



**BOA Meeting Agenda
Peculiar City Board of Aldermen
Work Session Meeting and Public Hearing
City Hall – 250 S. Main St
Monday January 6, 2014 6:30 p.m.**

Notice is hereby given that the Board of Aldermen of the City of Peculiar will hold a regularly scheduled meeting on Monday, January 6, 2014 at 6:30 pm, in the Council Chambers at 250 S. Main St. Representatives of the news media may obtain copies of this notice by contacting the City Clerk at City Hall, 250 S. Main St Peculiar, MO 64078 or by calling 816-779-2221. All proposed Ordinances and Resolutions will be available for viewing prior to the meeting in the Council Chambers.

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Board of Alderman Statement

5. Business

A. Park Board – Topic for Discussion

RESOLUTION No. 2014-01 - A RESOLUTION OF THE CITY OF PECULIAR, MISSOURI STATING THE BOARD OF ALDERMEN'S DESIRE TO DISSOLVE THE PARK BOARD; AND DIRECTING CITY STAFF TO UNDERTAKE ANY NECESSARY ADMINISTRATIVE MEASURES TO FINALIZE THE DISSOLUTION.

B. Bill No. 2013-23 - AN ORDINANCE BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR TO ADOPT AN OFFICIAL ZONING MAP WHICH INCORPORATES ALL CHANGES IN ZONING, CHANGES IN ZONING DISTRICTS, AND CHANGES TO THE OFFICIAL CITY LIMITS OF PECULIAR FROM ANNEXATIONS SINCE MAY 2009.

**2nd Reading*

C. Bill No. 2013-24 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI, IMPOSING A LOCAL FUEL TAX TO BE USED TO FUND THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, REPAIR, POLICING, SIGNING, LIGHTING, AND CLEANING OF ROADS AND/OR STREETS; AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDED INDEBTEDNESS INCURRED FOR ROAD AND STREET PURPOSES, THE USE THEREOF BEING SUBJECT TO SUCH OTHER PROVISIONS AND RESTRICTIONS AS PROVIDED BY LAW, AT THE RATE OF ONE CENT (\$0.01) PER GALLON TO BE IMPOSED ON ALL MERCHANTS FOR THE SALE OF FUEL USED FOR PROPELLING MOTOR VEHICLES PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE IV SECTION 30(a) OF THE MISSOURI CONSTITUTION; AND PROVIDING FOR SUBMISSION OF THE PROPOSAL TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE ELECTION CALLED AND TO BE HELD IN THE CITY ON APRIL 8, 2014.

**2nd Reading*

D. Bill No. 2013-25 – AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI AMENDING CHAPTER 600 OF THE PECULIAR MUNICIPAL CODE AND UPDATING ELIGIBILITY PARAMETERS FOR THE RECEIPT OF LIQUOR LICENSES AND EMPLOYEE PERMITS.

**2nd Reading*

6. Topics for Discussion

A. Industrial Development Authority

B. Economic Development Incentive Policy

C. Land Use Matrix

7. Aldermen Concerns or Additional Topics for Discussion by Aldermen

8. Aldermen Directives Reported by City Administrator

9. Adjournment

City Administrator
Brad Ratliff

Business Office
Trudy Prickett

City Attorney
Reid F. Holbrook



City Engineer
Carl Brooks

Chief of Police
Harry Gurin

City Clerk
Nick Jacobs

Municipal Offices – 250 S. Main St., Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.1004

To: Mayor & Board of Alderman
From: Brad Ratliff
Date: January 2, 2014
Re: Park Board

GENERAL INFORMATION

Applicant: Board of Aldermen
Date of Application: January 2, 2014
Purpose: Discussion of Park Board

PROPOSAL – Per the Board of Aldermen’s request, this topic is being presented along with a Resolution which will dissolve the Park Board.

PREVIOUS ACTIONS

None

KEY ISSUES

STAFF COMMENTS AND SUGGESTIONS

STAFF RECOMMENDATION

ATTACHMENTS

STAFF CONTACT: Brad Ratliff

RESOLUTION 2014-01

A RESOLUTION OF THE CITY OF PECULIAR, MISSOURI STATING THE BOARD OF ALDERMEN'S DESIRE TO DISSOLVE THE PARK BOARD; AND DIRECTING CITY STAFF TO UNDERTAKE ANY NECESSARY ADMINISTRATIVE MEASURES TO FINALIZE THE DISSOLUTION.

WHEREAS, Chapter 125 of the Peculiar Municipal Code establishes certain composition requirements, powers, and duties of the Park Board of the City of Peculiar related to the care and maintenance of the City of Peculiar's parks; and

WHEREAS, based upon reports of individual Park Board members and observations of the Board of Aldermen, care and maintenance of the City of Peculiar's parks can be provided, with equal efficiency and effectiveness, by City employees assigned to the Parks Department.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI, AS FOLLOWS:

SECTION I. That it is declared that the Park Board of the City of Peculiar, Missouri be dissolved as of the effective date of approval of this Resolution.

SECTION II. City Staff are hereby empowered to undertake any action to ensure this clarification in any related documents; to seek amendments of any necessary ordinances governing the Park Board; and to further take any necessary administrative measures to finalize the dissolution.

SECTION III. The effective date of approval of this Resolution shall be coincidental with the Mayor's signature and attestation by the City Clerk.

Upon a roll call, said Resolution was adopted by the following vote:

Alderman Gallagher _____
Alderman Fines _____
Alderman Ray _____

Alderman Dunsworth _____
Alderman Turner _____
Alderman Stark _____

Approved:

Attest:

Ernest Jungmeyer, Mayor

Nick Jacobs, City Clerk

City Administrator
Brad Ratliff

City Planner
Cliff McDonald

City Attorney
Reid F. Holbrook

Business Office Manager
Trudy Prickett



City Engineer
Carl Brooks

Chief of Police
Harry Gurin

City Clerk
Nick Jacobs

Parks Director
Nathan Musteen

Municipal Offices – 250 S Main, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.5213

To: Board of Aldermen
From: Cliff McDonald, City Planner
Date: January 6, 2014
Re:

GENERAL INFORMATION

Applicant: City Staff
Requested Actions: City Zoning Map Amendment
Date of Application: November 14, 2013
Purpose: Amend City Zoning Map to reflect Zoning Regulation Changes, Zoning Amendments and Changes to Peculiar’s City Limits from Annexations since May, 2009

Property Location (if applicable): City Wide

PROPOSAL

Recommend the Board of Aldermen review the proposed Amendments to the City Zoning Map and consider adopting the new City Zoning Map by Ordinance.

PREVIOUS ACTIONS

The Planning Commission held a Public Hearing on November 14th, 2013 to review the proposed amendments necessary to update the Zoning Map since it was adopted in May, 2009 and consider approving the updated map as presented. Upon completion of the Public Hearing the Planning Commission moved to Table approving the Zoning Map until the next meeting to allow for further review of the Zoning Map itself. On December 2, 2013 the Board of Aldermen held a Public Hearing to review the proposed changes and receive public comment; no changes or comments were presented. During the Planning Commission Meeting held December 12th, the Commission voted unanimously to approve the updated City Zoning Map as presented. On December 16th, 2013 the Board of Aldermen reviewed the proposed City Zoning Map and unanimously approved the 1st Reading of the Ordinance to adopt the City Zoning Map as presented.

