere to the Town Center Plan's Street Specifications and the Streetscape Design Requirements, as directed by the Department of Public Works and approved by the Planning and Zoning Commission on the Site Development Plan. Along with this dedication of forty (40) feet

of right-of-way, the developer shall provide a five (5) foot wide roadway, maintenance, landscaping, sewer, sidewalk, and utility easement along both sides of this public dedication area.

- i. Dedicate/establish land area, a minimum of twenty-two (22) feet in total width, and construct within said dedication or easement for service and access to the twenty-three (23) New Urbanism lots ~~private~~ asphalt service lanes (alleys), which comply with the Town Center Plan's Street Specifications and Streetscape Requirements. All streetscape requirements shall be required, as specified by the City of Wildwood's Town Center Plan for this type of dedication/easement area (within the boundaries of this development site) and be approved by the Department of Public Works.
- j. Any planned traffic island/cul-de-sac shall be designed and constructed by the developer of this residential subdivision in accordance with City of Wildwood standards, and as directed by the Department of Public Works. The Planning and Zoning Commission, on the Site Development Plan, shall approve the final design of any traffic calming improvements.

#### **Miscellaneous Roadway Requirements**

- k. Installation of landscaping and ornamental entrance monument or identification signage, if proposed, shall be reviewed by the Department of Public Works for sight distance considerations and approved prior to its installation or construction.
- l. If required sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to vertical alignment and other off-site improvements, may be required to provide the required sight distance as directed by the Department of Public Works.
- m. Construction access shall be from Manchester Road to Cherry Hills Meadows Drive during the development of this site, not any residential street south of the boundary of this Planned Residential Development Overlay District.
- n. Sidewalks shall be required on all public ~~and private~~ streets and provide for a continuous and logical layout of this pedestrian network. Design and construction requirements for all sidewalks within the entire development shall be as established in the Street Specifications and Streetscape Elements of the Town Center Plan. Approval of their location, design, and material shall be by the Planning and Zoning Commission, as part of the Site Development Plan review process.
- o. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's Traffic Generation Assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of roadway improvements.

- p. All internal streets, access drives, or lanes, whether public or private, shall comply with the Streetscape Requirements of the Town Center Plan in terms of improvements, such as drive lane widths, sidewalks, stormwater drainage facilities, garden walls, street trees and lights, and pedestrian furniture. If certain streets, drives, or lanes are to be private, an easement shall be provided to the City granting public use of them for pedestrian and vehicular purposes. These easements shall be granted at the time of the Record Plat approval by the City Council.

#### **Parking Requirements - Residential**

- q. Parking spaces shall be provided as required by the Town Center Plan's Neighborhood Design Standards and Section 415.340 Off-Street Parking and Loading Requirements of the City of Wildwood Zoning Ordinance for the R-4 7,500 square foot Residence District. The developer shall be responsible to provide additional parking spaces in the New Urbanism portion of the project. The total number of additional spaces shall be as determined on the Site Development Plan by the Planning and Zoning Commission.

#### **Landscape Requirements - Specific**

- r. Landscaping shall adhere to all requirements of Ordinance 410 and its accompanying Tree Manual, including the submittal of a Tree Preservation Plan in conjunction with the Site Development Plan.
- s. All streets, roads, and lanes shall be appropriately landscaped as required by the Streetscape Design Requirements of the Town Center Plan and approved by the Planning and Zoning Commission on the Site Development Plan.
- t. The areas of existing vegetation within the P.R.D. Overlay District boundaries identified as to be retained shall be marked on the site prior to the commencement of any disturbance in accord with the City of Wildwood's Ordinance 410. These areas shall be indicated on the Site Development Plan submitted to the City of Wildwood for Planning and Zoning Commission review and approval. Existing mature tree canopy shall be preserved in accordance with the requirements of City of Wildwood's Ordinance 410 Tree Preservation and Restoration Code.
- u. Landscaping within the defined common ground areas shall comply with Ordinance 410 Tree Preservation and Restoration Code requirements and accompanying Tree Manual. The planting pattern shall be approved by the Planning and Zoning Commission on the Site Development Plan. Amenities, such as benches, lights, and walking paths shall be installed in the open space area of the residential development by the developer of the thirty-eight (38) dwelling units.
- v. A Landscape Architect shall sign and submit all plans for review and approval for this development.

