

CHAPTER 25

PLANNING AND DEVELOPMENT I

ARTICLE I. GENERALLY	2502
<i>Sec. 25-1. Bench mark and grades.</i>	<i>2502</i>
<i>Sec. 25-2. Filing fee for appeals to board of adjustment.</i>	<i>2502</i>
<i>Sec. 25-3. Certificates of use and occupancy.</i>	<i>2502</i>
<i>Secs. 25-4 - 25-30 Reserved.</i>	<i>2503</i>
ARTICLE II. STREET NAMES AND ADDRESSING PROCEDURES.....	2504
<i>Sec. 25-31. Purpose.</i>	<i>2504</i>
<i>Sec. 25-32. Definitions.</i>	<i>2504</i>
<i>Sec. 25-33. Data standards.</i>	<i>2504</i>
<i>Sec. 25-34. General naming convention.</i>	<i>2506</i>
<i>Sec. 25-35. Address number assignment.</i>	<i>2507</i>
<i>Sec. 25-36. Exceptions.</i>	<i>2507</i>
<i>Sec. 25-37. Display of numbers.</i>	<i>2508</i>
<i>Sec. 25-38. Obtaining of official number prerequisite to issuance of building permit.</i>	<i>2508</i>
<i>Sec. 25-39. Use of unofficial number prohibited.</i>	<i>2508</i>
<i>Sec. 25-40. Street name change.</i>	<i>2508</i>
<i>Secs. 25-41 - 25-46. Reserved.</i>	<i>2508</i>
ARTICLE III. URBAN REDEVELOPMENT THROUGH PRIVATE CAPITAL INVESTMENT	2509
<i>Sec. 25-47. Determination of necessity for legislation.</i>	<i>2509</i>
<i>Sec. 25-48. Application of the Urban Redevelopment Corporations Law.</i>	<i>2509</i>
<i>Sec. 25-49. Definitions.</i>	<i>2510</i>
<i>Sec. 25-50. Application for approval of preliminary development plan.</i>	<i>2511</i>
<i>Sec. 25-51. Hearing on preliminary development plan.</i>	<i>2511</i>
<i>Sec. 25-52. Notice of hearing on preliminary plan.</i>	<i>2512</i>
<i>Sec. 25-53. Submission of other applications for development.</i>	<i>2512</i>
<i>Sec. 25-54. Determination on preliminary plan.</i>	<i>2512</i>
<i>Sec. 25-55. Council determination on plan.</i>	<i>2512</i>
<i>Sec. 25-56. Date for submission of final development plan.</i>	<i>2513</i>
<i>Sec. 25-57. Effect of approval of preliminary development plan.</i>	<i>2513</i>
<i>Sec. 25-58. Filing of final development plan; contents.</i>	<i>2513</i>
<i>Sec. 25-59. Determinations prior to approval of development plan.</i>	<i>2516</i>
<i>Sec. 25-60. Council hearing and notice regarding final development plan.</i>	<i>2516</i>
<i>Sec. 25-61. Council hearing and determination on final plan.</i>	<i>2516</i>
<i>Sec. 25-62. Council findings for plan approval.</i>	<i>2517</i>
<i>Sec. 25-63. Certificate of public convenience and necessity for corporation to acquire property by eminent domain.</i>	<i>2517</i>
<i>Sec. 25-64. Terms of contract.</i>	<i>2517</i>
<i>Sec. 25-65. Amendment of final plan.</i>	<i>2518</i>
<i>Sec. 25-66. Fees.</i>	<i>2518</i>
<i>Sec. 25-67. Deposit when city acquires property for corporation.</i>	<i>2518</i>
<i>Sec. 25-68. Acquisition, resale of property by city.</i>	<i>2519</i>
<i>Sec. 25-69. Financial restrictions on corporation.</i>	<i>2519</i>
<i>Sec. 25-70. Disposition of surplus earnings of corporation.</i>	<i>2520</i>
<i>Sec. 25-71. Accounting practices.</i>	<i>2520</i>
<i>Sec. 25-72. Tax relief for redevelopment corporations.</i>	<i>2521</i>
<i>Sec. 25-73. Authority for commission to check compliance, make reports, adopt rules and regulations.</i>	<i>2522</i>
<i>Sec. 25-74. Remedies for failure to follow plan.</i>	<i>2523</i>
<i>Sec. 25-75. Power of city to acquire, clear, develop, sell sites.</i>	<i>2523</i>

<i>Sec. 25-76. Grants, loans from United States and state.</i>	2523
<i>Sec. 25-77. Plan approval does not substitute for commission actions.</i>	2524
ARTICLE IV. HOUSING REHABILITATION GRANT GUIDELINES	2525
<i>Section 25-81. Purpose.</i>	2525
<i>Section 25-82. General Objectives.</i>	2525
<i>Section 25-83. Functions, Duties and Authority of Grant Coordinator.</i>	2525
<i>Section 25-84. Housing Rehabilitation Appeals Board Created.</i>	2526
<i>Section 25-85. Membership and Vacancies.</i>	2526
<i>Section 25-86. Functions, Duties and Authority.</i>	2526
<i>Section 25-87. Officers.</i>	2526
<i>Section 25-88. Meetings and Records.</i>	2526
<i>Section 25-89. Process.</i>	2526
<i>Section 25-90. Qualifications.</i>	2527
<i>Section 25-91. Grant Amount.</i>	2527
<i>Section 25-92. Repayment.</i>	2527
<i>Section 25-93. Grant Eligibility Guidelines.</i>	2528

ARTICLE I. GENERALLY

Sec. 25-1. Bench mark and grades.

- A. The directrix or bench mark is hereby designated at the top of the stone abutment, being eighteen (18) inches wide on its front face and extending upward to a point flush with the top of the basement story of the Cole County courthouse. The directrix shall be located on the westerly side of the entrance to the courthouse, fronting on High Street. The top of such column or abutment, being marked "B.M." chiseled in the upper surface thereof, such point being an elevation, which is assumed for the purpose of this section to be 220.53 feet, is hereby designated and shall hereafter be known as the directrix or bench mark of the city. In all elevations or measurements hereafter made, it shall be estimated and assumed that the top of such abutment is located at an elevation of 220.53 feet. This section is designated to and shall take precedence over all other directrices or bench marks established or heretofore made and is and shall be taken as the permanent establishment of the directrix or bench mark for this city.
- B. The grades of all public streets and alleys within the city shall be established by ordinances duly passed by the city council and recorded in the ordinance books of the city. Such ordinances shall record all elevations along the center line of such street or alley, showing the elevation at each point where there is a change of grade and the distance between such points. All elevations of grade shall be established from the directrix or bench mark as provided for in subsection (a) of this section.

(Code 1977, § 1-12)

Sec. 25-2. Filing fee for appeals to board of adjustment.

A filing fee of seventy-five dollars (\$75.00) is hereby established before any action shall be taken by the board of adjustment for any party proposing or requesting an interpretation, variance, exception or conditional use permit. This amount shall be deposited with the city clerk to cover the approximate cost of the procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the council.

(Ord. No. 9535, § 2, 10-20-80)

Sec. 25-3. Certificates of use and occupancy.

- A. Upon written request from the owner of an existing building or structure, the Department of Community Development shall issue a certificate of use and occupancy, provided there are not violations of law or orders of the building official pending, and it is established after inspection and investigation that the alleged use of the building or structure has heretofore existed. This Code shall not require the removal, alteration or abandonment of, or prevent the continuance of, the use and occupancy of a lawfully existing building or structure, unless such use is deemed to endanger public safety and welfare. (Ord. No. 13301, 11-5-2001)
- B. When a building or structure is entitled thereto, the Department of Community Development shall issue a certificate of use and occupancy within ten (10) days after written application. The certificate shall certify compliance with the provisions of this Code and the purpose for which the building or structure may be used in its several parts. The certificate of use and occupancy shall specify the legal description of the property, the present zoning and the square footage of the lot and building. (Ord. No. 13301, 11-5-2001)

C. The fee for issuance of a certificate of occupancy shall be determined as follows:

<u>Building Size</u> <u>(Sq. Ft.)</u>	<u>Fee</u>
0 to 10,000	\$50.00
10,000 to 40,000	75.00
Over 40,000.....	100.00

The fee shall be paid to the office of the Department of Community Development and submitted with the written request for the issuance of the certificate of occupancy.
(Ord. No. 9250, §§ 1-3, 3-5-79; Ord. No. 13301, 11-5-2001)

Secs. 25-4 - 25-30 Reserved.

