

Chapter 6

BUSINESS REDEVELOPMENT*

Art. I. In General, §§ 6-1—6-30

Art. II. Downtown Special Business District, §§ 6-31—6-41

ARTICLE I. IN GENERAL

Sec. 6-1. Title, designation.

This chapter shall be known and may be cited and referred to as "the Business Redevelopment Ordinance." (Ord. No. 5815, § 1, 3-20-75).

Sec. 6-2. Determination of necessity for legislation

It is hereby determined and declared by the council of the City of Kirkwood, Missouri, that in certain commercial and industrial portions of the city obsolete, decadent, substandard, unsanitary 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, lack or proper sanitary facilities, or the existence of buildings, which by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration, have impaired the economic value of areas infecting them with blight, and that such areas are characterized by depreciated values, impaired investments, reduced or negligible income and consequent tax delinquencies; that such conditions exist in areas where obsolete, deteriorating, substandard, unsanitary, outworn or outmoded industrial, commercial or residential buildings prevail, and the same are conducive to economic and social liability, ill health, transmission of disease, infant mortality, juvenile delinquency and crime, that such conditions occur chiefly in areas which are subdivided into small parcels with multiple ownership and frequently with confusion as to titles; that their assembly for purposes of clearance, replanning, rehabilitation, reconstruction and redevelopment is difficult and costly; that the existence of such conditions and the failure to clear, replan, rehabilitate, reconstruct or redevelop these areas results in progressive deterioration, in a loss of population by the areas, causes a wasteful expenditure of public funds for policing, and occasions large outlays for the creation of public facilities and services elsewhere; that is impossible and uneconomical for individual owners to independently undertake to remedy such conditions; that such conditions require the employment of capital on an investment basis, allowing, however, the widest latitude in amortization of any indebtedness created thereby; that such conditions further require the acquisition of adequate areas, at fair prices, the clearance of such areas through demolition of existing obsolete, deteriorating, inadequate, unsafe or unsanitary buildings and the redevelopment of such areas through demolition of existing obsolete, deteriorating, inadequate, unsafe or unsanitary buildings and the redevelopment of such areas under proper supervision with appropriate planning as to land use, traffic circulation, and construction and redevelopment of such areas on a large scale basis are necessary for the public welfare, and that such obsolete, deteriorating, substandard, unsanitary and blighted areas constitute a menace to the health, safety, morals, and welfare of the citizens of the city. Therefore, the necessity for the provisions herein enacted is hereby declared as a matter of legislative determination to be in the public interest. (Ord. No. 5815, § 2, 3-20-75)

***Editor's note**—Ord. No. 5815, adopted March 20, 1975, did not specifically amend the Code, hence codification of §§ 1—26 as Ch. 6, §§ 6-1—6-26, was at the editor's discretion.

Cross reference—Buildings, construction, housing, Ch. 5.

BUSINESS REDEVELOPMENT

Sec. 6-3. Acceptance of application of state enabling act.

The provisions of the Urban Redevelopment Corporations Law, found in Chapter 353, Revised Statutes of Missouri, as amended, 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. 5815, § 3, 3-20-75)

Sec. 6-4. Definitions.

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

Blighted area: "Blighted area" shall mean that portion of the city which the city council shall determine, that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes.

Business redevelopment area: "Business redevelopment area" shall mean a specific commercial or industrial area within the City of Kirkwood which has been so declared by ordinance of the city council. 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 area of which such buildings, improvements or real property form a part.

City: "City" shall mean the City of Kirkwood, Missouri.

City council: "City council" shall mean the council of the City of Kirkwood, Missouri.

Commission: "Commission" shall mean the Kirkwood, Missouri, City Planning and Zoning Commission.

Construction work: "Construction work" shall mean the taking of possession of land, clearance of the area, erection of improvements and all other related matters to effectuate an approved development plan causing the physical rehabilitation, construction, reconstruction and redevelopment of the Area.

Corporation: "Corporation" shall mean an urban redevelopment corporation organized under and pursuant to the provisions of the Urban Redevelopment Corporations Law.

Development cost: "Development cost" shall mean the amount stated in the approved development plan which is determined to be the estimated or actual expenses of the corporation in the redevelopment project and shall include, among other things, the reasonable estimated or actual expense of planning the redevelopment, including preliminary studies and surveys, neighborhood planning and architectural and engineering services, interest during construction, the estimated or actual expense of the real property or any part thereof, the estimated or actual expense of demolition of existing structures, the estimated or actual expense of utilities, landscaping and roadways, the estimated or actual expense of construction, equipment and furnishing of buildings and improvements, including architectural, engineering and builders fees, the estimated or actual expense of reconstruction, rehabilitation, redevelopment, remodeling or initial repair of existing buildings and improvements, reasonable management and operation expenses until the redevelopment is ready for its use, as provided for in the

BUSINESS REDEVELOPMENT

approved development plan, and the estimated or actual expense of improving those portions of the area which are to remain open spaces, together with such additional expense incurred as a result of additions to or changes in the development plan where such additions or changes are approved by the city council.

Development plan: "Development plan" shall mean a plan, together with any amendments thereto, for the development of all or any part of a business redevelopment area, which is authorized by the city council.

Mortgage: "Mortgage" shall mean 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: "Person" shall mean any individual, firm, partnership, joint venture, association, corporation (except an urban redevelopment corporation organized pursuant to the provisions of the Urban Redevelopment Corporations Law, and any life insurance company, organized under the laws of, or admitted to do business in the state, undertaking a redevelopment project under this chapter), 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: "Real property" shall include lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and 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: "Redevelopment" shall mean 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: "Redevelopment project" shall mean a specific work or improvement to effectuate all or any part of a development plan.

Urban Redevelopment Corporations Law: "Urban Redevelopment Corporations Law" shall mean Chapter 353 of the Revised Statutes of Missouri and any amendments thereto. (Ord. No. 5815, § 4, 3-20-75)

Sec. 6-5. Declaration as business redevelopment area prerequisite to application for development plan approval, procedure.

Prior to any formal application for approval of a development plan, there must be a finding of factual evidence of blight in the area covered by the plan. Such evidence:

- (a) Must relate to the area generally;
- (b) Must relate to the vast majority of the individual real properties within the area;

BUSINESS REDEVELOPMENT

- (c) Must be sufficient to show that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, the properties involved are either an economic or social liability; or are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes;
- (d) Must be sufficiently complete to make a finding of blight as required by state statute.

