

**AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AMENDING ORDINANCE #2798 AND MODIFYING THE ASSOCIATED CONDITIONAL USE PERMIT (CUP) TO ACCOMMODATE A MIXED-USE DEVELOPMENT BY DELETING SECTIONS 1 AND 4 IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 1 AND 4, CONSISTENT WITH THE PLANNING AND ZONING COMMISSION'S LETTER OF RECOMMENDATION DATED OCTOBER 2, 2023.**

**WHEREAS**, the development of the 'Downtown' District of the City of Wildwood's Town Center Area has always been a high priority to the City Council, its boards and commission members, and City personnel as well, which led to several steps to create a favorable environment for mixed-use projects in this specific land use area, including designating air space for different activities than street level; and

**WHEREAS**, specifically, the area of land east of the B&B Theatre, to Taylor Road, then south to Manchester Road, has always been considered a prime location for a mixed-use development and would be a wonderful complement to Wildwood Town Center (Koman Properties) and Dierbergs Town Center Projects; and

**WHEREAS**, the property owner of the eleven (11) acre site that encompasses this described area began the zoning process to develop this desired and needed mixed-use project consisting of 189 multiple family units, eleven (11) single family dwellings on individual lots, and many recreation amenities, complemented by green spaces; and

**WHEREAS**, with at least one (1) project that had received favorable review by the City being stalled and not pursued on a portion of the subject site, the property owner wanted to ensure success in this instance and began soliciting input from the development community shortly after the zoning process had been completed by the City Council, which led to at least one (1) multiple-family developer supporting the project and working cooperatively toward those next steps in it for future construction of homes and improvements; and

**WHEREAS**, with this development interest and another residential developer offering comments, the property owner sought changes to the approved governing ordinance to better fit the types of projects offered by these partners; and

**WHEREAS**, the Planning and Zoning Commission was presented these revised design concepts for the overall project site at its meeting on October 2, 2023 and reviewed them from the perspectives of improved building design and architecture, along with function (a skyway over Eastgate Lane), a superior parking layout, enhanced green spaces, and a greater number of single family detached dwellings on individual lots; and

**WHEREAS**, with this information, the Planning and Zoning Commission noted the changes were improvements to the project and created a one-of-kind residential space in Town Center Area, at its major intersection of Main Street and Taylor Road; and

**WHEREAS**, the Planning and Zoning Commission recommended the changes due to them collectively retaining consistency with the Town Center Plan, the benefits to the business community in this area, and more functional and walkable designs for all infrastructure and public spaces; and

**WHEREAS**, this recommendation was then forwarded to the City Council for its review and action at its planned public hearing on these matters, which was held on November 13, 2023; and

**WHEREAS**, at the public hearing on these matters, the City Council concurred with the Planning and Zoning Commission and at its conclusions, leading to its members authorizing the preparation of legislation for the requested and annotated changes noted below; 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 2<sup>nd</sup> Amended C-8 Planned Commercial District, Amended C-8 Planned Commercial District, and C-8 Planned Commercial District, including an accompanying Conditional Use Permit (CUP) - Town Center Downtown and Neighborhood General Districts - Ordinance 2798 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 #2798 (amended) as follows:

**1. PERMITTED USES**

The authorized and permitted uses allowed in this 2<sup>nd</sup> Amended C-8 Planned Commercial District, Amended C-8 Planned Commercial District, with a Conditional Use Permit (CUP), and C-8 Planned Commercial District shall include the defined and following activities, also being inclusive of a normal and accepted accessory activities, such as parking, public space, and stormwater management facilities:

- a. A single, four (4) story mixed-use building ~~that shall not exceed a total of fifty-two thousand (52,000) square feet of area. A second building, in conjunction with the four (4) story building noted in Condition #1 (a.)~~ shall be authorized on the site for not more than a combined total of one hundred eighty-nine (189) units as part of it, with supporting uses and activities allowed, including as a minimum a fitness gym, manager's office, community room for use and rental by residents, in-ground swimming pool, a dog park, and rooftop recreation areas.
  - i. These residential units may be mix of studio, one (1), two (2), and three (3) bedroom units, with all required to have either a patio, balcony, or rooftop venue/access.
  - ii. This building cannot exceed five (5) stories in height along its portions abutting Main Street and Taylor Road, but shall transition to an eventual four (4) story height along the property's Taylor Road frontage a distance to the south of Main Street.
  - iii. The first floor of this building abutting Main Street shall contain retail service, office, and other business uses consistent with the property's 'Downtown' District designation of the Town Center Plan.
- b. An area of no more than **fourteen (14)** ~~eleven (11)~~, single family detached dwellings on individual lots, which each such area not being less than four thousand (4,000) square feet in size.

## 2. FLOOR AREA, HEIGHT, AND BUILDING REQUIREMENTS

- a. The uses permitted in this 2<sup>nd</sup> Amended C-8 Planned Commercial District, Amended C-8 Planned Commercial District, with a Conditional Use Permit (CUP), and C-8 Planned Commercial District shall be contained in a total of two (2) buildings. For the purposes of this zoning district designation, the one hundred eight-nine (189) units that comprise the multiple-family complex are considered a single building.
- b. No more than **fourteen (14)** ~~eleven (11)~~ single family dwellings on individual lots shall be authorized within the boundaries of this planned zoning district designation, with all lots being a minimum of four thousand (4,000) square feet in area.
  - i. Architectural type shingle selections shall be required on all residential units of a minimum thirty (30) year life standard.
  - ii. The first story, interior clear height for all single-family dwellings shall be not less than nine (9) feet.
  - iii. 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 backer, board, wood, brick, and/or stone. 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 (PRD) in terms of material, color, and style, unless otherwise altered by the City's Architectural Review Board (ARB), based upon merit of the design.

- iv. 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. All dwelling units shall have a front porch, which must extend access at least fifty percent (50%) of the façade's elevation facing the frontage line, at a minimum depth of no less than six (6) feet.
  - v. Detached single family dwelling units, which face the frontage line, but also placed the side of the building 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 (ARB).
  - vi. All penetrations on any portion of a dwelling's roof, i.e., vents, stacks, etc., shall be painted to match the shingle color of it.
  - vii. All detached single-family dwellings shall have carriage doors, including windows, in association with their respective garages and they shall be rear-entry types, from a public street.
  - viii. All detached single-family dwellings placed on the allowable **fourteen (14)** ~~eleven (11)~~ lots shall be constructed with extra soundproofing materials/methods to address proximity to the roundabout and associated arterial streets.
- c. The **portion of** authorized four (4) story mixed-use building that fronts onto Main Street shall have its ground floor square footage limited to retail, service, restaurant, and other commercial activities only, per the Town Center's Regulating Plan's Permitted Land Use Chart for the "Downtown and Neighborhood General" Districts.
  - d. The **portion of** allowable four (4) story mixed-use building must be located abutting the Main Street right-of-way, so as to provide no less than ninety (90) percent of that frontage being occupied by an arcade, porch, building façade, or garden wall, along with the required commercial plazas. The orientation of this commercial building shall be as shown on the Preliminary Development Plan submitted by the petitioner as part of the rezoning request. This building shall be constructed to exhibit no individual bay distance of greater than thirty (30) feet, without providing some type of recess, projection, or pilaster.
  - e. No commercial or multiple family structure or building shall exceed five (5) stories in overall height, as measured from final finish grade of the adjoining street. No single-family dwelling shall exceed a total of three (3) stories in height, as measure from abutting street grade.
  - f. The area of this 2<sup>nd</sup> Amended C-8 Planned Commercial District, Amended C-8 Planned Commercial District, with a Conditional Use Permit (CUP), and C-8 Planned Commercial District shall be a minimum of nine (9) acres in overall size.
  - g. The lot area, where the authorized pickleball courts shall be located, shall be no less than two (2) acres in size. A minimum of two (2) pickleball courts shall be located on this tract of land that is situated on the east side of Taylor Road, from the overall development area, and as shown on the latest Preliminary Development Plan for the project. Additional pickleball courts may be considered at this described location, if in partnership with the

City of Wildwood, with details being a part of a Memorandum of Understanding (MOU) to be developed hereafter.

