

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AUTHORIZING A CERTAIN CHANGE TO CHAPTER 140 FINANCE, SECTION 140.120 TRAFFIC GENERATION ASSESSMENT TRUST FUNDS, OF THE CODE OF ORDINANCES, WHICH THEREBY ALTERS HOW ASSESSMENTS ARE DETERMINED IN ASSOCIATION WITH THE EAST AND WEST TRUST FUND AREAS OF THE CITY OF WILDWOOD, MISSOURI RELATIVE TO THE ASSOCIATED ZONING DISTRICT DESIGNATIONS, THE TYPES OF USES, AND THE PARKING RATIOS THAT ARE APPLIED IN THIS REGARD.
(Wards – All)

WHEREAS, the City of Wildwood, since its incorporation, has applied a Traffic Generation Assessment to certain developments within its boundaries; and

WHEREAS, this Traffic Generation Assessment Trust Funds concept was carried over from St. Louis County, the former jurisdiction in this area, and its rate schedule and application practices were continued as well; and

WHEREAS, each year, based upon the Construction Cost Index (CCI), the assessment amounts applied in the trust fund areas are adjusted to reflect decreases or increases in the expense to completed general and specific roadway, street, and other rights-of-way improvements, thereby attempting to ensure that funds collected through the assessment process are sufficient to meet projected demand; and

WHEREAS, over the last twenty-three (23) years, the assessment amounts have been adjusted, as noted above, with the application to the required parking ratios being maintained as well; and

WHEREAS, with the recent assessment of roadway, street, bridge, and other traffic related needs in the City's Town Center Area, being completed by a consultant to Wildwood, the Planning and Parks Committee requested a review of the parameters that are used within these trust funds to ensure the amounts that are being assessed and collected reflect inflation and the true impacts of traffic; and

WHEREAS, the Planning and Parks Committee concluded that assessment rates were reasonable, but the true level of parking spaces that are provided within the context of any residential dwelling unit, commercial project, or industrial development be applied, which would be based upon total number of parking facilities constructed on the subject site (not just required); and

WHEREAS, the Planning and Parks Committee recommendation was presented to the City Council, at its Work Session on January 28, 2019, and the members agreed to proceed with the recommended change to ensure the true impact of traffic generated by new development was fairly assessed; and

WHEREAS, under the direction of City Council, the regulations regarding the City's trust funds are being amended to ensure the public's health, safety, and general welfare are protected and addressed.

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

Section One. Action. That Subsection (C) of Section 140.120 Traffic Generation Assessment Trust Funds of the Code of Ordinances of the City of Wildwood be and is hereby amended by adding thereto the following additional language, as reflected herein:

- A. There is hereby established and created the "City of Wildwood-East Area Traffic Generation Assessment Trust Fund" (the "East Area Trust Fund") and the "City of Wildwood-West Area Traffic Generation Assessment Trust Fund" (the "West Area Trust Fund") to be held by the City Treasurer for the improvement of major roadways made necessary by and to serve the development of property in areas of the City designated for each trust. The major roadway improvements to be funded by the Fund may include those identified in concept by St. Louis County Department of Highways and Traffic and filed with the St. Louis County Council for any predecessor trusts, and such other improvements or amendments as may be made by the City of Wildwood Department of Public Works with consent of the Council. The area within each such trust fund shall be all area within the City of Wildwood encompassed in the respective predecessor trusts that each trust replaces, as designated in Subsection (B).

B. *Trust Fund Deposit—Terms—Application.*

1. Sums shall be deposited in the appropriate trust fund in accordance with the terms of each planned district zoning, subdivision approval, or special procedure permit so providing. The East Area Trust established by this Section shall replace, for the purposes of all existing and future contributions required by any pre-existing or future zoning, subdivision, conditional use permit, or special procedure within the City of Wildwood, the "Pond-Grover Traffic Generation Assessment Trust Fund" created by St. Louis County by Ordinance No. 12,625 (1986), as amended, the Eatherton-Kehrs Mill Road Traffic TGA created by St. Louis County by Ordinance No. 13,173 (1987), the Chesterfield Valley Road Improvements Trust, created by St. Louis County by ordinance. The West Area Trust established by this Section shall replace, for the purposes of all existing and future contributions required by any pre-existing or future zoning, subdivision, conditional use permit, or special procedure within the City of Wildwood, the Wildhorse Creek Traffic Generation Trust created by St. Louis County by Ordinance No. 16,415 (1993), and the Fox Creek-Hornecker Corridor Traffic Generation Trust created by St. Louis County by Ordinance No. 16,424 (1993).
2. All contribution obligations to any development impact trust or subdivision escrow required by any specific zoning, subdivision, or special procedure in effect in the City on the date of incorporation of the City shall continue in effect and shall be enforceable by the City of Wildwood until or unless such obligations are amended by the Council. Any funds transferred to the City of Wildwood Trust Funds from the St. Louis County predecessor trust funds shall be applied consistent with the objectives of the applicable predecessor trusts. Any funds that are owed to the predecessor fund for development within the City of Wildwood shall hereinafter be paid to the appropriate replacement trust fund. The City Treasurer shall hold such funds in interest-bearing accounts, certificates of deposit, and the like. All interest earned shall accrue to the trust funds.

- C. The Department of Public Works shall, in conjunction with review of each planned district re-zoning and special procedure permit, determine whether the proposed development will increase the need for some or all of the roadway improvements contemplated in the plan referred to in Subsection (A) and submit its determination to the Planning Commission which shall recommend an appropriate condition, for consideration by the City Council in approving the development, to impose a traffic generation assessment on the development payable to the trust fund. **Said traffic generation assessment shall be based upon a fee schedule that is updated each year to reflect fluctuations in construction costs, while being applied to the total number of provided parking spaces within the boundaries of the applicable planned district re-zoning and special procedure permit to be assessed. This change in trust fund assessment formula shall not be applied retroactively to any existing residential, commercial, or industrial project, where a building permit has been issued, prior to the adoption date of this legislation.** In any such case, the assessment shall not exceed the fair share of the roadway improvements whose need is at least roughly proportional to impact caused by the development. The Director of Public Works shall adopt or amend such regulations regarding the formula or calculation of impact fee, credits, and determination of impacts to ensure the conditions of this Section are satisfied; provided however, that no credit shall exceed the required payment nor shall a credit be given for any roadway improvement that is necessitated by public safety or welfare concern caused directly by the subdivision or development to which the impact fee was required to be paid, unless otherwise required by law.

D. The trust funds shall be disbursed as follows:

1. On order of the Director of Public Works in accordance with Subsection (E).
2. For the purpose of constructing the road improvements, or any part thereof, in accordance with Subsection (F).
3. For the purpose of reimbursing advances in accordance with Subsection (G).
4. On termination of the trust, in accordance with Subsection (H).

- E. The Department of Public Works may prepare such surveys, plans and specifications, or approve such plans and specifications as are prepared by others, as are necessary for the roadway improvements, and may acquire