

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AMENDING SECTION 415.220 OF THE CODE OF ORDINANCES OF THE CITY OF WILDWOOD BY DELETING IT IN ITS ENTIRETY AND ENACTING, IN LIEU THEREOF, A NEW SECTION 415.220; WHICH THEREBY ENACTS NEW REQUIREMENTS RELATING TO THE SUBMITTAL PROCESSES FOR PRESENTATIONS TO THE ARCHITECTURAL REVIEW BOARD BY APPLICANTS, ALONG WITH PROVIDING CITY COUNCIL ADDITIONAL LATITUDE IN THE SELECTION OF ALTERNATES FOR SERVICE UPON IT. (Wards – All)

WHEREAS, with the update of the Town Center Plan completed in 2012, the Architectural Review Board began a process of reviewing the architectural guidelines associated with it, acknowledging all plans and their components need to be considered relative to emerging trends, past successes and shortcomings of them, and new technologies and materials that have been added over the course of the last twelve (12) years; and

WHEREAS, as this review proceeded, the Architectural Review Board modified many of the existing guidelines, but also sought to memorialize a couple of items relating to its processes associated with the review of applications that are before it for consideration and action; and

WHEREAS, this desire led to the posting of an advertisement for hearing and action by the Planning and Zoning Commission regarding *Sections 415.220 Architectural Review Board Requirements and 415.380 Miscellaneous Regulations*, which would establish certain requirements regarding its authority; and

WHEREAS, the items that had been identified by the members of the Architectural Review Board for consideration included the following items: a.) the mandatory attendance of the architect of record at all the meetings where the project is being presented and/or discussed; b.) the memorialization of the items each application for consideration by the board must contain, for the purposes of understanding the planned building, the site, and the area's context around the subject location; and c.) greater flexibility in the qualifications of alternates to serve on the board; and

WHEREAS, the Architectural Review Board members noted concerns that, without these changes, a more recent trend of the building or property owner presenting the project may become more entrenched.; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission in January 17, 2017, where the Commission heard from City personnel about the impacts and benefits of any new regulations in this regard; and

WHEREAS, after this public hearing, the Department of Planning recommended the suggested, and recommended, changes to the regulations that had been proposed by the Architectural Review Board be supported by the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission, at its March 6, 2017, meeting, voted to support the amendments to the recommended code of the City to address this matter and provide assurances about the quality and extent of information that is presented to the City, as part of this process; and

WHEREAS, the City Council conducted a public hearing on this matter at its March 27, 2017, 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, be and is hereby amended by enacting the following regulations, to read as follows (changes reflected by bolded and underlined type):

Chapter 415. Zoning Regulations

Section 415.220. Architectural Review Board Requirements

[Ord. No. 1324 App. A §1003.157, 8-14-2006; Ord. No. 1399 §1, 4-23-2007]

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:

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., 2000, 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(1)(2)** Miscellaneous Regulations—Architectural Review in all 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.

ARB

The City of Wildwood Architectural Review Board.

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., 2000, 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., 2000, 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.

1. Composition of Architectural Review Board.

a. The Architectural Review Board shall consist of five (5) residents of the City of Wildwood, all of whom shall be appointed by the Mayor with the consent of a majority of members of the City Council. Three (3) alternate members may be appointed to serve in the absence or the disqualification of the regular members. These alternate members shall not be represented as licensed, practicing architects, as part of their participation on this Board, unless otherwise having said registration (as defined herein). In addition, one (1) member of the City Council shall serve as a non-voting liaison to the Board. All five (5) members of the Architectural Review Board shall be practicing, licensed architects.

b. Alternate members of the Architectural Review Board shall be either practicing, licensed architects, engineers or landscape architects and/or urban planners, as defined herein (see Section 415.220(B) Definitions), **or as otherwise approved by the City Council.**