Material to document such evidence may be gathered and presented by any interested person, or by the City of Kirkwood, and must be first submitted to the planning and zoning commission.

The commission shall analyze the material submitted and, to the extent necessary, conduct its own study in order to prepare a report to the city council either confirming the evidence of blight or setting out such exceptions or modifications as may be appropriate.

Upon receipt of the commission's report the city council may make a finding of factual evidence of blight. Such finding must be certified by passing an ordinance declaring the area under examination blighted and a business redevelopment area. (Ord. No. 5815 § 5, 3-20-75)

Editor's note—For purposes of classification, and in order to facilitate indexing and use, the editor has redesignated provisions of Ord. No. 5815, § 5, adopted March 20, 1975, setting forth the area to which said Ord. No. 5815 applies, and formerly codified as the second full paragraph of § 6-5, as subsection (a) of a new § 6-5.1. Likewise, for purposes of classification, the editor has redesignated provisions of Ord. No. 6381, § 1, adopted Feb. 1, 1979, enacting a new § 6-27, as subsection (b) of new § 6-5.1.

Sec. 6-5.1. Lands declared business redevelopment areas.

(a) *Ordinance No. 5815*: Subject to future amendment, only the portion of the city described as a two-block area situated within the east right-of-way line of Kirkwood Road, the west right-of-way line of Taylor Avenue, and the north right-of-way line of Railroad Street and Monroe Avenue, and further described as Block D and Block 33 of the Town of Kirkwood, Missouri, as shown in Book 3, pages 57 and 58, in the office of the recorder of deeds, St. Louis County, Missouri, is subject to the provisions of this article.

(b) *Ordinance No. 6381*: The provisions of this article are hereby made applicable to the following described area:

Lot 3 of a subdivision known as Thatenhorst Estate in Section 1, Township 44, Range 5 East.

(c) *Ordinances No. 6450 and 6485*: The provisions of this article are hereby made applicable to the following described area:

Part of the south half of Block 32 of the Town (now City) of Kirkwood in St. Louis County, Missouri and described as: Beginning at a point in the north line of Monroe Avenue distance 100.00 feet west from the southeast corner of said Block 32, thence west along the north line of Monroe Avenue 140.00 feet to a point; thence north and parallel to the west line of Kirkwood Road 150.00 feet to the north line of the said south half of Block 32; thence east and parallel to the north line of Monroe Avenue 140.00 feet; thence south and parallel to the west line of Kirkwood Road 150.00 feet to the point of beginning.

BUSINESS REDEVELOPMENT

(Ord. No. 5815, § 5, 3-20-75; Ord. No. 6381, § 1, 2-1-79; Ord. No. 6450, § 1, 7-19-79; Ord. No. 6485, § 1, 9-27-79)

Editor's note—Ord. No. 6450, § 1, adopted July 19, 1979, amended the Code by adding provisions designated § 6-28; for purposes of classification, the editor has redesignated said provisions as subsection (c) of § 6-5.1.

Note—See editor's note, § 6-5.

Sec. 6-6. Application for approval of development plan, fee upon filing plan.

Any corporation desiring approval of a development plan shall first submit the proposed plan and supporting information to the city administrator/city clerk. The city administrator/city clerk shall then secure a written determination from the director of community development (or alternate department head designated by the city council) and the city attorney that the submission contains at least the minimum information and material required herein, and that the submission has been made by a duly formed corporation under the Urban Redevelopment Corporations Law. Such determination shall not preclude the city planning and zoning commission and/or the city council from requesting further information later.

No plan shall be accepted for filing unless it is accompanied by a filing fee of two hundred dollars (\$200.00). It is understood by the proponents of the development plan that such fee will be used by the city council and commission to defray expenses connected with the evaluation and review of the development plan and does not relieve the proponents of the development plan from fees, licenses and any other expenses stated in other ordinances of the city to effectuate such development plan.

After the administrative director/city clerk secures an affirmative written determination by the director of community development (or alternate department head designated by the city council) and the city attorney, and secures proof that the necessary filing fee has been received, he may fully accept the development plan for filing. After filing, the city council shall cause notice of the filing to be given in at least one publication in a newspaper printed, published or of general circulation in the City of Kirkwood, and shall refer the application to the city planning and zoning commission for an investigation and report as to the matters set forth in sections 6-10 and 6-11. The commission shall file its report and recommendations with the council within sixty (60) days after the date of the published notice of filing, or within such additional time thereafter as may be authorized by the council. (Ord. No. 5815, § 6, 3-20-75; Ord. No. 6060, § 1, 12-9-76)

Sec. 6-7. Notification by corporation.

A development plan application must be accompanied by evidence that each person or entity having a property interest of record in the development area has been given written notice of the filing of the development plan with the commission by depositing such notice in the United States mails, postage prepaid, addressed to such person or entity at the property, if the property is improved, or if the property is unimproved, that at the address as shown on the records of the assessor of St. Louis County, Missouri. (Ord. No. 5815, § 7, 3-20-75)

Sec. 6-8. Contents of development plan.

A development plan shall contain:

- (a) *Legal description.* A legal description of the development area by metes and bounds or other definite designation;

BUSINESS REDEVELOPMENT

- (b) *Design plan.* A written general description and preliminary design plan of the proposed project showing proposed land use, landscape, and traffic circulation plans;
- (c) *Stages of project:* 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 be included in each stage.
- (d) *Property to be demolished:* A statement of the existing buildings or improvements in the development area to be demolished immediately, if any;
- (e) *Property not to be demolished:* A statement of existing building or improvements in the development area not to be demolished immediately, if any and the approximate period of time during which the demolition, if any, of each building or improvement is to take place;
- (f) *Building renovation:* 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;
- (g) *New construction:* A statement of the type, number and character of each new industrial, commercial, residential or other building or improvement to be erected or made;
- (h) *Open space:* A statement of those portions, if any, of the development 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;
- (i) *Property for public agencies:* A statement of those portions, if any, of the development area which are proposed to be sold, donated, exchanged or leased to any public agency or political subdivision of the federal, state or local government, and an outline of the terms of such proposed sale, donation, exchange or lease;
- (j) *Zoning changes:* A statement of the proposed changes, if any, in zoning ordinances or maps, necessary or desirable for the development, and its protection against blighting influences;
- (k) *Street changes:* A statement of the proposed changes, if any, in streets or street levels, any proposed street closings, and any changes which would have to be made to streets adjoining or near the development area including a plan for financing these changes;
- (l) *Documentation of needed tax abatement:* A detailed statement of the tax abatement proposed by the developer, if any, together with a financial summary of why the proposed abatement is critical to the ultimate success of the redevelopment proposal;
- (m) *Acquisition plan:* A statement of the anticipated methods of acquiring all of the needed property within the development area, including:

BUSINESS REDEVELOPMENT

- (1) A legal description of all property already owned or held under contract,
 - (2) Written evidence of the status of the negotiations for all property anticipated to be acquired under private negotiations, and
 - (3) Legal description of all property, if any, or where known, to be acquired by eminent domain;
- (n) *Eminent domain:* A statement on the proposed use of eminent domain, including:
- (1) The reasons why the aid of the city is sought for this purpose,
 - (2) Written evidence to document good faith attempts to purchase the property in question by private negotiation, and
 - (3) The determination if the corporation desires to have the city transfer the right of eminent domain to them, or to have the city itself acquire by eminent domain the property in question and then transfer it to the corporation;
- (o) *Financing:* A detailed statement of the proposed method of financing the development, including evidence satisfactory to the city council that sufficient funds or securities are immediately available and will be used for normal equity 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:
- (1) Such evidence must be reconfirmed annually until completion of the project by a certificate filed with the comptroller,
 - (2) Such evidence shall include any commitments for leases or purchases but, in any event, shall include tangible evidence of marketability of the development proposed,
 - (3) Such evidence shall be necessary for both interim (construction) financing and permanent financing;
- (p) *Management:* A state of the persons who it is proposed will be active in or associated with the management of the development project during a period of at least one year from the date of the approval of the development plan;
- (q) *Public property:* A statement listing any real property in public use and belonging to the city, county, state or any political subdivision thereof, together with the consent of such authority to the acquisition of such property;
- (r) *Disclosure of Interest:* A statement disclosing the names, addresses, social security numbers, title of position (if any), and nature and extent of the interest of the officers, partners (general and limited), principal members, shareholders, and/or other investors having an interest of more than ten (10) per cent in the redevelopment corporation, and any other entities which may be primarily associated with the redevelopment corporation

BUSINESS REDEVELOPMENT

- for purposes of administering or implementing the development plan, and any present or future assignees of the above;
- (s) *Sign control and architectural finishes:* A statement outlining the standards and criteria other than are found in city ordinances that will be used to regulate signs in the development area, and a description of the major architectural materials to be used in conjunction with any new construction or rehabilitation;
 - (t) *Assignment of development plan:* A statement providing for appropriate control over the right of assignment of a development plan to any other entity in order that the city council will be assured that the intention and purpose of the development project will, in fact, be carried out;
 - (u) *Nondiscrimination, use and occupancy:* A statement that the corporation agrees for itself and its successors and assigns and every successor in interest to the property affected by the development plan, or any part thereof, not to discriminate upon basis of race, sex, color, creed or national origin or in the use or occupancy of the property or any improvements erected or to be erected thereon, or any part thereof;
 - (v) *Nondiscrimination, employment.* A statement that the corporation for itself and its successors and assigns during the construction of improvements contained in the development plan agrees not to discriminate against any employee or applicant for employment because of race, sex, creed, color or national origin;
 - (w) *Other information:* The development plan, and any application for approval thereof, may also contain such other statements or exhibits as may be deemed relevant by the commission, the city council, or by the proposer thereof;
 - (x) *Tax agreements by corporations:* In the course of considering any development plan for approval, 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 in such amount which, together with the real property taxes to be paid on the land for each year of the first ten (10) years, will equal at least the total real property taxes assessed on the land and improvements during the tax year immediately preceding the date of the approval of the development plan, and that it will make payments in lieu of taxes assessed by any special business district established under the provisions of the Revised Statutes of Missouri, as amended, and containing all or part of the proposed development area within its boundaries. (Ord. No. 5815, § 8, 3- 20-75)

Sec. 6-9. Prerequisites to amendment of Plan.

No amendment to a development plan shall be approved, unless and until an application therefor has been filed with the administrative director/city clerk by the proponents thereof containing those portions of the statements and information required by section 6-8, relevant to the proposed amendment, and unless and until the commission shall have made the recommendations required by section 6-10. (Ord. No. 5815, § 9, 3-20-75; Ord. No. 6060, § 1,12-9-76)

BUSINESS REDEVELOPMENT

Sec. 6-10. Basis of recommendation for development plan.

A development plan shall not be recommended for approval by the commission until and unless the commission shall determine:

- (a) *Compliance with master plan:* That the development plan is in accord with the master plan of the city;
- (b) *Necessity of tax abatement:* That the tax abatements requested are justifiable to the extent of the commission's knowledge to permit the redevelopment to be accomplished at a net cost in appropriate relation to the fair market values for similar projects in St. Louis County;
- (c) *Methods of acquisitions:* That the statement of the anticipated methods of acquisition seems reasonable and complete;
- (d) *Financial package:* That the proposed method of financing the development is complete and adequate to the extent of the commission's knowledge;
- (e) *Design plan:* That the design plan, including the proposed land use, landscape, and traffic circulation plans, conform to the provisions of the zoning ordinance of the City of Kirkwood;
- (f) *Size of area:* That the area is of sufficient size to allow its development in an efficient and economically satisfactory manner;
- (g) *Stages of plan:* That the various stages, if any, by which the development is proposed to be constructed or undertaken as stated in the development plan, are practicable and in the public interest;
- (h) *Adequacy of public facilities:* 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 that the development is ready for use, to service the area;
- (i) *Zoning, street changes:* That the proposed changes if any, in zoning ordinances or maps and in streets and street levels, or any proposed street closing, are necessary or desirable for the development and its protection against blighting influence, and for the city as a whole; and/or for the same reasons whether or not other such changes not originally a part of the development plan should be recommended as a condition of approval;
- (j) *Additional Conditions:* That it may be necessary that additional changes and/or conditions should be recommended to the city council to make the development plan more consistent to good planning practices, to insure the proposed development will be visually and functionally compatible with existing and proposed land uses in the surrounding area, and in other ways to control the proposed development so that it is clearly in the public interest and general welfare of the City of Kirkwood.

