

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, DELETING SECTION 415.220 OF THE CODE OF ORDINANCES OF THE CITY OF WILDWOOD, MISSOURI, IN ITS ENTIRETY, AND ENACTING IN LIEU THEREOF A NEW SECTION 415.220; AND AMENDING SECTION 415.380 SUBSECTION 1.2.b. OF THE CODE OF ORDINANCES OF THE CITY OF WILDWOOD, MISSOURI; AND PROVIDING FOR MEMBERSHIP REQUIREMENTS AND REVIEW PROCESSES OF THE ARCHITECTURAL REVIEW BOARD.

WHEREAS, the City has had an Architectural Review Board (ARB) since the time of its adoption of the Town Center Plan in 1996, which was determined essential to the accurate application of the adopted 'Neighborhood Design Standards and Architectural Guidelines' associated with this document that had been developed for this special area of Wildwood; and

WHEREAS, to ensure these lengthy and technical standards and guidelines were accurately understood and applied, the board was required to consist of five (5) registered, practicing architects; and

WHEREAS, this requirement for being a member of the board ultimately led to many of the architects serving multiple terms and many years to meet the registration requirement, but changed when the City's Charter was amended to place term limits on all volunteer positions, including the Architectural Review Board (ARB); and

WHEREAS, thereafter the change to the City's Charter, the regulations relating to this Board were changed to expand the types and qualifications of members, first including engineers, landscape architects, and urban planners, with the intent to maintain a minimum level of expertise; and

WHEREAS, even with these changes to the qualifications, filling positions remained a challenge for the Mayor and City Council, which led to a decision to consider dissolving the Board or reconstituting it in some fashion; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on January 16, 2024, where the Commission heard from City personnel and the Mayor about the impacts and benefits of any new regulations relative to the Architectural Review Board (ARB) in this regard; and

WHEREAS, after this public hearing, the Department of Planning presented the suggested, and recommended, changes to the regulations relative to the Architectural Review Board, (ARB) to be considered by the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission, at its April 1, 2024, meeting, voted to support the amendments to the recommended code section of the City to address this matter and provide assurances about the quality and extent of reviews the City provides in these regards, as part of its land use processes; and

WHEREAS, the City Council conducted a public hearing on this matter at its Monday, May 13, 2024 meeting and agreed to authorize the preparation of legislation to proceed with these recommended additions and changes to the Code of Ordinances; and

WHEREAS, this action adhered to the established processes that are consistent with both State and local requirements for notification, posting, and review, and supports the public's general health, safety, and welfare.

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

Section One. That Section 415.220 of the Code of Ordinances of the City of Wildwood, Missouri, be deleted in its entirety, and thereafter enact in lieu thereof a new Chapter 415.220, while also amending Section 415.380, Subsection I.2.b., of the same Code of Ordinances, which will hereafter read as follows:

Section 415.220. Architectural Review Board Requirements.

[R.O. 1997 § 415.220; Ord. No. 1324 App. A § 1003.157, 8-14-2006; Ord. No. 1399 § 1, 4-23-2007; Ord. No. 2267, 5-22-2017]

A. Intent And Purpose. This Section contains the specific regulations for the establishment of the City of Wildwood's Architectural Review Board. The purpose of the Architectural Review Board is to review, comment and act upon design, function and aesthetic issues and elements relative to all buildings and structures to be constructed in the Town Center District or any other zoning district designation in the City. This review authority shall not apply to single-family dwellings not located within the Town Center District as designated on the Comprehensive Zoning Map adopted by the City Council of the City of Wildwood, Missouri. The Architectural Review Board shall also establish appropriate meeting procedures to undertake, coordinate, and complete their required responsibilities in a timely manner as described by this Chapter, including participating with other boards and commissions of the City.

B. Definitions. For the purposes of this Section, the following words and phrases are defined as follows:

ARB - The City of Wildwood Architectural Review Board.