2. Terms.

a. The terms of office for the members of the Architectural Review Board shall be for a period of three (3) years commencing on June first (1st) of the year of their appointment and ending on May thirty-first (31st) of the year in which they complete their tenure as a Board member, unless otherwise appointed. The initial composition of the Board shall consist of the five (5) members currently appointed to the advisory Architectural Review Board. Upon appointment and at the first (1st) meeting of the new Board, the members shall choose the length of their terms by lot. One (1) member shall serve for a one (1) year period, two (2) for two (2) years and two (2) for three (3) year period. All succeeding terms shall be for three (3) years. Anyone filling a vacancy shall be appointed for the remainder of the unexpired term of the member leaving the Architectural Review Board.

b. The terms of office for the alternate members of the Architectural Review Board shall be for a period of two (2) years commencing on June first (1st) of the year of their appointment and ending on May thirty-first (31st) of the year in which they complete their tenure as an alternate to the Architectural Review Board, unless otherwise reappointed. Alternates may continue to serve in these positions past the two (2) year appointment, until otherwise replaced by the Mayor and City Council. The membership of the first (1st) alternates appointed shall serve respectively, one (1) for one (1) year and two (2) for two (2) years. Thereafter, as noted above, members shall be appointed for terms of two (2) years.

c. The Architectural Review Board shall hold at least one (1) meeting per month or as otherwise directed by the Chair. Any member of the Architectural Review Board who fails to attend at least fifty percent (50%) of all meetings within any calendar year of service, regular or special, shall thereby automatically vacate the membership position. Appointment of a replacement shall be to complete the unexpired term and made in the same manner as described in Subsection (D)(1).

3. *Officers.* Officers shall consist of a Chair, Vice Chair and Secretary elected by the Architectural Review Board who shall each serve a term of one (1) year and shall be eligible for re-election. The City Council representative shall not be eligible to serve as an officer. The Chair shall preside over meetings. 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 Architectural Review 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;

b. Be responsible for publication and distribution of copies of the minutes, reports and decisions to the members of the Architectural Review Board;

c. Give notice to the City Clerk for posting as provided herein by law for all public meetings conducted by the Architectural Review Board;

d. Advise the Mayor of vacancies on the Architectural Review Board and expiring terms of members;

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.* A quorum shall consist of three (3) of the members. All decisions or actions of the Architectural Review Board shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established within the bylaws of the Architectural Review Board at the beginning of each calendar year or at any time upon the call of the Chair. No member of the Architectural Review Board shall vote on any matter that may materially or apparently affect the property, income or business interest of that member. The Architectural Review 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 immediately 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 this Chapter and the Revised Statutes of the State of Missouri.

b. To review and act upon all plans for the construction of buildings and structures proposed in the City's Town Center.

c. To review and act upon all plans for the construction of buildings and structures outside the Town Center area of the City, except for single-family dwellings, and 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 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 to the implementation 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 aides in anticipation of review and action by the Planning and Zoning Commission and/or the City Council.

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 (1st) 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, approve 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 would conform to these items with minor modifications. All 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 Of Actions Of The Architectural Review Board. If the Architectural Review Board denies an application, it may provide suggestions or proposed modifications to the applicant to arrive at a mutually satisfactory alternative to the proposed design. If the applicant does not receive approval of the modified plan within thirty (30) days, the applicant may file with the City Clerk a written appeal to the City Council. Upon appeal, the Architectural Review Board shall provide the City Council with a complete, written record of the application indicating the reasons for the denial. In acting upon the appeal, the City Council may grant a modification from the strict interpretation of this Chapter when such will not materially affect the health or safety of the applicant and general public. If a modification is granted by the City Council, appropriate mitigation shall be incorporated as part of any such approval to address aesthetics, scale, design and consistency. This mitigation must minimally address the impact on the surrounding properties and the viewscape from any public roadway or parcel of ground resulting from this modification.

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

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 or not 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.

This Bill was passed and approved this ____ day of _____, 2017 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

The Honorable James R. Bowlin, Mayor

ATTEST:

Amanda Foster, City Clerk

Amanda Foster, City Clerk