KEY ISSUES

The City Zoning Map is one of the most important documents the Planning Commission and Board of Aldermen will review and consider for approval; as such its review bears close attention to detail. The current Zoning Map was approved in May, 2009 and has not been updated since. The City Zoning Map

being presented for approval and adoption reflects all the changes in Zoning Regulations, Zoning Amendments and Annexations since the current map was adopted; significant changes include:

- Deletion of the PUD, Planned Unit Development, District
- Annexation of five (5) properties adjacent to E. 211th Street and I-49
- Annexation of S. Peculiar Drive
- Right-of-way acquisition of East Outer Road
- Annexation of property off Morgan Drive

All together there are twenty-eight (28) changes/amendments to the City Zoning Map which are reflected in the map presented for approval and adoption, the changes are as follows:

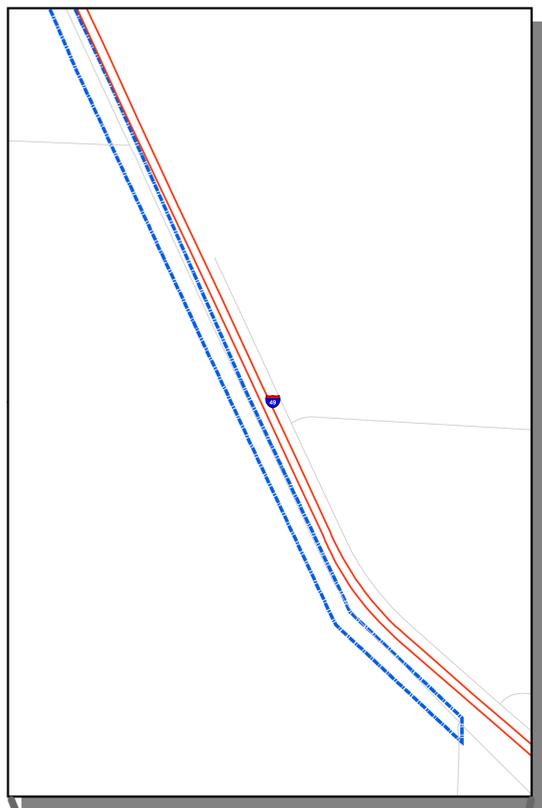
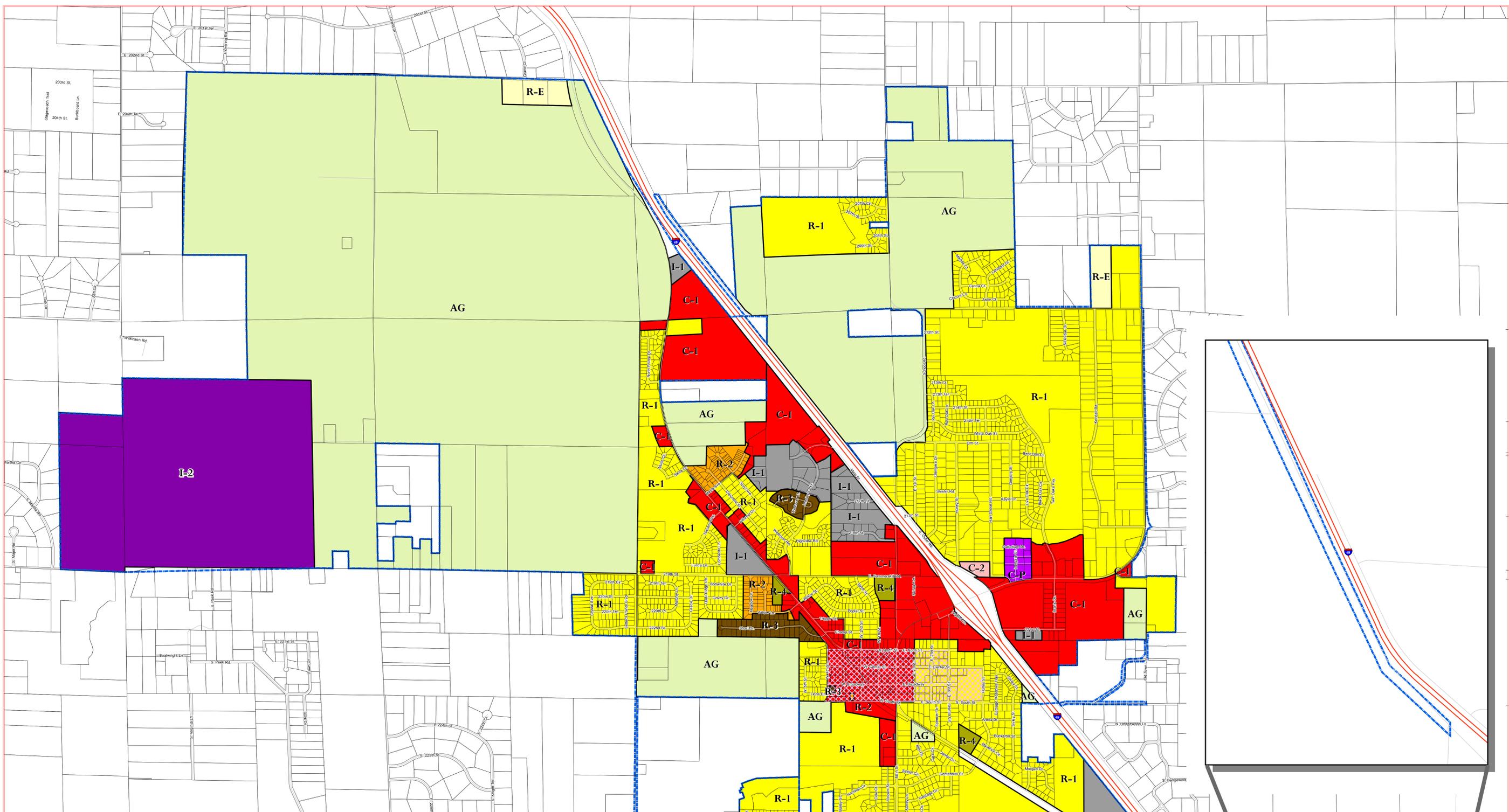
- 1. 21001 S. East Outer Road. Newly annexed 33 acres, Zone to AG, Agriculture District**
- 2. 11102 E. 211th Street. Newly annexed 70 acres, Zone to AG, Agriculture District**
- 3. E. 211th Street. Newly annexed 113 acres (Dean property), Zone to AG, Agriculture District**
- 4. Change City Limits, North of E. 211th Street, to reflect annexation**
- 5. Change City Limits, South of E. 211th Street, to reflect annexation**
- 6. Change City Limits, to include East Outer Road (from Cass County)**
- 7. 21107 S. Peculiar Drive. Newly annexed 5 acres, Zone to R-1, Single-Family Dwelling District**
- 8. 21215 S. Peculiar Drive. Newly annexed 50 acres, Zone to C-1, General Business District**
- 9. Change City Limits, South of 21215 S. Peculiar Drive to reflect annexation**
- 10. Add Final Plat of North Pointe Subdivision to reflect streets and lots.**
- 11. Tuscan Estates. Delete PUD, Zone to R-1, Single-Family Dwelling District**
- 12. Bradley's Crossing. Delete PUD, Zone to underlying, approved Zoning; C-1, General Business District; R-1, Single-Family Dwelling District; R-3, Multiple-Family Dwelling District; I-1, Light Industrial District**
- 13. 21712 N. Main Street. Change Zoning from C-1, General Business District to I-1, Light Industrial District**
- 14. Frontier Estates. Add Final Plat, Streets & Lots**
- 15. Twin Oaks. Add Twin Oaks Pkwy (Final Plat, Phase 3 & 4)**
- 16. Meadow View Estates. Delete PUD, Zone to R-4, Multiple Family and Congregate Housing District (per Ord. 7-20-2010)**
- 17. Add: A-C, Arts & Culture Overlay District**
- 18. Carriage Meadows. Delete PUD, Zone to R-1, Single-Family Dwelling District**
- 19. 723 Bridle Trail Ln. Change City Limits to include and zone R-1, Single-Family Dwelling District.**
- 20. Windmill Plaza. Delete PUD, Zone to C-1, General Business District; R-1, Single Family Dwelling District**
- 21. Windmill Estates. Delete PUD, Zone to R-1, Single Family Dwelling District**
- 22. Shadow Glen. Add Third Phase, Final Plat**
- 23. Add Lot-split, Joe Holt Parkway: 22609 S. Peculiar Drive**
- 24. Add Street Names to: S. Kendall Road, Nora Dodge Drive**
- 25. Zoning Map Key: Delete Planned Unit Development District**

- 26. Zoning Map Key: Add “District” to I-1, Light Industrial**
- 27. Zoning Map Key: Add “District” to I-2, Heavy Industrial**
- 28. Zoning Map Insert: Show change of City Limits for S. Peculiar Drive**

STAFF RECOMMENDATIONS

I recommend the Board of Aldermen review the list of changes, the updated Zoning Map which incorporates them and approve the Ordinance to adopt the amended City Zoning Map as presented.