ARTICLE II. STREET NAMES AND ADDRESSING PROCEDURES

Sec. 25-31. Purpose.

- A. To expand the existing code pertaining to addressing by defining how multiple units within a building are identified, the continuation of existing street names, defining how directional attributes are assigned, establishment of private street names; and other areas;
- B. To establish the use of approved addressing standards which allow a uniform and consistent method for City and Cole County personnel to enter address information into computer databases and the City/County GIS System.
- C. To standardize all address information in order that conformity will allow the integration and comparison of information in different computer files using the address as a common key.

(Code 1977, § 33-64; Ord. No. 9110, § 1, 4-3-78)

Sec. 25-32. Definitions.

Address (situs or parcel address): A unique alphanumeric descriptor which identifies the property location of a parcel of land, a building or other structure on the County or City Address Grid, that has been formally assigned by the political jurisdiction in which the property is located.

Address Format: The order of assemblage and structure of the standardized components (address number, directional prefix, street name, directional suffix, unit locator, zip code) used in the legal street address and placed in a fixed field format.

Fixed Field Format: An address format where all components of the address is input into its own field in the record.

Components: An associated address standard shall be comprised of the following components:

<u>Field Name</u>	<u>Length</u>	<u>Description</u>
Unique Identifier	29	Parcel ID / Unique Identifier that can be linked to other tables
Number	6	Street Address Number
Direction	2	Directional Prefix
Street Name	26	Street / Road Name
Street Suffix	4	Street Suffix (i.e, DR, ST, BLVD)
Post Direction	2	Post Direction
Unit Type	4	Unit Type (i.e., APT, STE, BLDG)
Unit Designation	4	Unit Number / Letter
Zip Code	5	Zip Code

Sec. 25-33. Data standards.

- A. All address data entry will be done in capital letters and spelled out completely, except for directional prefixes, suffixes, and street types; unless it is common place to do so. For example, DR MARTIN LUTHER KING JR BLVD or ST MARYS BLVD are acceptable and preferred.

- B. There shall be no commas, periods, parenthesis, apostrophes, colons or semi-colons in the address format. The hyphen(-), pound sign (#) and slash (/) are allowed in the unit type suffix. For example, 100 JEFFERSON ST #A-E.
- C. The address database will be cataloged under a fixed field format.
- D. Street names shall not exceed 26 characters, including public and private street names.
- E. Numeric street names up to and including the number ten shall be spelled out. Numeric street names above ten shall be written using a number. For example, FIRST is to be used rather than 1ST.
- F. Temporary address numbers (block ranges or unofficial numbers) shall be followed by an asterisk (*) in the numeric field, indicating the address must be made official before it is released to the public for general or widespread use.
- G. Directional Prefix & Post Directional Suffix. Directional prefixes and suffixes shall always be abbreviated, unless it is used as part of the proper street name and shall not include periods. Standard directional prefix and suffix abbreviations include the following:
- | | | | | |
|----|---------|--------------|-----------|--------------|
| H. | Example | Abbreviation | Example | Abbreviation |
| | North | N | Northeast | NE |
| | South | S | Northwest | NW |
| | East | E | Southwest | SW |
| | West | W | Southeast | SE |
- I. Street Type Suffix. Street type suffixes shall always be abbreviated unless it is used as part of the proper street name and shall not include periods. Standard street type suffixes include the following:
- | | | | |
|------------|--------------|---------|--------------|
| Example | Abbreviation | Example | Abbreviation |
| Alley | ALY | Lane | LN |
| Avenue | AVE | Parkway | PKWY |
| Boulevard | BLVD | Place | PL |
| Creek | CRK | Road | RD |
| Circle | CIR | Spur | SPUR |
| Court | CT | Street | ST |
| Drive | DR | Terrace | TER |
| Expressway | EXPY | Way | WAY |
| Highway | HWY | Waye | WAYE |
- J. Unit Type. Unit addresses shall always be abbreviated and capitalized, and shall not include periods. Acceptable secondary addresses may be found in Appendix C of the Postal Addressing Standards, Publication 28, dated August 1995. Common secondary addresses include the following:
- | | | | |
|------------|--------------|---------|--------------|
| Example | Abbreviation | Example | Abbreviation |
| Apartment | APT | Rear | REAR |
| Building | BLDG | Room | ROOM |
| Department | DEPT | Suite | STE |
| Floor | FL | Unit | UNIT |
- K. The pound (#) sign may be used in the unit type field and shall indicate any approved unit type. (i.e. #A

shall indicate: APT A, UNIT A or SUITE A) If a unit is designated with both a letter and a number, no hyphen or space shall be used between the characters (i.e. #6D not #6-D or #6 D).

- L. Any proper State or Federal roadway shall be abbreviated and capitalized, and shall not include periods. One space shall be provided between the roadway name(s) and designated number. Approved State or Federal roadway abbreviations shall be:

Example	Abbreviation
Federal Highway 50/63	HWY 50/63
Federal Interstate 70	I 70
State Highway 54	HWY 54
State Route B	RT B
County Road - West Brazito Road	W BRAZITO RD

- M. Half numbers or any fractional numbers shall not be used.

Sec. 25-34. General naming convention.

- A. Street names shall be easy to read and pronounce so that the public, and children in particular, can manage the name in emergency situations.
- B. All street names in exact or approximate alignment with existing named streets shall bear the names of such existing named street. All other street names shall be assigned names which do not conflict with names of existing streets.
- C. No street name shall be accepted with two street types. The first street types cannot be considered part of the street name. For example, MAIN ST PKWY is not acceptable. Acceptable street names are MAIN ST or MAIN PKWY.
- D. All alleys shall be assigned a suffix ending in alley. For example, First Alley; abbreviated FIRST ALY.
- E. Common name entry shall be done in the street name field and shall be updated when appropriate. For example: 200 MADISON ST GOVERNOR OFFICE BUILDING
- F. Vanity street names and addresses (i.e., names or addresses that relate to a particular business, developer or property owner) shall not be used in place of the primary street address. They may, however, be used as a supplemental address in compliance with these standards. For example, the IBM Corporation, One Elm Plaza. The appropriate address entry is: IBM CORPORATION, ONE ELM PLAZA, 1659 E ELM ST #C. Vanity street names and address entry shall be done in the street name field and shall be updated when appropriate.
- G. Street names shall be reviewed by the Director of Community Development and established by the Council. Street name changes are discouraged, yet nothing contained herein shall be construed so as to prohibit the changing of a street name. Changes to street names shall be established by the Council in accordance with Chapter 32 of the Code. (Ord. No. 13301, 11-5-2001)
- H. All private street names shall be reviewed by the Director of Community Development and established by the Council. Private street names shall be discouraged and it shall be unlawful for any owner or occupant of any structure or parcel to which an official private street name has been assigned to use any other name or temporary name for such structure or parcel. (Ord. No. 13301, 11-5-2001)
- I. The Director of Community Development shall erect signs to mark the locations of public and private streets. Private street name signs shall be different in color from those used on public streets. (Ord. No. 13301, 11-5-2001; Ord. 13600, §10, 9-2-2003)

Sec. 25-35. Address number assignment.