#### **Signs - Residential**



- w. Signs for this P.R.D. Overlay District shall be erected in accordance with the Town Center Plan Architectural Guidelines and Section 415.410 Sign Regulations of the City of Wildwood Zoning Ordinance for the R-4 7,500 square foot Residence District.
- x. The location of all signage shall be as approved on the Site Development Plan by the Planning and Zoning Commission. Signage not located on common ground must be erected within an easement.

### **Lighting Requirements**

- y. The location of all lighting standards shall be as approved on the Site Development Plan. No on-site illumination source shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties. Illumination levels for all lighting shall comply with the provisions of the City of Wildwood's Zoning Code, Section 415.450 "Outdoor Lighting Requirements." A Lighting Study shall be submitted in conjunction with the Site Development Plan indicating compliance to these requirements. The Planning and Zoning Commission shall approve the location, design, and appearance of all light standards and fixtures as part of the Site Development Plan review process.

### **Miscellaneous Conditions**

- z. The design, color, material, and location of all garden and screen walls or fences, if planned or required, shall be consistent with the requirements of the Town Center Plan's Architectural Guidelines and be shown on the Site Development Plan for review and action by the Planning and Zoning Commission and the Architectural Review Board.
- aa. Improvements associated with public infrastructure, such as roadways, sidewalks, and access points, shall comply with general design principles that will provide for safe and efficient movement of traffic in and around these sites and improve overall circulation in the area. These improvements shall be reviewed and approved by the Department of Public Works.
- bb. Hours of construction and grading activity shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday. No development (grading and construction) activity shall be authorized on Sundays.
- cc. All retaining walls exceeding three (3) feet in height per section or crossing individual property lines shall be constructed of an appropriate inter-locking concrete block system. Walls crossing property lines shall be located in a maintenance easement. The design, color, material, and location of all walls shall be consistent with the requirements of the Town Center Plan's Architectural Guidelines and be shown on the Site Development Plan for review and action by the Planning and Zoning Commission.
- dd. The location of all utility easements for proposed service to this development shall be as approved by the Planning and Zoning Commission on the Site Development Plan. All

utilities installed to serve this site shall be placed underground, including any existing overhead lines located on the subject property.

**5. TRAFFIC GENERATION ASSESSMENT FEE**

The developer shall contribute to the East Area Traffic Generation Assessment Trust Fund established by Section 140.210 of the City of Wildwood’s Revised Codes. This assessment must be paid in full at the time of the first Zoning Authorization for any building or structure or when the individual issuances of building permits for the authorized lots are approved. This contribution shall not exceed the amount established by multiplying the number of parking spaces provided by the following rate:

<i>Type of Development</i>	<i>Required Contribution</i>
Single Family Dwelling ( <b>detached</b> )	\$1,055.10/Parking Space

(Parking space is defined by Section 415.280 of the City of Wildwood Zoning Code.)

If type of development proposed differ than those listed, rates shall be provided by the Department of Public Works.

As this development is located within a Trust Fund area established by the City of Wildwood, any portion of the traffic generation assessment contribution, which remains, following completion of roadway improvements required by the development shall be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2015, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the City of Wildwood Department of Public Works.