ARCHITECT - Any person authorized pursuant to the provisions of Chapter 327, RSMo., to practice architecture in Missouri as the practice of architecture is defined in Section 327.091, RSMo., as amended, or as otherwise approved by the City Council.

ARCHITECTURAL STANDARDS AND GUIDELINES - The specific requirements applied by the Architectural Review Board in the administration of their powers and duties, which are defined by Section 415.380(I)(2), Miscellaneous Regulations — Architectural Review in all Zoning Districts, and the architectural guidelines of the Town Center Plan as they may be amended from time to time by the Architectural Review Board.

AREA - A specific geographic division of the City of Wildwood.

CONSTRUCTION - The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

~~ENGINEER—Any person authorized pursuant to the provisions of Chapter 327, RSMo., to practice engineering in Missouri as the practice of engineering is defined in Section 327.181, RSMo., as amended.~~

~~LANDSCAPE ARCHITECT—Any person authorized pursuant to the provisions of Chapter 327, RSMo., to practice landscape architecture in Missouri as the practice of landscape architecture is defined in Section 327.603, RSMo., as amended.~~

REVIEW MATERIALS - All materials identified on the policy memorandum approved by the Architectural Review Board and titled "Submittal Requirements of the City of Wildwood's Architectural Review Board" as it may be amended from time to time by the Architectural Review Board.

~~URBAN PLANNER—Any person having received a degree in urban planning from an accredited college or university with applicable and current background and employment in the field.~~

C. Scope And Application. Every application for a building permit for the construction or alteration of any building or structure within the boundaries of the Town Center or in any zoning district outside these boundaries, except as noted elsewhere in this Chapter, shall be submitted to the Architectural Review Board for consideration and action based upon the standards and guidelines currently in place at the time of the submittal. This requirement shall not apply to alterations and repairs not affecting the exterior appearance of the building or structure and existing non-conforming uses for which an exemption to the Town Center or general standards of the Zoning Code's Miscellaneous Regulations has been granted per the site specific ordinance governing the property or by the underlying regulations of the applicable code.

D. General Requirements.

[Ord. No. 2565, 8-10-2020; Ord. No. 2649, 10-25-2021]

1. Composition And Qualifications.

a. Members. The Architectural Review Board shall consist of:

- (1) ~~Five (5)~~ **Three (3)** regular members and ~~three (3)~~ alternate members, all of whom shall be appointed by the Mayor, with the consent of a majority of members of the City Council.
- (2) If, by reason of absence or disqualification of any regular member, there will be less than five (5) regular members at a meeting of the Board, the Chair of the Board shall designate as many alternate members to sit on the Board as may be needed to temporarily replace the regular members for the entirety of their absence or disqualification. When seated, an alternate member shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Section and as otherwise provided by law. Designation of an alternate

~~pursuant to this Subsection shall be made by the Chair of the Board on a case-by-case basis in rotation according to declining seniority among all alternate members; and~~

- ~~(3) One (1) member of the City Council appointed by the Mayor with the consent of a majority of members of the City Council; and~~
- ~~(4) One (1) citizen member of the Planning and Zoning Commission appointed by the Mayor with the consent of a majority of members of the City Council.~~

b. Qualifications.

- (1) Regular Members. No person shall be a regular member of the Architectural Review Board pursuant to Subsection (D)(1)(a)(1) of this Section unless he or she, at the time of his or her appointment and during his or her term, is a resident of the City of Wildwood, **and an architect. Notwithstanding the foregoing, if it is determined by the Mayor that an architect meeting the City's residency requirement for appointment is not available, the Mayor may appoint up to two (2), non-resident architects to the Architectural Review Board to serve in this capacity. These appointments must receive the consent of the majority of the members of City Council. The selection of these non-resident architects shall be by a competitive qualifications process set forth in the City's Code of Ordinances and said services may be compensated subject to the terms and conditions set forth in an agreement approved by the City.** ~~Three (3) member of the Board shall be either an architect, engineer, landscape architect, urban planner, or otherwise qualified by experience and training pertaining to building construction.~~
- (2) ~~Alternate Members. No person shall be an alternate member of the Architectural Review Board pursuant to Subsection (D)(1)(a)(2) of this Section unless he or she, at the time of his or her appointment and during his or her term, is a resident of the City of Wildwood.~~