- h. In those instances where a building façade is absent along the front build-to-line, a garden or screen wall shall be installed, except for the pickleball area and associated parking lot. This wall(s) must complement the appearance of the buildings located within the same block in terms of its design, architecture, color, material, and character. All garden or screen walls located upon this site shall be reviewed and approved by the Planning and Zoning Commission and Architectural Review Board, as part of the Site Development Plan review and approval process.
- i. No loading docks are authorized within the boundaries of this 2<sup>nd</sup> Amended C-8 Planned Commercial District, Amended C-8 Planned Commercial District, with a Conditional Use Permit (CUP), and C-8 Planned Commercial District.
- j. The proposed architectural design, character, and style of any commercial or residential building or structure, including retaining walls, 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. Consideration and action relative to the required design shall be by the Architectural Review Board, in accordance with the Town Center Development Manual for the "Downtown and Neighborhood General" District designations.
- k. The integration of art features shall be required throughout key public spaces and gathering areas to act as focal points within this development. These features are creditable deductions from the required Public Space Dedication required in Condition 5 of this Attachment. A minimum of two (2) of these features must be provided within the boundaries of this this 2<sup>nd</sup> Amended C-8 Planned Commercial District, Amended C-8 Planned Commercial District, with a Conditional Use Permit (CUP), and C-8 Planned Commercial District. The City Council shall consider and act upon the selection and location of these art features, prior to the release of any building permits for any of the permitted uses.

### **3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

Within twelve (12) months of the date of approval of the preliminary development plan by the City Council and prior to any site disturbance, the developer shall submit to the Planning and Zoning Commission for its review and approval a Site Development Plan. Where due cause is shown by the petitioner, this time interval may be extended for an additional six (6) months, through appeal to and approval by the Planning and Zoning Commission. The Site Development Plan shall include, but not be limited to, the following:

- a. Outboundary and legal description of the property.
- b. Location map of generalized nature, north arrow, and plan scale.
- c. Location and size of all proposed structures, including canopies, arcades, business signage, and any garden or retaining walls.

- d. Location and size of all parking areas and corresponding parking calculations.
- e. Existing and proposed contours at two (2) foot intervals.
- f. Roadways and driveways on and adjacent to the property in question, including required right-of-way dedication, pavement widening, and cross access easement areas.
- g. The design, location, and size of all proposed lighting, fences, and trash areas.
- h. A landscape plan including, but not limited to, the location, size, and general type of all plant and other materials to be used. (See Landscape Requirements Section of this Ordinance).
- i. The approximate location of all stormwater and sanitary sewer facilities.
- j. Parking and structure setbacks from adjacent property lines.
- k. Location of all existing and proposed easements.
- l. Location and method of protecting existing tree stands to be preserved.
- m. A description of the area's (all surrounding properties within one hundred (100) feet of the subject site) infrastructure and site improvements of a general nature. Principally, building locations on individual properties, curb cuts, and driveway locations along the right-of-way, as well as other natural and man-made features must be shown.
- n. 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:

**Building/Structure Setbacks**

- a. Commercial and Multiple Family Components: All buildings or structures, excluding single family dwellings, boundary, garden and/or retaining walls, or fences, shall adhere to the setbacks therein established by the City of Wildwood's Town Center Neighborhood Design Standards for the "Downtown" District, except as follows:
  - i. Zero (0) to ten (10) foot build-to line from the edge of the Main Street ~~and Taylor Road~~ right-of-way.
  - ii. Zero (0) to twenty-five (25) foot build-to line from the edge of the Taylor Road right-of-way.
- b. Residential Component (Single Family Only): Any single family dwelling shall adhere to the following setback requirements on the allowable lots:
  - i. Ten (10) to twenty (20) foot build-to line from the edge of the Taylor Road and Manchester Road rights-of-way.
  - ii. Five (5) feet for any side yard setback area.
  - iii. Fifteen (15) feet for any rear yard setback area, unless a garage is present **or abutting the western boundary line of the project that is shared with New Community Church**, then five (5) feet.