STAFF CONTACT: Clifford L. McDonald



City of Peculiar

Cass County, Missouri

Official Zoning Map

0 625 1,250 2,500 Feet

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN ARTICLE _____ SECTION _____ OF ORDINANCE NO. _____ OF THE CITY OF PECULIAR, CASS COUNTY, MISSOURI. THIS OFFICIAL ZONING MAP SUPERSEDES AND REPLACES ANY OR ALL OTHER OFFICIAL ZONING MAPS ADOPTED PRIOR TO THIS DATE ADOPTED ON THIS _____ DAY OF _____, 2013.

MAYOR, CITY OF PECULIAR, MISSOURI ATTESTED: CITY CLERK

REVISION DATE	ORDINANCE NO.	COMMENTS	SIGNATURE

Prepared By: RSC Consulting Group, Inc.
 Source: Missouri Spatial Information Service, Cass County MO
 GIS Project: Arkisp111
 THIS MAP WAS PREPARED USING INFORMATION FROM RECORD DRAWINGS SUPPLIED BY THE ANCHOR OTHER APPLICABLE CITY, COUNTY, STATE, FEDERAL OR PRIVATE ENTITIES. THE USER ASSUMES ALL LIABILITY FOR THE ACCURACY OF THIS MAP OR THE INFORMATION USED TO PREPARE THIS MAP.
 CREATED BY: S. Walsh
 REVISED BY: S. Walsh
 REVISION DATE: September 11, 2013
 300 PROJECT NUMBER: MO042411



Legend

- Corporate Limits
- Zoning Districts**
- AG Agriculture District
- R-E Residential Estates District
- R-1 Single Family Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multiple-Family Dwelling District
- R-4 Multiple Family and Congregate Housing District
- O-C Office Commercial District
- C-1 General Business District
- C-2 Central Business District
- C-P Planned Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- H Historic Overlay District
- A-C Arts and Culture Overlay District

BILL NO. 2013-23

ORDINANCE NO. _____

AN ORDINANCE BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR TO ADOPT AN OFFICIAL ZONING MAP WHICH INCORPORATES ALL CHANGES IN ZONING, CHANGES IN ZONING DISTRICTS, AND CHANGES TO THE OFFICIAL CITY LIMITS OF PECULIAR FROM ANNEXATIONS SINCE MAY 2009.

Whereas, the City of Peculiar has decided to update the Official Zoning Map (“Map”), shown in Exhibit “A”, to reflect changes in: Zoning, Zoning Districts and revised City Limits from annexations and ensure compliance with the City of Peculiar Comprehensive Plan; and

Whereas, a Public Hearing was held by the Planning Commission on November 14, 2013 to review the changes to the Official Zoning Map and Text amendments; and

Whereas, the Planning Commission recommends approval of the updated City of Peculiar Official Zoning Map and Text amendments; and

Whereas, a Public Hearing was held on December 2, 2013 by the Board of Aldermen to review the recommended changes to the Official Zoning Map and Text amendments;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI, AS FOLLOWS:

SECTION ONE: The new Official Zoning Map dated January 6, 2014 as set forth in Exhibit “A” is approved and adopted and hereby replaces the existing Zoning Map.

SECTION TWO: That this ordinance shall be in full force and effect from and after its passage and approval.

SECTION THREE: The effective date of this ordinance shall be _____, 2014.

First Reading: December 16, 2013

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED UPON ITS SECOND READING THIS ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

Alderman Gallagher _____
Alderman Dunsworth _____
Alderman Fines _____

Alderman Ray _____
Alderman Stark _____
Alderman Turner _____

APPROVED:

ATTEST:

Ernie Jungmeyer, Mayor

Nick Jacobs, City Clerk

City Administrator
Brad Ratliff

City Clerk
Nick Jacobs

City Attorney
Reid F. Holbrook



City Engineer
Carl Brooks

Chief of Police
Harry Gurin

City Planner
Cliff McDonald

Municipal Offices – 250 S. Main, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.5213

To: Board of Aldermen
From: Brad Ratliff, City Administrator
Date: January 2, 2014
Re:

GENERAL INFORMATION

Applicant: Staff
Status of Applicant: City Administrator
Requested Actions: Placing a One Penny Motor Vehicle Fuel Tax on Ballot
Purpose: To allow the Voters of Peculiar to vote on a revenue stream for roads.
Property Location (if applicable):

PROPOSAL

The City of Peculiar receives fuel tax from the State based on census 10 year populations, not to the point of purchase. Fly J and Casey's receives a lot of car traffic off of 71 Highway. Flying J receives an even larger amount of truck traffic. 1 penny would help aid our aging road system in Peculiar. We have many new housing additions in Peculiar but the property taxes are in no way close to addressing the infrastructure needs. The City of Peculiar in 5 years will be facing some direr road conditions as the new developments will start needing their streets overlaid. If we do not find a way to address future street repairs, we will not be able to sustain growth and repairs of our roadway systems in the City. Therefore, we are in hope that the penny will aid us in addressing some of the street issues in the community.

We are estimating that this one penny could possibly bring in around \$80,000 annually. Neither Casey's nor Flying J will share their information on gasoline sold at any exact location. We should use the first year in collection to base our data on future budgeting of these dollars for road improvements.

PREVIOUS ACTIONS

- Failed to receive the required 2/3 voter approval on the ballot April 2010
- Failed to receive the required 2/3 voter approval on the ballot November 2010

KEY ISSUES

- Aid in addressing current street repairs
- Aid in future street repairs
- Visitors to the community paying for City street repairs
- More citizens currently talking about the need to approve this tax.

- Must be approved at January 6, 2014 BOA Meeting to be placed on April Ballot
- We are unsure the total amount this 1 penny would generate
- It takes 2/3rd or 66% of the votes cast to approve this provision.

STAFF COMMENTS AND SUGGESTION

We would run the issue again before the citizens. We have received numerous citizens requesting us to run the ballot issue again.

STAFF RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

STAFF CONTACT: Brad Ratliff, City Administrator
bratliff@cityofpeculiar.com

BILL NO. 2013-24
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI, IMPOSING A LOCAL FUEL TAX TO BE USED TO FUND THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, REPAIR, POLICING, SIGNING, LIGHTING, AND CLEANING OF ROADS AND/OR STREETS; AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDED INDEBTEDNESS INCURRED FOR ROAD AND STREET PURPOSES, THE USE THEREOF BEING SUBJECT TO SUCH OTHER PROVISIONS AND RESTRICTIONS AS PROVIDED BY LAW, AT THE RATE OF ONE CENT (\$0.01) PER GALLON TO BE IMPOSED ON ALL MERCHANTS FOR THE SALE OF FUEL USED FOR PROPELLING MOTOR VEHICLES PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE IV SECTION 30(a) OF THE MISSOURI CONSTITUTION; AND PROVIDING FOR SUBMISSION OF THE PROPOSAL TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE ELECTION CALLED AND TO BE HELD IN THE CITY ON APRIL 8, 2014.

WHEREAS, the City is authorized, under Article IV Section 30(a) of the Missouri Constitution, to impose a local fuel tax at a rate of one cent (\$0.01) per gallon to be imposed on all merchants for the sale of fuel used for propelling motor vehicles within the City; and

WHEREAS, the proposed City fuel tax cannot become effective until approved by a two-thirds majority of the voters at a general, primary, or special election at the municipal, county, or state level.

NOW THEREFORE, be it ordained by the Board of Aldermen of the City of Peculiar, Missouri as follows:

Section 1. Pursuant to the authority granted by and subject to the provisions of Article IV Section 30(a) of the Missouri Constitution, a motor vehicle fuel tax on both gasoline and diesel fuel shall be used to fund the construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning of roads and/or streets; and for the payment of principal and interest on bonded indebtedness incurred for road and street purposes, the use thereof being subject to such other provisions and restrictions as provided by law.