BUSINESS REDEVELOPMENT

The determinations and recommendations of the commission shall be summarized in a report to be submitted to the city council. (Ord. No. 5815, § 10, 3-20-75)

Sec. 6-11. Overlapping development plans.

No other development plan which involves all or any part of the real property described in a previously filed development plan shall be considered by the council or commission until the council's decision has been made to accept or reject the previous plan, unless, however, notice of intent to file such an additional plan is given in writing to the city administrator within not more than thirty (30) days following the date of the published notice of the filing of the original plan, and provided that the additional plan is officially filed within not more than ninety (90) days from the same publication date. The notice of intent to file an additional development plan shall not preclude the initiation of the commission review procedure on a previously filed plan.

In the event of more than one development plan being validly filed for all or part of the same real property the report of the commission to the council shall include the following considerations in addition to the requirements found in section 6-10 for each plan:

- (a) *Comparative analysis:* The commission shall develop a comparative analysis of the overlapping development plans based on the determinations made in concurrence with section 6-10;
- (b) *Specific recommendation(s):* The commission shall also recommend which development plan, if any, is best suited to the public interest, and shall justify such recommendation(s) in detail from the conclusions drawn from the above comparative analysis. (Ord. No. 5815, § 11, 3-20-75)

Sec. 6-12. Filing commission report council action.

Upon the completion of the report of the commission the following procedures shall direct council action:

- (a) The report of the commission upon each development plan shall be filed with the city administrator. The council shall thereupon provide for a public hearing upon such development plan and cause notice of the hearing thereon to be given at least one publication in a newspaper printed, published or of general circulation in the City of Kirkwood. The publication of said notice shall be at least fifteen (15) days prior to the date of the hearing. The council shall, in addition, give notice by first class mail to all property owners as shown by the tax records of the city within the development area and with three hundred (300) feet of the boundaries of the development area for which the application is filed.
- (b) If the council approves the development plan, it shall enact an appropriate ordinance containing the findings and declarations enumerated in section 6-13, and said ordinance shall authorize the mayor and city administrator to enter into a contract on behalf of the city with the proposer or proposers of the plan, said contract to contain the provisions as embodied in the plan and a provision that the terms, conditions or provisions of the contract can neither be modified nor eliminated except by mutual agreement between the city and the proposer or proposers of the plan; provided, however, that no such contract shall be construed as an enlargement of the authority conferred upon the city by the

BUSINESS REDEVELOPMENT

Urban Redevelopment Law, Chapter 353, Revised Statutes of Missouri, as amended.
(Ord. No. 5815, § 12, 3-20-75)

Sec. 6-13. Findings in declarations of council.

In any ordinance approving a development plan, the council shall make the following findings and declarations;

- (a) That approval of the development plan and construction of the development project are necessary for the preservation of the public peace, property, health, safety, morals and welfare.
- (b) That liquidated damages will be assessed in favor of the city if the corporation fails to complete the development project within the time agreed upon by the parties.
- (c) That a performance bond will be filed with the comptroller which, in no event, shall be less than ten (10%) per cent of the cost of the development project as defined in section 6A.
- (d) That the use of the area included in the approved development plan is limited to a period of not less than twenty-five (25) years.
- (e) That certain additional conditions, exceptions, or restrictions may be judged by the council as necessary to make the development plan more consistent with the public interest and general welfare of the city. (Ord. No. 5815, § 13, 3-20-75)

Sec. 6-14. Monitoring of compliance, time extensions, and certification of completion.

In order to monitor the progress and compliance of an approved development plan beyond the normal review processes of city departments the following procedures shall be followed:

- (a) *Investigation:* It shall be the duty of the director of community development (or alternate department head designated by the city council), after a 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 time fixed therein for the performance of the various stages thereof.
- (b) *Reports:* It shall also be the duty of the director of community development (or alternate department head designated by the city council) to make reports from time to time during the construction of the development project, and at least every six (6) months, to the city council regarding each development plan, and also as to compliance with the provisions of this chapter by any corporation operating thereunder. The corporation may request certification of the completion of the stages in an approved development plan. Upon receipt of such certification the city council may instruct the reduction of the amount of the performance bond so that it is proportional to the remaining development cost.
- (c) *Time extension:* The city council may, upon the recommendation of the director of community development (or alternate department head designated by the city council)

BUSINESS REDEVELOPMENT

and for good cause shown, grant to a corporation operating under an approved development plan an extension of time in which to complete the development project, or any step or portion thereof.

- (d) *Recommendation of certification:* When a corporation operating under an approved development plan shall have completed the development 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 director of community development (or alternate department head designated by the city council), upon the written request of such corporation, shall conduct an investigation, and, if the director of community development (or alternate department head designated by the city council) determines that the projects has been so completed, it shall recommend to the city council that a certificate of full compliance be issued to such corporation.

The investigations and reports of the director of community development (or alternate department head designated by the city council) required by subsections (a) and (b) of this section shall not be required or made subsequent to the date of issuance of such certificate; provided, however, that every such corporation shall render annually to the comptroller, during the existence of the tax relief period provided in section 6-20, three (3) copies of its financial report for the preceding year, which report shall disclose the earnings of the corporation and the disposition of any net earnings in excess of those provided for under Section 6-15, and the interest rate on income debentures, bonds, notes or other evidences of debt of the corporation; thereupon the comptroller shall review the financial report of the corporation and thereafter he shall file with the city council and the director of community development (or alternate department had designated by the city council) the said financial report, accompanied by his opinion, as to compliance by the corporation with section 6-15 and 6-16. (Ord. No. 5815, § 14, 3-20-75)

Sec. 6-15. Financial restrictions on corporation.

