

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AUTHORIZING CERTAIN MODIFICATIONS TO EXISTING C-8 PLANNED COMMERCIAL DISTRICT ORDINANCE #2549, WHICH GOVERNS A MIXED-USE DEVELOPMENT LOCATED IN THE CITY'S TOWN CENTER DOWNTOWN AND NEIGHBORHOOD GENERAL DISTRICTS, BY ALLOWING UP TO AN ADDITIONAL SIX (6) MONTHS FOR THE SUBMITTAL AND ACTION ON THE REQUIRED SITE DEVELOPMENT PLAN, WITH SUCH BEING CONSISTENT WITH THE FAVORABLE ACTION OF THE PLANNING AND ZONING COMMISSION THAT IS SET FORTH IN ITS MAY 3, 2021 LETTER OF RECOMMENDATION ON THE SAME

WHEREAS, the City Council, after an initial and subsequent discussions by the Planning and Zoning Commission, has authorized a mixed-use development in the City's Town Center Area's Downtown and Neighborhood General Districts on Main Street, which would accommodate, on this 2.2 acre tract of land, commercial uses on the structure's ground floor and four (4) floors of residential units above it, totaling sixty (60) overall apartments; and

WHEREAS, this change in zoning, and subsequent amendments to the site-specific governing ordinance, were undertaken to allow for this mixed-use development to offer several unique housing and design features at this location within the City's Town Center Area, which also necessitated a Regulating Plan addition to allow the air space above the ground floor Downtown District area to be used for the aforementioned sixty (60) residential units, of which would be marketed to a particular demographic; and

WHEREAS, once the zoning aspects of this project had been completed, the process then proceeds to the Site Development Plan component and architectural review, which was begun by the petitioner, but neither have been concluded; and

WHEREAS, acknowledging the start of these processes, the delay has been two (2) fold in origin, the first attributable to the funding component and the other to COVID-19 considerations during 2020 and part of 2021; and

WHEREAS, given these delays, the Planning and Zoning Commission was asked to consider this change and extension to the Site Development Plan process to accommodate more time for submittal, review, and action by the City; and

WHEREAS, at this meeting of the Planning and Zoning Commission, the Department noted the circumstances over the last fifteen (15) plus months had certainly been unusual and caused widespread delays throughout all components of the national and local economies and additional time was reasonable in this regard, also given the magnitude of this project; and

WHEREAS, the Planning and Zoning Commission, hearing and discussing all input, agreed and recommended an additional twenty-four (24) months be authorized for the completion of this required plan process for the reasons stated in its report on this matter; and

WHEREAS, the City Council received this report, with recommendation, at its May 24, 2021 meeting and held a public hearing on the matter, which, when concluded, the members authorized the preparation of the necessary legislation to allow for this additional time, which is not to exceed twenty-four (24) months in total.

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

Section One. The City Council of the City of Wildwood, Missouri hereby authorizes certain modifications to C-8 Planned Commercial District Ordinance #2549 to allow for an additional six (6) months for the petitioner to submit, review and complete action on the required Site Development Plan, such being consistent with the recommendation of the Planning and Zoning Commission contained in its Letter of Recommendation, which is dated May 3, 2021, and now being indicated below by the changes indicated herein:

1. PERMITTED USES

The uses allowed in this Amended C-8 Planned Commercial District (Town Center Downtown and Neighborhood General District designations) shall be limited to professional offices, general offices, restaurants, including fast-food types, but without drive-through facilities, microbreweries, and all retail and service activities, as defined in the Town Center Plan, with associated parking, but not financial institutions, vehicle repair/service facilities, and/or taverns. Additionally, this Amended C-8 Planned Commercial District (Town Center Downtown and Neighborhood General District designations) shall authorize the development of no more than sixty (60) apartment type units to be housed in no less than four (4) additional floors located above the commercial area (as shown on the submitted Preliminary Development Plan).

2. FLOOR AREA, HEIGHT, AND BUILDING REQUIREMENTS

- a. The uses permitted in this Amended C-8 Planned Commercial District shall be contained in a total of two (2) buildings. These buildings shall have footprints that shall not exceed a total of 20,000 square feet in gross floor area. The total building size, including all five (5) floors, shall not exceed 100,000 square feet.
- b. The area of this Amended C-8 Planned Commercial District shall be a minimum of two point two (2.2) acres in overall size, unless otherwise reduced in area by public roadway dedications, as required herein. No division of this lot, once split from the parent tract of land, shall be authorized.
- c. The two (2) allowable areas of the buildings that will house the ‘Downtown’ District permitted uses that are noted above must be located along Main Street right-of-way, so as to provide no less than ninety (90) percent of that frontage occupied by an arcade, porch, or building façade, along with the required commercial plaza, with outdoor seating. The orientation of the commercial buildings shall be as shown on the Preliminary Development Plan submitted by the petitioner, as part of the rezoning request. The first floor commercial area of the building shall be constructed with glazing to provide a minimum fifty (50)

percent transparency along Main Street and exhibit no individual bay distance of greater than thirty (30) feet, without providing some type of recess, projection, or pilaster.