**Parking Setbacks**

- c. All parking stalls, loading spaces, internal drives, excluding points of ingress and egress and public or private roadways, shall adhere to the City of Wildwood's Town Center Neighborhood Design Standards for the "Downtown and Neighborhood General" Districts, unless otherwise approved on the Site Development Plan by the Planning and Zoning Commission or as noted below:
  - i. Eighty-eight (88) feet from the Main Street right-of-way line, as shown on the submitted Preliminary Development Plan.

**Minimum Parking Requirements – Commercial and Multiple-Family Areas**

- d. Minimum parking requirements shall be set forth in the City of Wildwood's Town Center Neighborhood Design Standards for the "Downtown" District and Chapter 415.290 Parking Regulations of the City of Wildwood's Zoning Ordinance. However, parking spaces for the authorized commercial uses shall be provided at a ratio of three (3) spaces for every one thousand (1,000) square feet of gross floor area. Additionally, the following requirements shall also apply:
  - i. A fifteen (15) percent parking space reduction to required ratios shall be authorized for this use, per Chapter 415.280 (d.) Supplementary Off-Street Parking and Loading Requirements, Item #12.
  - ii All parking spaces and access drives shall be paved.
  - iii. A minimum of **three hundred sixty-one (361)**, off-street parking spaces shall be provided within the boundaries of this C-8 Planned Commercial District/Amended C-8 Planned Commercial District Area.
  - iv. The remaining thirty (30) required parking spaces may be utilized from on-street parking, the public parking structure, and surrounding parking lots within a three hundred (300) foot radius of the subject site.
  - v. The City of Wildwood reserves to right to adjust the extent of parking areas associated with the subject site, based upon demand and availability, and the developer shall agree to install additional stalls, if necessary, at their cost.
  - vi. The developer shall provide from the adjoining lot owner to the east the recorded cross-parking agreement in accordance with the City of Zoning Ordinance, Chapter 415.280 (D.)-8 Supplementary Off-Street Parking and Loading Requirements.

**Access and Roadway Improvements, including Sidewalks**

- e. The developer of the project shall be responsible for the construction and installation of all improvements for Eastgate Lane, having a minimum twenty-six point one (26.1) pavement width. These improvements associated with this **private public** street shall conform to the requirements of the City of Wildwood's Street Specifications of the Town Center Plan, and be as directed by the Department of Public Works. All requirements relating to this work, described herein, shall consist of approved materials and installed, as required by the City of Wildwood's Town Center Plan within the **private** right-of-way or **public** easement area of Eastgate Lane by the developer of this project, and be approved by the Department of

Public Works. Final action shall be by the Planning and Zoning Commission, as part of their review of the Site Development Plan.

- f. Dedicate all the rights-of-way, easements, and licenses within the subject site necessary for the improvement of Eastgate Lane, **including a public, cross-access grant over said same area that will be provided in the form that is acceptable to the Wildwood City Attorney to accommodate its use for the general community.** This dedication shall be reviewed by the Department of Public Works and acted upon by Planning and Zoning Commission.
- g. Access to this development from Taylor Road shall be limited to **two (2)** ~~one (1)~~ public street intersection designed in accordance with the City of Wildwood's Street Specifications of the Town Center and be as directed by the Department of Public Works. Final action on design and location shall be by the Planning and Zoning Commission on the Site Development Plan.

**Minimum Parking Requirements – Single Family Residential Area**

- h. 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.

**Miscellaneous Roadway Requirements**

- i. Provide cross-access easement and temporary slope construction license, or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties to the west and east of the subject tract of land, all being as directed by the Departments of Planning and Public Works, and shall be inclusive of the pickleball court area and associated parking field that are to be constructed on the non-contiguous parcel of ground. Improvements associated with the required cross-access shall be deeded and recorded prior to the occupancy (both temporary and final) of the building and be the full responsibility of the developer. Said design and construction specifications shall be as directed by the Department of Public Works and acted upon by the Planning and Zoning Commission on the Site Development Plan.
- j. Installation of identification signage and landscaping shall be reviewed by the Department of Public Works for sight distance considerations and approved prior to installation.
- k. 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 road improvements. All utilities within the C-8 Planned Commercial District/Amended C-8 Planned Commercial District and on rights-of-way otherwise



constructed pursuant to this authorization shall be installed and placed underground in locations, as approved by the Director of Public Works.