Section 2. The rate of the tax shall be one cent (\$0.01) per gallon.

Section 3. The tax shall be submitted to the qualified voters of Peculiar, Missouri, for their approval, as required by the provisions of Article IV Section 30(a) of the Missouri Constitution, at the election hereby called and to be held in the City on the 8th day of April, 2014. The ballot of submission shall contain substantially the following language:

Shall the City of Peculiar, Missouri, impose a motor vehicle fuel tax, including both gasoline and diesel fuel, at a rate of (\$0.01) per gallon to be used to fund the construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning of roads and/or streets; and for the payment of principal and interest on bonded indebtedness

incurred for road and street purposes, the use thereof being subject to such other provisions and restrictions as provided by law?

- YES
- NO

If you are in favor of the question, place an "X" in the box opposite "YES." If you are opposed to the question, place an "X" in the box opposite "NO."

SECTION II: The effective date of this ordinance shall be _____.

First Reading: December 16, 2013

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ___ DAY OF _____, 2013, BY THE FOLLOWING VOTE:

Alderman Gallagher _____
Alderman Dunsworth _____
Alderman Fines _____

Alderman Ray _____
Alderman Stark _____
Alderman Turner _____

Approved:

Attest:

Ernest Jungmeyer, Mayor

Nick Jacobs, City Clerk

BILL NO. 2013-25
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI AMENDING CHAPTER 600 OF THE PECULIAR MUNICIPAL CODE AND UPDATING ELIGIBILITY PARAMETERS FOR THE RECEIPT OF LIQUOR LICENSES AND EMPLOYEE PERMITS.

WHEREAS the City is authorized, under Rev. Stat. Mo. §§ 79.130 and 79.450 to enact ordinances, rules, and regulations not otherwise inconsistent with Missouri laws and "expedient for maintaining the peace, good government and welfare of the city and its trade and commerce;" and;

WHEREAS, Title 11 of the Missouri Code of State Regulations and Chapter 311 of the Revised Statutes of Missouri establish certain parameters for the persons and/or entities eligible for liquor licenses under Missouri law; and

WHEREAS, Rev. Stat. Mo. § 561.016 prohibits entities from imposing a legal disqualification or disability upon an individual because of a finding of guilt or conviction of a crime unless the disqualification or disability is related to the competency of the individual to exercise the right or privilege of which he is deprived.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of Peculiar, Missouri as follows:

SECTION I. Pursuant to the authority granted by and subject to the provisions of Rev. Stat. Mo. §§ 79.130 and 79.450, that Peculiar Municipal Code § 600.030 be amended to read as follows:

SECTION 600.030: LICENSE REQUIRED

It shall be unlawful for any person to manufacture, brew, distill, sell or distribute alcoholic beverages without first having a license authorizing such manufacture, brewing, sale or exposing for sale, or distribution in compliance with the terms of this Chapter.

SECTION II. That Peculiar Municipal Code § 600.050(B)(2)(d) be amended to read as follows:

- d. The applicant has not been convicted of a felony reasonably related to the manufacture or sale of intoxicating liquor; or that such applicant has not employed in his/her business any person whose license has been revoked or who has been

convicted of violating the provisions of a felony reasonably related to the manufacture or sale of intoxicating liquor;

SECTION III. That Peculiar Municipal Code § 600.070 be amended to read as follows:

SECTION 600.070: APPLICATION -- CONTENTS

Applications for such licenses shall be made to the Supervisor of Liquor Control, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

1. The name, date of birth and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the names, date of birth and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one (1) person or his nominee, the name, date of birth and address of such person. In addition, the name, date of birth and address of the managing officer of the corporation shall be set forth.
2. The citizenship of the applicant, which shall be either a birth certificate or passport, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
3. The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.
4. The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
5. The amount of goods, wares and merchandise on hand at the time application is made.
6. The location and description of the premises or place of business which is to be operated under such license.
7. A statement whether applicant has made application for a similar or other license on the premises other than described in this application, and the disposition of such application.
8. A statement regarding whether the applicant has been convicted of a felony.

9. A statement that the applicant is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State, or the ordinances of this City.
10. Whether a previous license by any State or subdivision thereof, or by the Federal Government has been revoked/suspended, and the reasons therefor.
11. A statement that the applicant will not violate any of the laws of the State of Missouri, or of the United States, or any ordinance of the City in the conduct of his place of business.
12. A statement that the applicant has no past due taxes due the City of Peculiar.

SECTION IV. That Peculiar Municipal Code § 600.080 be amended to read as follows:

SECTION 600.080: RESTRICTION ON LICENSES

No such license shall be issued to:

1. Reserved.
2. Reserved.
3. A person who is not a citizen of the United States.
4. A person who has been convicted of a felony reasonably related to the manufacture or sale of intoxicating liquor.
5. A person who is not of good moral character.
6. A person whose license under this Chapter has been revoked or suspended for cause.
7. Any person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application.
8. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.
9. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than ten percent (10%) of the stock of

such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

10. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.
11. A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.
12. Any person, firm or corporation not eligible for a State retail liquor dealer's license.
13. Any person who has been denied a license for the sale of alcoholic beverages by the City of Peculiar within the past ninety (90) days.

SECTION V. That Peculiar Municipal Code § 600.096 be amended to read as follows:

SECTION 600.096: PERMIT ELIGIBILITY

No person shall be issued a permit by the Supervisor unless the person is at least twenty-one (21) years of age. No person shall be issued an employee permit if the person has been convicted of a felony reasonably related to the manufacture or sale of liquor; is not of good moral character; is otherwise disqualified by the State Statutes or by Code of State Regulations for employment on the licensed premises of an alcoholic beverage establishment; or has been issued an alcoholic beverage license or permit from this or any other City or State that is currently suspended or that has been revoked within five (5) years immediately preceding the application.

SECTION VI. That Peculiar Municipal Code § 600.097 be amended to read as follows:

SECTION 600.097: APPLICATION PROCESS

- A. Each application for an employee permit shall be filed with the Supervisor on a form supplied by the Supervisor and shall be signed by the applicant. The application shall include:
 1. The applicant's complete name, home address, home telephone number and date of birth.
 2. The applicant's height, weight, color of eyes, color of hair and sex.

3. A statement regarding whether the applicant has been convicted of a felony.

4. A photograph of the applicant taken by the Supervisor.

5. A fifteen dollar (\$15.00) non-refundable application fee to be paid to the City Treasurer to defray the cost of investigation and the application process.

B. *Issuance.* If the applicant meets the requirement of this Section and this Chapter, the Supervisor shall issue an employee permit to the applicant, said license shall be valid for two (2) years from the date of issuance. Upon expiration of the permit, the applicant may obtain a new permit in the same manner as provided in this Section. Each employee permit shall bear the physical description and photograph of the applicant and shall be laminated to prevent alteration.

C. *Possession and Exhibition.* While directly participating in the retail sale, service, delivery or dispensation of alcoholic beverages, any person holding an employee permit under the provisions of this Section shall be required to have the permit in his/her possession and the permit shall be exhibited to the Supervisor or the Supervisor's agent or to any officer of the City Police Department upon demand. Failure of any person to exhibit an employee permit as required by this Subsection shall be prima facie evidence that the person does not hold a permit.

SECTION VII: The effective date of this ordinance shall be _____, 2013.

First Reading: December 16, 2013

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ___ DAY OF _____, 2013, BY THE FOLLOWING VOTE:

Alderman Gallagher _____
Alderman Fines _____
Alderman Ray _____

Alderman Dunsworth _____
Alderman Turner _____
Alderman Stark _____

Approved:

Attest:

Ernest Jungmeyer, Mayor

Nick Jacobs, City Clerk



City Administrator
Brad Ratliff

City Clerk
Nick Jacobs

Business Office Manager
Trudy Prickett

City Attorney
Reid F. Holbrook

City Engineer
Carl Brooks

Chief of Police
Harry Gurin

City Planner
Cliff McDonald

Parks Director
Nathan Musteen

Municipal Offices – 250 S. Main, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.1004

To: Board of Aldermen
From: Clifford L. McDonald
Date: January 6, 2014
Re: Forming a City of Peculiar, Industrial Development Authority

GENERAL INFORMATION

Applicant: City Staff

Requested Actions: Board of Aldermen consider forming an Industrial Development Authority

Date of Application: January 6, 2014

Purpose: The purpose is for the City of Peculiar to authorize the formation of an Industrial Development Authority (IDA) to provide an optional means of project funding to attract & develop future economic growth within the City.