2. Terms.

- a. The terms of office for the regular ~~and alternate~~ members of the Architectural Review Board shall be for a period of four (4) years commencing on ~~September June~~ 1 of the year of their appointment and ending on ~~August May~~-31 of the year in which they complete their term as a Board member. **The initial membership of the Architectural Review Board that is appointed shall serve as follows: one (1) member for two (2) years, one (1) member for three (3) years, and one (1) member for four (4) years. Their terms shall be specified by the Mayor at the time of their appointment. Thereafter, all members shall be appointed for a term of four (4) years.** Anyone filling a vacancy shall be appointed for the remainder of the unexpired term of the member leaving the Board.
- b. ~~The members of the City Council and the Planning and Zoning Commission appointed to the Architectural Review Board shall each serve a term of one (1) year.~~
- c. The Architectural Review Board shall hold at least one (1) meeting per month or as otherwise directed by the Chair.

3. Officers. Officers of the Architectural Review Board shall consist of a Chair, Vice Chair and Secretary elected by the members of the Board from amongst the regular members who shall each serve a term of one (1) year and shall be eligible for re-election. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If both are absent, a temporary Chair shall be elected to oversee the meeting by those in attendance. The Secretary of the Board shall have the following duties (these duties may be assigned to the Department of Planning upon the agreement of the Architectural Review Board):

- a. Take minutes of each Architectural Review Board meeting; and
- b. Be responsible for publication and distribution of copies of the minutes, reports and **recommendations** ~~decisions~~ to the members of the Architectural Review Board; and
- c. Give notice to the City Clerk for posting as provided herein by law for all public meetings conducted by the Architectural Review Board; and
- d. Advise the Mayor of vacancies on the Architectural Review Board and expiring terms of members; and
- e. Prepare to submit to the City Council a complete record of the proceedings before the Architectural Review Board on any matter requiring City Council considerations; and
- f. Review and inspect projects which have been approved by the Architectural Review Board for compliance and self-education.

4. Meetings. The attendance of **two (2)** ~~three (3)~~ members of the Architectural Review Board shall constitute a quorum for purposes of conducting the business of the Board. All **recommendations** ~~decisions or actions~~ of the Board shall be made by a simple majority vote of those members present and voting at any meeting where a quorum is in attendance. **In the event of a tie vote, the application will be forwarded to the Planning and Zoning Commission as a no recommendation but shall include the minutes of the discussion upon the item for consideration by its members in providing a final action.** Meetings shall be held at regularly scheduled times to be established within the bylaws of the Board at the beginning of each calendar year or at any time upon the call of the Chair. Members of the Board shall comply with the provisions of the City's Code of Ethics, Chapter 125 of the City Code. The Board shall keep minutes of its proceedings, showing the vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the City Clerk and shall be public record.

5. Compensation. The members shall serve without compensation, but shall be reimbursed for expenses they incur while on Board business.