- l. Sidewalks shall be required on all public and private streets and provide for a continuous and logical layout of this pedestrian network. Minimally, this pedestrian network shall include plazas, patios, and other features and provide ample areas for access to all locations within the boundaries of this C-8 Planned Commercial District/Amended C-8 Planned Commercial District. 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 and the Architectural Review Board, as part of the Site Development Plan review process.
- m. 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 via a Record Plat submit to the City Council for acceptance and action.

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

- n. Building and parking setbacks shall be landscaped in accord with Chapter 410 of the City of Wildwood's Codified Ordinances and its accompanying Tree Manual.
- o. Replanting of trees shall conform to the requirements of Chapter 410 of the City of Wildwood's Codified Ordinances and its accompanying Tree Manual to achieve a minimum amount of thirty (30) percent canopy area on this site. Tree selection and location shall be reviewed and acted upon by the Planning and Zoning Commission and the Architectural Review Board as part of the Site Development Plan process. Street tree planting patterns must be based on and comply with the Town Center Streetscape Design.
- p. All lawn areas shall be appropriately landscaped and sodded and comply with Chapter 410 of the City of Wildwood's Codified Ordinances and its accompanying Tree Manual.
- q. All new landscaping materials shall meet the following criteria: Deciduous Trees - two and one-half (2½) inch minimum caliper; Evergreen Trees - Six (6) feet minimum height; and Shrubs- twenty-four (24) inch minimum height.
- r. A Registered Landscape Architect shall prepare and sign all Landscape Plans for this development.

#### **Lighting Requirements**

- s. Light standards shall not exceed sixteen (16) feet in height. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways. Illumination levels shall comply with the provisions of the City of Wildwood's Zoning Ordinance Chapter 415.450 "Outdoor Lighting Requirements." A Lighting Study shall be submitted in conjunction with the Site Development Plan indicating compliance to these requirements. The location of all light standards and their design and appearance shall be approved by the Planning and Zoning Commission on the Site Development Plan.

**Sign Regulations**

- t. All signage shall be in accord with requirements of the City of Wildwood's Town Center Architectural Guidelines, subject to the following:
  - i. All wall signs shall comply with Chapter 415.420 Sign Regulations for the C-2 Shopping District, except all signage shall be back-lit or externally illuminated in accordance with the Town Center Plan's Architectural Guidelines.
  - ii. No wall sign shall exceed fifty (50) square feet in overall size.
  - iii. No freestanding monument type sign shall be authorized within the boundaries of this 2<sup>nd</sup> Amended C-8 Planned Commercial District, Amended C-8 Planned Commercial District, with a Conditional Use Permit (CUP), and C-8 Planned Commercial District
  - iv. Major projection type signs may be authorized for the mixed-use building and the office components of the multiple-family complex, as part of this development.
  - v. No advertising, temporary, or portable signs shall be authorized in this C-8 Planned Commercial District/Amended C-8 Planned Commercial District development. No other signs shall be authorized, except as may comply with the C-2 Shopping District Regulations of the City of Wildwood Zoning Ordinance and the Town Center Plan's Architectural Guidelines.

**Miscellaneous Conditions**

- u. All trash areas shall be enclosed with a six (6) foot high sight-proof wall (with gate) and be appropriately landscaped around its perimeter, if applicable. The location and design of the enclosure shall be reviewed and acted upon by the Planning and Zoning Commission on the Site Development Plan. The design of this enclosure shall reflect the appearance, character, and style, in terms of its color, material, and composition, of the approved architecture of buildings intended to serve.
  - i. Access to these facilities shall be within a distance no greater than fifty (50) feet of the buildings associated with them.
- v. Accessible parking and access requirements shall comply with Section 512.4 of the City of Wildwood Building Code.
- w. No rooftop mechanical equipment shall be allowed within this 2<sup>nd</sup> Amended C-8 Planned Commercial District, Amended C-8 Planned Commercial District, with a Conditional Use

Permit (CUP), and C-8 Planned Commercial District, unless one hundred percent (100%) screening of it is provided in all compass directions.