PROPOSAL: See “Requested Actions” above.

PREVIOUS ACTIONS:

Peculiar had previously approved, and established an Industrial Development Authority (IDA). It was formed as a public corporation under Chapter 349 of the Revised Statues of Missouri (the “Industrial Development Corporations Act”); unfortunately it was dissolved.

KEY ISSUES

The City desires to use economic development tools to attract desired industrial and commercial growth. An IDA under authority of Chapter 349 of the Revised Statues of Missouri has the authority to authorize Tax Exempt Status for bonds necessary to support approved projects. These bonds have no tie, impact or obligation to the City of Peculiar nor do they adversely impact the City’s bonding ability/capacity. To implement an IDA and support its effort toward economic development, the following IDA Bylaws and Project Application for the City were drafted, reviewed by Staff and are now presented for your consideration to review and approve.

STAFF COMMENTS AND SUGGESTIONS

This corporation would exist to: develop, advance, encourage and promote commercial, industrial, agricultural and manufacturing facilities in the City of Peculiar, Missouri. The Peculiar IDA could become the primary economic development organization of the community. As a nonprofit corporation under the laws of Missouri, the Peculiar IDA has broad powers, including issuing bonds for specific types of projects described in the state law-enabling legislation. Such projects include, but are not limited to the following:

1. Educational facilities;
2. Manufacturing facilities;
3. Office buildings for use as corporate or company headquarters or regional offices;
4. Health care facilities;
5. Housing; and
6. Facilities owned or operated by a 501(c) organization.

There are numerous benefits in having an IDA serve the interests of Peculiar, which include:

- Issuance of bonds create a win-win situation for all parties involved. Bonds benefit the borrower, the investors and the community in which the projects are located.
- Due to the tax-exempt status of bonds, investors benefit from the tax-free interest earnings received from the bonds. The interest income may be lower than other investments, but the tax savings may offset the difference.
- The renovation of abandoned and deteriorating buildings, as well as the development of underutilized land revitalizes the surrounding community. The growth in business resulting from bond proceeds allow for the creation of jobs that are usually filled by local residents.
- Over the past ten years, the "all-in" interest rate has averaged approximately 4.65%. During this same period, the bond interest rate was as low as 2.8% and the commercial interest rate indicators have consistently been higher than the tax-exempt interest rates.
- Bonds typically reduce financing costs by 20% - 30% annually. In many cases these savings allow companies to purchase their leased facility or acquire a new property, allowing them to expand and increase the capacity of their operations.

STAFF RECOMMENDATION

I recommend the Board strongly consider approving the attached documents and establish an Industrial Development Authority for the City of Peculiar to provide another means of facilitating Economic Development and growth within the Corporate City Limits.

STAFF CONTACT:
Clifford L. McDonald

**BYLAWS OF
THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
THE CITY OF PECULIAR, MISSOURI**

**ARTICLE I
OFFICES**

1. Name. The name of this corporation shall be The Industrial Development Authority of the City of Peculiar, Missouri.

2. Principal Office, Registered Office and Registered Agent. The principal office and location of the corporation shall always be in the City of Peculiar, Missouri. The location of the registered office and the name of the registered agent shall be such as determined from time to time by the Board of Directors and as of file in the appropriate office in the State of Missouri. The principal office shall be located at such place as the Board of Directors may from time to time determine.

3. Records. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of the Board of Directors and each committee of the Board of Directors. The corporation shall keep at its principal or registered office a record of the name and address of each director. Such records shall be public records open for inspection by any interested person.

4. Seal. The Board of Directors may adopt, and may alter at pleasure, a corporate seal, which shall have inscribed thereon the name of the corporation, and the words: Corporate Seal – Missouri. The corporate seal may be used by causing it, or a facsimile thereof, to be impressed or affixed or to be in any other manner reproduced.

**ARTICLE II
PURPOSES**

1. Purposes States In Articles. The purposes of this corporation shall be those purposes stated in the Articles of Incorporation as may be amended from time to time. The corporation shall be a nonprofit corporation and no part of the net earnings or other assets of the corporation shall inure to the benefit of any director, contributor, officer or other private individual having, directly or indirectly, any personal or private interest in the activities of the corporation.

**ARTICLE III
DIRECTORS**

1. Directors in Lieu of Members or Shareholders. The corporation shall not have members or shareholders as such, but, in lieu thereof, shall have only a Board of Directors.

2. Powers. The property and affairs of the corporation shall be managed by the Board of Directors of the corporation. The Board of Directors shall have and is invested with all and unlimited powers and authorities, except as it may be expressly limited by law, the Articles of Incorporation or these bylaws, to supervise, control, direct and manage the property, affairs and activities of the corporation, to determine the policies of the corporation, to do or cause to be done any and all lawful things for and on behalf of the corporation, to exercise or cause to be exercised any or all of its powers, privileges or franchises, and to seek the effectuation of its objects and purposes; provided, however, that (1) the Board of Directors shall not authorize or permit the corporation to engage in any activity not

permitted to be transacted by the Articles of Incorporation or by an industrial development corporation organized under the laws of the State of Missouri under Chapter 349 of the Revised Statutes of Missouri, as amended;

(2) none of the powers of the corporation shall be exercised to carry on activities, otherwise than as an insubstantial part of its activities, which are not in themselves in furtherance of the purposes of the corporation, and

(3) all income and property of the corporation shall be applied exclusively for its purpose.

No part of the net earnings or other assets of the corporation shall inure to the benefit of any director, officer, contributor, or other private individual, having, directly or indirectly, a personal or private interest in the activities of the corporation.

3. Number: Qualifications. The directors of the corporation shall be seven (7) in number. (Minimum of five (5) required). The number of directors may be increased or decreased by amendment to the Articles of Incorporation in accordance with the applicable laws of the State of Missouri; provided, however, that the number of directors shall in no event be less than five (5).

Each director shall be a qualified elector of, and taxpayer, in the City of Peculiar, Missouri. Each director shall have been a resident taxpayer for five (5) years (Minimum of one (1) year residency required) immediately prior to appointment. No director shall be an officer or employee of the City of Peculiar, Missouri.(per RsMO 349.045)

In the event any director ceases to be an elector of, or taxpayer in the City of Peculiar, Missouri, or shall become an officer or employee of the City of Peculiar, Missouri, then such director shall be deemed disqualified to be, and shall automatically cease to be, a member of the Board of Directors of this corporation.

4. Appointment and Terms of Office.

(a) Current Board. The current Board of Directors consists of the following persons, each of whom was originally appointed as a director by the Mayor of the City of Peculiar, Missouri, with the advise and consent of the Board of Aldermen of the City of Peculiar, Missouri, and each of whom shall hold office unless either removed or disqualified until the annual meeting of the Board of Directors held in the year specified opposite his name and until his successor is duly elected and has commenced his term of office:

<u>Name of Director</u>	<u>Year in Which Current Term Expires</u>
_____	<u>2015</u>
_____	<u>2015</u>
_____	<u>2017</u>
_____	<u>2017</u>
_____	<u>2019</u>
_____	_____

(b) Notification. Not less than sixty (60) days prior to the annual meeting of the Board of Directors to be held in 2014 and each second annual meeting of the board thereafter, the secretary of the corporation shall, with respect to each director whose term will expire with such annual meeting, notify (in the manner hereinafter set forth) the Board of Aldermen and the Mayor of the City of Peculiar, Missouri. Such notice shall set forth the name of the person whose term is about to expire and shall advise such Board of Aldermen and the Mayor of the City that the Mayor shall have the right to appoint, with the advice and consent of a majority of the Board of Aldermen of the City, by a date specified in the notice (which shall be not less than seven (7) days prior to the annual meeting date) a person as a director for a six (6) year term.