6. Powers And Duties. The Architectural Review Board shall have the following powers and duties:

- a. To adopt its own bylaws and procedural regulations, provided that such regulations are consistent with the City Charter, the City Code and the laws of the State of Missouri.
- b. To review and **recommend** upon all plans for the construction of buildings and structures proposed in the City's Town Center.
- c. To review and **recommend** upon all plans for the construction of buildings and structures outside the Town Center area of the City, except for single-family dwellings, or any authorized accessory use customarily found in conjunction with the primary use of the property in any residential zoning district.
- d. To inform and educate the citizens of the City of Wildwood concerning the architectural heritage of the City through publication or sponsorship of newsletters, pamphlets or programs.
- e. To recommend to the Director of Planning to issue stop-work orders for any work undertaken by an owner or contractor which does not comply with the approved Architectural Review Board's plans, elevations or models.
- f. To develop and recommend to the City Council modifications to architectural standards and guidelines relating to the administration of the Architectural Review Board's responsibilities.
- g. To testify before all City boards and commissions, including the Planning and Zoning Commission, the Board of Adjustment and the City Council, on any matter affecting architecturally significant structures or buildings within the community or any other item within the scope of their powers and duties, including all appeal requests.
- h. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or in furtherance of the purpose of this Chapter.
- i. To assist and participate with the Planning and Zoning Commission in their review of development proposals affecting properties within the Town Center boundary or as may be authorized by the Zoning Code for other locations in the City.
- j. To participate in preliminary discussions held between developers, property owners or other interests concerning projects in the City for the purpose of determining compliance with applicable standards, guidelines or regulations and provide input to assist those parties in the preparation of plans, elevations, models and other presentation aids in anticipation of review and action by the Planning and Zoning Commission and/or the City Council.

7. Except as may be expressly stated otherwise by Ordinance, any action taken by the Architectural Review Board pursuant to this Section in any area **inside or** outside of the boundaries of the Town Center shall be subject to the review and approval of the Planning and Zoning Commission within sixty (60) days of the date of such action by the Architectural Review Board.

E. Review Authority.

1. Review Materials. Any applicant for a construction project subject to architectural review shall submit to the Architectural Review Board materials specified on an approved list provided by it. This list shall be regularly updated by the Board and shall be made available to all applicants at the time of their first contact with the City's Department of Planning. The Architectural Review Board may require additional information as necessary to decide on any particular application. The submittal of these review materials is mandatory and, if not provided, the Architectural Review Board can delay review and action upon it. Review may begin once all materials are provided to the Architectural Review Board and the architect of record has signed and sealed the cover page of the submittal package indicating his/her participation in the preparation of the materials.

2. Meeting Procedures And Actions. The Architectural Review Board shall hold a public meeting to allow for the applicant to present the required materials and shall allow public comment thereon. At this initial meeting, the architect of record shall attend and present to the Architectural Review Board the project and its details. Subsequent presentations of the project to the Architectural Review Board by the architect of record will be at the discretion of its members. After such review the Architectural Review Board shall expeditiously, as practicable, **recommend** the application if it conforms to the City's standards and guidelines in this regard or return it with suggestions, when the Board deems, the plan will conform to these items with minor modifications. All **recommendations** decisions shall be in writing and delivered to the applicant and the Director of Planning.

3. Standards For Approval. The Architectural Review Board shall consider any proposal by the application of the minimum requirements and guidelines established by this Chapter, which are on file in the City offices and incorporated from the City of Wildwood's Town Center Plan — Architectural Guidelines or Section 415.380, Miscellaneous Regulations, of the City of Wildwood Zoning Code. These standards are not intended to restrict variety, creativity or imagination in architectural design, but rather are intended to set minimum standards and guidelines in which to develop visual cohesiveness of buildings or structures, pedestrian-friendly access and design and compatibility with surrounding natural or built environment, as well as preserve property values and promote the public health, safety and welfare.

4. Modifications. Architectural guidelines identified as "minimum standards" must, unless a modification is granted, be observed in all plans. Architectural regulations identified as guidelines shall be observed, unless an alternative proposed feature or design is shown by the applicant to meet or exceed the intent and objectives of this Chapter, the Town Center architectural guidelines and the applicable master plan principles. The standards and guidelines are designed to direct and limit the discretion of the Architectural Review Board and, therefore, modifications from the standards and guidelines shall only be permitted upon a clear showing that the alternative feature and design conforms with the identified legislative intent of these regulations.