- x. Improvements associated with public infrastructure, such as roadways, sidewalks (internal and within the public right-of-way), and access points, shall comply with general design principles that will provide for safe and efficient movement of traffic in and around this site and improve the overall circulation in the area. These improvements shall be reviewed and approved by the Department of Planning and indicated on the required Site Development Plan, which will be reviewed and acted upon by the Planning and Zoning Commission.
- y. The owner or developer shall be required to obtain public sewer service from the Metropolitan St. Louis Sewer District for the treatment of wastewater effluent.
- z. Any damage caused to existing improvements that are part of the rights-of-way of Main Street, Taylor Road, or Manchester Road due to the development and construction activities associated with this project shall be the responsibility of the developer to repair, replace, or otherwise return to the pre-development condition, as directed by the Department of Public Works. Failure to address these identified damages will be justification to forfeit any escrows held by the City in this regard.

## **5. PUBLIC SPACE REQUIREMENTS**

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 public space improvements shall be as required by the applicable ordinance, but shall be completed prior to issuance of occupancy (temporary or final) permits for no more than fifty (50) percent of the allowable multiple-family units authorized herein in either of the authorized two (2) buildings, whichever reaches this level first. Unless otherwise approved pursuant to the procedures set forth in the Public Space Ordinance, the public space attributable to this development is based upon the number of provided parking spaces at a rate of 290.4 square feet per parking space (commercial), 828 square feet for any multiple family dwelling unit, and 1,742.4 square feet for any single family detached dwelling unit.

- i. The developer shall provide special attention and improvements to the promenade area of the site and increasing its useability and function.
- ii. The pickleball courts are a requirement of any submitted Public Space Plan.

## **6. TRAFFIC GENERATION ASSESSMENT**

The developer shall contribute to the East Area Corridor Traffic Generation Assessment Road Trust Fund established by Chapter 140 of the City’s Codified Ordinances, unless otherwise previously credited by the City of Wildwood, as part of Resolution 2005-30 City Hall Site Purchase Agreement (November 2005). This contribution shall not exceed an amount established by multiplying the proposed (and provided) parking spaces by the following rate schedule.

<u><b>Type of Development</b></u>	<u><b>Required Contribution</b></u>
Single-Family Dwelling	\$1,438.08/Parking Space
Multiple-Family Dwelling	\$575.23/Parking Space
Recreational Uses	\$607.28/Parking Space
General Retail	\$2,636.43/Parking Space
Medical Offices	\$2,636.43/Parking Space
Sit-Down Restaurant	\$2,636.43/Parking Space
General Office	\$878.76/Parking Space

(For the purposes of this calculation, a parking space as defined and required by Chapter 415.280 of the City of Wildwood Zoning Ordinance.)

If types of development proposed differ from those listed, rates shall be provided by the Department of Planning.

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 road 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, 2024, 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.

**7. VERIFICATION PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN**

Prior to the approval of the Site Development Plan, the petitioner shall:

**Stormwater**

- a. Submit to the Planning and Zoning Commission an engineering plan approved by the Department of Public Works and the Metropolitan St. Louis Sewer District showing that adequate handling of the stormwater drainage of the site is provided.
  - i. The developer is required to provide adequate stormwater systems in accordance with the City of Wildwood and Metropolitan St. Louis Sewer District Standards.
  - ii. All stormwater shall be discharged at an adequate natural discharge point.
  - iii. Detention or differential runoff of stormwater shall be required in accord with the standards of Metropolitan St. Louis Sewer District and the City of Wildwood. These facilities shall be provided in permanent detention facilities. The detention facilities shall be completed and in operation prior to paving of any driveways or parking areas.
  - iv. 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.
  - v. 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.
  - vi. The provision of all approvals from the U.S. Army Corp of Engineers and the Missouri Department of Natural Resources shall be required for the enclosure of the creek, if proposed. Any mitigation efforts required by these two (2), federal and State agencies shall also be approved by the City of Wildwood.
  - vii. The approved stormwater management plan for this development may include the use of off-site, regional facilities in terms of the retention/detention of runoff from this site, unless otherwise authorized by the Department of Public Works on the Site Development Plan. The developer(s) shall be responsible for all costs associated with the construction and modifications to existing facilities to accomplish this regional stormwater management requirement, if applicable.