(c) Appointment. Each such person appointed as a director by the Mayor with the advice and consent of the Board of Aldermen of the City of Peculiar, Missouri shall be appointed to serve for a term of six (6) years (commencing with the annual meeting specified in the notice by the secretary) and until his successor is duly appointed and has commenced his term of office.

The name of any individual who has been so appointed by the Mayor with the advice and consent of the Board of Aldermen of the City of Peculiar, Missouri, shall be forwarded by the City Clerk of the City of Peculiar, Missouri to the secretary of the corporation not less than seven (7) days prior to the date of the annual meeting.

The failure to comply with the time schedule hereinabove set forth shall not invalidate the election of any director otherwise duly elected.

5. Commencement of Term of Office. A director shall be deemed appointed as of the time specified at the time of his appointment, but he shall not be deemed to have commenced his term of office or to have any of the powers or responsibilities of a director until the time he accepts the office of director either by written acceptance filed with the City Clerk of the City of Peculiar, Missouri, or by participating in the affairs of the corporation at a meeting of the Board of Directors or otherwise.

6. Vacancies. Vacancies among the directors resulting from the death, resignation, removal, incapacity or disqualification of a director, or by reason of an increase in the number of directors or the failure of an elected director to accept the office of director, may be filled by the Mayor with the advice and consent of the Board of Aldermen of the City of Peculiar, Missouri. A director elected to fill a vacancy shall meet any qualifications set forth in these bylaws, and shall serve for the unexpired term of his predecessor and until his successor has been duly elected and has commenced his term of office.

7. Compensation. No director shall receive compensation from the corporation for any service he may render to it as a director. However, a director may be reimbursed for his actual expenses reasonably incurred in and about the performance of his duties as a director.

8. Resignation. Any director may resign from the Board of Directors. Such resignation shall be in writing and shall be filed with the City Clerk and effective upon appointment of a new director by the Mayor with the advice and consent of the Board of Aldermen of the City of Peculiar, Missouri.

9. Removal. Directors may be removed by the Board of Aldermen of the City of Peculiar, Missouri, with or without cause at any time, but a director shall be removed only after a hearing in the event that a director requests a hearing.

ARTICLE IV MEETINGS

1. Place. Meetings of the Board of Directors of the corporation may be held at the City Hall in the City of Peculiar, Missouri or such other place as may be determined from time to time by resolution of the board or by written consent of the members of the board.

2. Annual Meetings. The annual meeting of the Board of Directors shall be held on the 2nd Tuesday of November each year, commencing in 2014, if not a legal holiday, and if a legal holiday then on the next secular day following. Notice of an annual meeting shall be given to each appointed and newly appointed director not less than five (5) days before the date of the annual meeting.

3. Special Meetings. In addition to the annual meeting, special meetings of the Board of Directors may be held at any time and for any purpose or purposes. Special meetings may be called by the president or the secretary or by a majority of the Board of Directors by notice duly signed by the officer or directors calling the same and given in the manner hereinafter provided. Special meetings may be held telephonically.

4. Notice of Special Meetings. Written or printed notice stating the place, day and hour of a special meeting and the purpose for which the meeting is called shall be delivered to each director not less than two (2) days before the date of the meeting, either personally or by mail, by or at the direction of the president, or the persons calling the meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the director at his address as it appears on the records of the corporation, with postage thereon prepaid.

5. Waiver and Publication of Notice. Any notice provided or required to be given to the directors may be waived in writing by any of them whether before or after the time stated therein. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where the director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Notice of any annual and special meeting of the Board of Directors shall also be given in such manner as necessary to comply with the provisions of Chapter 610, R.S.Mo., as amended.

6. Quorum. The presence of a majority of the whole board shall be requisite for and shall constitute a quorum for the transaction of business at all meetings. The act of a majority of the directors present at a meeting at which a quorum is present shall be valid as the act of the Board of Directors except in those specific instances in which a larger vote may be required by law, by the Articles of Incorporation or by these bylaws.

7. Adjournment. If a quorum shall not be present at any such meeting, the directors present shall have power successively to adjourn the meeting, without notice other than announcement at the meeting, to a specified date. At any such adjourned meeting at which a quorum shall be present any business may be transacted which could have been transacted at the original session of the meeting.

8. Voting. Each director present at any meeting shall be entitled to cast one vote on each matter coming before such meeting for decision.

9. Agenda. The secretary or his designate shall prepare for each regular meeting of the board an agenda of the items to be considered in accordance with these bylaws. Twenty-four hour notice shall be given of items to be placed on the agenda prior to meeting.

ARTICLE V OFFICERS

1. General. The officers of the corporation shall be a president, a vice president, a secretary, a treasurer, and such other officers as the Board of Directors may elect, including, but not limited to, assistant secretaries and assistant treasurers. All officers shall be elected from among the members of the Board of Directors and shall at all times while holding such office be a member of the Board of Directors. Any two or more offices may be held by the same person, except the offices of president and secretary.

Initially, the officers shall be elected by the Board of Directors named in these bylaws at the first meeting of that body following adoption of these bylaws, to serve at the pleasure of the board until the first annual meeting of the board and until their successors are duly elected and qualified.

At the first and each subsequent annual meeting of the Board of Directors following adoption of these bylaws the newly elected board shall elect officers to serve at the pleasure of the board until the next annual meeting of the board and until their successors are duly elected and qualified.

An officer shall be deemed qualified when he enters upon the duties of the office to which he has been elected or appointed and furnishes any bond required by the board or these bylaws; but the board may also require of such person his written acceptance and promise faithfully to discharge the duties of such office.

2. Removal. Any officer of the corporation may be removed with or without cause or discharged from his position as an officer of the corporation by an affirmative vote of a majority of the other members of the Board of Directors.

If for any reason any officer ceases to be a member of the Board of Directors, then such officer shall automatically be removed from his office in the corporation.

3. Compensation. No officer shall receive any salary or compensation for serving as such. Each officer may be reimbursed for his actual expenses if they are reasonable and incurred in connection with the business and activities of the corporation.

4. Vacancies. Vacancies in the offices of the corporation caused by the death, resignation, incapacity, removal or disqualification of an officer of the corporation shall be filled by the Board of Directors at an annual or other regular meeting or at any special meeting called for that purpose, and such person or persons so elected to fill any such vacancy shall serve at the pleasure of the board until the next annual meeting of the board, and until his successor is duly elected and qualified.

5. The President. Unless, the board otherwise provides, the president shall be the chief executive of the corporation, and shall have such general executive powers and duties of supervision and management as are usually vested in the office of the chief executive of a corporation, and he shall carry into effect all directions and resolutions of the board. The president shall preside at all meetings of the Board of Directors at which he may be present. If the Board of Directors appoints no administrator

pursuant to Article VI or in the absence, disability or inability to act of any administrator so appointed, the president may exercise all of the powers and perform all of the duties of the administrator.

The president may execute all bonds, notes, debentures, mortgages, and other contracts requiring a seal, under the seal of the corporation and may cause the seal to be affixed thereto, and all other instruments for and in the name of the corporation.

The president shall have the right to attend any meeting of any committee of the Board of Directors and to express his opinion and make reports at such meeting; provided, however, that unless he shall be specifically appointed to any committee he shall not be considered to be a committee member or have the right to vote or be counted for the purpose of determining a quorum at any such meeting.

The president shall have such other duties, powers and authority as may be prescribed elsewhere in these bylaws or by the Board of Directors.

6. Vice President. The vice president shall work in cooperation with the president and shall perform such duties as the Board of Directors may assign to him. In the event of the death, absence, incapability, inability or refusal to act of the president, the vice president (in order of seniority if there is more than one vice president) shall be vested with all the powers and perform all the duties of the office of president. He shall have such other or further duties or authority as may be prescribed elsewhere in these bylaws or from time to time by the Board of Directors.