- A. The Director of Community Development shall be responsible for assignment of addresses and shall adopt a standard method of assigning such addresses, to remain consistent throughout the City and be coordinated with contiguous jurisdictions when possible. The 1974 Block and Directional Address Grid, on file in the office of the Director of Community Development, shall be used as the base for address assignment. It shall be unlawful for any owner or occupant of any structure or parcel to which an official number has been assigned to use any other number or temporary number for such structure or parcel. (Ord. No. 13301, 11-5-2001)
- B. Addresses shall be assigned so that they are numeric in sequence. Where two or more structures addressed off the same street which are located in a “stacked” configuration (one building behind the other), addresses shall be kept in sequence within each other to the greatest degree possible. Where possible the stacked structure closest to the street shall have a lower address number than the structure farther away.
- C. Addresses shall be assigned to each habitable or substantial structure, vacant lots, and other features as determined by the Director of Community Development to be in the public interest. Addresses shall not be assigned to structures that are simply accessory to other buildings or insubstantial in nature. For example, a detached garage for a single-family residence does not warrant an individual address, but a commercial parking garage or telecommunication switching station shall have an individual address. Single-family residential structures shall have individual street addresses. Multiple family residential structures containing four (4) or fewer units may have individual street addresses. Multiple family residential structures containing five (5) or more units shall be assigned one (1) street addresses and individual unit designation. Commercial structures shall be assigned one (1) street address and individual unit designations. The above standards outlined in this section shall govern, unless extending circumstances warrant additional consideration by the Director of Community Development. (Ord. No. 13301, 11-5-2001)
- D. Addresses on very short cul-de-sacs or “eyebrows” that are not given a separate street name shall be based on the numbering sequence for the perpendicular street that provides access to the cul-de-sac. Cul-de-sac streets which are less than 300 feet in length may be addressed off the perpendicular street that provides access to the cul-de-sac, so long as the numeric sequence is not disrupted for such perpendicular street.
- E. Where two streets have the same name but different street types (i.e.; HOBBS RD and HOBBS LN), the same address range shall not be used on both streets.
- F. Addresses located across the street from each other shall be assigned so that they are nearly equal. Where there are more addresses on one side of the street, addresses assigned to the other side will be staggered so that addressing consistency is maintained. When possible parallel streets shall have alternating addresses. For example:

1002 IKON DR	1006 IKON DR
1004 ONYX DR	1008 ONYX DR

Sec. 25-36. Exceptions.

- A. The Director of Community Development may make exceptions in cases of difficult addressing situations including, but not limited to, cul-de-sac streets, strip shopping centers, office parks, and other situations where there are multiple buildings not in a clearly ordered sequence or where multiple addresses may be assigned in the same range. Such exceptions may be approved if they are in the best interest of the general public. (Ord. No. 13301, 11-5-2001)

Sec. 25-37. Display of numbers.

The owner or occupant of each house or building in the city shall be required to place in a conspicuous location, visible from the street, numbers which shall conform to the number assigned thereto. Such numbers shall be of sufficient size to be legible from the street, with a three-inch minimum, and shall be located on the building within view of a three-foot perimeter of the main entrance. The assigned street numbers may also be displayed in additional locations at the discretion of the property owner. The assigned numbers shall be sharp color contrast to the house or building to which they are attached. In areas where the house or building is located more than one hundred (100) feet from the center line of the street, the assigned number may be displayed in the yard visible when viewing the main entrance.

Sec. 25-38. Obtaining of official number prerequisite to issuance of building permit.

A building permit for the erection of any house or building requiring a street number in the city shall not be issued until the applicant therefor has obtained from the Director of Community Development an official street number for such house or building. (Ord. No. 13301, 11-5-2001)

Sec. 25-39. Use of unofficial number prohibited.

It shall be unlawful for any owner or occupant of any house, building or vacant lot to which an official number has been assigned by the Director of Community Development to use any other number for such house, building or vacant lot. (Ord. No. 13301, 11-5-2001)

Sec. 25-40. Street name change.

- A. A majority of property owner along a street may propose that the name of the street be changed. A petition signed by a majority of the property owners along the street shall be presented to the council. Upon receipt of the petition, if the Council deems the change appropriate, notice of the petition proposing the changing of the name of the street shall be published in a newspaper of general circulation in the city at least once per week for four (4) consecutive weeks. At the next regular Council meeting after notice has been published, a public hearing shall be held. Following which, the Council may, by ordinance change the name of the street.
- B. A filing fee shall be required for any petition to change the name of a street. This fee shall be paid at the time of the petition is submitted to the city. The fee is to cover the initial cost necessary to process the petition prior to approval by the council and shall be non refundable. The fee for filing the petition shall be four hundred dollars (\$400). An additional charge of fifty dollars (\$50) will be assessed for each city block affected by the street name change. The additional charges for each block will be calculated and collected prior to sign replacement.
- C. Nothing continued herein shall be construed so as to prohibit the Council from changing the name of a street on its own initiative.
- D. Upon the passage of an ordinance changing the name of a street, the city clerk shall file with the recorder of deeds of Cole County a certified copy of the ordinance.

(Code 1977, § 33-68; Ord. 9110, § 1, 4-3-78; Ord. 13185, §1 & 2, 5-7-2001)

Secs. 25-41 - 25-46. Reserved. ²

ARTICLE III. URBAN REDEVELOPMENT THROUGH PRIVATE CAPITAL INVESTMENT

Sec. 25-47. Determination of necessity for legislation.

It is hereby determined and declared by the council:

- A. That in certain portions of the city obsolete, decadent, substandard, or blighted areas exist occasioned by inadequate planning, excessive land coverage, lack of proper light, air or open space, defective design or arrangement of buildings, or the existence of buildings which, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration, have impaired the economic value of large areas, infecting them with blight;
- B. That such areas are characterized by depreciated values, impaired investments, reduced or negligible income and consequent tax delinquencies;
- C. That such conditions exist in areas where obsolete, decadent, substandard, outworn or outmoded industrial, commercial, or residential buildings prevail;
- D. That their assembly for purposes of clearance, replanning, rehabilitation, reconstruction, and redevelopment may be difficult and costly;
- E. That the existence of such condition and the failure to clear, replan, rehabilitate, reconstruct, or redevelop these areas results in progressive deterioration, and occasions large outlays for the creation of public facilities and services elsewhere;
- F. That it is desirable to induce private capital investments to alleviate these conditions and redevelop these areas but that sometimes it is impossible or uneconomic for individual owners to independently undertake to remedy such conditions;
- G. That such conditions require the employment of capital on an investment basis, allowing, however, that widest latitude in the amortization of any indebtedness created thereby;
- H. That such conditions further require the acquisition of adequate areas at fair prices, the clearance of such areas through demolition of existing obsolete, decadent, inadequate, or unsafe buildings and the redevelopment of such areas under proper supervision with appropriate planning as to land use and construction policies;
- I. The clearance, replanning, rehabilitation, reconstruction, and land redevelopment of such areas on a large scale basis are necessary for the public welfare and are public uses and purposes for which private property may be acquired by purchase or eminent domain; and
- J. That such obsolete, decadent, substandard, and blighted areas constitute a menace to the citizens of the city.

Therefore, the necessity for the provisions in this article is hereby declared as a matter of legislative determination to be in the public interest.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-48. Application of the Urban Redevelopment Corporations Law.

The provisions of the Urban Redevelopment Corporations Law, found in Chapter 353, Revised Statutes of Missouri, are hereby accepted and shall apply to all persons and corporations operating under this chapter insofar as the same may be applicable thereto.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-49. Definitions.

The following terms whenever used or referred to in this article shall, unless a different intent clearly appears from the context, be construed to have the following meanings:

Area. That portion of the city which the city council has found or shall find to be blighted, so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this article. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction, or rehabilitation of the area of which such buildings, improvements, or real property form a part.

Authority. The Housing Authority of the City of Jefferson.

Blighted Area. Those portions of the city which the council shall determine, that by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration, have become economic and social liabilities and that the conditions in such localities are conducive to ill health, threats to public safety, transmission of disease, crime, or inability to pay reasonable taxes. The term shall include vacant areas within the city which at one time met the above criteria but which have, since that time, been cleared of the improvements that caused the property to be blighted.

Commission. The planning and zoning commission of the city.

