

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI THAT AUTHORIZES AMENDMENTS TO THE CITY'S ZONING ORDINANCE THAT WILL ESTABLISH A NEW REVIEW STANDARD AND REQUIREMENT FOR OUTDOOR GAME COURTS RELATING TO THEIR CONSIDERATION BY THE PLANNING AND ZONING COMMISSION, AS HAS BEEN SET FORTH IN A LETTER OF RECOMMENDATION DATED APRIL 1, 2013 ON SAID MATTER FROM THE PLANNING AND ZONING COMMISSION. (Ward - All)

WHEREAS, the residential nature of the City of Wildwood has led to many different opportunities/challenges over the years, as new trends in the development, equipment, and use of lots have emerged; and

WHEREAS, these trends have created opportunities for homeowners to utilize their properties to a much greater extent for non-traditional activities, such as fire pits, outdoor game courts, outdoor kitchen areas, and larger play structures than in the past, which have led to challenges for abutting owners of land; and

WHEREAS, the majority of these activities and new facilities create little, if any, issues for surrounding properties, or the lots themselves where they are located, but, in some instances, especially where these structures and related activity levels increase to a much greater extent, they place undue stress on the area's ability to accommodate them; and

WHEREAS, the intensification of certain activities, and the size and scope of the accompanying structures, have created problems for surrounding neighbors, causing these impacted parties to seek assistance from the City to address these issues, as best as possible, within the current framework of ordinances and regulations relating to structures and their use on residentially-zoned properties located within this community; and

WHEREAS, oftentimes, these existing ordinances and regulations did not provide the needed relief to the problems associated with some of these structures and created concerns and frustration for the abutting and nearby property owners; and

WHEREAS, one (1) such issue related to outdoor game courts and the impacts they created relating to their use; and

WHEREAS, these structures have always been governed by the ordinances and regulations of the City's residential zoning district designations, but often have not been followed due to confusion over permitting requirements or, when permitted, these requirements did not effectively address the problems associated with the larger facilities; and

WHEREAS, to address these issues, and others, the Planning and Zoning Commission was asked by the City Council in early 2012 to consider potential changes to the permitting and review requirements for outdoor game courts and determine if the existing framework of ordinances and regulations were sufficient, so as, if not, they could be addressed accordingly; and

WHEREAS, the Planning and Zoning Commission did complete a review of this matter and agreed regulations specific to outdoor game courts were needed and developed a set of them for consideration by the City Council, which undertook such and passed legislation in June 2012 that achieved the following: (a.) stated that all outdoor game courts must be authorized by the City of Wildwood; (b.) defined an outdoor game court for the purposes of the City of Wildwood's Zoning Ordinance; (c.) created requirements to limit the flight of projectiles, i.e. balls, pucks, etc., from leaving the boundaries of the property, where the facility is located; (d.) developed requirements to address lighting of facilities and

the landscaping of them from the perspective of aesthetics; (e.) implemented standards for their placement to protect in-place stormwater management facilities, but allow alteration, if necessary and consistent with approved plans; (f.) restated the compliance with zoning performance standards for noise and peace disturbance in their use; and (g.) established a review process for the Planning and Zoning Commission to participate in, if any outdoor game court exceed a size of one thousand (1,000) square feet in overall area; and

WHEREAS, with the legislation approved by City Council, the first application of these new regulations indicated the size threshold for Planning and Zoning Commission review was set too high and precluded its needed participation in this matter; and

WHEREAS, based upon a request by the Department of Planning, the Planning and Zoning Commission held a public hearing on this matter at its February 4, 2013 Executive Meeting, completed its review of it, and forwarded to the City Council its Letter of Recommendation for a scheduled public hearing on April 8, 2013, where comments were again accepted on the changes to the Zoning Ordinance for outdoor game courts; and

WHEREAS, with the completion of the public hearing, the City Council noted its support for the proposed change to the Zoning Ordinance to allow the Planning and Zoning Commission to review all outdoor game courts submitted in the City of Wildwood for installation due to the impacts they collectively create in most residential settings herein; and

WHEREAS, the City Council has authorized the preparation of necessary legislation to achieve these changes and this action is taken under its authority by State Statute and a local code as a means to protect and preserve the public's health, safety, and general welfare.

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

Section One. The City Council hereby approves the modifications to Chapter 415.090 NU Non-Urban Residence District Regulations and Chapters 415.110 through 160, inclusive of the R-1 One Acre Residence District, the R-1A 22,000 square foot Residence District, the R-2 15,000 square foot Residence District, the R-3 10,000 square foot Residence District, the R-4 7,500 square foot Residence District, and the R-6A 4,000 square foot Residence District Regulations of the City of Wildwood Zoning Ordinance, that are consistent with the recommendation of the Planning and Zoning Commission contained in its Letter of Recommendation dated April 1, 2013, which are indicated below by the following annotated addition:

SECTION 415.090: "NU" NON-URBAN RESIDENCE DISTRICT REGULATIONS

A. *Scope Of Provisions.* This Section contains the district regulations of the "NU" Non-Urban Residence District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this Section by reference. The "NU" Non-Urban Residence District of the City of Wildwood encompasses areas within which rough natural topography, geological conditions or location in relation to urbanized areas creates practical difficulties in providing and maintaining public roads and public or private utility services and facilities. The "NU" Non-Urban Residence District, therefore, shall promote the protection and existence of a large-lot rural development pattern.

B. *Permitted Land Uses And Developments.* The following land uses and developments are permitted in this district:

1. Churches.

2. Commercial vegetable and flower gardening, as well as plant nurseries and greenhouses, but not including any structure or building used as a retail or wholesale sales room.
3. Dairy farming.
4. Dwelling, single-family.
5. Reserved.
6. Farming, including the cultivation and sale of any plant crops and domestic animals.
7. Forests, wildlife reservations, as well as conservation projects.
8. Reserved.
9. Home occupations.
10. Hunting and fishing as well as propagation of wildlife of any kind.
11. Libraries, public or private not-for-profit.
12. Mausoleums or crematoriums in an existing cemetery, any other provision of the law notwithstanding, but no such structure shall be situated closer than one hundred (100) feet to any cemetery property line.
13. Parks, parkways and playgrounds, public or private not-for-profit.
14. Schools, public or private kindergarten, elementary, secondary and collegiate.

C. Conditional Land Use And Development Permits Issued By The Commission. The following land uses and developments may be permitted under conditions and requirements specified in [Section 415.500](#) "Conditional Use Permits", except the specified home occupations described below which must adhere to simplified process defined in Subsections (H) and (I) of this Section:

1. Administrative offices and educational facilities.
2. Reserved.
3. Bed and breakfast establishments.
4. Blacksmiths.
5. Cemeteries, including mortuaries operated in conjunction with the cemetery.
6. Child care centers, nursery schools and day nurseries.
7. Clubs, private not-for-profit.
8. Reserved.
9. Reserved.

10. Fairgrounds.
11. Feed or grain storage, commercial or cooperative.
12. Foster homes for handicapped children.
13. Golf courses, including practice driving tees on the same premises. Miniature golf courses and independent practice driving tees are excluded.
14. Reserved.
15. Group homes for the elderly.
16. Reserved.
17. Home occupations permitted by [Section 415.090\(H\)](#).
18. Reserved
19. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - a. Adequately screened with landscaping, fencing or walls or any combination thereof; or
 - b. Placed underground; or
 - c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
 - d. All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.
20. Mortuaries.
21. Mulching plants for trees, wood or wood waste, but not including any assembly or manufacture of a product.
22. Nursing homes, including assisted care living facilities (overall density of assisted care units is a function of permitted beds).
23. Police and fire stations.
24. Post offices and other government buildings.
25. Public utility facilities, other than local public utility facilities.
26. Radio, television and communication transmitting, receiving or relay towers and facilities, subject to the provisions of the Model Telecommunications Code.
27. Recreational camps and camping facilities.

28. Recreational land uses, commercial or not-for-profit.

29. Residential substance abuse treatment facilities.

30. Retreats operated by educational or other not-for-profit entities.

31. Riding stables, kennels and veterinary clinics.

32. Reserved.

33. Sales rooms (retail and wholesale), when established as an accessory use to commercial gardens, plant nurseries and greenhouses, for the sale of nursery products and related items for use in preserving the life and health of such products, hand tools and plant containers. The preceding items shall not include power-driven equipment, lawn and garden furniture nor decorative accessories and fencing; however, bulk sale of sand, gravel, mulch, railroad ties or similar materials may be permitted. The sales room may occupy all or a portion of a building.

34. Satellite dishes (additional to provisions of [Section 415.380\(R\)](#)).

35. Sewage treatment facilities, other than facilities permitted as an accessory use.

36. Specialized private schools.

37. Reserved.

D. Accessory Land Uses And Developments.

1. Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Accessory uses include the following:

a. Devices for the generation of energy, such as solar panels, wind generators and similar devices.

b. Individual sewage treatment facilities serving an individual dwelling, farm or non-residential use as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

c. Private stables.

d. Signs (business, directional and information).

