



# WILDWOOD

## PUBLIC HEARING PRIMER

PREPARED FOR THE

## PLANNING AND ZONING COMMISSION'S APRIL 18, 2016 PUBLIC HEARING

Department of Planning  
April 18, 2016 Executive Session  
City Hall Council Chambers  
"Planning Tomorrow Today"

**Request:** P.Z. 7-16 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040 – A request to review and consider amendments to the City of Wildwood's Zoning Ordinance – Chapter 415 of the City of Wildwood Municipal Code – for all of its "R" Residence Districts zoning designations (Chapter 415 – Sections 110 through 160), including Chapter 415.090 NU Non-Urban Residence District, thereby adding new language to prohibit the installation of impervious surfaces and other improvements in the side yard setbacks, which are not considered structures under the Zoning Ordinance's definition of the same. **(Wards - All)**

**Background:** The City of Wildwood has a number of subdivisions developed with the use of a Planned Environment Unit (PEU - St. Louis County) or the Planned Residential Development Overlay District (PRD - City of Wildwood). These overlay districts allow the developer, eventual homebuyer, and the local government to address the use of property more in keeping with its characteristics versus compliance to a one size fits all residential zoning district designation approach. The use of these overlay districts has been across all areas of Wildwood, rural to Town Center.

One of the key components of the use of the overlay district procedure is the ability to modify the setback distances for structures and buildings to allow for them to match the minimum lot sizes that are also accommodated, thereby creating a more compact development featuring greater contiguous open spaces. In more traditional subdivisions, those outside the non-urban residence district, side yard setback distances can be five (5) to (6) feet in width, thereby allowing ten (10) feet between dwellings. These side yard setback areas are critical in their function as well, given they receive much of the stormwater runoff from the areas of the dwelling's impervious surfaces, along with the installation of needed utilities for the purposes of electric, water, sewer, telecommunications, and others. Therefore, the use of these areas needs to be carefully controlled to preserve their designed functions.

Over the last year, a number of homeowners have installed or requested the right to use these side yard setback areas and others for new improvements. These improvements include a range of flat work, landscaping, and stormwater improvements. Collectively, some of the improvements work within the narrow areas of the side yard setbacks, but not always.

An example of this situation that has created issues is the more recent trend of adding flatwork for an additional driveway pad in the side yard setback area. In recent instances, this driveway approach causes a number of issues for the abutting property owner, such as alterations of stormwater runoff, increase in noise, and degradation of

aesthetics. These situations have led to an increase in questions and complaints to the City about such. These questions and complaints were reviewed and given no clear or concise interpretation of the multiple codes governing and controlling setback areas of a lot, resulting in responses being less than desirable to these parties. Accordingly, the Department believes the best approach is to have the Planning and Zoning Commission review the matter of how the use of certain setback areas of a lot should be treated, if at all.

**Key Areas of Study:** The key areas of this discussion include the following items:

1. The need or lack thereof for a legislative solution to the use of the setback areas for typically exempt improvements, such as fences, walls, light standards, and flatwork.
2. The methods to manage or protect these setback areas from use and/or development.
3. The consideration of increasing the allowable minimum setbacks authorized by the City's Planned Residential Development Overlay District (PRD) procedure, if approved on a site, thereby ensuring certain distances are preserved between dwellings for necessary utility installations and stormwater management, but also, homeowner installed improvements as well.
4. The integration of the Grading Code requirements into the Zoning Ordinance, so as consistency exists between the two (2) sets of regulations.

This list may not be all-inclusive to the number of items that might exist, but represents a starting point for discussion on this matter at tonight's public hearing. With this discussion and input from the public and the Planning and Zoning Commission, the Department then can prepare its report on this request. Again, this request is being presented due to a recent number of incidents relating to the use of side yard setback areas in more traditional subdivisions for improvements that were never expected to occur there. However, with changing demands on households, particularly the number of vehicles potentially associated with a single residence having children of a driving age, the availability of space on a lot is at a premium in some locations within the City. This situation is leading to the need to consider this matter and action by the Planning and Zoning Commission in this regard.

**Applicable Regulations:** Below are listed some representative examples of the exceptions provided relative to the use of setback areas on lots. The examples from the City's Zoning Ordinance are cited from the Miscellaneous Regulations and the NU Non-Urban Residence District for residential lots, but all the "R" Residence Districts contain similar provisions relative to setback areas. Therefore, the NU Non-Urban Residence District is used in this context as a representative sample.

**Chapter 415.380, Section L. - Miscellaneous Regulations Yards To Be Open To Sky—Exceptions.** Every part of a required yard shall be open to the sky, unobstructed except as follows:

1. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches;
2. Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, projecting not to exceed twenty-four (24) inches;
3. Roof overhangs projecting not to exceed eighteen (18) inches, except that roof overhangs on the south side of a building may project forty-eight (48) inches into a side or rear yard, but no closer than forty-eight (48) inches to a property line;
4. Canopy overhangs for service stations projecting a maximum of eighteen (18) inches into required front yards;

5. Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
6. In all "R" Residence Districts air-conditioning units extending into side or rear yards a maximum of thirty (30) inches, with air-conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within said side or rear yards;
7. Driveways, ramps, sidewalks and parking lots as otherwise permitted by this Chapter.

**Chapter 415.090, Section G. of the NU Non-Urban Residence District Regulations**

**3. Minimum yard requirements—general.**

- A. *Front yard.* No structure shall be allowed within fifty (50) feet of any roadway right-of-way line or large lot roadway easement.
- B. *Side and rear yard.* No structure shall be allowed within thirty (30) feet of any property line other than a roadway right-of-way line or large lot roadway easement.

**4. Specific yard requirements and exceptions.**

- A. Notwithstanding any other provisions of this Chapter, on corner lots no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.
- B. Boundary walls or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.
- C. Permitted information signs, six (6) feet or less in height are allowed within the minimum front yard setback.
- D. Permitted directional signs, three (3) feet or less in height, are allowed within the minimum front yard setback or sight distance triangle.
- E. A permitted freestanding business sign may be located no closer than twenty-five (25) feet from any roadway right-of-way line.
- F. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning. Light standards for parking lot lighting are allowed no closer than twenty-five (25) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District.

**Next Steps:** At tonight's public hearing, the City Attorney and the Department of Planning are seeking input on this matter in preparation of a recommendation on whether to amend the Zoning Ordinance to address this advertised matter. If any of the Commission members should have questions or comments in this regard, please feel free to contact the City Attorney (Rob Golterman) at (314) 444-7500 or the Department of Planning at (636) 458-0440. Thank you for your review of this information in preparation of tonight's hearing on this topic.