### **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 the Site Development Plan. The development and construction plans shall be designed to conform to the requirements and conditions of the Geotechnical Report.

### **Stormwater Pollution Prevention Plan**

- c. Submit a Stormwater Pollution Prevention Plan, as part of the Site Development Plan review process, indicating compliance to Federal, State, and local requirements regarding

the management of stormwater runoff to prevent siltation and erosion, both on-site and upon downstream properties.

### **Traffic Impact Study (TIS)**

- d. The developer shall provide to the Departments of Planning and Public Works a Traffic Impact Study indicating the anticipated trip generation from this use and corresponding improvements to address changes in circulation patterns, turning movements, volumes, and other related circumstances for Manchester Road. The Traffic Impact Study must be completed by a qualified engineer having recent (within the last two (2) years) experience in this area of expertise. Review and approval of the Traffic Study shall be by the City of Wildwood Departments of Planning and Public Works.

### **Phase I Environmental Assessment**

- e. The developer shall provide to the Planning and Zoning Commission, as part of the Site Development Plan submittal package, a Phase I Environmental Assessment Report of the property indicating this current condition relative to past utilization of this tract of land.

## **8. RECORDING**

Within sixty (60) 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.

## **9. VERIFICATION PRIOR TO BUILDING PERMITS**

Subsequent to approval of a Site Development Plan, and prior to issuance of any building permit, the following requirements shall be met:

### **Landscape Bonds or Escrows**

- a. If the estimated cost of new landscaping required by the Planning and Zoning Commission on the Site Development Plan exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year deposit bond or escrow sufficient in amount to guarantee the installation and maintenance of said landscaping in a form determined by the Director of Planning.

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

- b. Prior to issuance of foundation or building permits, all approvals from the Department of Public Works, the U.S. Army Corp of Engineers, the Missouri Department of Natural Resources, Metro West Fire Protection District, and the Metropolitan St. Louis Sewer District must be received by the Department of Planning.

### **Roadway Improvements**

- c. Road improvements and right-of-way dedication shall be completed, prior to the issuance of an occupancy permit, unless otherwise noted in this ordinance. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

#### **Traffic Generation Assessment Contribution**

- d. Traffic generation assessment contribution shall be deposited with the City of Wildwood in the form of a cash escrow prior to the issuance of building permits.

#### **Certification of Plans**

- e. Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report.

### **10. GENERAL DEVELOPMENT CONDITIONS**

- a. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required.
- b. 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.
- c. 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.
- d. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City Departments or Commissions.
- e. The Zoning Enforcement Officer of the City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the City of Wildwood Planning and Zoning Commission.
- f. 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 2<sup>nd</sup> Amended C-8 Planned Commercial District, Amended C-8 Planned Commercial District, with a Conditional Use Permit (CUP), and C-8 Planned Commercial District, 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.

- g. This zoning approval is conditioned on compliance with the Zoning Ordinance, Subdivision and Development Regulations, 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 2<sup>nd</sup> Amended C-8 Planned Commercial District, Amended C-8 Planned Commercial District, with a Conditional Use Permit (CUP), and C-8 Planned Commercial District ordinance, except where this ordinance has expressly modified such regulations by reference to the applicable provision authorizing such modification.
- h. Substantial construction shall begin within twelve (12) months of the approval of the Site Development Plan for the parcel of ground governed by this 2<sup>nd</sup> Amended C-8 Planned Commercial District, Amended C-8 Planned Commercial District, with a Conditional Use Permit (CUP), and C-8 Planned Commercial District ordinance. Construction shall be deemed to have commenced with the installation of footings and foundations for the approved building.

**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