**6. VERIFICATIONS PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN**

Prior to approval of the Site Development Plan, the developer shall provide the following:

**Stormwater Improvements**

- a. Submit to the Planning and Zoning Commission an engineering plan approved by the City of Wildwood Department of Public Works and the Metropolitan St. Louis Sewer District showing that adequate handling of the stormwater drainage of the site is provided.
  - 1. The developer is required to provide adequate stormwater systems in accordance with the City of Wildwood and the Metropolitan St. Louis Sewer District standards.
  - 2. All stormwater shall be discharged at an adequate natural discharge point.
  - 3. Retention/detention of differential runoff of stormwater shall be required. Stormwater management shall be provided in permanent retention/detention

facilities, such as ponds or other acceptable alternatives. These retention/detention facilities shall be completed and in operation prior to the issuance of building permits for an approved dwelling unit, except display lots.

4. All proposed retention/detention facilities and related stormwater improvements shall be located in a common ground area and ensure perpetual maintenance to the Homeowners Association to be created at the time of platting of this development. These stormwater improvements shall provide appropriate types of plantings to meet Metropolitan St. Louis Sewer District standards, while also addressing the City of Wildwood's requirements relating to its Sustainable Plantings Guide and Tree Manual. These areas, where lots faced onto them, must provide an appropriate environment and said determination will be indicated on the required Landscape Plan and acted upon by the Planning and Zoning Commission.
5. The developer of this site shall be solely responsible to provide the necessary mechanisms, as part of the Site Development Plan/Improvement Plan process, to implement "best management practices" for stormwater management and the construction of related facilities. Minimally, these practices/facilities should include rain gardens, vegetative swales, and other options to substantially reduce the amount of stormwater leaving the subject site.
6. The developer shall provide adequate detention and/or hydrologic calculations for review and approval of all stormwater that will encroach on City of Wildwood rights-of-way.
7. A bond or letter of credit will be required by the City of Wildwood to cover any downstream damage to abutting or adjacent properties, common ground areas, or drainageways caused by the developers' use of this subject site (land/disturbance/grading/construction activities, etc.), which shall be used for the restoration of damaged areas to their pre-development condition, if the developers fail to meet their responsibilities in this regard. The amount of this bond and the establishment of the process for creating an accurate baseline condition for the existing downstream facilities shall be at the discretion of the City of Wildwood Department of Public Works, in conjunction with input from the petitioner's engineer.

## **Geotechnical Report**

- b. Provide a Geotechnical Report covering development and grading required by improvements involved with this site, as directed by the Department of Public Works. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions which are susceptible to rapid erosion, landslide, and/or creep. A statement of compliance with this study, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. The development and construction plans shall be designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans with a certification the proposed construction will be completed in accordance with the grading and soils requirements and conditions contained in the report.

## **7. RECORDING**

Within ninety (90) days of approval of the Site Development Plan by the Planning and Zoning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

## **8. VERIFICATION PRIOR TO PERMITS**

### **Notification to Department of Planning**

- a. Subsequent to approval of the Site Development Plan and prior to issuance of any grading, foundation, or building permit, all approvals from the Department of Public Works, the Missouri Department of Natural Resources, the Metro West Fire Protection District, and the Metropolitan St. Louis Sewer District must be received by the Department of Planning.
- b. Prior to the issuance of a foundation or building permit for any lot, which adjoins the common ground area and/or detention, basin, written certification from a Professional Engineer which verifies these areas are graded in accordance with the approved plans, must be received by the Department of Planning.

### **Roadway Improvements**

- c. Improvements to Manchester Road must be completed prior to the issuance of building permits in excess of fifty (50) percent of the units. Any delays in utility company relocation and adjustments will not constitute a cause to allow occupancy prior to completion of roadway improvements.

### **Land Subdivision**

- d. Record a proper subdivision of the property and comply with all other applicable Subdivision and Development Regulations sections affecting the development of land, except as otherwise specified by this ordinance.

### **Indentures**

- e. With the filing of the record plat establishing separate lots, the developer shall record an approved indenture, which defines the necessary assessments and specific trustee obligations in accord with provisions of Section 415.470 and 415.510 of the City of Wildwood Zoning Code.

### **Escrow Requirements**

- f. All improvement and landscaping costs shall be submitted to the City of Wildwood through the standard subdivision escrow procedures.