A private redevelopment corporation implementing an approved development plan shall be subject to the following financial restrictions:

- (a) *Obligations, interest thereon.* 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 that permitted by state statute.
 - (2) Pay any interest on its income debentures or dividends on its stock, regardless of class or performance, 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) *Net earnings.* The net earnings of a corporation whose development plan has been approved by the council shall be limited to an amount not to exceed eight per cent (8%)

BUSINESS REDEVELOPMENT

per annum or the maximum percentage allowed by Chapter 353 of the Revised Statutes of Missouri, as amended, whichever is higher, of the cost to such corporation of the development 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 earnings derived from any redevelopment project shall in no event exceed a sum equal to eight per cent (8%) per annum or the maximum percentage allowed by Chapter 353 of the Revised Statutes of Missouri, as amended, whichever is higher, 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. 5815, § 15, 3-20-75)

Sec. 6-16. Disposition of surplus earnings of corporation.

The development plan may, upon approval of the council, contain provisions that the surplus earnings provided under section 6-15:

- (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; provided that, at the termination of the tax relief granted pursuant to section 6-20, 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 (a), (b), (c), or (d) of this section. (Ord. No. 5815, § 16, 3-20-75)

Sec. 6-17. Insurance companies as redevelopment corporations.

An life insurance company operating under this chapter shall be limited in its net earnings derived exclusively from the ownership or operation of any development project on real property owned by, or leased to any such life insurance company and constructed pursuant to a development plan to an amount not to exceed eight per cent (8%) per annum or the maximum percentage allowed by Chapter 353 of the Revised Statutes of Missouri, as amended, whichever is higher, upon the entire cost thereof after setting aside the reserves required in section 6-18; provided, however, that any surplus earnings in excess of such rate shall in the discretion of the city council be held as provided in section 6-16.

In each such case, such net earnings shall be computed according to standard accounting practices. (Ord. No. 5815, § 17, 3-20-75)

BUSINESS REDEVELOPMENT

Sec. 6-18. Accounting practices.

Every corporation operating under this chapter 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. 5815, § 18, 3-20-75)

Sec. 6-19. Powers of redevelopment corporation.

(a) *Acquisition of property.* A corporation may acquire real property or secure options in its own name, or in the name of nominees, and it may acquire real property by gift, grant, lease, purchase or otherwise.

(b) *Encumbrance of property.* A corporation may borrow funds and secure the repayment thereof by mortgage, which shall contain reasonable amortization provisions and shall be a lien upon no other real property except that forming the whole or a part of a single development area. Any mortgage on the real property in a development area, or any part thereof, may create a first lien or a second or junior lien, upon such real property.

(c) *Disposal of property.* A 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 the 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 section 6-20 of this chapter 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 development plan, the council may grant the partial tax relief provided in section 6-20. If such real property shall be used for a purpose different than that described in the development plan, or if the purchaser does not desire the property to continue under the development plan, or if the ordinance approving the plan does not provide for continuing tax relief and the city council shall refuse to grant the purchaser continuing tax relief, 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 chapter. (Ord. No. 5815, § 19, 3-20-75)

Sec. 6-20. Tax relief for redevelopment corporations.

(a) *Full exemption.* The real property of a corporation located in the boundaries of an area for which that corporation's development plan has been approved 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 ten (10) years after the date upon which such development plan was approved, 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 included within the development plan and owned by such corporation, as was determined by the assessor of St. Louis County, for taxes due and payable thereon during the calendar year preceding the calendar year during which the development plan was approved; and the amounts of such tax assessments shall not be increased by the assessor during such ten-year period so long as the real property is owned by a corporation and used in accordance with a development plan authorized by the city council.

BUSINESS REDEVELOPMENT

(b) *Property already exempt.* In the event, however, that any such real property was tax exempt immediately prior to approval of the development plan, the council shall immediately request such county assessor to promptly assess such land, exclusive improvements in accordance with the provisions of section 10 of the Urban Redevelopment Corporations Law, Chapter 353 of the Revised Statutes of Missouri, as amended. The amount of such assessed valuation so fixed by the county assessor shall not be increased 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 such corporation and used in accordance with the development plan authorized and approved by the city council.

(c) *Partial exemption.* For the next ensuing period of fifteen (15) years, general ad valorem taxes imposed by the city or by the state or any political subdivision thereof upon such real property shall be measured by the assessed valuation thereof as determined by the county assessor upon the basis of not to exceed fifty per cent (50%) of the true value of such real property, including any improvements thereon, nor shall such valuations be increased over fifty per cent (50%) of the true value of such real property from year to year during the period of fifteen (15) years, so long as such real property is owned by a corporation and used in accordance with an authorized development plan.

(d) *Full assessment.* After such periods, totaling twenty- five (25) years, such real property shall be subject to assessment and payment of all ad valorem taxes based on the full true value of the real property, and shall be owned and operated by the corporation free from the conditions, restrictions and provisions of this chapter, the approving ordinance and any rule or regulation adopted pursuant to this chapter, provided that at any time after the completion of the development project, as authorized by ordinance, the 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, and from that date such real property shall be owned and operated by the corporation free from the conditions, restrictions and provisions of this chapter, the approving ordinance and any rule or regulation adopted pursuant to this chapter. (Ord. No. 5815, § 20, 3-20-75)

Sec. 6-21. Certificate of public convenience ad 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 shall, by the ordinance approving such plan, determine that the public convenience and necessity will be served by the development plan and redevelopment project and shall 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 simply 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 the Revised Statutes of Missouri, as amended, or it may exercise the power of eminent domain in 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 or any political subdivision thereof may be acquired without its consent. (Ord. No. 5815, § 21, 3-20-75)

Sec. 6-22. Deposit when city acquires property for corporation.

BUSINESS REDEVELOPMENT

(a) *Amount.* 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 comptroller, subject to the provisions of this chapter, a sum of money in cash or negotiable federal or municipal securities of a cash market value equal to the cost estimated by the comptroller to be incurred by the city in acquiring, or if the clearance thereof is also sought, in acquiring and clearing such real property. When such deposit is represented by securities, the city, when it becomes necessary to convert said deposit to cash, shall immediately sell the same at the current market price thereof at private sale for cash and apply the proceeds to the cost of such real property. Sale of such securities may be made only upon order of the council by resolution or ordinance.

(b) *"Cost" defined.* By this term "cost", as used in this section and section 6-23, is meant 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 commission, the cost of legal services by the city attorney and all other expenses of acquiring and clearing such property.