Corporation. An urban redevelopment corporation organized under and pursuant to the provisions of the Urban Redevelopment Corporations Law.

Development cost. The amount determined by the commission or the authority to be the actual cost of redevelopment, or of that part thereof for which such determination is made. The term shall include, among other costs, the reasonable expenses of planning the redevelopment, including preliminary studies and surveys, neighborhood planning, and architectural and engineering services; the reasonable value of the services performed in connection with the development plan; interest during construction; the actual cost of the real property or any part thereof where acquired partly or wholly in exchange for securities; the actual cost of demolition of existing structures; the actual cost of utilities, landscaping and roadways; the actual cost of construction, equipment and furnishings of buildings and improvements including architectural, engineering, and builders' fees; the actual cost of reconstruction, rehabilitation, redevelopment, remodeling, or initial repair of existing buildings and improvements; reasonable management and operation costs until the redevelopment is ready for use; and the actual cost of improving those portions of the area which are to remain open spaces, together with such additions to development costs as shall equal the actual cost of additions to or changes in the redevelopment in accordance with the original development plan or after approved changes therein or amendments thereto.

Development plan. A plan, together with any amendments, for the redevelopment of all or any part of a blighted area.

Mortgage. A mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them.

Person. Any individual, firm partnership, joint venture, association, corporation (except an urban redevelopment corporation organized pursuant to the provisions of the Urban Redevelopment Corporations Law), whether organized for profit or not, estate, trust, business trust, receiver, or trustee appointed by any state or federal court, syndicate, or any other group or combination acting as a unit, and shall include the male as well as the female gender and the plural as well as the singular number.

Real Property. Lands, buildings, improvements, land under water, waterfront property, any and all

easements, franchises and hereditaments, corporeal or incorporeal, every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant, or otherwise, rights-of-way, and terms for years.

Redevelopment. The clearance, replanning, reconstruction, or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential, or public structures and spaces as may be appropriate, including recreational and other facilities incident or appurtenant thereto.

Redevelopment project. A specific work or improvement to effectuate all or any part of a development plan.

Urban Redevelopment Corporations Law. Chapter 353 of the Revised Statutes of Missouri and any amendments thereto.

Urban renewal plan. A plan for urban renewal established pursuant to Chapter 99, RSMo, and filed of record, which plan is in effect at the time the development plan is submitted. (Ord. No. 11182, § 2, 3-6-89)

Sec. 25-50. Application for approval of preliminary development plan.

Any corporation seeking approval of a development plan must file with the authority and with the Director of Community Development an application for approval of a preliminary development plan. Such application shall contain: (Ord. No. 13301, 11-5-2001)

- A. A legal description of the area to which the preliminary development plan pertains.
- B. A conceptual plan for the area to which the preliminary development plan pertains including the proposed uses of the area and the general location and density of those uses;
- C. A general description of the properties and improvements within the area to which the preliminary development plan pertains which the corporation proposes to acquire, proposes to demolish, and proposes to rehabilitate.
- D. Evidence that the area to which the preliminary development plan pertains is a blighted area.
- E. Evidence that the corporation is duly formed under the Urban Redevelopment Corporations Law.
- F. Evidence that the corporation has the financial ability to undertake the implementation of the proposed development plan.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-51. Hearing on preliminary development plan.

- A. A hearing shall be held on the preliminary development plan not later than forty-five (45) days after the filing of the application.
 - 1. The hearing shall be held before the authority whenever any portion of the are to which the plan pertains lies within an area that is subject to an urban renewal plan.
 - 2. The hearing shall be held before the commission whenever no portion of the area to which the plan pertains lies within an area that is subject to an urban renewal plan.
- B. Within a reasonable time after the filing of an application for approval of a preliminary development plan, but in no case greater than twenty (20) days thereafter, the authority or the commission, as appropriate,

shall set the date for a public hearing regarding the application.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-52. Notice of hearing on preliminary plan.

The corporation shall provide notice of the hearing at least fifteen (15) days prior to the scheduled hearing date. The notice shall state that an application for approval of a preliminary development plan has been filed, shall give the date of the scheduled hearing, and shall also contain a legal description of the property to which the preliminary development plan pertains. The notice shall be posted conspicuously in at least five (5) locations accessible to the public within the area to which the preliminary development plan pertains. The notice shall also be published in a newspaper

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-53. Submission of other applications for development.

Once an application for approval of a preliminary development plan has been filed by a corporation, no other application which pertains in whole or in part to the area included in the preliminary development plan first filed shall be considered by the authority, the commission or the city council unless the application is filed within sixty (60) days after submission of the preliminary development plan first filed. If the authority, the commission or the city council disapproves the application first filed, and such other applications as may be filed pursuant to this section, other applications may then be filed for the area to which the preliminary development plan first filed pertains.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-54. Determination on preliminary plan.

The authority or commission, as appropriate, shall make a report to the city council within sixty (60) days after receipt of the preliminary development plan or plans filed. If the authority is the entity approving the plan, it shall send a copy of the report and plan to the commission for its approval or disapproval of those aspects of the plan which require action by the commission. Said report shall state the opinion of the authority or commission as to whether the area to which the preliminary development plan or plans pertain or any portion thereof is a blighted area and whether the plan or plans further the purposes of this article. If the authority or commission is considering more than one plan, it may, but is not required to, recommend one plan over others.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-55. Council determination on plan.

- A. The city council shall determine whether all or any part of the area to which the preliminary development plan pertain are blighted as defined by section 25-49.
- B. If the city council determines that only a portion of an area is blighted, it may allow the applying corporation a reasonable amount of time to prepare and submit revised preliminary development plan for the area determined to be blighted.
- C. If the city council determines that the entire area to which the preliminary development plan pertains is blighted, it shall proceed to determine whether to approve the plan, and if there are several plans, which plan to approve. The city council may approve a plan if it finds that it will further the purposes of this article. Prior to determining whether to approve or disapprove the preliminary development plan, the council may require that the corporation make revisions of the preliminary development plan.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-56. Date for submission of final development plan.

If the city council approves a preliminary development plan , it shall then set a date for submission of a final development plan by the corporation which will allow the corporation a reasonable time to submit its final development plan, but in no case greater than one hundred twenty (120) days from the date of city council approval of the pd. For good cause shown, the council may extend the time for submission of a final development plan.

(Ord. No. 12055, § 1, 8-20-84)

Sec. 25-57. Effect of approval of preliminary development plan.

If the city council approves a preliminary development plan, the authority, the commission, and the city council may not consider any other corporation's proposed preliminary development plan for all or any part of the area to which the approved preliminary development plan pertains until the occurrence of the earlier of one of the following events:

- A. The corporation whose preliminary development plan was approved consents to such consideration.
- B. The corporation whose preliminary development plan was approved fails to submitted a final development plan in the time required by section 25-56.
- C. The city council disapproves the final development plan submitted by the corporation whose preliminary development plan was approved.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-58. Filing of final development plan; contents

- A. On or before the date set in the approval of the preliminary development plan for submission of a final development plan, or any extensions of said date, the corporation shall submit its final development plan, or any extensions of said date, the corporation shall submit its final development plan to the commission and the authority. The final development plan shall conform to the extent feasible to the preliminary development plan . If the final development plan does not substantial conform the preliminary development plan, the final plan shall contain a statement of the reasons for nonconformance.
- B. The final development plan shall contain:
 - 1. A legal description of the development area by metes and bounds, or other definite designation, along with a listing of ownership interests in each described parcel.
 - 2. A statement of the various stages, if more than one is intended, by which the development is proposed to be constructed or undertaken, and the approximate time limit for the completion of each stage, together with a legal description of the real property to e included in each stage. This statement shall also contain a time schedule clearly setting forth reasonable times for start and completion of:
 - a. Acquisition of properties.

- b. Demolition of buildings.
- c. Construction of new improvements.