2. *Accessory buildings and structures.* The following supplemental regulations apply to all accessory buildings and structures authorized by this Section in addition to any other applicable restrictions:

a. The maximum square footage of a footprint for any accessory building and structure attributable to a specific authorized accessory use shall not exceed the lesser of the following:

(1) One point five percent (1.5%) of the overall lot size on which it is located for any property less than five (5) acres in size and two point five percent (2.5%) of the overall lot size on which it is located for any property greater than five (5) acres in size; or

(2) A maximum square footage of ten thousand eight hundred ninety (10,890) square feet; provided that either maximum standard in this Subsection may be exceed if authorized pursuant to the procedures set forth in [Section 415.090\(I\)](#) for the simplified conditional use permit.

b. Accessory buildings or structures exceeding the requirements of [Subsection 415.090\(D\)\(2\)\(a\)](#) above may be approved only pursuant to the procedures set forth in [Section 415.090\(I\)](#) for a simplified conditional use permit. Objections offered by surrounding property owners, as part of the notification requirements of the simplified conditional use permit, shall be provided in writing and based upon a definable concern such as, but not limited to, grading and land disturbance, tree removal, stormwater runoff, access, or building or structure orientation.

c. Accessory buildings or structures meeting the requirements of [Section 415.090\(D\)\(2\)\(a\)](#) above in terms of overall size of their footprint, but greater than three thousand two hundred seventy (3,270) square feet in area, shall be required to provide an additional setback distance from all property lines equal to an additional five (5) feet (not to exceed one hundred (100) total feet) of setback distance for every five hundred (500) square feet of footprint in excess of three thousand two hundred seventy (3,270) square feet in area; provided that private stables shall continue to be subject to any other the minimum setbacks as established for such use in [Section 415.090\(G\)\(4\)\(j\)](#). The additional setback requirements set forth in this Subsection may be modified if so authorized pursuant to the procedures set forth in [Section 415.090\(I\)](#) for the simplified conditional use permit.

E. *Performance Standards.* All uses in the "NU" Non-Urban Residence District shall operate in conformity with the appropriate performance standards contained in [Section 415.250](#) "Zoning Performance Standard Regulations".

F. *Height Limitations For Structures.* The total height of any structure or building shall not exceed that permitted in [Section 415.240](#) "Air Navigation Space Regulations". However, in no case shall the total height of any structure or building exceed sixty (60) feet in overall size, unless otherwise authorized by a conditional use permit.

G. *Lot Area And Yard Requirements.* The minimum lot area and yard requirements for land uses and developments in the "NU" Non-Urban Residence District shall be as set out below:

1. *Minimum lot area requirements.*

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

b. Any lot or tract of record on the effective date of this Chapter, which contains less than three (3) acres, may be used as a site for one (1) single-family dwelling together with customary accessory structures and uses.

c. Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements as listed in Subsection (G) (1) (a).

d. Mechanical sewage treatment facilities may be located on tracts of land less than three (3) acres in area where the facility is located on platted common land within a subdivision. The minimum lot area, however, shall in no case be less than ten thousand (10,000) square feet.

e. Police and fire stations and post offices and other government buildings as approved by the Planning and Zoning Commission via a conditional use permit may be established on tracts of land of less than five (5) acres where the related parking needs, outdoor facilities and size of buildings are deemed consistent with the intensity of the land use in the neighborhood of these uses, except no such parcel of ground shall be less than two (2) acres in overall size.

f. All other permitted or conditional land uses in this district shall be situated or conducted on tracts of land at least five (5) acres in area.

2. *Creation of new lots.* No lawful new lots shall be created of less than three (3) acres in area, except local public utility facilities. Lots of less than three (3) acres in area, created for the above use, shall not be used for any other use. In the event the permitted use terminates, the lot shall be established as common ground for an adjacent development or combined with an adjacent parcel or parcels by means of a boundary adjustment. Prior to the approval of a subdivision record plat creating a lot of less than three (3) acres, a deed or other legal instrument must be approved by the City Attorney and recorded with the St. Louis County Recorder of Deeds, which guarantees the required transfer of the property in the event the permitted use is terminated with a copy to be filed with the City of Wildwood.

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.

g. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than seventy-five (75) feet be required.

h. If a lot of record existing on the effective date of this Chapter has a width of one hundred (100) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.

i. Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

j. No private stable shall be allowed within one hundred (100) feet of any property line. Affiliated pasture areas shall be fenced.

5. *Maximum height and minimum yard requirements for nursing homes.*

a. No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

b. No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.

c. Limited service and retail commercial uses not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, food or drug store, laundry or dry cleaning pickup and a newspaper stand and card shop.

6. *Maximum density, maximum height and minimum yard area for residential substance abuse treatment facilities.*

a. Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff per facility for lots less than five (5) acres.

b. No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

c. No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.

d. Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

H. *Certain Allowable Uses, Characteristics Of The Use And Percent Of Principal Structure Devoted To Home Occupations Authorized By A Conditional Use Permit.*

1. The following certain home businesses may be authorized by a conditional use permit: computer programmers, phone solicitors, single-tenant offices for accountants, bookkeepers, architects, engineers, planners, financial consultants, income tax preparers, insurance salespersons, lawyers and real estate appraisers; studios or work facilities for artists, candy makers, dressmakers, tailors, music teachers, dance teachers, tutors, typists, craft makers and stenographers; data transcribers and mail order operations. Additional uses may be considered and authorized by the Director of Planning, when such activities are determined to have similar or like characteristics to those listed above; exhibit a comparable level of activity; and will not cause harm to adjoining properties by their existence.

2. The use, when authorized, shall remain secondary to the principal use of the property and shall not exceed the scale of it. To maintain the appropriate scale relative to these uses, the following minimum conditions shall be adhered to by the owner/operator of the home occupation: any exterior portion of a structure shall be of a residential character and style which is compatible with existing character of the neighborhood if altered or expanded to accommodate the home occupation; the addition of any outbuilding to be used in conjunction with the operation of the authorized home occupation shall replicate the architectural style of the principal building; no outdoor storage of products or materials shall be authorized as part of any operation and all activities shall be conducted indoors; no more than one (1) employee of the authorized home occupation shall not be other than a family member who resides on the premise; no business signs shall be authorized in conjunction with this home occupation; no more than two (2) patrons may visit the business at any given time and no more than five (5) per day in total; and patron hours shall be limited to 7:00A.M. to 9:00 P.M. Monday through Friday only with limited hours on Saturdays from 9:00 A.M. to 1:00 P.M. and no hours on Sundays. Patrons shall include customers, delivery persons and suppliers. Other restrictions may be placed upon the use as part of the approval of the conditional use permit.

3. The use of the principal building and related outbuildings for the authorized activity shall be limited to not more than twenty-five percent (25%) of the overall floor area of all structures on the site.

4. The operation of a home occupation shall not create any noise, vibration, fumes, odor, heat, glare or any kind of interference that can be reasonably detected beyond the property line of the subject site or create disturbance for adjoining parcels of ground. "Reasonably detected", for the purposes of this Chapter, shall be interpreted to mean compliance with the [Section 415.250](#) "Zoning Performance Standards Regulations" of the City of Wildwood's Zoning Code.

5. The home occupation authorized on the property shall provide adequate off-street parking for their projected clientele and deliveries, but parking area and design shall be limited to the type normally associated with residential areas and deliveries to the site shall be limited to single axle vehicles normally used in residential areas.

6. The operator of any permitted home occupation authorized under this simplified process must establish and maintain permanent residency (domicile) in the principal structure at all times during its use for this activity.

7. The use or display of any advertising or commercial devices, contrivances, reader boards, inflatable aides or lights upon any personal vehicle, tree or other structure or object located on the property is prohibited. No commercial vehicles shall be parked outdoors in conjunction with this use.

8. Nothing herein shall require a conditional use permit for a lawful home occupation otherwise authorized under this Code as a permitted use.

I. *Simplified Conditional Use Permit Application Process For Certain Home Occupations.* Conditional uses for home occupations authorized by Subsection (H) shall adhere to this review and approval process:

1. The operator shall complete an application form provided by the City certifying compliance with all applicable requirements of Subsection (H). Included with this application shall be a filing fee of one hundred dollars (\$100.00) for processing and notification costs or such other amount set by the Director of Planning to reimburse for such actual costs.

2. The operator shall provide to the Department of Planning for its review and approval a plot plan indicating all property boundaries, access to the site, proposed off-street parking areas, provision of sanitary sewer service and any other site characteristics relative to the use of the property for a home occupation. Along with this plot plan, the owner/operator of the proposed home occupation shall provide verification to the Department of Planning from the Trustee Association of the subdivision of their notification regarding this request, if applicable.

3. The request for a simplified conditional use permit shall be posted on the subject site for a period of fifteen (15) days before action is taken on the request by the Department of Planning. The request for the simplified conditional use permit shall also be mailed to all property owners within a radius of five hundred (500) feet of the site for comment.

4. The Department of Planning shall not issue a simplified conditional use permit if comments are received within the fifteen (15) day comment period in writing in opposition to the request. If comments are received on the request, the applicant must proceed through the hearing process before the Planning and Zoning Commission as described in [Section 415.500](#) "Conditional Use Permit Procedure", except that no additional fee will be required nor the submittal of further plan information. All notification procedures must be repeated again as part of the Planning and Zoning Commission's review.

