

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI AMENDING CERTAIN PROVISIONS OF CHAPTER 415; AND AMENDING REGULATIONS PERTAINING TO GROUP HOMES – P.Z. 11-16 CITY OF WILDWOOD PLANNING AND ZONING COMMISSION, C/O DEPARTMENT OF PLANNING. (Wards – All)

WHEREAS, consistent with the Federal and State goals of deinstitutionalization of Persons with Disabilities, the Missouri General Assembly, in 1985, amended § 89.020 of its Zoning Enabling Act to read, in pertinent part, as follows:

2. For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood; and

WHEREAS, after publishing notice, the City Council and the Planning and Zoning Commission each held Public Hearings on the proposed revisions to certain provisions of Chapter 415 of the Municipal Code; and

WHEREAS, the Planning and Zoning Commission of the City of Wildwood, Missouri, considered and recommended revisions certain provisions of the Chapter 415 of the Municipal Code pertaining to group homes; and

WHEREAS, in order to preserve the public health, safety and welfare, it is the desire of the City to amend certain provisions of Chapter 415 of the Municipal Code pertaining to group homes.

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

Section One. That Section 415.080 of the Municipal Code of the City of Wildwood, Missouri, be and is hereby amended as follows:

Amend the following defined terms:

DWELLING, SINGLE-FAMILY

A building designed for or occupied exclusively by one (1) family, excluding earth sheltered dwellings, **provided however, notwithstanding any other provision of this Code to the contrary, for purposes of this Chapter a group home shall be included within the definition of a single-family dwelling.** The presence of an accessory dwelling on the same lot shall not change the classification of the principal dwelling as a single-family dwelling.

GROUP HOME

Any home in which eight (8) or fewer persons with disabilities reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the persons with disabilities residing in the home.

PERSON WITH A DISABILITY or DISABLED PERSON

Any person who is "handicapped" within the meaning of 42 U.S.C. § 3602(h) or a "qualified individual with a disability" within the meaning of 42 U.S.C. § 12131(2), as may be amended from time to time.

Section Two. That the Municipal Code of the City of Wildwood, Missouri, be and is hereby amended by deleting subparagraph (a) of paragraph (1) of Subsection (G) of Section 415.090 in its entirety, and enacting, in lieu thereof, a new subparagraph (a), to read as follows:

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA (acres)
Administrative offices and educational facilities—religious	4 acres
Bed and breakfast establishments	3 acres
Child care center	3 acres
Church	3 acres
Dwelling, single-family	3 acres
Group homes for the developmentally disabled	3 acres
Home occupations not permitted by right within the district	3 acres
Local public utility facilities	1 acre
Mechanical sewage treatment facility	3 acres
Mortuary	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway and adjacent to existing commercial zoning district).
Residential substance abuse	3 acres (except 5 acres for a facility of more treatment facilities than 8 resident patients).
Schools	
Nursery or day nursery	3 acres
Kindergarten (separate)	3 acres
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

Section Three. That the Municipal Code of the City of Wildwood, Missouri be and is hereby amended by deleting paragraph (10) of Subsection (C) of Section 415.110 in its entirety, and enacting, in lieu thereof, a new paragraph (10), to read as follows:

~~10. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required. (Reserved).~~

Section Four. That the Municipal Code of the City of Wildwood, Missouri, be and is hereby amended by deleting subparagraph (a) of paragraph (1) of Subsection (G) of Section 415.110 in its entirety, and enacting, in lieu thereof, a new subparagraph (a), to read as follows:

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA
Administrative office and educational facilities—religious	3 acres
Child care center	1 acre
Church	3 acres
Dwelling, single-family	1 acre
Group homes for the developmentally disabled	1 acre
Kennel	3 acres
Library	3 acres
Local public utility facilities	1 acre
Mortuary	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway and adjacent to existing commercial zoning district)
Residential substance abuse treatment facilities	3 acres (except 5 acres for a facility of more than 8 resident patients)
Schools	
Nursery or day nursery	1 acre
Kindergarten (separate)	3 acres
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

Section Five. That the Municipal Code of the City of Wildwood, Missouri be and is hereby amended by deleting paragraph (5) of Subsection (C) of Section 415.120 in its entirety, and enacting, in lieu thereof, a new paragraph (5), to read as follows:

~~5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit is required. (Reserved)~~

Section Six. That the Municipal Code of the City of Wildwood, Missouri, be and is hereby amended by deleting subparagraph (a) of paragraph (1) of Subsection (G) of Section 415.120 in its entirety, and enacting, in lieu thereof, a new subparagraph (a), to read as follows:

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA
Child care center	30,000 square feet
Church	3 acres
Dwelling, single-family	22,000 square feet
Group homes for the developmentally disabled	22,000 square feet
Library	1 acre
Local public utility facilities	10,000 square feet
Mortuary	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway and adjacent to existing commercial zoning district)
Residential substance abuse treatment facilities	3 acres (except 5 acres for a facility of more than 8 resident patients)
Schools	
Nursery or day nursery	22,000 square feet
Kindergarten (separate)	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