### **Improvement Plans**

- g. The developer of this residential subdivision shall provide to the City Improvement Plans indicating construction details relative to public and private infrastructure associated with its development. Said plans will be used to calculate escrow requirements for these identified improvements.

### **Sanitary Sewage System**

- h. The developer shall provide verification from the Metropolitan St. Louis Sewer District that public sewer service has been provided to this site. Verification shall be in a form acceptable to the City of Wildwood.

## **9. GENERAL DEVELOPMENT CONDITIONS**

- a. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
- b. A grading permit is required prior to any grading on the site. Interim stormwater drainage control in the form of salutation control measures is required.
- c. A copy of the most recently approved Site Development Plan for this P.R.D. Overlay District development shall be prominently displayed at all times in all sales offices for this development.
- d. The petitioner shall be responsible for obtaining all necessary permits from the Department of Natural Resources Clean Water Commission as they relate to the development of this tract of land.
- e. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual, such as Rye or Sudan Grasses, shall be utilized to retard erosion.
- f. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City of Wildwood Departments or Commissions.
- g. The Zoning Enforcement Officer of the City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with Site Development Plans approved by the Planning and Zoning Commission and the Department of Planning.
- h. Any other applicable zoning, subdivision, or other regulations or requirements of the City, whether in effect at the adoption of this ordinance or as may be hereinafter adopted, shall further apply to the development of this property as authorized by this Planned Residential Development Overlay District Ordinance, except as may be provided by law. Nothing herein shall be deemed a waiver of any subdivision, zoning or other development regulation of the City whether by implication or reference.

- i. This zoning approval is conditioned on compliance with the Zoning Code, Subdivision Code, and all applicable laws of the City. Such additional regulations are supplemental to the requirements herein and no modification of any applicable regulations shall result from this Planned Residential Development Overlay District ordinance, except where this ordinance has expressly modified such regulations by reference to the applicable provision authorizing such modification.

## **10. PUBLIC SPACE REQUIREMENTS**

- a. Developer shall construct improved public space in conformance with or otherwise satisfying the requirements of the City's Public Space Ordinance, Chapter 415.260 and 415.270 of the City of Wildwood's Zoning Ordinance. The City Council accepts the findings of the Public Space Study adopted therein and determines the compliance with the Public Space Ordinance provisions will address the impact of this specific development on public space needs in a manner and amount that is equal to less than an amount that is roughly proportional to the actual or anticipated impact. The installation of required public space improvements shall be as required by the applicable ordinances, but shall be completed prior to issuance of any occupancy (temporary or final) permit for the authorized by this ordinance. This restriction does not apply to allowable display units that are authorized on a Display Plat. Unless otherwise approved pursuant to the procedures set forth in the Public Space Ordinance, the public space attributable to this development, based upon the number of authorized dwelling units at a rate of 1,742.4 square feet per new single family dwelling.
  - i. In addition to any improvements set forth in the Public Space Requirements of the City's Zoning Ordinance for this project, the developer shall provide, as a minimum, a twenty (20) foot wide trail easement to the City of Wildwood from Cherry Hills Meadows Drive to the eastern boundary of the Planned Residential Development Overlay District. Within this twenty (20) foot wide easement area, a multiple-use trail shall be constructed at a ten (10) foot width for its entire length, which complies with City of Wildwood standards. The location of this easement area shall be reviewed and acted upon by the Planning and Zoning Commission, as part of the Site Development Plan process.

**Section Three.** Savings. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether relating to or in manner connected with the subject matter hereof.

**Section Four.** Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid,

is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

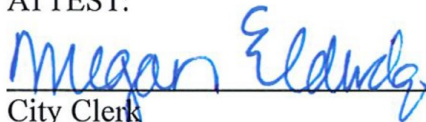
**Section Five.** This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

This Bill was passed and approved this 13th day of November, 2023, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two times prior to passage.

  
\_\_\_\_\_  
Presiding Officer

ATTEST:  
  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
James R. Bowlin, Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk