

**AN ORDINANCE OF THE CITY WILDWOOD, MISSOURI, THAT HEREBY AUTHORIZES THE REZONING OF A PROPERTY, WHICH TOTALS 6.4 ACRES, AND BEING LOCATED ON THE WEST SIDE OF STATE ROUTE BA, NORTH OF POND ROAD, FROM THE FPPS FLOODPLAIN PARKS AND SCENIC DISTRICT AND PS PARK AND SCENIC DISTRICT TO THE FPNU FLOODPLAIN NON-URBAN RESIDENCE DISTRICT AND NU NON-URBAN RESIDENCE DISTRICT FOR THE PURPOSES OF RESIDENTIAL USE, ALL BEING CONSISTENT WITH THE PLANNING AND ZONING COMMISSION'S ACTION ON JANUARY 18, 2022 REGARDING ITS LETTER OF RECOMMENDATION ON THIS MATTER.**

**WHEREAS**, the subject property is a legal lot of record that was previously included as part of the Missouri State Park System (Babler State Park) and, prior to 1995, was zoned by St. Louis County as PS Park and Scenic District and FPPS Floodplain Park and Scenic District; and

**WHEREAS**, the property was sold into private ownership by the State of Missouri in the 1970's; and

**WHEREAS**, the zoning district designations of the property were not changed at the time of the change in ownership, thereby making it non-conforming in this nature; and

**WHEREAS**, at the time of the City's incorporation in 1995, the property maintained the PS Park and Scenic District and FPPS Floodplain Park and Scenic District designations under its jurisdiction; and

**WHEREAS**, the privately-owned lot is zoned for public park purposes; and

**WHEREAS**, the petitioner purchased this lot with the intent to improve the property with an addition to the dwelling and a reconfiguration of the driveway, which cannot be completed under the current zoning district designations; and

**WHEREAS**, this use restriction associated with the zoning district designations has led to the current request; and

**WHEREAS**, the property owner submitted a petition for a change in the site's zoning classification, which requested the current PS Park and Scenic District and FPPS Floodplain Park and Scenic District be changed to the NU Non-Urban Residence District and FPNU Floodplain NU Non-Urban Residence District; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on November 4, 2021 and heard testimony from the Department of Planning and Parks and the property owner about the merits or concerns associated with this action; and

**WHEREAS**, after this public hearing, the Department of Planning and Parks prepared an Information Report supporting the change in zoning of this property, citing the appropriateness of this action, given the ownership characteristics and the consistency with the intent of the zoning district designations to match the use of the property; and

**WHEREAS**, the Planning and Zoning Commission unanimously approved the Department's recommendation and, on January 18, 2022, completed its Letter of Recommendation reflecting its support for this action; and

**WHEREAS**, the City Council received the Letter of Recommendation from the Planning and Zoning Commission and held a public hearing on the matter at its February 14, 2022 meeting and heard testimony in regard to this change in zoning and, at the conclusion of this discussion, directed the Department of Planning and Parks to prepare the necessary legislation to complete this process; and

**WHEREAS**, the City Council was supportive of this action based upon the rationales outlined in the Planning and Zoning Commission's Letter of Recommendation, particularly the private ownership of this property that is zoned for a public park purposes is inconsistent with its use, while also precluding improvements to it; and

**WHEREAS**, this action is consistent with the responsibility of the City Council to promote and protect the public's health, safety, and general welfare in all actions relating to zoning.

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

**Section One.** The City of Wildwood Zoning Ordinances and Official Zoning District Maps, which are part hereof, and hereby amended by authorizing changes in the zoning district designations of a single property from its current PS Park and Scenic District and FPPS Floodplain Park and Scenic District to the NU Non-Urban Residence District and FPNU Floodplain NU Non-Urban Residence District, as set forth in this ordinance for the following described land area by its assigned address and St. Louis County Locator Number, which are: 1045 Babler Park Drive and 21W130054.

**Section Two.** The zoning authority and approval embodied in this Ordinance is granted subject to compliance with the Subdivision and Development Regulations, Zoning Ordinance, and all other City of Wildwood ordinances, rules, and regulations, and on the condition the use and development be carried out in accordance with the recommendation forwarded to the City Council by the Planning and Zoning Commission in a communication dated January 18, 2022, which is incorporated herein by reference, as if fully set forth in this Ordinance.

**Section Three.** This ordinance shall be in full force and effect from and after its passage and approval providing.

This Bill was passed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2022 by the Council of the City of Wildwood after having been read by title, or in its entirety, two (2) times prior to its passage.