F. Appeal. [Ord. No. 2649, 10-25-2021]

1. Appeal By Applicant From Final Decision. Any applicant aggrieved by a ~~final decision of the Planning and Zoning Commission Architectural Review Board on an application pursuant to Section 415.220(D)(6)(b) or the final decision of the Planning and Zoning Commission on any application pursuant to Section 415.220(D)(7) of this Chapter~~ may file with the City Clerk a written

appeal to the City Council. Such appeal shall be filed with the City Clerk within fifteen (15) days **after a final action is taken on the application** ~~the Architectural Review Board or Planning and Zoning Commission's decision~~ (or if the filing date falls on a weekend or holiday, the next regular business day) and shall be accompanied by a fee of two hundred dollars (\$200.00). The applicant shall state in the appeal how the application, as initially filed or subsequently modified, meets the criteria set forth in the City Code and any architectural guidelines.

2. City Council Review Of ~~Planning and Zoning Commission~~ Architectural Review Board Decision. The City Council, upon motion adopted by majority vote within fifteen (15) days after receipt of the ~~Architectural Review Board or Planning and Zoning Commission's~~ decision, may exercise the power of review of any ~~Architectural Review Board or Planning and Zoning Commission~~ decision on an application.

3. Procedures For Hearings On Appeal Or Council Review. The procedures for hearings on appeal or City Council voting to exercise its power of review of ~~Architectural Review Board or Planning and Zoning Commission~~ decisions pertaining to applications shall be the same as set forth in Section 415.500(1)(5)(a) through (c) of this Chapter.

4. City Council Decision. Following the hearing by the City Council on an application, the City Council may affirm, reverse or modify, in whole or in part, any decision of the ~~Architectural Review Board or Planning and Zoning Commission~~. An affirmative vote of two-thirds (2/3) of the members of the whole City Council shall be required to overrule the final decision of the ~~Board of Architectural Review or the Planning and Zoning Commission~~. In all other instances, a majority vote of the whole City Council shall be required to approve, deny or modify the decision of the ~~Architectural Review Board or the Planning and Zoning Commission~~.

5. Decisions In Writing. Every decision by the City Council pursuant to this Section shall be in writing and shall include, or be accompanied by, findings of fact and conclusions of law. The findings of fact shall be stated separately from the conclusions of law and shall include a concise statement of the findings on which the City Council bases its decision. Immediately upon rendering a decision, the Department of Planning shall give written notice of the City Council's decision by delivering or mailing such notice to the applicant or his/her attorney of record, and shall upon request furnish him/her with a copy of the decision, order, and findings of fact and conclusions of law.

Section 415.380 Miscellaneous Regulations.

[R.O. 1997 § 415.380; Ord. No. 1324 App. A § 1003.167, 8-14-2006; Ord. No. 2208 § 1, 8-22-2016]2.

I. Illumination Structures in Certain Districts

2. Architectural Review In All Zoning Districts.

b. Other items necessary to this review may also be required of the applicant by the Architectural Review Board. Except as may be modified by the Town Center Architectural Guidelines, all developments subject to this Section shall comply with the standards set forth below and such more specific guidelines as may be adopted by the Architectural Review Board and the Department of Planning consistent with this Section. Such supplemental guidelines shall be effective after

review and recommendation of the Department of Planning and ratification by the City Council. No building permit shall be authorized by the City of Wildwood for any development subject to this Section, which does not have an approved architectural elevation(s). Appeal of decisions made by the **Planning and Zoning Commission** ~~Architectural Review Board~~ shall be to the City Council pursuant to the procedure in Section 415.530, Appeal and Protest Procedure for Change of Zoning and Special Procedures. Said standards are as follows.

Section Two. 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 or not relating to or in manner connected with the subject matter hereof.

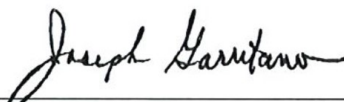
Section Three. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall 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 Four. 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 12th day of August, 2024, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two (2) times prior to its passage.



Presiding Officer



Joseph Garritano, Mayor

ATTEST:


City Clerk

ATTEST:


City Clerk