(c) *Custody of securities.* All securities deposited in escrow with the comptroller shall be promptly placed by him in a safe deposit box under the joint control of the comptroller and administrative director/city clerk. (Ord. No. 5815, § 22, 3-20-75; Ord. No. 6060, § 1, 1-9-76)

Sec. 6-23. Acquisition, resale of property by city.

(a) 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 comptroller the case amounts or securities required by section 6-22. Thereafter, the council shall determine by ordinance whether the real property described in such plan constitutes a blighted area as defined in this chapter and should in the public interest be redeveloped, and 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 deposit required under section 6-22 or out of the general funds or out of the proceeds of 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 of the State of Missouri.

(b) After acquiring the title to such real property, the city shall sell 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 commission or which the council deems to be in the public interest.

(c) Each sale shall be approved by the council. The deposit under section 6-22 shall be applied against the cost defined under section 6-22(b) and the city shall give due credit therefor:

- (1) If such deposit is less than the said cost when such cost is determined after purchase, or by action of a condemnation jury, or otherwise, as the case may be, then said corporation shall make an additional deposit with the comptroller, upon ten (10) days written notice from the comptroller, of a sum of money in cash equal to such additional acquisition cost as so determined, and failing to make

BUSINESS REDEVELOPMENT

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. In such last event, the expense of such uncompleted acquisition and condemnation proceedings, if any, including the cost of legal services by the city attorney, shall be charged to and paid by the corporation so making such deposit and the amount therefor shall be withheld by the comptroller from the funds or securities deposited in escrow, and applied to [by] him 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.

- (2) If such deposit exceeds such cost, said excess shall be refunded to said corporation. (Ord. No. 5815, § 23, 3-20-75)

Sec. 6-24. Remedies for failure to follow plan.

(a) *Proceedings.* 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, or fail, or omit to do anything contrary to or required of it by this chapter, or 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 city council to the city attorney who may and is hereby authorized to commence a proceeding in the circuit court in the name of the city to have such action, failure or omission or threatened action or omission stopped, prevented or rectified by injunction or otherwise, or in the name of the city to bring action for damages against the corporation for breach of any of the provisions of the development plan; provided that in the event the council 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) *Exception.* If any person or corporation shall propose more than one plan and such plans are approved as provided in this chapter, the failure to comply with one or more of such plans within the time limits and in the manner for the completion of each stage thereof as therein stated, shall not give the city any right of action with respect to the plans which have been fully complied with within the time limits and in the manner for the completion of each stage thereof as therein stated, and the real property included in such plans which have been fully complied with shall be entitled to the tax relief provided for in this chapter. (Ord. No. 5815, § 24, 3-20-75)

Sec. 6-25. Grants, loans from United States government.

The city or corporation may accept grants or loans of money from the government of the United States or any department or agency thereof, to effectuate the purpose of this chapter. (Ord. No. 5815, § 25, 3-20-75)

Sec. 6-26. Power of city to acquire, clear, convey, lease sites.

The city may:

BUSINESS REDEVELOPMENT

- (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 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 chapter; and
- (c) Sell such real property for use in accordance with the provisions of this chapter. (Ord. No. 5815, § 26, 3-20-75)

Secs. 6-27—6-30. Reserved.

ARTICLE II. DOWNTOWN SPECIAL BUSINESS DISTRICT*

Sec. 6-31. Scope.

It is the intention of the city council to establish a downtown Kirkwood Special Business District, encompassing the downtown area of the city, as a mechanism whereby local merchants and property owners can collectively enhance their environment and promote retail trade activities, as provided by Chapter 71, sections 71.790 through 71.808 inclusive, of the Revised Missouri Statutes. (Ord. No. 5898, § 1, 12-4-75)

Sec. 6-32. Definitions.

(a) *Advisory commission* means the Downtown Kirkwood Special Business District Advisory Commission.

(b) *City* means the City of Kirkwood, Missouri.

(c) *City council* means the City Council of the City of Kirkwood, Missouri.

(d) *District* means the Downtown Kirkwood Special Business District.

(e) *Grocery store* means a retail store in which more than seventy-five (75) per cent of the gross receipts are attributable to the sale of uncooked food items.

(f) *Special business district* means a body corporate and politic, and a political subdivision of the State of Missouri, whose main purpose is the improvement of the environment and the promotion of business in the area it encompasses, as authorized by Chapter 71, sections 71.790 through 71.808 inclusive, of the Revised Missouri Statutes. (Ord. No. 5898, § 2, 12-4-75)

Sec. 6-33. Boundaries.

A special business district, to be known as the "Downtown Kirkwood Special Business District," is hereby established for the area of Kirkwood, Missouri shown on the special business district map which

***Editor's note**—Ord. No. 5898, adopted Dec. 4, 1975, did not specifically amend the Code; hence inclusion as Art. II, §§ 6-31—6-40, was at the editor's discretion.

BUSINESS REDEVELOPMENT

accompanies, and is declared to be a part of, this article. The boundaries of the said proposed enlarged district being broadly described as follows: Northern Boundary -- generally south of Bodley Avenue; Eastern Boundary -- generally west of Taylor Avenue; Southern Boundary -- generally the southern boundary of The Magic House, Western Boundary -- generally east of Clay Avenue. This district area includes properties described by the following computer reference locator numbers, as shown in the records of the director of revenue for St. Louis County, Missouri:

23M110030	23M140235	24M440121	24M441032	23M120462	23M110104
23M140244	24M440130	24M441043	23M120471	23M110122	23M140253
24M440141	24M441065	23M120491	23M110131	23M140271	24M440152
24M441076	23M120509	23M110195	23M140280	24M440163	24M441087
23M120518	23M110214	23M140291	24M440635	23M120215	23M120673
23M110241	23M140327	24M440644	23M120224	23M120682	23M110294
23M140345	24M440662	23M120233	23M120691	23M110306	23M140354
24M440671	23M120242	23M120701	23M110315	23M140381	24M440680
23M120251	23M120710	23M110526	23M140400	24M440901	23M120417
24M440534	23M110535	23M140455	24M440910	23M120426	24M440552
23M110636	23M140529	24M440929	23M120435	24M440592	23M110672
23M140556	24M440992	23M120444	24M440617	23M110690	23M140574
24M441001	23M120453	24M440626	23M110810	23M140620	23M120172
23M120619	24M440855	23M120013	23M140639	23M120183	23M120637
24M440864	23M120022	23M140648	23M120194	23M120646	24M440873
23M120031	23M140666	23M120203	23M120655	24M440882	23M120040
24M410441	23M120206	23M120664	24M440891	23M120051	24M410562
23M120361	24M440482	23M120114	23M120062	24M410694	23M120370
24M440493	23M120132	23M120073	24M420231	23M120381	24M440507
23M120141	23M130014	24M420253	23M120392	24M440516	23M120150
23M130225	24M420286	23M120408	24M440525	23M120161	23M130757
24M420321	23M120563	24M440745	23M120316	23M140015	24M420341
23M120572	24M440781	23M120325	23M140024	24M420374	23M120581
24M440800	23M120334	23M140051	24M420396	24M440103	24M440828
23M120343	23M140060	24M420413	23M120600	24M440837	23M120352
23M140082	24M420431	24M440185	24M441098	24M441021	23M140093
24M420440	24M440196	24M441102	23M120527	23M140116	24M420495
24M440394	23M120084	23M120536	23M140125	24M420550	24M440433
23M120095	23M120545	23M140143	24M420594	24M440442	23M140105
23M120554	23M140170	24M420624	24M440691	23M120260	23M120729
23M140181	23M420651	24M440709	23M120271	23M120738	23M140192
24M420660	24M440718	23M120282	23M120747	23M140208	24M420671
24M440727	24M440653	23M120765	23M140217	24M430102	24M440736
23M120307	23M120783	23M120792	23M120848	23M120893	23M140107
24M440846	23M120802	23M120857	23M120903	23M140161	23M140134
23M120811	23M120866	23M120912	23M140703	23M140730	23M120820
23M120875	23M120921	24M440174	23M140042	23M120839	23M120884
24M441054	24M440516	23M140033	23M120756	24M440974	24M431044
24M440570	24M440561	23M120590	24M440772	24M431011	24M440460
24M441120	24M440947	24M440790	24M430946	24M440543	24M430863
24M440983	24M440819	24M440581	24M440451	24M430762	24M440956
24M440754	24M440608	24M440471	24M420716	24M420550	24M441131
24M420275	24M420242	24M441241	24M440763	24M422101	24M422091

BUSINESS REDEVELOPMENT

(Ord. No. 5898, §3, 12475, Ord. No. 7392, §1, 9-5-85; Ord. No. 9862, §1, 7-2-09)

Sec. 6-34. Revenue.

For the purpose of paying for all costs and expenses incurred in the operation of the district, and/or the provision of services and improvements authorized in section 6-39:

- (a) The businesses and individuals licensed by the City of Kirkwood to do business within the district shall be subject to an additional business license tax of fifty (50) per cent over any other business license taxes levied by the city, except for grocery stores which do over five hundred thousand dollars (\$500,000.00) of annual gross retail sales, thereby qualifying such grocery stores for only a twenty-five (25) per cent increase in business license tax, and
- (b) The real property in the district, excluding those properties which are used exclusively for residential or museum purposes, shall be subject to an additional tax which shall not exceed eighty-five cents (\$.85) per one hundred dollars (\$100.00) assessed valuation.

(Ord. No. 5898, § 4, 12-4-75; Ord. No. 7392, § 2, 9-5-85; Ord. No. 9862, §2, 7-2-09)

Sec. 6-35. Tax abatements.

No real property within the district subject to partial tax abatement under the provisions of the Kirkwood Business Redevelopment Ordinance No. 5815, and/or the Urban Redevelopment Corporations Law of Missouri, shall be exempt from the taxes levied in section 6-34. (Ord. No. 5898, § 5, 12-4-75)

Sec. 6-36. Bonds.

For the purposes of paying all costs and expenses to be incurred in the acquisition, construction, improvement, and/or expansion of any of the facilities of the district, the district may incur indebtedness and issue general obligation and/or revenue bonds, or notes for the payment thereof, subject to the requirements for such instruments found in the Revised Missouri Statutes. (Ord. No. 5898, § 6, 12- 4-75)

Sec. 6-37. Advisory commission.

The city council shall have sole discretion as to how the revenues of the district shall be used within the scope of this article. To assist in exercising this discretion, a Downtown Kirkwood Special Business District Advisory Commission is hereby created:

- (a) *Membership.* The advisory commission shall consist of nine (9) members, chosen from individuals who are deemed fit for such office and own property subject to the tax set forth herein, within the boundaries of the district, or own or are employed by a municipally licensed business located within the boundaries of the district. No member of the municipal government shall be a member of the advisory commission.
- (b) *Appointment; term of office.* The members of the Advisory Commission shall be nominated by the Business District members at large and must be approved by the City Council. Advisory Commission members appointed by the City Council shall serve

BUSINESS REDEVELOPMENT

staggered three (3) year terms. Nominations are to be based on elections held by the Business District members at large wherein prior to the first (1st) day of May each year the Commission shall conduct a secret ballot poll of the members at large of the Special Business District for the purpose of nominating for the Council's consideration one (1) member at large to fill each vacancy scheduled to occur on the Advisory Commission that year. If appointed by the City Council, each Advisory Commission member shall hold office for three (3) years.

- (c) *Dismissals.* The city council may remove any member of the advisory commission for misconduct or neglect of duty.
- (d) *Vacancies.* Vacancies on the Advisory Commission, occasioned by removal, resignation or otherwise, shall be reported by the Commission to the City Council. The Commission shall also, within twenty (20) days of reporting such vacancy to the City Council, nominate a replacement to fill the vacancy. This replacement shall be nominated by a majority of the commission. The replacement nominee must then receive approval from the City Council. Any Advisory Commission member filling a vacancy arising from removal, resignation or otherwise, shall serve as an interim member on the Advisory Commission until the next annual election by the members at large of the District. During the next annual election by the members at large, the members at large will nominate a member to serve and assume the remainder of the term of membership held by the original vacated member.
- (e) *Compensation.* No member of the Advisory Commission shall receive compensation for his duties.
- (f) *Conflict of interest.* No person shall be employed by the district who is related to a member of the advisory commission either by blood or marriage, and no business shall be conducted with firms which are owned in whole, or part, by a person related to a member of the advisory commission either by blood or marriage.