The time schedule shall be accompanied by a certificate that the corporation agrees, as a consideration for approval of the plan, that after approval of the plan it will in good faith attempt to purchase by negotiation any given property within the project area within one hundred eighty (180) days following a request, in writing, by the property owner to the corporation that he desires to proceed with the sale of the property, and that it will, if a sale of the property cannot be consummated within said period, proceed forthwith to file a proceeding in condemnation after the one hundred eighty (180) days have elapsed. Nothing contained in this provision is intended to preclude the initiation of condemnation proceedings prior to the expiration of the one-hundred-eighty-day period.

- 3. A statement of the existing buildings or improvements in the redevelopment area to be demolished, if any.
- 4. A statement of existing buildings or improvements in the development area not to be demolished immediately, if any, and the approximate period of time during the demolition, if any, of such building or improvement is to take place.
- 5. A statement of the proposed improvements, if any, to each building not to be demolished immediately, any proposed repairs or alterations to such buildings, and the approximate period of time during which such improvements, repairs or alterations are to be made.
- 6. A statement of the type, number or character of each new industrial, commercial, residential, or other building or improvement to be erected or made.
- 7. A statement of those portions, if any, of the blighted area which may be permitted or will be required to be left as open space, the use to which each such open space is to be put, the period of time each such open space will be required to remain an open space, and the manner in which it will be improved and maintained, if at all.
- 8. A statement of those portions, if any, of the redevelopment area which are proposed to be sold, donated, exchanged, or leased to the board of education, public library board, or other public agency, and an outline of the terms of such proposed sale, donation, exchange, or lease.
- 9. A statement of the proposed changes, if any, in zoning ordinances or maps necessary or desirable for the redevelopment, and its protection against blighted influences.
- 10. A statement of the proposed subdivisions or resubdivisions necessary for the redevelopment plan.
- 11. A statement of the proposed changes, if any, in streets or street levels, all proposed street closings, and all changes which would have to be made to streets adjoining or near the redevelopment project including a plan for financing these changes.
- 12. A statement of proposed changes, if any, in public facilities and easements, including but not limited to, school, fire, water, sewer, utilities, police, transportation, park, playground, and recreation, and commentary indicating that these facilities are presently adequate, or will be adequate at the time the redevelopment is ready for use, to service the area.
- 13. A statement of the character of the existing dwelling accommodations, if any, in the blighted

area, the approximate number of families residing therein, together with a schedule of the rentals being paid by them, and a schedule of the vacancies in such accommodations, if any, together with the rentals demanded therefor, and a schedule of the owner-occupied buildings.

14. A statement of the housing accommodations available in other locations in the city for those persons who will be displaced by the redevelopment project. The development plan shall set forth a feasible plan for the relocation of all residents and businesses displaced, including adequate reimbursements for reasonable relocation costs.
15. A statement of the character, type, quality of construction, approximate number of units, approximate rentals, and approximate date of availability of the proposed dwelling accommodations, if any, to be furnished during construction and upon completion of redevelopment.
16. A statement of any projects or relocations outside of the area of the redevelopment project which would be initiated due to the redevelopment project.
17. A detailed statement of the proposed method of financing the redevelopment; including, but not limited to, evidence satisfactory to the city council that sufficient funds or securities are immediately available and will be used for financing of the entire development proposed and will remain available until the particular development is started, and evidence satisfactory to the city council that the amount necessary to acquire and clear the land involved is available from such equity and/or other funds.
 - a. Such evidence must be reconfirmed annually until completion of the project by a certificate filed with the city administrator.
 - b. Such evidence shall include any commitments for leases or purchases but, in any event, shall include evidence of marketability of the development proposed.
18. A statement of the persons who it is proposed will be active in or associated with the management of the redevelopment project during a period of at least one (1) year from the date of the approval of the development plan
19. A statement giving the legal description of the real property owned, or proposed to be purchased or to be acquired by eminent domain, and the reasons why acquisition by condemnation is proposed.
20. A statement giving the legal description of the real property, if any, proposed to be purchased or acquired by eminent domain by the city in behalf of the proponents of the development plan, and the reasons why the aid of the city is sought for this purpose.
21. A statement that the redevelopment corporation shall not assign its rights under the development plan without the prior written consent of the city council, and that in the event of assignment of all or any part of the plan, the corporation shall remain liable for the acquisition and clearance of the blighted areas.
22. The development plan and all applications for approval thereof may also contain such other statements or exhibits as may be deemed relevant by the city council, the commission, the authority or the proponents.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-59. Determinations prior to approval of development plan.

A final development plan shall not be recommended by the authority or the commission, as appropriate, until and unless it shall determine:

- A. That the area within which the redevelopment is to be made is blighted, and that redevelopment in accordance with the development plan is necessary or advisable to effectuate the public purposes declared in section 25-47.
- B. That the development plan is in accordance with the comprehensive plan of the city.
- C. That the various stages, if any, by which the redevelopment is proposed to be constructed or undertaken, as stated in the development plan, are practicable and in the public interest.
- D. That housing accommodations are or will soon be elsewhere available for all persons who will be displaced by the redevelopment project, and that no undue hardship to such persons will be caused thereby.
- E. That public facilities, including, but not limited to, school, fire, water, sewer, police, transportation, park, playground, and recreation are presently adequate, or will be adequate at the time the redevelopment is ready for use, to service the area.
- F. That the proposed changes, if any, in zoning ordinances or maps and in streets and street levels or any proposed street closings are necessary or desirable for the redevelopment and its protection against blighting influences, and for the city as a whole.
- G. The estimated cost of acquisition of real property which it is proposed the city will acquire for the proponents of the development plan by the exercise of the power of eminent domain; however, this shall only be done upon an additional payment of such funds as are necessary to reimburse the city for any expenses of any kind which it shall incur in development these cost estimates. The Director of Community Development shall establish regulations for the implementation of this section.

(Ord. No. 10255, § 1, 8-20-84; Ord. No. 13301, 11-5-2001)

Sec. 25-60. Council hearing and notice regarding final development plan.

After receipt of the authority's or the commission's recommendation, as appropriate, the city council shall set a date for a public hearing on the final plat within a reasonable time. At least ten (10) days prior to the hearing, the corporation shall provide notice of the hearing by first class mail to each record owner of real property within the area to which the final development plan pertains, and to record owners of real property contiguous with or separated by public street or alley from the area to which the final plan pertains. The corporation shall also publish the notice in a newspaper doing business in the city at least ten (10) days prior to the hearing date.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-61. Council hearing and determination on final plan.

- A. At the public hearing, any interested person and the applicant corporation may be heard. After the public hearing, the council may:
 - 1. Unconditionally approve the plan and authorize the mayor on behalf of the city to enter into a contract with the corporation.

2. Approve the plan subject to conditions or restrictions, and authorize the mayor on behalf of the city to enter into a contract with the corporation.
 3. Require the corporation to make changes in the plan for resubmission to the council, or to the authority or the commission (whichever served as the original reviewing entity).
 4. Disapprove the plan.
- B. Council approval of the plan shall be by ordinance. If council approves the plan, then council shall authorize the mayor to enter into a contract on behalf of the city with the proposer or proposers of the plan, such contract to contain the provisions as embodied in the plan and the approving ordinance, a provision that the applicable provisions of this chapter shall be incorporated by reference into such contract, and a provision that the terms, conditions, or provisions of the contract can be neither modified nor eliminated except by mutual agreement between the city council and the proposer or proposers of the plan.
- (Ord. No. 10255, § 1, 8-20-84)

Sec. 25-62. Council findings for plan approval.

The city council may approve a plan only if it makes the same findings as required in section 25-59.
(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-63. Certificate of public convenience and necessity for corporation to acquire property by eminent domain.