7. The Secretary. The secretary shall attend the meetings of the Board of Directors and shall record or cause to be recorded all votes taken and the minutes of all proceedings in the minute of all proceedings in the minute book of the corporation to be kept for that purpose. He shall perform like duties for any standing or special committees when requested by such committee to do so. He shall be the custodian of all the books, papers, and records of the corporation and shall at such reasonable times as may be requested permit an inspection of such books, papers and records by any director of the corporation. He shall, upon reasonable demand, furnish a full, true and correct copy of any book, paper or record in his possession. He shall be the administrative and clerical officer of the corporation under the supervision of the president and Board of Directors.

The secretary shall keep in safe custody the seal of the corporation and when authorized to do so shall affix the same to any instrument requiring the seal, and when so affixed he shall attest the same by his signature.

The secretary shall have the principal responsibility to give or cause to be given notice of the meetings of the Board of Directors, but this shall not lessen the authority of others to give such notice as provided in these bylaws.

The secretary shall have the general duties, powers and responsibilities of a secretary of a corporation and shall have such other or further duties or authority as may be prescribed elsewhere in these bylaws or from time to time by the Board of Directors.

8. The Treasurer. The treasurer shall have supervision and custody of all monies, funds and credits of the corporation and shall cause to be kept full and accurate accounts of the receipts and disbursements of the corporation in books belonging to it. He shall keep or cause to be kept all other books of account and accounting records of the corporation as shall be necessary, and shall cause all monies and credits to be deposited in the name and to the credit of the corporation in such accounts and depositories as may be designated by the Board of Directors. The treasurer shall disburse or supervise the

disbursement of funds of the corporation in accordance with the authority granted by the Board of Directors, taking proper vouchers therefor.

The treasurer shall be relieved of all responsibility for any monies or other valuable property or the disbursement thereof committed by the Board of Directors to the custody of any other person or corporation, or the supervision of which is delegated by the board to any other officer, agent or employee.

The treasurer shall render to the president or to any member of the Board of Directors, whenever requested by any of them, an account of all transactions as treasurer and of those under his jurisdiction and the financial condition of the corporation.

The treasurer shall be bonded unless the Board of Directors expressly waives the requirement of such bonding.

The treasurer shall be a member of the Board of Directors, shall have the general duties, powers and responsibilities of a treasurer of a corporation, shall be the chief financial officer and shall have and perform such other duties, responsibilities and authorities as may be prescribed from time to time by the Board of Directors or by law.

9. Assistant Secretary and Assistant Treasurer. Each assistant secretary or assistant treasurer, if any, in order of their seniority, in the event of the death, absence, incapacity, inability or refusal to act of the secretary or treasurer, respectively, shall perform the duties and exercise the powers of said respective officers and perform such other duties as the directors may from time to time prescribe by law.

10. Other Agents. The Board of Directors from time to time may also appoint such other agents for the corporation as it shall deem necessary or advisable, each of whom shall serve at the pleasure of the Board of Directors for such period as the Board of Directors may specify and shall exercise such powers and perform such duties as shall be determined from time to time by the Board of Directors.

11. Duties of Officers may be Delegated. The Board of Directors, by majority vote, may delegate some or all of the functions, duties, powers and responsibilities of any officer to any other officer or to any other agent or employee of the corporation for such purpose or purposes and for such period as the Board of Directors may determine.

ARTICLE VI EMPLOYEES

1. General. There shall be such administrative employees as required by law, by the Articles of Incorporation, by these bylaws or as the Board of Directors may establish. The powers and duties of any employee shall be prescribed by the Board of Directors when such position of employment is created. Employees cannot be a member of the Board of Directors.

2. Salaries. No employee shall receive any salary or other compensation for services rendered unless the same shall first be set by the Board of Directors. Employees may be reimbursed for their actual expenses if they are reasonable and incurred in connection with the business and activities of the corporation.

3. Personnel System. In the event the Board of Directors shall hire any administrative employees pursuant to the terms of this Article, the Board of Directors shall adopt an orderly and consistent personnel system which shall apply to all employees of the corporation.

ARTICLE VII GENERAL PROVISIONS

1. Contracts. The Board of Directors may authorize any officer or employee to enter into any contract or execute and deliver any instrument, in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

2. Depositories and Checks. The monies of the corporation shall be deposited in such manner as the directors shall direct in such banks or trust companies as the directors may designate and shall be drawn out by checks signed in such manner as may be provided by resolution adopted by the Board of Directors.

3. Bonds. In addition to any bonds required of the treasurer, any other officer or employee handling monies of the corporation may be bonded at the corporation's expense in such amounts as may be determined by the Board of Directors.

4. Custodian of Securities. The Board of Directors may from time to time appoint one or more banks or trust companies to act for reasonable compensation as custodian of all securities and other valuables owned by the corporation, and to exercise in respect thereof such powers as may be conferred by resolution of the Board of Directors. The Board of Directors may resolve any such custodian at any time.

5. Loans. No loans shall be contracted on behalf of the corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances. The corporation shall not make any loan to a member of the Board of Directors, officer or employee of the corporation.

6. Indemnification and Liability of Directors and Employees. Each director and employee or former director and employee shall be indemnified by the corporation as provided by law.

7. Absence of Personal Liability and Indemnification. The directors of the corporation are not individually or personally liable for the debts, liabilities or obligations of the corporation.

Each person who is or was a director or officer of the corporation (including the heirs, executors, administrators and estate of such person) shall be indemnified by the corporation as of right to the full extent permitted or authorized by the laws of Missouri against any liability, judgment, fine, amount paid in settlement, cost and expense (including attorneys' fees) asserted or threatened against and incurred by such person in such person's capacity as or arising out of such person's status as a director or officer of the corporation.

The indemnification provided for herein shall not be exclusive of any other rights to which any person indemnified may be otherwise entitled under any other agreement and shall not in any way limit in any way any right which the corporation may have to make different or further indemnifications.

8. Checks, Drafts, etc. All checks, drafts, or other orders for the payment of bonds, notes, or other evidences of indebtedness issued in the name of the corporation shall be signed by the treasurer

and countersigned by the president or other officer or employee of the corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

**ARTICLE VIII
FISCAL YEAR**

The fiscal year of the corporation shall begin on the 1st day of January each year and end on the 31st day of December each year.

**ARTICLE IX
LEGAL COUNSEL; FINANCIAL ADVISORS**

The Board of Directors may require a letter of agreement from any company applying for authorization to issue bonds stating that the company requesting the bond issue furnish all funds necessary for legal counsel or financial advice for the board pertaining to such bond issue during and through the life of the bonds.

The Board of Directors may require that outside legal counsel and financial advisors shall be obtained for any transactions prior to the issuance of the bonds.

**ARTICLE X
AMENDMENTS**

The Board of Directors of the corporation shall have the power to make, alter, amend and repeal the bylaws of the corporation and to adopt new bylaws, which power may be exercised by the affirmative vote of a majority of the members of the Board of Directors. The corporation shall keep at its principal office a copy of the bylaws as amended, which shall be open to inspection by any board member at all reasonable times during office hours.

Adopted and effective this XXth day of January, 2014.

**THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
THE CITY OF PECULIAR, MISSOURI**

Application Procedures

Any application to the Industrial Development Authority of the City of Peculiar, Missouri requesting the issuance of Industrial Revenue Bonds for the purpose of acquiring land and/or buildings, constructing buildings and facilities, or for purchasing equipment must be submitted in writing on the attached Application Form. All applications should be made before finalizing any legal transactions concerning the project, including sales contracts. The completed Application shall be forwarded to the Authority at 250 S. Main Street, Peculiar, Missouri 64078, and shall be accompanied by the appropriate financial information and filing fee (filing fees are shown on Page 9 of the Application).

In reviewing the Application, the Authority will concern itself with the applicant's financial responsibility, the type of proposed business activity, the nature of improvements to be financed, the marketing of bonds and the economic benefits to be derived by the community. After review and evaluation of the above by the Authority and its financial advisor, the Authority may then issue a letter of intent to issue revenue bonds.

The issuance of a letter of intent may be made subject to approval of pending or subsequent zoning, which may be required, restrictions or expenditures if they do not meet established criteria, or other conditions which may be deemed advisable.