(Ord. No. 5898, § 7, 12-4-75; Ord. No. 7143, § 1, 2-2-84; Ord. No. 7392, § 3, 9-5-85; Ord. No. 7771, §§ 1,2, 6-2-88)

Cross reference—Boards and commissions, generally, § 2-498 et seq.

Sec. 6-38. Duties of advisory commission.

The advisory commission has the responsibility of performing the primary administrative functions of the district. These functions include, but are not limited to, the following:

- (a) *Officers and committees.* The original members of the advisory commission shall meet within thirty (30) days of their appointment and organize themselves by the election of one of their number as chairman, another as vice-chairman, and yet another as secretary-treasurer, and by the election of such other officers as they may deem necessary. Thereafter, new elections among the members of the advisory commission for all officer positions shall occur annually during the month of June. The chairman, vice-chairman, and secretary-treasurer of the advisory commission shall function as an executive committee, and the members of the advisory commission may create such other committees as they deem necessary.

BUSINESS REDEVELOPMENT

- (b) *Bylaws.* The advisory commission shall make and adopt such bylaws, rules and regulations for their own guidance and for the administration of the district as may be appropriate, but not inconsistent with the ordinances of the City of Kirkwood or the statutes of the State of Missouri.
- (c) *Development plan.* The advisory commission shall be responsible for the development and maintenance of an overall plan of action for the district. This plan will be construed to be the major policy instrument of the district, and all expenditures and activities are to be reviewed in light of the plan. The advisory commission shall be required to hold at least one meeting a year to which all individuals owning property and/or operating a municipally licensed business within the boundaries of the district are actively encouraged to attend with the expressed purpose of reviewing and updating the plan.
- (d) *Budget.* The advisory commission shall be required to create and maintain a line-item budget for any existing revenue and the anticipated revenue of the district for the year following the date of the last-published budget. Said budget must be published annually and submitted to the city council for approval by the first of March. Prior to the submittal of the budget to the city council, the advisory commission shall be required to hold at least one meeting to which all individuals owning property and/or operating a municipally licensed business within the boundaries of the district are actively encouraged to attend with the expressed purpose of reviewing the proposed budget. The advisory commission may make recommendations for the modification or elaboration of the budget to the city council at any time.
- (e) *Annual report.* The advisory commission shall be required to submit an annual report of its activities to the city council by the first of March of each year. This report should inventory the projects undertaken by the district in the preceding year and their status, minutes of all meetings held by the advisory commission and any of its committees, relevant correspondence, a copy of the latest plan adopted for the district, a financial report of the district, a statement by the executive committee on the status of the effectiveness of the district, and such other items as may be deemed relevant by the advisory commission. Upon receipt of the annual report, the city council shall place same on file with the administrative director/city clerk and note that it is available for public inspection. (Ord. No. 5898, § 8, 12-4-75; Ord. No. 6060, § 1,12-9-76)

Sec. 6-39. Allowable improvements and activities.

The funds of the district may be used for any of the following improvements and activities with the approval of the city council:

- (a) To close existing streets or alleys or to open new streets and alleys or to widen or narrow existing streets and alleys in whole or in part;
- (b) To construct or install pedestrian or shopping malls, plazas, sidewalks or moving sidewalks, parks, meeting and display facilities, convention centers, arenas, bus stop shelters, lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls and barriers, paintings, murals, alleys, shelters, display cases, fountains, rest rooms,

BUSINESS REDEVELOPMENT

information booths, aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses, and each and every other useful or necessary or desired improvement;

- (c) To landscape and plant trees, bushes and shrubbery, flowers and each and every and other kind of decorative planting;
- (d) To install and operate, or to lease, public music and news facilities;
- (e) To purchase and operate buses, mini-buses, mobile benches, and other modes of transportation;
- (f) To construct and operate child-care facilities;
- (g) To lease space within the district for sidewalk cafe tables and chairs;
- (h) To construct lakes, dams, and waterways of whatever size;
- (i) To provide special police or cleaning facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of such business district;
- (j) To maintain, as hereinafter provided, all city-owned streets, alleys, malls, bridges, ramps, tunnels, lawns, trees and decorative plantings of each and every nature, and every structure or object of any nature whatsoever constructed or operated by the said municipality;
- (k) To grant permits for newsstands, sidewalk cafes, and each and every other useful or necessary or desired private usage of public or private property;
- (l) To prohibit or restrict vehicular traffic on such streets within the business district as the city council may deem necessary and to provide the means for access by emergency vehicles to or in such areas;
- (m) To lease, acquire, construct, reconstruct, extend, maintain, or repair parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement;
- (n) To promote business activity in the district by, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place, and the general promotion of trade activities in the district.

(Ord. No. 5898, § 9, 12A-75)

Sec. 6-40. Municipal services.

The city council shall not decrease the level of municipally funded services in the district existing prior to the creation of the district, or transfer the financial burden of providing the services to the district, unless the services at the same time are decreased throughout the city, nor shall the city council

BUSINESS REDEVELOPMENT

discriminate in the provision of new municipally funded services between areas included in the district and areas not so included. (Ord. No. 5898, § 10,12-4-75)

Sec. 6-41. Use of symbol.

The use of the words and symbol identified below is hereby prohibited by any person except:

- (a) The Special Business District as approved by its advisory board;
- (b) Business enterprises located within the Special Business District area to identify the location of such business within the area.
- (c) The following shall be the graphic images of the logo and typestyle: (These images can be used in spot or process color applications or black ink only. Reproduction in color is not available in the Code of Ordinances:

The logo consists of the words "Downtown" and "Kirkwood" stacked vertically in a serif font. "Downtown" is in a larger, bolder font than "Kirkwood".

© 2007, City of Kirkwood, Missouri
All Rights Reserved



© 2007, City of Kirkwood, Missouri
All Rights Reserved



© 2007, City of Kirkwood, Missouri
All Rights Reserved

(Ord. No. 9708, §1, 10-18-07)

BUSINESS REDEVELOPMENT

KIRKWOOD JUNCTION

Any other use of such words and symbol shall be deemed a violation of this Code subject to penalty as provided in Section 1-8. (Ord. No. 7141, §§ 1,2, 2-2-84)