Section Seven. That the Municipal Code of the City of Wildwood, Missouri be and is hereby amended by deleting paragraph (5) of Subsection (C) of Section 415.130 in its entirety, and enacting, in lieu thereof, a new paragraph (5), to read as follows:

~~5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required. (Reserved).~~

Section Eight. That the Municipal Code of the City of Wildwood, Missouri, be and is hereby amended by deleting subparagraph (a) of paragraph (1) of Subsection (G) of Section 415.130 in its entirety, and enacting, in lieu thereof, a new subparagraph (a), to read as follows:

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA
Child care center	30,000 square feet
Church	3 acres
Dwelling, single-family	15,000 square feet
Group living facilities for religious purposes	15,000 square feet
Library	1 acre
Group homes for the developmentally disabled	15,000 square feet
Local public utility facilities	10,000 square feet
Mortuary	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway and adjacent to existing commercial zoning district)
Residential substance abuse treatment facilities	3 acres (except 5 acres for a facility of more than 8 resident patients)
Schools	
Nursery or day nursery	15,000 square feet
Kindergarten (separate)	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

Section Nine. That the Municipal Code of the City of Wildwood, Missouri be and is hereby amended by deleting paragraph (5) of Subsection (C) of Section 415.140 in its entirety, and enacting, in lieu thereof, a new paragraph (5), to read as follows:

~~5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required. (Reserved).~~

Section Ten. That the Municipal Code of the City of Wildwood, Missouri, be and is hereby amended by deleting subparagraph (a) of paragraph (1) of Subsection (G) of Section 415.140 in its entirety, and enacting, in lieu thereof, a new subparagraph (a), to read as follows:

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA
Child care center	30,000 square feet
Church	1 acre
Dwelling, single-family	10,000 square feet
Fire station	½ acre
Group living facilities for religious purposes	10,000 square feet
Library	1 acre
Group homes for the developmentally disabled	10,000 square feet
Local public utility facilities	10,000 square feet
Mortuary	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway and adjacent to existing commercial zoning district)
Residential substance abuse treatment facilities	3 acres (except 5 acres for a facility of more than 8 resident patients)
Police station	10,000 square feet
Schools	
Nursery or day nursery	15,000 square feet
Kindergarten (separate)	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

Section Eleven. That the Municipal Code of the City of Wildwood, Missouri be and is hereby amended by deleting paragraph (5) of Subsection (C) of Section 415.150 in its entirety, and enacting, in lieu thereof, a new paragraph (5), to read as follows:

~~5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required. (Reserved).~~

Section Twelve. That the Municipal Code of the City of Wildwood, Missouri, be and is hereby amended by deleting subparagraph (a) of paragraph (1) of Subsection (G) of Section 415.150 in its entirety, and enacting, in lieu thereof, a new subparagraph (a), to read as follows:

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA
Child care center	30,000 square feet
Church	½ acre
Dwelling, single-family	7,500 square feet
Fire station	½ acre
Group living facilities for religious purposes	7,500 square feet
Library	1 acre
Group homes for the developmentally disabled	7,500 square feet
Local public utility facilities	7,500 square feet
Mortuary	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway and adjacent to existing commercial zoning district)
Residential substance abuse treatment facilities	3 acres (except 5 acres for a facility of more than 8 resident patients)
Parking lot	7,500 square feet
Police station	10,000 square feet
Schools	
Nursery or day nursery	15,000 square feet
Kindergarten (separate)	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres

Section Thirteen. That the Municipal Code of the City of Wildwood, Missouri, be and is hereby amended by deleting Section 415.340 in its entirety, and enacting, in lieu thereof, a new Section 415.340, to read as follows:

Residential uses shall provide off-street parking and loading facilities as follows:

Use	Minimum Parking Requirement	Minimum Loading Re (Section 415.360)
Dormitories or group living facilities	1 space for every 2 dormitory units or 1 space for every 3 occupants	None
Dwellings, multiple-family, row houses or other group house arrangements	2 spaces for every living unit	None
Dwellings, single-family	1 space for every dwelling, except 2 spaces for every dwelling in the "NU" Non Urban Residence	None

Use	Minimum Parking Requirement	Minimum Loading Re (Section 415.360)
Dwellings, two-family	District 1 space for each living unit	None
Group homes for the developmentally disabled	2 spaces for each such use	None
Group homes for the elderly	2 spaces for each such use	None

Section Fourteen. 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 Fifteen. This Ordinance shall be in full force and effect both from and after its passage and approval.

This Bill was passed and approved this ____ day of _____, 2016 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:

Elizabeth Weiss, City Clerk

Elizabeth Weiss, City Clerk

Editor's Note: Changes to the current language of these regulations are reflected by bolded type, while deletions are shown as a single strike-through line.