If the corporation proposing a development plan seeks to acquire by eminent domain in its own name all or any part of the real property described in the development plan, the council may by ordinance approving such plan determine that the public convenience and necessity will be served by the development plan and redevelopment project, and may grant to such corporation a certificate of public convenience and necessity authorizing and empowering such corporation to acquire by the exercise of eminent domain such real property in fee simple or other estate; provided, that such real property shall be devoted to the purposes and used subject to the conditions described in the development plan. Such corporation may thereafter exercise the power of eminent domain in the manner provided for corporations in Revised Statutes of Missouri, or it may exercise the power of eminent domain by the manner provided by any other applicable statutory provision. Property already devoted to a public use may be acquired in like manner; provided, that no real property belonging to the city or to the state, and any political subdivision thereof, may be acquired without its consent.
(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-64. Terms of contract.

The contract between the city and the corporation shall incorporate the provisions of the development plan, and, in addition to such other terms as are appropriate, may include the following provisions:

- A. A provision which prohibits assignment of the corporation's rights under the development plan except on the terms and conditions set forth in the contract.
- B. A provision which requires the corporation to negotiate in good faith for the purchase of property to be acquired, and that property shall not be condemned until a negotiated purchase has been attempted.
- C. A provision setting forth the amount and terms of any tax abatement for the real property to which the

development plan pertains.

- D. Provisions setting forth the property, if any, the corporation will dedicate to the city or other public agencies for public use.
- E. Provisions setting forth any improvements the city will provide or construct in conjunction with the development plan.
- F. Provisions requiring the corporation to submit periodic reports to the city regarding the progress of the project, the financial condition of the corporation, and the availability of equity or loan financing for future stages of the development plan.
- G. A provision limiting the net earnings of the corporation in the manner specified in the Urban Redevelopment Corporations Law.
- H. Provisions setting forth the remedies for breach of the contract by the city or the corporation, and remedies for failure of the corporation to complete development in the time and manner specified in the contract and final development plan.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-65. Amendment of final plan.

If the city council approves a final development plan, that plan shall not thereafter be amended without compliance with the requirements for approval of a final plan.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-66. Fees.

A corporation which applies for approval of a preliminary or final development plan may be charged a reasonable nonrefundable fee by the authority or the commission, whichever is the initial reviewing entity, for processing of the application. Such fee shall not exceed five hundred dollars (\$500.00) for a preliminary development plan and one thousand dollars (\$1,000.00) for a final development plan. The exact fee shall be set by council.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-67. Deposit when city acquires property for corporation.

- A. If the corporation proposing a development plan seeks to have the city acquire by eminent domain or otherwise, and thereafter clear all or any part of the real property described in the development plan, such corporation shall at the time hereinafter provided deposit in escrow with the city, subject to the provisions of this article and regulations established by the Director of Community Development, a sum of money in cash or negotiable federal or municipal securities of a cash market value equal to the cost estimated by the commission to be incurred by the city in acquiring, or, if the clearance thereof is also sought, in acquiring and clearing such real property. (Ord. No. 13301, 11-5-2001)
- B. The term "cost" as used in this section and section 25-68 means all expenditures by the city, including what is paid for such real property and the clearance thereof, appraisal, abstract, title and recording fees, court costs, witness fees, fees of the city, authority or commission, and all other expenses of acquiring and clearing such property.
- C. All securities deposited in escrow with the city shall be promptly placed in a safe deposit box.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-68. Acquisition, resale of property by city.

- A. Within ten (10) days after the council shall have approved any development plan calling for the acquisition by the city by the exercise of the power of eminent domain or otherwise of all or any part of the real property described therein, the corporation submitting such plan shall deposit in escrow with the city the cash amounts or securities required by section 25-67. The council may provide that the city acquire such property and procure the fee simple title thereto by purchase, by the exercise of the power of eminent domain, or by other means. The payment therefor by the city, in whole or in part, may be made out of the general funds of the city, or, in whole or in part, by general obligation bonds. The city shall then proceed to acquire such real property in accordance with such ordinance. Whenever any real property, land, easement, right-of-way, use, or right of any character is taken or damaged by the city for such purpose, just compensation shall be paid to the owner thereof in accordance with the laws applicable thereto.
- B. After acquiring the title to such real property, the city shall sell to the corporation such real property and all interest therein for the purpose of redevelopment, as hereinafter provided, subject to such restrictions, exceptions, and conditions as may be recommended by the authority or commission (depending upon whichever is the initial reviewing entity), or which the council deems to be in the public interest. The property shall be sold for a price not less than its "cost," as defined in section 25-67.
- C. deposit shall be applied upon the purchase price, and the city shall give due credit therefor. When such deposit is represented by securities, the city shall immediately sell the same at the current market price thereof at private sale for cash and apply the proceeds to the selling price of such real property. If such deposit should prove to be insufficient to equal the actual cost to the city of such real property when such cost is determined after purchase, or by action of a condemnation jury, or otherwise, as the case may be, then such corporations shall make an additional deposit with the city upon ten (10) days' written notice from the city of a sum of money in cash equal to such additional acquisition cost as so determined. If the corporation fails to make such additional deposit, the city may, at its option, thereupon repeal the ordinance providing for the acquisition of such real property and dismiss the pending condemnation proceedings, if any, shall be charged to and paid by the person or corporation so making such deposit and the amount thereof shall be withheld by the city from the funds or securities deposited in escrow and applied by the city to the payment of such expenses. The balance of such funds and securities so deposited in escrow shall then be returned to the owner thereof. Sale of such securities may be made only upon order of the council by resolution or ordinance.
- D. In the event the deposit exceeds the final cost of acquisition, the balance shall be used to satisfy in part or in full legal obligations which the corporation may owe the city. Any balance thereafter remaining shall be returned to the corporation within thirty (30) days after a final determination, judicial or otherwise, and payment thereof of the price to be paid for the real property.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-69. Financial restrictions on corporation.

- A. No corporation whose development plan has been approved by the council shall:
 - 1. Issue income debentures, bonds, notes, or other evidences of debt bearing or paying an interest rate in excess of the rate of interest allowed by law.

2. Pay any interest on its income debentures or dividends on its stock, regardless of class or preference, during any dividend year unless there shall exist at the time of such payment no default under any amortization requirements with respect to its indebtedness, nor unless all accrued interest, taxes, and other public charges shall have been duly paid or reserves set up for the payment thereof, and adequate reserves provided for depreciation, obsolescence and other proper reserves.
- B. The net earnings of a corporation whose development plan has been approved by the council shall be limited to an amount not to exceed the rate of return allowed by law of the cost of such corporation of the redevelopment project including the cost of the land or the balance of such total cost of the project as reduced by amortization payments; provided, that the net earning derived from any redevelopment project shall in no event exceed the rate of return allowed by law upon the entire cost thereof. Such net earnings shall be computed after deducting from gross earnings the following:
1. All reasonable costs and expenses of maintenance and operation.
 2. Amounts paid for taxes, assessing, insurance premiums, and other similar charges.
 3. An annual amount sufficient to amortize the cost of the entire project at the end of the period, which shall be not more than sixty (60) years from date of completion of the project.
- (Ord. No. 10255, § 1, 8-20-84)

Sec. 25-70. Disposition of surplus earnings of corporation.

The development plan may, upon approval of the council, contain provisions that the surplus earnings provided under section 25-69:

- A. May be held by the corporation as a reserve for maintenance of such rate of return in the future and may be used by the corporation to offset any deficiency in such rate of return which may have occurred in prior years; or
- B. May be used to accelerate the amortization payments; or
- C. May be used for the enlargement of the project; or
- D. May be used for reduction in rentals therein.

At the termination of the tax relief granted pursuant to section 25-72, the urban redevelopment corporation shall make a strict accounting of surplus earnings and shall turn over to the city any excess of such surplus earnings not previously used as provided in subparagraph 1, 2, 3, or 4 of this section.
(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-71. Accounting practices.

Every corporation operating under this article shall establish and maintain depreciation, obsolescence, and other reserves; also surplus and other accounts, including a reserve for the payment of taxes according to recognized standard accounting practices.
(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-72. Tax relief for redevelopment corporations.

