

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AUTHORIZING A CHANGE IN THE ZONING DISTRICT DESIGNATION OF a 27-ACRE PROPERTY OWNED BY THE CITY OF WILDWOOD, MISSOURI FROM THE NU NON-URBAN RESIDENCE DISTRICT TO THE PS PARK AND SCENIC DISTRICT TO ACCOMMODATE ITS INTENDED USE AS A PUBLIC PARK (PÖERTNER PARK), WHICH IS LOCATED ON THE WEST SIDE OF HENCKEN ROAD, SOUTH OF ITS INTERSECTION WITH STATE ROUTE 100, AN IS CONSISTENT WITH THE ACTION OF THE PLANNING AND ZONING COMMISSION'S LETTER OF RECOMMENDATION DATED JULY 18, 2022.

WHEREAS, the City of Wildwood has accepted a donation of a twenty-seven (27) acre property and took over its ownership in September 2021, following a bequeath of it by the previous owner upon her death; and

WHEREAS, with the property being accepted as a gift by the City the previous owner established a list of deed restrictions relating to its future use, which included the following items: the property's use would be free of charge; the property will be maintained as an undeveloped wildlife refuge and preserved for the purposes of picnicking, bird watching, hiking, and fishing; the property cannot be used for hunting, shooting, or killing of animals; the property remains in its natural state; and the property be named Pöertner Park; and

WHEREAS, the rezoning request would match the planned future use of the property to the appropriate zoning district designation, which will be a park for public use and enjoyment; and

WHEREAS, the rezoning of the property would provide the City flexibility in its development, while providing necessary protections to surrounding property owners, as well; and

WHEREAS, the Planning and Zoning Commission considered this request at a public hearing held on May 2, 2022 and a discussion was held regarding it, including the site characteristics and the deed restrictions related to its future use associated with its bequeath; and

WHEREAS, after consideration of this matter and responding to the Department of Planning's report, the Planning and Zoning Commission recommended approval of the request for the change in zoning from the NU Non-Urban Residence District to the PS Park and Scenic District, the specifics of such approval and recommendation being set forth in the letter of the Planning and Zoning Commission submitted to the City Council dated July 18, 2022, and regarding **P. Z. 4-22 City of Wildwood Planning and Zoning Commission, c/o Department of Planning and Parks**, a copy of which is on file in the office of the City Clerk and incorporated by reference herein; and

WHEREAS, the City Council held a public hearing to consider the recommendation on August 8, 2022, at which interested persons were offered an opportunity to speak; and

WHEREAS, at the conclusion of this public hearing, City Council directed the Department of Planning to prepare draft legislation for consideration by it consistent with the Planning and Zoning Commission's recommendation; and

WHEREAS, the acceptance of this property for a future park, along with its rezoning to reflect such, complies with the Action Plan for Parks and Recreation that was adopted by the City Council in 2019; and

WHEREAS, this action by City Council is consistent with good planning practices and promotes the health, safety, and general welfare of this community.

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

Section One. That after proper notice in accordance with the ordinances of this City and applicable laws of the State of Missouri, a public hearing was held with regard to the rezoning of a certain twenty-seven (27) acre tract of land more particularly described below, first before the Planning and Zoning Commission and then the City Council of the City of Wildwood, Missouri, and approval is hereby granted to rezone it from NU Non-Urban Residence District to the PS Park and Scenic District, pursuant to the Municipal Code of the City of Wildwood, Missouri, and the City of Wildwood's Zoning Ordinance and Official Zoning District Maps of the City of Wildwood, Missouri, all made a part hereof and incorporated by reference herein, are hereby amended consistent with this Section One for the property described here:

A TRACT OF LAND BEING PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 44 NORTH, RANGE 3 EAST, IN ST. LOUIS COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT.

BEGINNING AT AN OLD STONE AT THE SOUTHWEST CORNER OF THE SAID SOUTHEAST 7/4 OF THE NORTHEAST 1/4 OF SECTION 20; THENCE ALONG THE SOUTH LINE OF SAID PART OF SECTION 20, BEING ALSO THE EAST AND WEST CENTER LINE OF SECTION 20, SOUTH 88 DEGREES 52 MINUTES EAST, 67066 TO A POINT ON THE WEST LINE OF HENCKEN ROAD, 40 FEET WIDE; THENCE ALONG THE WEST AND NORTH LINES OF HENCKEN ROAD THE FOLLOWING COURSES AND DISTANCES, · NORTH 27 DEGREES 77 MINUTES EAST 287.06 FEET TO A POINT, · NORTH 6 DEGREES 20 MINUTES WEST, 196.32 FEET TO A POINT, · NORTH 30 DEGREES 50 MINUTES WEST 788.67 FEET TO A POINT, · NORTH 9 DEGREES 50 MINUTES WEST 102.60 FEET TO A POINT, · NORTH 11 DEGREES 55 MINUTES EAST 121. 43 FEET TO A POINT; NORTH 37 DEGREES 25 MINUTES EAST 128.40 FEET TO A POINT, · NORTH 50 DEGREES 55 MINUTES EAST 250.46 FEET TO A POINT, · SOUTH 86 DEGREES 35 MINUTES EAST 266.47 FEET TO A POINT, · NORTH 18 DEGREES 20 MINUTES 30 SECONDS EAST 221.56 FEET TO A POINT AND NORTH 3 DEGREES 72 MINUTES 29 SECONDS EAST 57.05 FEET TO A

POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 20, THENCE ALONG SAID NORTH LINE, NORTH 88 DEGREES 33 MINUTES 20 SECONDS WEST 1310.77 FEET TO AN IRON PIPE AT THE NORTHWEST CORNER OF SAID PART OF SECTION 20; THENCE ALONG THE WEST LINE OF SAID PART OF SECTION 20, SOUTH 0 DEGREES 20 MINUTES EAST 1363. 60 FEET TO THE POINT OF BEGINNING, AND CONTAINING 26. 745 ACRES ACCORDING TO A SURVEY BY RAPP & RAPP SURVEYORS, INC. MADE DURING THE MONTH OF AUGUST, 1978.

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, as may be amended from time to time, and the conditions of this ordinance, except as may be modified herein.

Section Three. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Section Four. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid, is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Section Five. This Ordinance shall be in full force and effect on and after its passage and approval.

This Bill was passed and approved this ____ day of _____, 2022, by the City 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

ATTEST:

City Clerk

James R. Bowlin, Mayor

ATTEST:

City Clerk