5. If no comments are received within fifteen (15) day review period, the Department of Planning shall approve, deny or conditionally approved a simplified conditional use permit to the applicant based upon the requirements of this Section and the findings that would or otherwise be required by [Section 415.500](#). The additional conditions that may be placed on the operation of the home occupation may be imposed to ensure the use of property is in keeping with the surrounding residential character of the area.

6. The Department of Planning may, upon appropriate justification, deny said request for an expanded home occupation, if site or area conditions should warrant it. Appeal of this decision may be filed with the Planning and Zoning Commission.

J. *Off-Street Parking And Loading Requirements.* Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in [Section 415.280](#), "Off-Street Parking and Loading Requirements".

K. *Sign Regulations.* Sign regulations are set forth in [Section 415.400](#) "Sign Regulations". (Ord. No. 1324 App. A §1003.107(K), 8-14-06)

L. *Outdoor Game Courts.* An outdoor game court shall not be authorized by the City without the proper netting, fencing, and/or boarding, as set forth by the manufacturers' specifications for said facility, as a minimum, to control the flight of projectiles from it onto neighboring properties. This netting, fencing, or boarding shall not be placed in the structure setback areas of the lot, nor exceed ten (10) feet in height, unless otherwise prohibited by private subdivision restrictions in place, and be of a color to minimize its visibility (along with being designed to be collapsible or removable, when the court is not in use). This **netting, fencing, or boarding** screening requirement shall be indicated on submitted plans to the City and no authorization shall be granted by the Department of Planning, until this component of the court is satisfactorily met and the officers of the applicable Homeowners Association have approved it as well. **While it is expected this netting, fencing, or boarding will be used in conjunction with landscaping, which is required in Subsection 1. below,** in unique or hardship circumstances, landscaping may be used as a substitute to this required netting, fencing, or boarding, but said substitution is at the discretion of the Department of Planning, and must comply with the City's Landscape Manual for types, quantities, and locations. Additionally, said structure shall comply with the following:

1. Outdoor game courts shall require landscaping and be in accordance with the requirements of the City's Tree Manual and Sustainable Plantings Guide. The design of this landscaping plan shall be part of the property owner's submittal for authorization and be reviewed at that time. The planting pattern to create a screen must be designed by a landscape architect and submitted to the City for review and action, as part of the overall permitting process. ~~Landscaping shall only be used in lieu of fencing, netting, or boarding, where those structures are prohibited by the private restrictions of the subdivision or on-site characteristics that preclude its use.~~
2. All plans submitted for the authorization of outdoor game courts shall indicate all in place stormwater improvements and any easements that exist on the lot.
3. No portion of an outdoor game court area shall be situated in the front yard of a lot, as defined by the application of the corresponding setback(s) required of the zoning district designation in place upon said parcel of ground.
4. Lighting of these facilities may be authorized upon NU Non-Urban Residence District zoned properties, but must comply with the City's Outdoor Lighting Requirements. Light standards in association with these facilities shall not exceed sixteen (16) feet in height, but shall always be at the least height necessary to accommodate the safe and functional use of the facility.
5. As defined herein, any outdoor game court ~~that exceeds a size of one thousand (1,000) square feet~~ shall be required to receive approval of its location on the subject lot by the City of Wildwood Planning and Zoning Commission. This review shall be conducted upon a plan submitted by the petitioner to the Planning and Zoning Commission, which can ~~under limited latitude~~ alter the outdoor game court's location and/or orientation, based upon site and area characteristics, which would include, but not be limited to, the expected flight of projectiles from the structure, but, in no circumstance, authorize its encroachment into the lot's established setback areas.

SECTION 415.110: "R-1" RESIDENCE DISTRICT REGULATIONS

A. *Scope Of Provisions.* This Section contains the district regulations of the "R-1" Residence District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this Section by reference.

B. *Permitted Land Uses And Developments.* The following land uses and developments are permitted in this district:

1. Churches.
2. Commercial vegetable and flower gardening as well as plant nurseries and greenhouses, but not including any structure or building used as a retail or wholesale sales room.
3. Dwellings, single-family.
4. Farming, including the cultivation and sale of any plant crops and domestic animals.
5. Forests and wildlife reservations as well as conservation projects.
6. Reserved.
7. Home occupations.
8. Libraries, public or private not-for-profit.
9. Parks, parkways and playgrounds, public or private not-for-profit.
10. Schools, public or private kindergarten, elementary, secondary and collegiate.

C. *Conditional Land Use And Development Permits Issued By The Commission.* The following land uses and developments may be permitted under conditions and requirements specified in [Section 415.500](#) "Conditional Use Permits":

1. Administrative offices and educational facilities for religious purposes.
2. Reserved.
3. Cemeteries and mausoleums, including mortuaries operated in conjunction with the cemetery or mausoleum.
4. Child care centers, nursery schools and day nurseries.
5. Private not-for-profit clubs, private not-for-profit recreational land uses and community centers.
6. Dairy farms.
7. Reserved.
8. Foster homes for handicapped children.
9. Golf courses, including practice driving tees, miniature golf courses and independent practice driving tees.
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.

11. Group homes for the elderly.
12. Reserved.
13. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - a. Adequately screened with landscaping, fencing or walls or any combination thereof; or
 - b. Placed underground; or
 - c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning. Utility lines shall be placed underground except where expressly approved to the contrary by a conditional use permit.

14. Mortuaries.
15. Nursing homes.
16. Police and fire stations.
17. Public utility facilities.
18. Radio, television and communication transmitting, receiving or relay towers and facilities.
19. Residential substance abuse treatment facilities.
20. Retreats operated by educational or other not-for-profit entities.
21. Riding stables and kennels.
22. Sales rooms (retail and wholesale) for commercial gardens, plant nurseries and greenhouses.
23. Satellite dishes (see provisions of [Section 415.380\(R\)](#)).
24. Sewage treatment facilities, other than facilities permitted as an accessory use.
25. Specialized private schools.

D. Accessory Land Uses And Developments. Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Devices for the generation of energy, such as solar panels, wind generators and similar devices.

2. Individual sewage treatment facilities serving an individual dwelling, farm or non-residential use as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

3. Private stables.

4. Signs (business, directional and information).

5. Buildings or structures that comply with the following size or extent requirements: No accessory building or structure shall exceed the following:

- a. An overall size of three thousand five hundred (3,500) square feet in area;
- b. An area of more than ten percent (10%) of the overall area of the lot where it is located; or
- c. The area of the footprint of the principal single-family dwelling located on the lot.

E. *Performance Standards.* All uses in the "R-1" Residence District shall operate in conformity with the appropriate performance standards contained in [Section 415.250](#) "Zoning Performance Standard Regulations".

F. *Height Limitations For Structures.* The maximum height of structures in the "R-1" Residence District shall be as set out below:

- 1. No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or thirty-five (35) feet in height, whichever is less.
- 2. Radio, television, public utility and communication transmitting, receiving or relay towers may be erected to any height as authorized by [Chapter 430](#) of the City Code not in conflict with the provisions of [Section 415.240](#) "Air Navigation Space Regulations".
- 3. All other structures shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in [Section 415.240](#) "Air Navigation Space Regulations".

G. *Lot Area, Yard And Density Requirements.* The minimum lot area and yard requirements for land uses and developments in the "R-1" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

1. *Minimum lot area requirements.*

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

b. Any lot or tract of record on the effective date of this Chapter, which contains less than one (1) acre, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

c. Foster homes for handicapped children and not-for-profit private clubs and recreational land uses, including community centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than one (1) acre.

d. Police and fire stations as approved by the Planning Commission via a conditional use permit may be established on tracts of less than five (5) acres where the related parking needs, outdoor facilities and size of buildings are deemed consistent with the intensity of land use in the neighborhood of these uses.

e. Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres nor more than that required by the school land area requirements as listed in Subsection (G)(1)(a).

f. All other permitted or conditional land uses in this district shall be situated or conducted on tracts of land at least five (5) acres in area.

2. *Creation of new lots.* No new lots shall be created of less than one (1) acre in area.

3. *Minimum yard requirements--general.*

- a. *Front yard.* No structure shall be allowed within thirty (30) feet of any roadway right-of-way line.
- b. *Side yard.* No structure shall be allowed within fifteen (15) feet of any side property line.
- c. *Rear yard.* No structure shall be allowed within thirty (30) feet of any rear property line.

4. *Specific yard regulations and exceptions.*

- a. Notwithstanding any other provision 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. 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.
- e. 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.
- f. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- g. If a lot of record existing on the effective date of this Chapter has a width of seventy-five (75) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- h. Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- i. No private stable shall be allowed within one hundred (100) feet of any property line. Affiliated pasture areas shall be fenced.

5. *Maximum density, maximum height and minimum yard requirements for nursing homes.*

- a. Densities of self-care units shall not exceed ten (10) units per acre.
- b. No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- c. No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.

d. Accessory commercial uses in the form of limited service and retail commercial uses not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, food or drug store, laundry or dry cleaning pickup and a newspaper stand and card shop.

6. *Maximum density, maximum height and minimum yard area for residential substance abuse treatment facilities.*

a. Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff per facility for lots less than five (5) acres.

b. No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

c. No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.

d. Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

H. *Off-Street Parking And Loading Requirements.* Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in [Section 415.280](#) "Off-Street Parking and Loading Requirements".

I. *Sign Regulations.* Sign regulations are set forth in [Section 415.400](#) "Sign Regulations". (Ord. No. 1324 App. A §1003.111, 8-14-06)

J. *Outdoor Game Courts.* An outdoor game court shall not be authorized by the City without the proper netting, fencing, and/or boarding, as set forth by the manufacturers' specifications for said facility, as a minimum, to control the flight of projectiles from it onto neighboring properties. This netting, fencing, or boarding shall not be placed in the structure setback areas of the lot, nor exceed ten (10) feet in height, unless otherwise prohibited by private subdivision restrictions in place, and be of a color to minimize its visibility (along with being designed to be collapsible or removable, when the court is not in use). This **netting, fencing, or boarding** screening requirement shall be indicated on submitted plans to the City and no authorization shall be granted by the Department of Planning, until this component of the court is satisfactorily met and the officers of the applicable Homeowners Association have approved it as well. **While it is expected this netting, fencing, or boarding will be used in conjunction with landscaping, which is required in Subsection 1. below,** in unique or hardship circumstances, landscaping may be used as a substitute to this required netting, fencing, or boarding, but said substitution is at the discretion of the Department of Planning, and must comply with the City's Landscape Manual for types, quantities, and locations. Additionally, said structure shall comply with the following:

1. Outdoor game courts shall require landscaping and be in accordance with the requirements of the City's Tree Manual and Sustainable Plantings Guide. The design of this landscaping plan shall be part of the property owner's submittal for authorization and be reviewed at that time. The planting pattern to create a screen must be designed by a landscape architect and submitted to the City for review and action, as part of the overall permitting process. ~~Landscaping shall only be used in lieu of fencing, netting, or boarding, where those structures are prohibited by the private restrictions of the subdivision or on-site characteristics that preclude its use.~~

2. All plans submitted for the authorization of outdoor game courts shall indicate all in place stormwater improvements and any easements that exist on the lot.

3. No portion of an outdoor game court area shall be situated in the front yard of a lot, as defined by the application of the corresponding setback(s) required of the zoning district designation in place upon said parcel of ground.

4. Lighting of these facilities may be authorized upon NU Non-Urban Residence District zoned properties, but must comply with the City's Outdoor Lighting Requirements. Light standards in association with these facilities shall not exceed sixteen (16) feet in height, but shall always be at the least height necessary to accommodate the safe and functional use of the facility.

5. As defined herein, any outdoor game court ~~that exceeds a size of one thousand (1,000) square feet~~ shall be required to receive approval of its location on the subject lot by the City of Wildwood Planning and Zoning Commission. This review shall be conducted upon a plan submitted by the petitioner to the Planning and Zoning Commission, which can ~~under limited latitude~~ alter the outdoor game court's location and/or orientation, based upon site and area characteristics, which would include, but not be limited to, the expected flight of projectiles from the structure, but, in no circumstance, authorize its encroachment into the lot's established setback areas.

SECTION 415.120: "R-1A" RESIDENCE DISTRICT REGULATIONS

A. Scope Of Provisions. This Section contains the district regulations of the "R-1A" Residence District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this Section by reference.

B. Permitted Land Uses And Developments. The following land uses and developments are permitted in this district:

1. Churches.
2. Dwellings, single-family.
3. Forests and wildlife reservations, as well as conservation projects.
4. Reserved.
5. Home occupations.
6. Libraries, public or private not-for-profit.
7. Parks, parkways and playgrounds, public or private not-for-profit.
8. Schools, public or private kindergarten, elementary, secondary and collegiate.

C. Conditional Land Use And Development Permits Issued By The Commission. The following land uses and developments may be permitted under conditions and requirements specified in [Section 415.500](#) "Conditional Use Permits":

1. Child care centers, nursery schools and day nurseries.
2. Private not-for-profit clubs, private not-for-profit recreational land uses and community centers.
3. Foster homes for handicapped children.
4. Reserved.

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.

6. Group homes for the elderly.

7. Reserved.

8. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:

a. Adequately screened with landscaping, fencing or walls or any combination thereof; or

b. Placed underground; or

c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning. Utility lines shall be placed underground except where expressly approved to the contrary by a conditional use permit.

9. Mortuaries.

10. Nursing homes.

11. Police and fire stations.

12. Public utility facilities, other than local public utility facilities.

13. Residential substance abuse treatment facilities.

14. Retreats operated by educational or other not-for-profit entities.

15. Satellite dishes (see provisions of [Section 415.380\(R\)](#)).

16. Sewage treatment facilities, other than facilities permitted as an accessory use.

17. Specialized private schools.

D. Accessory Land Uses And Developments. Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Devices for the generation of energy, such as solar panels, wind generators and similar devices.

2. Individual sewage treatment facilities serving an individual dwelling or non-residential use as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

3. Private stables.

4. Signs (directional and information).

5. Buildings or structures that comply with the following size or extent requirements: No accessory building or structure shall exceed the following:

- a. An overall size of three thousand five hundred (3,500) square feet in area;
- b. An area of more than ten percent (10%) of the overall area of the lot where it is located; or
- c. The area of the footprint of the principal single-family dwelling located on the lot.

E. *Performance Standards.* All uses in the "R-1A" Residence District shall operate in conformity with the appropriate performance standards contained in [Section 415.250](#) "Zoning Performance Standard Regulations".

F. *Height Limitations For Structures.* The maximum height of structures in the "R-1A" Residence District shall be as set out below:

- 1. No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.
- 2. All other structures, other than a public utility tower authorized by a conditional use permit or a telecommunications tower authorized by [Chapter 430](#) of the City Code, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in [Section 415.240](#) "Air Navigation Space Regulations".

G. *Lot Area, Yard And Density Requirements.* The minimum lot area and yard requirements for land uses and developments in the "R-1A" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

1. *Minimum lot area requirements.*

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

b. Any lot or tract of record on the effective date of this Chapter, which contains less than twenty-two thousand (22,000) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

c. Foster homes for handicapped children and not-for-profit private clubs and recreational land uses, including community centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than twenty-two thousand (22,000) square feet.

d. Police and fire stations as approved by the Planning Commission via a conditional use permit may be established on tracts of less than five (5) acres where the related parking needs, outdoor facilities and size of buildings are deemed consistent with the intensity of land use in the neighborhood of these uses.

e. Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres nor more than that required by the school land area requirements as listed in Subsection (G)(1)(a).

f. All other permitted or conditional land uses in this district shall be situated or conducted on tracts of land at least five (5) acres in area.

2. *Creation of new lots.* No new lots shall be created of less than twenty-two thousand (22,000) square feet in area except for Fire Stations, Police Stations and local public utility facilities. Lots of less than twenty-two thousand (22,000) square feet, created for the above uses, shall not be used for any other use and, in the event the permitted use terminates, the lot shall be established as common ground for an adjacent development or combined with an adjacent parcel or parcels by means of a boundary adjustment. Prior to the approval of a subdivision record plat creating a lot of less than one (1) acre, a deed or other legal instrument must be approved by the City Attorney and recorded with the St. Louis County Recorder of Deeds, which guarantees the required transfer of the property in the event the permitted use is terminated, with a copy to be filed with the City of Wildwood.

3. *Minimum yard requirements--general.*

- a. *Front yard.* No structure shall be allowed within twenty-five (25) feet of any roadway right-of-way line.
- b. *Side yard.* No structure shall be allowed within twelve (12) feet of any side property line.
- c. *Rear yard.* No structure shall be allowed within thirty (30) feet of any rear property line.

4. *Specific yard requirements and exceptions.*

- a. Notwithstanding any other provision 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.
- e. 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.
- f. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- g. If a lot of record existing on the effective date of this Chapter has a width of seventy (70) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- h. Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- i. No private stable shall be allowed within one hundred (100) feet of any property line. Affiliated pasture areas shall be fenced.

5. *Maximum density, maximum height and minimum yard requirements for nursing homes.*

- a. Densities of self-care units shall not exceed ten (10) units per acre.
- b. No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- c. No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.

d. Accessory commercial uses in the form of limited service and retail commercial uses not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, food or drug store, laundry or dry cleaning pickup and a newspaper stand and card shop.

6. *Maximum density, maximum height and minimum yard area for residential substance abuse treatment facilities.*

a. Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff per facility for lots less than five (5) acres.

b. No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

c. No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.

d. Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

H. *Off-Street Parking And Loading Requirements.* Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in [Section 415.280](#) "Off-Street Parking and Loading Requirements".

I. *Sign Regulations.* Sign regulations are set forth in [Section 415.400](#) "Sign Regulations". (Ord. No. 1324 App. A §1003.112, 8-14-06)

J. *Outdoor Game Courts.* An outdoor game court shall not be authorized by the City without the proper netting, fencing, and/or boarding, as set forth by the manufacturers' specifications for said facility, as a minimum, to control the flight of projectiles from it onto neighboring properties. This netting, fencing, or boarding shall not be placed in the structure setback areas of the lot, nor exceed ten (10) feet in height, unless otherwise prohibited by private subdivision restrictions in place, and be of a color to minimize its visibility (along with being designed to be collapsible or removable, when the court is not in use). This **netting, fencing, or boarding** screening requirement shall be indicated on submitted plans to the City and no authorization shall be granted by the Department of Planning, until this component of the court is satisfactorily met and the officers of the applicable Homeowners Association have approved it as well. **While it is expected this netting, fencing, or boarding will be used in conjunction with landscaping, which is required in Subsection 1. below,** in unique or hardship circumstances, landscaping may be used as a substitute to this required netting, fencing, or boarding, but said substitution is at the discretion of the Department of Planning, and must comply with the City's Landscape Manual for types, quantities, and locations. Additionally, said structure shall comply with the following:

1. Outdoor game courts shall require landscaping and be in accordance with the requirements of the City's Tree Manual and Sustainable Plantings Guide. The design of this landscaping plan shall be part of the property owner's submittal for authorization and be reviewed at that time. The planting pattern to create a screen must be designed by a landscape architect and submitted to the City for review and action, as part of the overall permitting process. ~~Landscaping shall only be used in lieu of fencing, netting, or boarding, where those structures are prohibited by the private restrictions of the subdivision or on-site characteristics that preclude its use.~~

2. All plans submitted for the authorization of outdoor game courts shall indicate all in place stormwater improvements and any easements that exist on the lot.

3. No portion of an outdoor game court area shall be situated in the front yard of a lot, as defined by the application of the corresponding setback(s) required of the zoning district designation in place upon said parcel of ground.

4. Lighting of these facilities may be authorized upon NU Non-Urban Residence District zoned properties, but must comply with the City's Outdoor Lighting Requirements. Light standards in association with these facilities shall not exceed sixteen (16) feet in height, but shall always be at the least height necessary to accommodate the safe and functional use of the facility.

5. As defined herein, any outdoor game court ~~that exceeds a size of one thousand (1,000) square feet~~ shall be required to receive approval of its location on the subject lot by the City of Wildwood Planning and Zoning Commission. This review shall be conducted upon a plan submitted by the petitioner to the Planning and Zoning Commission, which can ~~under limited latitude~~ alter the outdoor game court's location and/or orientation, based upon site and area characteristics, which would include, but not be limited to, the expected flight of projectiles from the structure, but, in no circumstance, authorize its encroachment into the lot's established setback areas.

SECTION 415.130: "R-2" RESIDENCE DISTRICT REGULATIONS

A. *Scope Of Provisions.* This Section contains the district regulations of the "R-2" Residence District.

These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this Section by reference.

B. *Permitted Land Uses And Developments.* The following land uses and developments are permitted in this district:

1. Churches.
2. Dwellings, single-family.
3. Forests and wildlife reservations as well as conservation projects.
4. Reserved.
5. Home occupations.
6. Libraries, public or private not-for-profit.
7. Parks, parkways and playgrounds, public or private not-for-profit.
8. Schools, public or private kindergarten, elementary, secondary and collegiate.

C. *Conditional Land Use And Development Permits Issued By The Commission.* The following land uses and developments may be permitted under conditions and requirements specified in [Section 415.500](#) "Conditional Use Permits":

1. Child care centers, nursery schools and day nurseries.
2. Private not-for-profit clubs, private not-for-profit recreational land uses and community centers.
3. Foster homes for handicapped children.
4. Reserved.

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.

6. Group homes for the elderly.

7. Group living facilities providing a permanent residence for not more than nine (9) individuals all over eighteen (18) years of age and who are ordained or hold a designated religious position with the same religious institution.

8. Reserved.

9. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:

a. Adequately screened with landscaping, fencing or walls or any combination thereof; or

b. Placed underground; or

c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

10. Mortuaries.

11. Nursing homes.

12. Police and fire stations.

13. Public utility facilities, other than local public utility facilities.

14. Residential substance abuse treatment facilities.

15. Retreats operated by educational or other not-for-profit entities.

16. Satellite dishes (see provisions of [Section 415.380\(R\)](#)).

17. Sewage treatment facilities, other than facilities permitted as an accessory use.

18. Specialized private schools.

D. Accessory Land Uses Developments. Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Devices for the generation of energy, such as solar panels, wind generators and similar devices.

2. Individual sewage treatment facilities serving an individual dwelling or non-residential use as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

3. Private stables.

4. Signs (directional and information).

E. *Performance Standards.* All uses in the "R-2" Residence District shall operate in conformity with the appropriate performance standards contained in [Section 415.250](#) "Zoning Performance Standard Regulations".

F. *Height Limitation For Structures.* The maximum height of structures in the "R-2" Residence District shall be as set out below:

1. No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or thirty-five (35) feet in height, whichever is less.

2. All other structures, other than a public utility tower authorized by a conditional use permit, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in [Section 415.240](#) "Air Navigation Space Regulations".

G. *Lot Area, Yard And Density Requirements.* The minimum lot area and yard requirements for land uses and developments in the "R-2" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

1. *Minimum lot area requirements.*

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

b. Any lot or tract of record on the effective date of this Chapter, which contains less than fifteen thousand (15,000) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

c. Foster homes for handicapped children and not-for-profit private clubs and recreational land uses, including community centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than fifteen thousand (15,000) square feet.

d. Police and fire stations as approved by the Planning Commission via a conditional use permit may be established on tracts of less than five (5) acres where the related parking needs, outdoor facilities and size of buildings are deemed consistent with the intensity of land use in the neighborhood of these uses.

e. Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres nor more than that required by the school land area requirements as listed in Subsection (G)(1)(a).

f. All other permitted or conditional land uses in this district shall be situated or conducted on tracts of land at least five (5) acres in area.

2. *Creation of new lots.* No new lots shall be created of less than fifteen thousand (15,000) square feet in area except for Police Stations and local public utility facilities. Lots of less than fifteen thousand (15,000) square feet, created for the above uses, shall not be used for any other use and, in the event the permitted use terminates, the lot shall be established as common ground for an adjacent development or combined with an adjacent parcel or parcels by means of a boundary adjustment. Prior to the approval of a subdivision record plat creating a lot of less than fifteen thousand (15,000) square feet, a deed or other legal instrument must be approved by the City Attorney and recorded with the St. Louis County Recorder of Deeds, which guarantees the required transfer of the property in the event the permitted use is terminated, with a copy to be filed with the City of Wildwood.

3. *Minimum yard requirements--general.*

a. *Front yard.* No structure shall be allowed within twenty-five (25) feet of any roadway right-of-way line.

b. *Side yard.* No structure shall be allowed within ten (10) feet of any side property line.

c. *Rear yard.* No structure shall be allowed within thirty (30) feet of any rear property line.

4. *Specific yard requirements and exceptions.*

- a. Notwithstanding any other provision 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.
- e. 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.
- f. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- g. If a lot of record existing on the effective date of this Chapter has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- h. Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- i. No private stable shall be allowed within one hundred (100) feet of any property line. Affiliated pasture areas shall be fenced.

5. *Maximum density, maximum height and minimum yard requirements for nursing homes.*

- a. Densities of self-care units shall not exceed twelve and one-half (12.5) units per acre.
- b. No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- c. No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.
- d. Accessory commercial uses in the form of limited service and retail commercial uses not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, food or drug store, laundry or dry cleaning pickup and a newspaper stand and card shop.

6. *Maximum density, maximum height and minimum yard area for residential substance abuse treatment facilities.*

a. Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff per facility for lots less than five (5) acres.

b. No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

c. No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.

d. Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

H. *Off-Street Parking And Loading Requirements.* Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in [Section 415.280](#) "Off-Street Parking and Loading Requirements".

I. *Sign Regulations.* Sign regulations are set forth in [Section 415.400](#) "Sign Regulations". (Ord. No. 1324 App. A §1003.113, 8-14-06)

J. *Outdoor Game Courts.* An outdoor game court shall not be authorized by the City without the proper netting, fencing, and/or boarding, as set forth by the manufacturers' specifications for said facility, as a minimum, to control the flight of projectiles from it onto neighboring properties. This netting, fencing, or boarding shall not be placed in the structure setback areas of the lot, nor exceed ten (10) feet in height, unless otherwise prohibited by private subdivision restrictions in place, and be of a color to minimize its visibility (along with being designed to be collapsible or removable, when the court is not in use). This **netting, fencing, or boarding** screening requirement shall be indicated on submitted plans to the City and no authorization shall be granted by the Department of Planning, until this component of the court is satisfactorily met and the officers of the applicable Homeowners Association have approved it as well. **While it is expected this netting, fencing, or boarding will be used in conjunction with landscaping, which is required in Subsection 1. below,** in unique or hardship circumstances, landscaping may be used as a substitute to this required netting, fencing, or boarding, but said substitution is at the discretion of the Department of Planning, and must comply with the City's Landscape Manual for types, quantities, and locations. Additionally, said structure shall comply with the following:

1. Outdoor game courts shall require landscaping and be in accordance with the requirements of the City's Tree Manual and Sustainable Plantings Guide. The design of this landscaping plan shall be part of the property owner's submittal for authorization and be reviewed at that time. The planting pattern to create a screen must be designed by a landscape architect and submitted to the City for review and action, as part of the overall permitting process. ~~Landscaping shall only be used in lieu of fencing, netting, or boarding, where those structures are prohibited by the private restrictions of the subdivision or on-site characteristics that preclude its use.~~

2. All plans submitted for the authorization of outdoor game courts shall indicate all in place stormwater improvements and any easements that exist on the lot.

3. No portion of an outdoor game court area shall be situated in the front yard of a lot, as defined by the application of the corresponding setback(s) required of the zoning district designation in place upon said parcel of ground.

4. Lighting of these facilities may be authorized upon NU Non-Urban Residence District zoned properties, but must comply with the City's Outdoor Lighting Requirements. Light standards in association with these facilities shall not exceed sixteen (16) feet in height, but shall always be at the least height necessary to accommodate the safe and functional use of the facility.

5. As defined herein, any outdoor game court ~~that exceeds a size of one thousand (1,000) square feet~~ shall be required to receive approval of its location on the subject lot by the City of Wildwood Planning and Zoning Commission. This

review shall be conducted upon a plan submitted by the petitioner to the Planning and Zoning Commission, which can ~~under limited latitude~~ alter the outdoor game court's location and/or orientation, based upon site and area characteristics, which would include, but not be limited to, the expected flight of projectiles from the structure, but, in no circumstance, authorize its encroachment into the lot's established setback areas.

SECTION 415.140: "R-3" RESIDENCE DISTRICT REGULATIONS

A. Scope Of Provisions. This Section contains the district regulations of the "R-3" Residence District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter (Appendix) which are incorporated as part of this Section by reference.

B. Permitted Land Uses And Developments. The following land uses and developments are permitted in this district:

1. Churches.
2. Dwellings, single-family.
3. Reserved.
4. Home occupations.
5. Libraries, public or private not-for-profit.
6. Parks, parkways and playgrounds, public or private not-for-profit.
7. Police stations and fire stations.
8. Schools, public or private kindergarten, elementary, secondary and collegiate.

C. Conditional Land Use And Development Permits Issued By The Commission. The following land uses and developments may be permitted under conditions and requirements specified in [Section 415.500](#) "Conditional Use Permits":

1. Child care centers, nursery schools and day nurseries.
2. Private not-for-profit clubs, private not-for-profit recreational land uses and community centers.
3. Foster homes for handicapped children.
4. Reserved.
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
6. Group homes for the elderly.
7. Group living facilities providing a permanent residence for not more than nine (9) individuals all over eighteen (18) years of age and who are ordained or hold a designated religious position with the same religious institution.
8. Reserved.

9. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:

- a. Adequately screened with landscaping, fencing or walls or any combination thereof; or
- b. Placed underground; or
- c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning. Utility lines shall be placed underground except where expressly approved to the contrary by a conditional use permit.

10. Mortuaries.

11. Nursing homes.

12. Public utility facilities, other than local public utility facilities.

13. Residential substance abuse treatment facilities.

14. Retreats operated by educational or other not-for-profit entities.

15. Sewage treatment facilities, other than facilities permitted as an accessory use.

16. Satellite dishes (see provisions of [Section 415.380\(R\)](#)).

17. Specialized private schools.

D. Accessory Land Uses And Developments. Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Devices for the generation of energy, such as solar panels, wind generators and similar devices.
2. Individual sewage treatment facilities serving an individual dwelling or non-residential use as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.
3. Signs (directional and information).

E. Performance Standards. All uses in the "R-3" Residence District shall operate in conformity with the appropriate performance standards contained in [Section 415.250](#) "Zoning Performance Standard Regulations".

F. Height Limitations For Structures. The maximum height of structures in the "R-3" Residence District shall be as set out below:

1. No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or thirty-five (35) feet in height, whichever is less.

2. All other structures, other than a public utility tower authorized by a conditional use permit or a telecommunications tower authorized by [Chapter 430](#) of the City Code, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in [Section 415.240](#) "Air Navigation Space Regulations".

G. *Lot Area, Yard And Density Requirements.* The minimum lot area and yard requirements for land uses and developments in the "R-3" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

1. *Minimum lot area requirements.*

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	Schools (cont); 5 acres
Junior high	10 acres
Senior high	20 acres

Collegiate	10 acres
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b. Any lot or tract of record on the effective date of this Chapter, which contains less than ten thousand (10,000) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

c. Foster homes for handicapped children and not-for-profit private clubs and recreational land uses, including community centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than ten thousand (10,000) square feet.

d. Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres nor more than that required by the school land area requirements as listed in Subsection (G)(1)(a).

e. All other permitted or conditional land uses in this district shall be situated or conducted on tracts of land at least five (5) acres in area.

2. *Minimum yard requirements--general.*

a. *Front yard.* No structure shall be allowed within twenty (20) feet of any roadway right-of-way line.

b. *Side yard.* No structure shall be allowed within ten (10) feet of any side property line.

c. *Rear yard.* No structure shall be allowed within thirty (30) feet of any rear property line.

3. *Specific yard requirements and exceptions.*

a. Notwithstanding any other provision 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.

e. 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.

f. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.

g. If a lot of record existing on the effective date of this Chapter has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.

h. Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

4. *Maximum density, maximum height and minimum yard requirements for nursing homes.*

a. Densities of self-care units shall not exceed twelve and one-half (12.5) units per acre.

b. No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

c. No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.

d. Accessory commercial uses in the form of limited service and retail commercial uses not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, food or drug store, laundry or dry cleaning pickup and a newspaper stand and card shop.

5. *Maximum density, maximum height and minimum yard area for residential substance abuse treatment facilities.*

a. Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff per facility for lots less than five (5) acres.

b. No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

c. No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.

d. Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

H. *Off-Street Parking And Loading Requirements.* Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in [Section 415.280](#) "Off-Street Parking and Loading Requirements".

I. *Sign Regulations.* Sign regulations are set forth in [Section 415.400](#) "Sign Regulations". (Ord. No. 1324 App. A §1003.115, 8-14-06)

J. *Outdoor Game Courts.* An outdoor game court shall not be authorized by the City without the proper netting, fencing, and/or boarding, as set forth by the manufacturers' specifications for said facility, as a minimum, to control the flight of projectiles from it onto neighboring properties. This netting, fencing, or boarding shall not be placed in the structure setback areas of the lot, nor exceed ten (10) feet in height, unless otherwise prohibited by private subdivision restrictions

in place, and be of a color to minimize its visibility (along with being designed to be collapsible or removable, when the court is not in use). This **netting, fencing, or boarding** screening requirement shall be indicated on submitted plans to the City and no authorization shall be granted by the Department of Planning, until this component of the court is satisfactorily met and the officers of the applicable Homeowners Association have approved it as well. **While it is expected this netting, fencing, or boarding will be used in conjunction with landscaping, which is required in Subsection 1. below**, in unique or hardship circumstances, landscaping may be used as a substitute to this required netting, fencing, or boarding, but said substitution is at the discretion of the Department of Planning, and must comply with the City's Landscape Manual for types, quantities, and locations. Additionally, said structure shall comply with the following:

1. Outdoor game courts shall require landscaping and be in accordance with the requirements of the City's Tree Manual and Sustainable Plantings Guide. The design of this landscaping plan shall be part of the property owner's submittal for authorization and be reviewed at that time. The planting pattern to create a screen must be designed by a landscape architect and submitted to the City for review and action, as part of the overall permitting process. ~~Landscaping shall only be used in lieu of fencing, netting, or boarding, where those structures are prohibited by the private restrictions of the subdivision or on-site characteristics that preclude its use.~~
2. All plans submitted for the authorization of outdoor game courts shall indicate all in place stormwater improvements and any easements that exist on the lot.
3. No portion of an outdoor game court area shall be situated in the front yard of a lot, as defined by the application of the corresponding setback(s) required of the zoning district designation in place upon said parcel of ground.
4. Lighting of these facilities may be authorized upon NU Non-Urban Residence District zoned properties, but must comply with the City's Outdoor Lighting Requirements. Light standards in association with these facilities shall not exceed sixteen (16) feet in height, but shall always be at the least height necessary to accommodate the safe and functional use of the facility.
5. As defined herein, any outdoor game court ~~that exceeds a size of one thousand (1,000) square feet~~ shall be required to receive approval of its location on the subject lot by the City of Wildwood Planning and Zoning Commission. This review shall be conducted upon a plan submitted by the petitioner to the Planning and Zoning Commission, which can ~~under limited latitude~~ alter the outdoor game court's location and/or orientation, based upon site and area characteristics, which would include, but not be limited to, the expected flight of projectiles from the structure, but, in no circumstance, authorize its encroachment into the lot's established setback areas.

SECTION 415.150: "R-4" RESIDENCE DISTRICT REGULATIONS

A. *Scope Of Provisions.* This Section contains the district regulations of the "R-4" Residence District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this Section by reference.

B. *Permitted Land Uses And Developments.* The following land uses and developments are permitted in this district:

1. Churches.
2. Dwellings, single-family.
3. Home occupations.
4. Libraries, public or private not-for-profit.

5. Parks, parkways and playgrounds, public or private not-for-profit.

6. Police stations and fire stations.

7. Schools, public or private kindergarten, elementary, secondary and collegiate.

C. Conditional Land Use And Development Permits Issued By The Commission. The following land uses and developments may be permitted under conditions and requirements specified in [Section 415.500](#) "Conditional Use Permits":

1. Child care centers, nursery schools and day nurseries.

2. Private not-for-profit clubs and private not-for-profit recreational land uses and community centers.

3. Foster homes for handicapped children.

4. Reserved.

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.

6. Group homes for the elderly.

7. Group living facilities providing a permanent residence for not more than nine (9) individuals all over eighteen (18) years of age and who are ordained or hold a designated religious position with the same religious institution.

8. Reserved.

9. Local public utility facilities, provided that any installation, other than poles and equipment attached thereto, shall be:

a. Adequately screened with landscaping, fencing or walls or any combination thereof; or

b. Placed underground; or

c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning. Utility lines shall be placed underground except where expressly approved to the contrary by a conditional use permit.

10. Mortuaries.

11. Nursing homes.

12. Parking lots, when adjacent to land in a "C" Commercial or "M" Industrial District and when parking is used with a commercial or industrial development.

13. Public utility facilities, other than local public utility facilities.

14. Residential substance abuse treatment facilities.
15. Retreats operated by educational or other not-for-profit entities.
16. Satellite dishes (see provisions of [Section 415.380\(R\)](#)).
17. Sewage treatment facilities, other than facilities permitted as an accessory use.
18. Specialized private schools.

D. Accessory Land Uses And Developments. Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Devices for the generation of energy, such as solar panels, wind generators and similar devices.
2. Individual sewage treatment facilities serving an individual dwelling or non-residential use as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.
3. Signs (directional and information).

E. Performance Standards. All uses in the "R-4" Residence District shall operate in conformity with the appropriate performance standards contained in [Section 415.250](#) "Zoning Performance Standard Regulations".

F. Height Limitations For Structures. The maximum height of structures in the "R-4" Residence District shall be as set out below:

1. No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or thirty-five (35) feet in height, whichever is less.
2. All other structures, other than a public utility tower authorized by a conditional use permit or telecommunications tower authorized by [Chapter 430](#) of the City Code, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in [Section 415.240](#) "Air Navigation Space Regulations".

G. Lot Area, Yard And Density Requirements. The minimum lot area and yard requirements for land uses and developments in the "R-4" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

1. *Minimum lot area requirements.*
 - 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
Collegiate	10 acres

b. Any lot or tract of record on the effective date of this Chapter, which contains less than seven thousand five hundred (7,500) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

c. Foster homes for handicapped children and not-for-profit private clubs and recreational land uses, including community centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than seven thousand five hundred (7,500) square feet.

d. Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres nor more than that required by the school land area requirements as listed in Subsection (G)(1)(a).

e. All other permitted or conditional land uses in this district shall be situated or conducted on tracts of land at least five (5) acres in area, except as may be clearly indicated otherwise by the context of these regulations.

2. *Minimum yard requirements--general.*

- a. *Front yard.* No structure shall be allowed within twenty (20) feet of any roadway right-of-way line.
- b. *Side yard.* No structure shall be allowed within ten (10) feet of any side property line.
- c. *Rear yard.* No structure shall be allowed within thirty (30) feet of any rear property line.

3. *Specific yard regulations and exceptions.*

- a. Notwithstanding any other provision 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.
- e. 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.
- f. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- g. If a lot of record existing on the effective date of this Chapter has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- h. Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- i. Parking lots for five (5) or more vehicles, loading spaces or internal drives serving said parking lots or loading spaces, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way line and twenty-five (25) feet from any adjoining property in a "PS", "NU" or "R" District. No setback is required from adjoining properties in a "C" or "M" District unless required by the conditions of a conditional use permit. Parking shall be screened from any adjoining property in a "PS", "NU" or "R" District using fences, berms or landscaping.

4. *Maximum density, maximum height and minimum yard requirements for nursing homes.*

- a. Densities of self-care units shall not exceed twelve and one-half (12.5) units per acre.

b. No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

c. No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.

d. Accessory commercial uses in the form of limited service and retail commercial uses not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, food or drug store, laundry or dry cleaning pickup and a newspaper stand and card shop.

5. *Maximum density, maximum height and minimum yard area for residential substance abuse treatment facilities.*

a. Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff per facility for lots less than five (5) acres.

b. No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

c. No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.

d. Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

H. *Off-Street Parking And Loading Requirements.* Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in [Section 415.280](#) "Off-Street Parking and Loading Requirements".

I. *Sign Regulations.* Sign regulations are set forth in [Section 415.400](#) "Sign Regulations". (Ord. No. 1324 App. A §1003.117, 8-14-06)

J. *Outdoor Game Courts.* An outdoor game court shall not be authorized by the City without the proper netting, fencing, and/or boarding, as set forth by the manufacturers' specifications for said facility, as a minimum, to control the flight of projectiles from it onto neighboring properties. This netting, fencing, or boarding shall not be placed in the structure setback areas of the lot, nor exceed ten (10) feet in height, unless otherwise prohibited by private subdivision restrictions in place, and be of a color to minimize its visibility (along with being designed to be collapsible or removable, when the court is not in use). This **netting, fencing, or boarding** screening requirement shall be indicated on submitted plans to the City and no authorization shall be granted by the Department of Planning, until this component of the court is satisfactorily met and the officers of the applicable Homeowners Association have approved it as well. **While it is expected this netting, fencing, or boarding will be used in conjunction with landscaping, which is required in Subsection 1. below,** in unique or hardship circumstances, landscaping may be used as a substitute to this required netting, fencing, or boarding, but said substitution is at the discretion of the Department of Planning, and must comply with the City's Landscape Manual for types, quantities, and locations. Additionally, said structure shall comply with the following:

1. Outdoor game courts shall require landscaping and be in accordance with the requirements of the City's Tree Manual and Sustainable Plantings Guide. The design of this landscaping plan shall be part of the property owner's submittal for authorization and be reviewed at that time. The planting pattern to create a screen must be designed by

a landscape architect and submitted to the City for review and action, as part of the overall permitting process. ~~Landscaping shall only be used in lieu of fencing, netting, or boarding, where those structures are prohibited by the private restrictions of the subdivision or on-site characteristics that preclude its use.~~

2. All plans submitted for the authorization of outdoor game courts shall indicate all in place stormwater improvements and any easements that exist on the lot.

3. No portion of an outdoor game court area shall be situated in the front yard of a lot, as defined by the application of the corresponding setback(s) required of the zoning district designation in place upon said parcel of ground.

4. Lighting of these facilities may be authorized upon NU Non-Urban Residence District zoned properties, but must comply with the City's Outdoor Lighting Requirements. Light standards in association with these facilities shall not exceed sixteen (16) feet in height, but shall always be at the least height necessary to accommodate the safe and functional use of the facility.

5. As defined herein, any outdoor game court ~~that exceeds a size of one thousand (1,000) square feet~~ shall be required to receive approval of its location on the subject lot by the City of Wildwood Planning and Zoning Commission. This review shall be conducted upon a plan submitted by the petitioner to the Planning and Zoning Commission, which can ~~under limited latitude~~ alter the outdoor game court's location and/or orientation, based upon site and area characteristics, which would include, but not be limited to, the expected flight of projectiles from the structure, but, in no circumstance, authorize its encroachment into the lot's established setback areas.

SECTION 415.160: "R-6A" RESIDENCE DISTRICT REGULATIONS

A. *Scope Of Provisions.* This Section contains the district regulations of the "R-6A" Residence District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this Section by reference.

B. *Permitted Land Uses And Developments.* The following land uses and developments are permitted in this district:

1. Churches.
2. Reserved.
3. Dwellings, two-family.
4. Dwellings, multiple-family, row houses and other group-house arrangements of attached or detached buildings.
5. Home occupations.
6. Libraries, public or private not-for-profit.
7. Parks, parkways and playgrounds, public or private not-for-profit.
8. Police stations and fire stations.
9. Schools, public or private kindergarten, elementary, secondary and collegiate.

C. *Conditional Land Use And Development Permits Issued By The Commission.* The following land uses and developments may be permitted under conditions and requirements specified in [Section 415.500](#) "Conditional Use Permits":

1. Child care centers, nursery schools and day nurseries.
2. Private not-for-profit clubs, private not-for-profit recreational land uses and community centers.
3. Dormitory or group living facilities for religious, educational or charitable purposes.
4. Foster homes for handicapped children.
5. Reserved.
6. Group homes for the elderly.
7. Group living facilities providing a permanent residence for not more than nine (9) individuals all over eighteen (18) years of age and who are ordained or hold a designated religious position with the same religious institution.
8. Home trailer parks and camps and associated community facilities on not less than twenty (20) acres.
9. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - a. Adequately screened with landscaping, fencing or walls or any combination thereof; or
 - b. Placed underground; or
 - c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
10. Nursing homes.
11. Parking lot, when adjacent to land in a "C" Commercial or "M" Industrial District and when parking is used with a commercial or industrial development.
12. Public utility facilities, other than local public utility facilities.
13. Residential substance abuse treatment facilities.
14. Retreats operated by educational or other not-for-profit entities.
15. Satellite dishes (see provisions of [Section 415.380\(R\)](#)).
16. Sewage treatment facilities, other than facilities permitted as an accessory use.
17. Specialized private schools.

D. Accessory Land Uses And Developments. Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily

found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Devices for the generation of energy, such as solar panels, wind generators and similar devices.
2. Individual sewage treatment facilities serving an individual dwelling or non-residential use as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.
3. Signs (directional and information).

E. *Performance Standards.* All uses in the "R-6A" Residence District shall operate in conformity with the appropriate performance standards contained in [Section 415.250](#) "Zoning Performance Standard Regulations".

F. *Height Limitations For Structures.* The maximum height of structures in the "R-6A" Residence District shall be as set out below:

1. No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed four (4) stories in height, including any basement dwelling space.
2. All other structures, other than a public utility tower authorized by a conditional use permit or a telecommunications tower authorized by [Chapter 430](#) of the City Code, shall not exceed a height of sixty (60) feet above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in [Section 415.240](#) "Air Navigation Space Regulations".

G. *Lot Area, Yard And Density Requirements.* The minimum lot area and yard requirements for land uses and developments in the "R-6A" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

1. *Minimum lot area requirements.*

- a. The following permitted and conditional land uses shall be situated on tracts of land providing areas not less than those set out below:

USE	MINIMUM AREA
Child care center	30,000 square feet
Church	½ acre
Dwelling, two-family	4,500 square feet per unit
Dwelling, three-family	4,000 square feet per unit
Dwelling, multiple-family	4,000 square feet per unit
Fire station	½ acre
Group living facilities for religious purposes	4,500 square feet
Library	½ acre

Local public utility facilities	10,000 square feet
Residential substance abuse treatment facilities	3 acres (except 5 acres for a facility of more than 8 resident patients)
Parking lot	10,000 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
Collegiate	10 acres

b. Reserved.

c. Foster homes for handicapped children and not-for-profit private clubs and recreational land uses, including community centers, as approved by the Planning Commission via a conditional use permit may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than ten thousand (10,000) square feet.

d. Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres nor more than that required by the school land area requirements as listed in Subsection (G)(1)(a).

e. All other permitted or conditional land uses in this district shall be situated or conducted on tracts of land at least five (5) acres in area.

2. *Minimum yard requirements.*

a. *Front yard.* No structure shall be allowed within twenty (20) feet of any roadway right-of-way line.

b. *Side yard.* No unattached side of an attached single-family dwelling or structure accessory to an attached single-family dwelling, except as noted, shall be allowed within five (5) feet of any side property line. Detached garages accessory to attached single-family dwellings shall be a minimum of three (3) feet from any side property line. No other structure shall be allowed within ten (10) feet of any side property line.

c. *Rear yard.* No structure, including single-family attached dwellings, but not detached garages accessory to attached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line. Detached garages accessory to attached single-family dwellings shall be a minimum of three (3) feet from any rear property line. Detached garages accessory to attached single-family dwellings shall be a minimum of three (3) feet from any rear property line.

3. *Distances between buildings.* No wall of any separate (detached) structure shall be located closer to any wall of another structure than as set out in the following table:

WALLS	FRONT	SIDE	REAR	WALLS OF DETACHED ACCESSORY BUILDINGS
Front	50 feet plus additional 10 feet for each story over 2 stories	30 feet except 20 feet if side wall has no windows	100 feet	30 feet
Side	30 feet except 20 feet if side wall has no windows	20 feet	30 feet	10 feet
Rear	100 feet	30 feet	50 feet	20 feet

Any dimension given above shall include the side yard required for an attached single-family dwelling, when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.

4. *Specific yard requirements and exceptions.*

- a. Notwithstanding any other provision 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.
- e. 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.
- f. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a front yard setback variation of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- g. If a lot of record existing on the effective date of this Chapter has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.

h. Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

i. Parking lots for five (5) or more vehicles, loading spaces or internal drives serving said parking lots or loading spaces, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way line and twenty-five (25) feet from any adjoining property in a "PS", "NU" or "R" District. No setback is required from adjoining properties in a "C" or "M" District unless required by the conditions of a conditional use permit. Parking shall be screened from any adjoining property in a "PS", "NU" or "R" District using fences, berms or landscaping.

5. *Maximum density, maximum height and minimum yard requirements for nursing homes.*

a. Densities of self-care units shall not exceed twelve and one-half (12.5) units per acre.

b. No building within a nursing home development shall exceed a height of four (4) stories or sixty (60) feet above the average ground elevation at the perimeter of the building, whichever is less.

c. No building within a nursing home development shall be allowed within a minimum of thirty (30) feet of any property line.

d. Accessory commercial uses in the form of limited service and retail commercial uses not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, food or drug store, laundry or dry cleaning pickup and a newspaper stand and card shop.

6. *Maximum density, maximum height and minimum yard area for residential substance abuse treatment facilities.*

a. Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff per facility for lots less than five (5) acres.

b. No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

c. No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.

d. Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

H. *Off-Street Parking and Loading Requirements.* Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in [Section 415.280](#) "Off-Street Parking and Loading Requirements".

I. *Sign Regulations.* Sign regulations are set forth in [Section 415.400](#) "Sign Regulations". (Ord. No. 1324 App. A §1003.120, 8-14-06)

J. Outdoor Game Courts. An outdoor game court shall not be authorized by the City without the proper netting, fencing, and/or boarding, as set forth by the manufacturers' specifications for said facility, as a minimum, to control the flight of projectiles from it onto neighboring properties. This netting, fencing, or boarding shall not be placed in the structure setback areas of the lot, nor exceed ten (10) feet in height, unless otherwise prohibited by private subdivision restrictions in place, and be of a color to minimize its visibility (along with being designed to be collapsible or removable, when the court is not in use). This **netting, fencing, or boarding** screening requirement shall be indicated on submitted plans to the City and no authorization shall be granted by the Department of Planning, until this component of the court is satisfactorily met and the officers of the applicable Homeowners Association have approved it as well. **While it is expected this netting, fencing, or boarding will be used in conjunction with landscaping, which is required in Subsection 1. below,** in unique or hardship circumstances, landscaping may be used as a substitute to this required netting, fencing, or boarding, but said substitution is at the discretion of the Department of Planning, and must comply with the City's Landscape Manual for types, quantities, and locations. Additionally, said structure shall comply with the following:

1. Outdoor game courts shall require landscaping and be in accordance with the requirements of the City's Tree Manual and Sustainable Plantings Guide. The design of this landscaping plan shall be part of the property owner's submittal for authorization and be reviewed at that time. The planting pattern to create a screen must be designed by a landscape architect and submitted to the City for review and action, as part of the overall permitting process. ~~Landscaping shall only be used in lieu of fencing, netting, or boarding, where those structures are prohibited by the private restrictions of the subdivision or on-site characteristics that preclude its use.~~
2. All plans submitted for the authorization of outdoor game courts shall indicate all in place stormwater improvements and any easements that exist on the lot.
3. No portion of an outdoor game court area shall be situated in the front yard of a lot, as defined by the application of the corresponding setback(s) required of the zoning district designation in place upon said parcel of ground.
4. Lighting of these facilities may be authorized upon NU Non-Urban Residence District zoned properties, but must comply with the City's Outdoor Lighting Requirements. Light standards in association with these facilities shall not exceed sixteen (16) feet in height, but shall always be at the least height necessary to accommodate the safe and functional use of the facility.
5. As defined herein, any outdoor game court ~~that exceeds a size of one thousand (1,000) square feet~~ shall be required to receive approval of its location on the subject lot by the City of Wildwood Planning and Zoning Commission. This review shall be conducted upon a plan submitted by the petitioner to the Planning and Zoning Commission, which can ~~under limited latitude~~ alter the outdoor game court's location and/or orientation, based upon site and area characteristics, which would include, but not be limited to, the expected flight of projectiles from the structure, but, in no circumstance, authorize its encroachment into the lot's established setback areas.

Editor's Note: Additions are shown by red, bolded text, with deletions indicated by a single, strike-through line.

Section Two. Chapter 415, amended hereby, along with the City of Wildwood Zoning Map, are all adopted pursuant to the authority granted to the City Council by the Constitution of the State of Missouri through the Charter of the City of Wildwood granting the City all such powers that the General Assembly of the State of Missouri has authority to confer upon any City, including such authority relating to the regulation of housing, construction, sanitary sewers, grading and rights-of-way acceptance and management, among its other police powers, independently of any authority separately granted by state statute. Additionally, the provisions of Chapter 415, or portions thereof, are further adopted pursuant to the authority granted by Chapter 89 of the Missouri Revised Statutes relating to zoning and subdivision regulations, Missouri Revised Statutes Section 82.190 relating to control of streets and public places, and all such other powers as are granted to regulate the public health, welfare, and safety.

Section Three. The portions of this Ordinance and attachments hereto shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent. Nothing herein shall limit the enforceability of any amended provision for violations or activities occurring prior to its amendment.

Section Four. All other conditions of these sections of the Zoning Ordinance remain unchanged and in full force. 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 _____, 2013 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

Timothy Woerther, Mayor

ATTEST:

City Clerk

City Clerk