- A. The real property of a corporation acquired pursuant to this article shall not be subject to assessment or payment of general ad valorem taxes imposed by the city or by the state or any political subdivision thereof for a period of up to ten (10) years as set out in the development plan after the date upon which such corporation becomes owner of such real property, except to such extent and in such amount as may be imposed upon such real property during such period measured solely by the amount of the assessed valuation of the land, exclusive of improvements acquired pursuant to this chapter and owned by such corporation, as was determined by the assessor of the county, for taxes due and payable thereon during the calendar year preceding the calendar year during which the corporation acquired title to such real property. The amounts of such tax assessments shall not be increased by the city or by the state or any political subdivision thereof during such ten-year period so long as the real property is owned by an urban redevelopment corporation and used in accordance with a development plan authorized by the council.
- B. If any such real property was tax exempt immediately prior to ownership by any such corporation, the city shall immediately request such county assessor to promptly assess such land, exclusive of improvements, in accordance with the provisions of section 353.100, Revised Statutes of Missouri. The amount of such assessed valuation so fixed by the county assessor shall not be increased by the city or by the state or any political subdivision thereof during the ten-year period next following the date upon which such corporation acquired ownership thereof, so long as such real property is owned by an urban redevelopment corporation and used in accordance with the development plan authorized and approved by the council.
- C. For the next ensuing period of up to fifteen (15) years as set out in the development plan, all ad valorem taxes upon such real property shall be measured by the assessed valuation thereof as determined by the city upon the basis of not to exceed fifty (50) percent of the true value of such real property, including any improvements thereon. Nor shall such valuations be increased over fifty (50) percent of the true value of such real property from year to year during the period of up to fifteen (15) years, so long as such real property is owned by an urban redevelopment corporation and used in accordance with an authorized development plan.
- D. After such periods established in the development plan, such real property shall be subject to assessment by the city and payment of all ad valorem taxes based on the full true value of the real property. Such property shall be owned and operated by the urban redevelopment corporation free from the conditions, restrictions, and provisions of this article, the approving ordinance, and any rule or regulation adopted pursuant to this article; provided, that at any time after the completion of the redevelopment project as authorized by ordinance the urban redevelopment corporation may elect to pay a sum equivalent to the amount of the general ad valorem taxes, not including interest or penalties, which would have been levied on the full value of the property from the date of the completion of the project. From that date, such real property shall be owned and operated by the urban redevelopment corporation free from the conditions, restrictions, and provisions of this chapter, the approving ordinance, and any rule or regulation adopted pursuant to this article.
- E. In the course of considering any development plan for approval, the authority, the commission, and the city council shall give particular recognition to any agreement, in writing, on behalf of the corporation presenting such plan that, notwithstanding the provisions of the Missouri Redevelopment Corporations Law, it will make payments in lieu of real property taxes to the appropriate taxing bodies.
- F. An urban redevelopment corporation may sell or otherwise dispose of any or all of the real property acquired by it for the purpose of a redevelopment project. The ordinance approving any development plan, and any contract entered into pursuant thereto, may provide that in the event of the sale or other disposition of real property of any urban redevelopment corporation by reason of the foreclosure of any mortgage or other lien through insolvency or bankruptcy proceedings, or by order of any court of competent jurisdiction, or by voluntary transfer or otherwise, the partial tax relief provided under this

section shall inure to any purchaser of such real property so long as such purchaser shall continue to use, operate, and maintain such real property in accordance with the provisions of the development plan. If such ordinance and contract do not so provide and the purchaser of such real property shall continue to use, operate, and maintain such real property in accordance with the provisions of the redevelopment plan, the council may grant the partial tax relief provided in this section. If such real property shall be used for a purpose different than that described in the redevelopment plan, or if the purchaser does not desire the property to continue under the redevelopment plan, the real property shall be assessed for ad valorem taxes upon the full true value of the real property and may be owned and operated free from any of the conditions, restrictions, or provisions of this article.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-73. Authority for commission to check compliance, make reports, adopt rules and regulations.

- A. It shall be the duty of the authority or commission (depending upon whichever was the initial reviewing entity), after a final development plan has been approved by the city council, to investigate and determine from time to time during construction of the development project whether the corporation undertaking such development plan is fully complying with the provisions thereof in the manner and at the times filed therein for the performance of the various stages thereof.
- B. It shall also be the duty of the authority or commission (depending upon whichever was the initial reviewing entity) to make reports from time to time during the construction of the redevelopment project, and at least every six (6) months to the council regarding each redevelopment project and the performance or compliance with each development plan, and also as to compliance with the provisions of this article by any corporation operating thereunder.
- C. The city council may for good cause shown grant to a corporation operating under an approved development plan an extension of time in which to complete the redevelopment project, or any step or portion thereof.
- D. When a corporation operating under an approved development plan shall have completed the redevelopment project in accordance with the provisions of the development plan, in the manner and at the time fixed therein for the performance of the various stages thereof, the authority or commission (depending upon which entity conducted the initial review), upon the written request of such corporation, shall conduct an investigation. If that entity determines that the project has been so completed, it shall recommend to the city council that a certificate of full compliance be issued to such corporation. The city council may authorize the authority or commission to issue a certificate of compliance.

The investigations and reports of the authority and commission required by paragraphs (A) and (B) of this section shall not be required or made subsequent to the date of issuance of such certificate. However, every such corporation shall render annually to the director of finance, during the existence of the tax relief period provided in section 25-72, three (3) copies of its financial report, including a certified audit prepared by a certified public accountant for a preceding year. This report shall disclose the earnings of the corporation and the disposition of any net earnings in excess of those provided for under section 25-68, and the interest rate on income debentures, bonds, notes, or other evidences of debt of the corporation. The director of finance shall review the financial report of the corporation and thereafter he shall file with the city council and the authority and commission said financial report, accompanied by his opinion as to compliance by the corporation with section 25-68. The corporation shall pay to the city a reasonable fee each year for this financial review and report. The fee shall be not less than one hundred dollars (\$100.00) and shall be specified in the contract between the city and the corporation.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-74. Remedies for failure to follow plan.

- A. Whenever any person or corporation operating under an approved development plan does not substantially comply with the development plan within the time limits and in the manner for the completion of each stage thereof as therein stated, reasonable delays caused by unforeseen circumstances beyond their control alone excepted, or shall do, permit to be done anything contrary to this chapter, or fail, or omit to do anything required of it by this article, shall be about so to do, permit to be done, or fail or omit to have done, then any such fact may be certified by the authority or commission (depending upon which entity conducted the initial review) to the city administrator, who may recommend that the city counselor commence a proceeding in the circuit court in the name of the city to have such action, failure, omission, threatened action, or omission stopped, prevented, or rectified by injunction or otherwise, or in the name of the city to bring an action for damages against the urban redevelopment corporation for breach of any of the provisions of the urban redevelopment plan. In the event the authority or commission (as appropriate) shall determine that a corporation has abandoned construction before completion of the project in accordance with the terms of an approved development plan, the real property included in such plan shall from that date be subject to assessment and payment of all ad valorem taxes based on the true full value of such real property.
- B. Whenever any person or corporation operating under an approved development plan does not substantially comply with the development plan within the time limits and in the manner for the completion of each stage thereof as therein stated, reasonable delays caused by unforeseen circumstances beyond their control alone excepted, or shall do, permit to be done anything contrary to this chapter, or fail or omit to have done, then the authority or commission (depending upon which entity conducted the initial review) may hold a hearing to determine whether it should recommend revocation of the approval of the final plan. The authority or commission, as appropriate, shall then send its recommendation to the city council which may then hold a hearing to determine whether its approval of the final plan should be revoked. If the city council revokes its prior approval of the final plan, then any property included in such plan shall from that date be subject to assessment and payment of all ad valorem taxes based on the true full value of such real property, and the authority, commission and city council shall be able to consider new plans for that property.

(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-75. Power of city to acquire, clear, develop, sell sites.

The city may:

- A. Acquire by the exercise of the power of eminent domain, or otherwise, an area designated on any master plan of the city as a redevelopment or urban renewal area.
- B. Clear any such real property and install, construct, and reconstruct street, utilities and any and all other city improvements necessary for the preparation of such area for use in accordance with the provisions of this article.
- C. Sell such real property for use in accordance with the provisions of this article.