- d. In those instances where a building façade is absent along a street, a garden or screen wall shall be installed, unless designated public space. This wall(s) must complement the appearance of the building 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 Architectural Review Board, as part of the Site Development Plan review and approval process.
- e. No loading docks are authorized within the boundaries of this Amended C-8 Planned Commercial District.
- f. No structure or building shall exceed five (5) stories in overall height, as measured from final finish grade of the adjoining street, with a first story, interior clear height not less than twelve (12) feet.
- g. The proposed architectural design, character, and style of any building and 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.
- h. The integration of public 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 legislation. A minimum of two (2) of these features must be provided within the boundaries of this Amended 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.
- i. A majority of the permitted residential units within the boundaries of this Amended C-8 Planned Commercial District of this site must incorporate a useable deck, porch, or balcony on their respective and appropriate elevations or as may considered and acted upon by the Architectural Review Board (ARB) during its consideration of required plans, renderings, and other items relating to this building and site (added by the Planning and Zoning Commission, as part of its approval of this Letter of Recommendation).
- j. The set of buildings, as proposed, shall be substantially constructed in the form shown on renderings provided as part of the public hearing process on this matter, including each elevation shall be constructed in a manner to create a series of bays, thereby eliminating a single length of the building's exterior walls from having a monotonous design.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the date of approval of this amended governing ordinance 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. 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. All buildings or structures, excluding 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 and Neighborhood General" Districts, except as follows:
 1. No greater than ten (10) feet from the northern boundary line (Main Street right-of-way) of this Amended C-8 Planned Commercial District for the mixed-use buildings.
 2. No greater than ten (10) feet from the eastern boundary line (Eastgate Lane) of this Amended C-8 Planned Commercial District for the mixed use buildings.

Parking Setbacks

- b. All parking stalls, loading spaces, internal drives, excluding points of ingress and egress, 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:
 - 1. Seventy-five (75) feet from the right-of-way line of Main Street, as shown on the submitted Preliminary Development Plan.

Minimum Parking Requirements

- c. Minimum parking requirements shall be set forth in the City of Wildwood's Town Center Neighborhood Design Standards for the "Downtown and Neighborhood General" Districts 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 per one thousand (1,000) square feet of gross floor area. Additionally, the following requirements shall also apply:
 - 1. All parking spaces and access drives shall be paved and may use porous types of materials.
 - 2. A minimum of one point five (1.5) parking space per unit shall be provided, as part of any residential unit authorized herein.

Access and Roadway Improvements, including sidewalks

- d. The developer of the project shall be responsible for the construction and installation of a portion of the required improvements for the extension of Eastgate Lane, south of Main Street, which shall conform to the requirements of the City of Wildwood's Street Specifications of the Town Center Plan and as directed and approved by the Department of Public Works. All streetscape requirements (street trees, lights, signs, waste receptacles, benches, and other items) shall consist of approved materials and installed, as required by the City of Wildwood's Town Center Plan within the right-of-way of Eastgate Lane by the developer of this project, and be approved by the Department of Public Works.
- e. Dedicate all the right-of-way, easements, and licenses within the subject site necessary for the improvement of Eastgate Lane, including an additional land area of similar width to the south to eventually connect to Manchester Road. This additional dedication area can act as creditable public space. In this regard, the developer/owner shall dedicate a minimum of twenty-four (24) feet of land area along the subject property's eastern boundary line to the City of Wildwood for public right-of-way purposes which does not include required public easement areas that abut said area. These dedication and easement areas widths shall be as reviewed and recommended by the Department of Public Works, and acted upon by Planning and Zoning Commission on the Site Development Plan.
- f. Access to this development from Main Street shall be via the newly-constructed Eastgate Lane and limited to one (1) public street intersection, which must be designed in

accordance with the City of Wildwood's Street Specifications of the Town Center and as directed and approved by the Department of Public Works.

- g. Provide sidewalks conforming to City of Wildwood ADA standards along Eastgate Lane, as well as constructing an inter-connected network of pedestrian improvements accessing existing, surrounding trails/sidewalks, as directed by the Department of Public Works. Said sidewalks and trails shall also conform to the City of Wildwood's Street Specifications of the Town Center Plan and be no less than ten (10) feet in width and comply with the Streetscape Requirements of the aforementioned plan.
- h. The construction extent of this roadway shall be from the northern edge of the right-of-way area for Main Street to the southern property line of the subject property and again be the responsibility of the developer of this site to complete in accordance with approved plans.

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, as directed by the Departments of Planning and Public Works. 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 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 areas 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 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 at the time of the Record Plat approval by the City Council.

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 Code proposed 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 and comply with the Streetscape Requirements of the Town Center 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:
 - 1. All wall signs shall comply with Chapter 415.420 Sign Regulations for the C-2 Shopping District, except all signage shall be externally illuminated according to the Town Center Plan's Architectural Guidelines.
 - 2. No wall sign shall exceed thirty (30) square feet in overall size.
 - 3. No freestanding monument type sign shall be authorized within the boundaries of this Amended C-8 Planned Commercial District.
 - 4. No advertising, temporary, or portable signs shall be authorized in this Amended C-8 Planned Commercial District development, unless otherwise permitted by the Sign Regulations of the City of Wildwood's Zoning Ordinance. 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.
 - 5. The projection of images, as part of the Public Space Plan, shall not be governed herein by these aforementioned Sign Regulations, but rather, under direct approval of the City Council.