(Ord. No. 10255, § 1, 8-20-84)

State law reference - Similar provisions, RSMo, § 353.170.

Sec. 25-76. Grants, loans from United States and state.

The city or any person or corporation may accept grants or loans of money from the government of the

United States or the state or any departments or agencies thereof to effectuate the purposes of this article.
(Ord. No. 10255, § 1, 8-20-84)

Sec. 25-77. Plan approval does not substitute for commission actions.

Approval of the preliminary and final plans does not constitute rezoning, subdividing, or any other act requiring action by the commission and the city council under the provisions of Chapter 89, RSMo, or under the provisions of any ordinance enacted pursuant to Chapter 89, RSMo.
(Ord. No. 10255, § 1, 8-20-84)

ARTICLE IV. HOUSING REHABILITATION GRANT GUIDELINES

Section 25-81. Purpose.

The purpose of the rehabilitation program is to correct code violations, overcrowded or unsanitary conditions, to improve the housing and living environment for persons of low to moderate income levels living in the City of Jefferson, Missouri.

Section 25-82. General Objectives.

- A. The program is devised to conserve the City's present housing stock.
Low to moderate income families, as defined in approved grants, will receive rehabilitation work.
- B. A quarterly review of the program shall be conducted to determine if changes or refinements are needed.
- C. City codes will be followed in all work performed and in the installation of all materials.
- D. All work will be done by qualified and licensed contractors.
- E. The program will encompass the target area as outlined in the Community Development Application, which may be filed from time to time. (Ord. No. 13301, 11-5-2001)
- F. Inspections of the work shall be made to insure that it fulfills the terms of the grant and contract agreement before payment is submitted.
- G. City Council members, City employees and City officers shall not be eligible for grant assistance, contract or subcontract for any work, or have any personal interest, direct or indirect, in any contract under this project.

Section 25-83. Functions, Duties and Authority of Grant Coordinator.

The Grant Coordinator shall have the following functions, duties and authority:

- 1. Serve as an advisor for Community Development Applications to the State CDBG program. (Ord. No. 13301, 11-5-2001)
- 2. Receive and process applications for housing rehabilitation grants.
- 3. Receive bids and award contracts for housing rehabilitation.
- 4. Approve final inspections of housing rehabilitation work and recommend payments to be made to the contractor by the City.
- 5. Establish policy where not otherwise specified.
- 6. Recommend changes in program guidelines to the City Council.
- 7. Authorize change orders to work in progress.
- 8. Have decision-making authority concerning repair of existing housing.

Section 25-84. Housing Rehabilitation Appeals Board Created.

There is hereby created and established a Housing Rehabilitation Appeals Board (hereinafter called the “Board”).

Section 25-85. Membership and Vacancies.

The Board shall consist of three (3) members to be appointed by the Mayor with the consent of the Council. The members of the Board shall be: the Director of the Department of Community Development, the Director of the Department of Parks and Recreation and the Director of Finance. Any vacancies which occur may be filled by appointment by the Mayor with the consent of the Council. All members of the Board shall serve without pay. (Ord. No. 13301, 11-5-2001; Ord. 13600, §11, 9-2-2003)

Section 25-86. Functions, Duties and Authority.

The Board shall have the following functions, duties, and authority:

1. The owner of any house who disputes any decision made by the Grant Coordinator may appeal such decision to the Board if such appeal is made in writing and filed with the City Clerk within ten (10) days after the Grant Coordinator’s decision is made. Upon receipt of such notice of appeal, the Board shall set a time and place for a hearing on the appeal and shall give said owner written notice thereof. At such hearing, said owner shall be given an opportunity to be heard and to show cause why the Grant Coordinator’s decision should be modified or overruled. Upon hearing the evidence and testimony presented at such hearing, the Board shall issue its order either sustaining, modifying , or overruling the Grant Coordinator’s decision, which order shall be reduced to writing and mailed to said owner, at his last known address, within days after the date of the hearing. The only decisions which shall be subject to appeal by any owner shall be those decisions made by the Grant Coordinator concerning repair of existing housing or program eligibility.

Section 25-87. Officers.

The Board shall annually elect a Chairman and Vice-Chairman.

Section 25-88. Meetings and Records.

The Board shall determine meeting times and places. Special meetings may be held on call of the Chairman. A Majority of the Board shall constitute a quorum for the transaction of business. The Board shall cause a proper record to be-kept of its proceedings.

Section 25-89. Process

- A. All interested persons must make application for participation before any action can be taken. All applications shall be processed. Participation in the program is voluntary. Eligible applicants shall be

assessed as to their need for supportive services.

- B. Applicants who qualify will be taken on a first-come, first-served basis with owner-occupants given priority over owner renters. Emergency situations will receive immediate attention.
- C. A complete house inspection will be made by the Program Housing Inspector. A deficiency list will be prepared and submitted to the property owner. A work write-up will be prepared, as well as a cost estimate. All decisions concerning repairs to be made to the structure will be made by the Grant Coordinator with the right of appeal by the owner to the Board.
- D. All items on the work write-up, as well as other pertinent information, will be discussed with the owner, Grant Coordinator, and Contractor before a contract is signed. (Ord. No. 12828, §1, 10-19-98)
- E. After a contract for rehabilitation has been signed, Property Owners are responsible to follow through with the timely completion of the rehabilitation. The Board may require the Owner to reimburse the program for additional costs incurred due to the Owner's lack of cooperation and/or timeliness. (Ord. No. 12828, §2, 10-19-98)

Section 25-90. Qualifications.

- A. Property will be eligible only if the owner signs an agreement to repay the full grant amount if the property rehabilitated is sold within five (5) years or contract completion or, if rental property, the rent received by the owner is increased in violation of the rent-freeze agreement executed for this property for three (3) years.
- B. The owner must have a recorded deed of ownership. A contract for Deed properly executed shall not constitute ownership, but shall be considered a rental. The buyer and the seller will be required to make joint application and jointly execute the contract for rehabilitation work. The same applies to renter-applicant - both renter and owner shall be required to jointly apply and execute the contract.
- C. Only properties within the target areas as set out in individual grants will be eligible for grant assistance, except in circumstances which involve minority or handicap needs.

Section 25-91. Grant Amount.

The amount of any approved grant will be the total cost of the rehabilitation, not to exceed the maximum sum per unit as follows:

	MAXIMUM SUM PER UNIT
1996	\$14,000
1998	\$15,000

(Ord. No. 12828, §3, 10-19-98)

Section 25-92. Repayment.

Recipients do not repay grants, unless a violation of program requirements occurs.

Section 25-93. Grant Eligibility Guidelines.

Housing rehabilitation grant eligibility guidelines regarding income limits are established as follow:

Number of Persons/Households	1996 State Community Development Block Grant (CDBG) Grant No. 96-ND-09 Total Annual Gross Household Income	1998 State Community Development Block Grant (CDBG) Grant No. 98-ND-07 Total Annual Gross Household Income
1	\$22,000	\$22,200
2	\$25,150	\$25,350
3	\$28,300	\$28,500
4	\$31,450	\$31,700
5	\$33,950	\$34,200
6	\$36,450	\$36,750
7	\$39,000	\$39,300
8	\$41,500	\$41,800

(Ord. No. 12828, §3, 10-19-98)

Notes

1. **Cross reference** - Definitions and rules of construction generally, § 1-2; buildings and building regulations, Ch. 8; subdivision and zoning ordinances saved from repeal, § 1-3(8), (12).

2. **Editor's note** - Ord. No. 10255, § 1, passed Aug. 20, 1984, amended by the Code by repealing §§ 23-47 - 23-79, pertaining to urban redevelopment through private capital investment, which derived from Ord. No. 9752, § 1(37-1) - (37-33), adopted March 1, 1982, and enacted similar provisions which have been included as §§ 23-47 - 23-77.

State law reference - The Urban Redevelopment Corporation Laws, RSMo. Ch. 353.