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 the main building.
- v. Handicap parking and access requirements shall comply with Section 512.4 of the City of Wildwood Building Code.
- w. All rooftop mechanical equipment shall be wholly and completely screened from view from any adjoining roadway or property. Screening improvements shall be part of the City's standard architectural review process, as set forth herein this ordinance and by the Town Center Plan.
- 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 these sites and improve 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. The design, color, material, and location of all garden and screen walls or fences shall be consistent with the requirements of the Town Center Plan’s Architectural Guidelines and be shown on the Site Development Plan for review and action by the Planning and Zoning Commission and the Architectural Review Board.

- aa. Provide a cross-parking, or other appropriate legal instrument, or agreement guaranteeing permanent use of available parking spaces between this site and the abutting property to the west, as directed by the Departments of Planning and Public Works. Shared parking that is provided on this abutting lot and the subject site shall be within three hundred (300) feet of the use to be served, as measured along a pedestrian walkway designed to allow pedestrians to safely access the use.
 - 1. The total number of spaces provided as part of this cross-parking agreement shall equal the total number of spaces required for each use. Joint or cross parking provided herein shall be comprised of a minimum of fifteen (15) stalls.
 - 2. The required cross parking agreement shall be reviewed and approved by the City Attorney. Subsequent to approval of such an agreement, a parking plan, and an appropriate legal instrument of agreement among the owners of the properties, shall be recorded with the St. Louis County Recorder of Deeds.
 - 3. Such recorded plans and the agreement shall be binding upon the owners of the properties involved, and their successors and assigns, and shall limit and control the use of land included on the plan to those uses and conditions approved by the City Council.
 - 4. Any improvements associated with the required cross-parking area shall be deeded and recorded prior to the occupancy (both temporary and final) of the building and be the full responsibility of the developers/property owners. 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.

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 or less than an amount that is roughly proportional to the actual or anticipated impact. The installation of required public space improvements shall be as required by the applicable ordinance, but shall be completed prior to issuance of any occupancy (temporary or final) permit for the individual commercial building authorized by this ordinance. Unless otherwise approved pursuant to the procedures set forth in the Public Space Ordinance, the public space attributable to this development shall be based upon the number of provided parking spaces at a rate of 290.4 square feet per parking space (commercial) and 828 square feet per unit for residential.

- a. In compliance with all requirements of the Public Space Regulations of the City's Zoning Ordinance, three proposed commercial plazas shall be provided as part of this development, of which, two (2) may be for private use only, with all designed and constructed as directed by the Planning and Zoning Commission. The design of these commercial plazas shall be reviewed and acted upon as part of the Site Development Plan process by the Planning and Zoning Commission.

6. TRAFFIC GENERATION ASSESSMENT

The developer is not required to contribute to the East Area Corridor Traffic Generation Assessment Road Trust Fund established by Chapter 140 of the City's Codified Ordinances, given credits previously granted as part of the donation of property for the current City Hall site.

7. VERIFICATION PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN

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

Stormwater Requirements

- 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.
 1. The developer is required to provide adequate stormwater systems in accordance with the City of Wildwood and Metropolitan St. Louis Sewer District Standards.
 2. All stormwater shall be discharged at an adequate natural discharge point.
 3. 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 and/or retention facilities. The detention and/or retention facilities shall be completed and in operation prior to paving of any driveways or parking areas.
 4. 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.
 5. 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.
 6. The provision of all approvals from the U.S. Army Corps of Engineers and the Missouri Department of Natural Resources shall be required for the enclosure of the creek. Any mitigation efforts required by these two (2), federal and State agencies shall also be approved by the City of Wildwood.
 7. 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 all Site Development Plans. 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 Study

- d. The developer shall provide to the Departments of Planning and Public Works a Traffic 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 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 properties indicating their 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 Corps 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.

Certification of Plans

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

Land Subdivision

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

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 C-8 Planned Commercial District Ordinance, except as may be provided by law. Nothing herein shall be deemed a waiver of any subdivision, zoning or other development regulation of the City whether by implication or reference.
- 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 Amended 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 by no later than one (1) year from the approval of the Site Development Plan by the Planning and Zoning Commission for this parcel of ground governed by this Amended C-8 Planned Commercial District ordinance. Said date may be extended once for an additional twelve (12) month period of time, upon determination of justifiable cause, by the Department of Planning. Construction shall be deemed to have commenced with the final grading for and installation of roadways necessary for the first approved plat or phase of construction and commencement of installation of the sanitary and storm sewers.

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 _____
_____ 2021, 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

The Honorable James R. Bowlin, Mayor

ATTEST:

ATTEST:

City Clerk

City Clerk