As an attachment to the Application Form, or in the packet of information given to developers at the time an inquiry regarding an Authority project is made.

- A. The applicant must reimburse the Authority for the services provided by Holbrook & Osborn, P.A. or any other bond counsel as approved by the Authority on behalf of the Authority. Such reimbursement will be obtained from the retainage fee.
- B. The Authority will obtain an independent Financial Advisor, McLiney and Company or any other firm approved by the Authority. The applicant must reimburse the Authority for the services provided by the financial advisor on behalf of the Authority. Such reimbursement will be obtained from the retainage fee.
- C. The applicant must retain a trustee that is located within the State of Missouri.
- D. Should the applicant request services from the Authority not covered in the schedule of fees; the Authority will establish a reasonable fee for such service.
- E. The Authority has the discretion to waive any of its requirements, including fees, upon the request of the applicant, where waiver is legally permissible, where the applicant presents evidence of unusual circumstances or hardship, and where the Authority believes it is in the best interest of the furtherance of its mission to waive said requirements.

**RETURN COMPLETED APPLICATION, NON-REFUNDABLE
APPLICATION FEE AND RETAINAGE FEE TO:**

The Industrial Development Authority of the City of Peculiar
250 S. Main Street
Peculiar, MO 64078

**THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE
CITY OF PECULIAR, MISSOURI**

REVENUE BOND PROJECT APPLICATION

The undersigned Applicant hereby submits this Project Application and requests The Industrial Development Authority of the City of Peculiar, Missouri (the "Authority"), to issue and sell its Revenue Bonds (the "Bonds"), for the purpose of financing the Project described below (the "Project").

The undersigned hereby agrees that the submission of this Project Application to the Authority, and the Authority's adoption of a Resolution indicating an intent to issue the Bonds to provide funds for the Project, will not give rise to an obligation by the Authority to fund such Project in the amount requested or in any amount. The undersigned further understands and agrees there is no assurance that Bonds will be issued by the Authority or that Bond proceeds will be sufficient to fund the Project as hereby requested.

Date: _____ Amount of Bonds Requested: _____

Proposed Borrower (Applicant):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Contact: _____ Telephone: _____

Title: _____ Fax: _____

Types of Revenue Bonds Requested:

_____ Industrial Development Revenue Bonds

_____ Multi-family Housing Revenue Bonds

_____ Qualified 501 (c)(3) Revenue Bond

_____ Refunding Revenue Bond

_____ Other (describe): _____

A. THE APPLICANT

1. Business Organization:

- _____ Corporation
- _____ S-Corporation
- _____ Limited Liability Company
- _____ Partnership (_____ General _____ Limited)
- _____ Sole Proprietorship

State of Organization: _____ Date of Organization: _____

Is the Applicant a subsidiary or affiliated directly with any other organization? _____ If yes, indicate relationship and name of related organization: _____.

2. Officers and Directors

<u>Title</u>	<u>Name</u>	<u>Home Address</u>
President	_____	_____
Vice-President	_____	_____
Secretary	_____	_____
Treasurer	_____	_____
Directors	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

Attach resumes of each, if available. List other principal business affiliations, if any.

3. Principal Stockholders or Partners:

<u>Name</u>	<u>%</u>	<u>City/State</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. Legal Counsel to the Applicant:

Name: _____
 Address: _____
 Telephone: _____ Fax: _____

5. Applicant's Principal Bankers:

Name: _____
Address: _____
Telephone: _____ Fax: _____

Name: _____
Address: _____
Telephone: _____ Fax: _____

6. Bond Counsel for the Financing:

Name: _____
Address: _____
Telephone: _____ Fax: _____

7. Applicant's Historical Operations:

Provide the date the Applicant's existing business was established and a brief history of events leading to its current state of operations:

8. Applicant's Current Operations:

Briefly describe the Applicant's operations, including: description of existing products, existing facilities, its method of operations, customers and suppliers. Also provide its primary Standard Industrial Classification Code: _____.

B. THE PROJECT

1. Project Description:

Type of Expansion:

- _____ Construction of new facilities
- _____ Additions or improvements to existing facilities
- _____ Refinancing of existing facilities

Location of Project Site:

(Street) (City) (Country)

Is the Project an expansion or relocation of another facility: _____

If this is an expansion, describe current operation. If this is relocation, describe size and location of current operation.

Description of the Project, including land, buildings (type and size), improvements, machinery and equipment to be acquired or constructed, the principal use of the facilities once acquired or constructed and the address of the proposed Project (attach Exhibits if necessary):

Has construction of the Project commenced?

_____ Yes

_____ No

If yes, state the date construction commenced, the extent of such construction and the time needed to complete each remaining portion of the Project:

2. Project Costs:

State the costs reasonably necessary for the acquisition of the site and/or construction of the proposed Project together with any machinery and equipment in connection therewith, including any utilities hook-up, access roads, or appurtenant structures.

	<u>Amount</u>	<u>Cost Financed with Bond Proceeds</u>
A. Acquisition of Land and Existing Buildings	\$ _____	\$ _____
B. Construction Costs		
1. Architectural and Engineering	_____	_____
2. Site Preparation	_____	_____
3. Materials	_____	_____
4. Labor	_____	_____
5. Construction Contracts	_____	_____
6. Utilities Connection	_____	_____
7. Paving	_____	_____
8. Landscaping	_____	_____
C. Renovation Costs	_____	_____
D. Machinery and Equipment	_____	_____
E. Furniture and Fixtures	_____	_____
F. Interest During Construction (From _____ to _____)	_____	_____
G. Accounting, Legal, Miscellaneous	_____	_____
H. Contingency	_____	_____
I. Working Capital, Moving Costs, etc.	_____	_____
TOTAL PROJECT COSTS	\$ _____	\$ _____

Source of Funds:

State amount and sources of financing for all of the Project costs listed above.

<u>Sources</u>	<u>Amount</u>
Bond Proceeds	\$ _____
Other Financing	_____
Applicant's Funds	_____
TOTAL	\$ _____

3. Construction:

State the name and address of the contractor and architect for the Project:

Ownership:

Present legal owner of Project site: _____

If presently owned by Applicant, indicate date of purchase, reason for purchase, and current use of site:

Is there a relationship legally or by virtue of common control between either the proposed Project occupant or proposed Project owner and seller of the Project? _____. If yes, explain:

4. Management of the Project:

Describe the management company for the Project, if not the Applicant:

Is the management company a subsidiary of or affiliated directly with any other organization? If so, indicate relationship and name of related organization:

Briefly describe the management company's experience:

5. Effect of Project on Employment.

- a. Number of temporary jobs (including construction) created as a result of the Project: _____
- b. Number of new permanent jobs initially created as a result of the Project: _____
- c. Number of new permanent jobs created long-term as a result of the Project: _____
- d. Number of existing jobs that will be retained as a result of this Project: _____
- e. What is the current percentage of minority employment of the Borrower: _____
- f. What is the estimated percentage of minority employment at the Project: _____

C. FINANCIAL INFORMATION

1. Financial Statements:

Attach financial statements for at least the last three (3) fiscal years, including a recent statement (less than 60 days old). If pro forma financial statements have been prepared, please submit. If the Applicant is a corporation and it or its parent is publicly held and regularly files annual and quarterly reports on SEC Forms 10-K and 10-Q, attach copies of the most recent Forms 10-K and 10-Q, and Applicant's (or its parent's) most recent report to shareholders, and any reports on Form 8-K filed within the past fiscal year.

2. Certified Public Accountant:

List the name of the certified public accounting firm(s), which has (have) performed audits of the Applicant's books and records for the past five years.

3. Outstanding Prior Bond Issues:

Has the Applicant (or related persons or organizations) previously received financing from the sale of tax-exempt bonds? _____ Yes _____ No If yes, give details.

4. Existing Collateral:

	<u>Present Market Value</u>	<u>Present Mortgage Balance</u>
a. Land and Building	\$ _____	\$ _____
b. Machinery and Equipment	_____	_____
c. Furniture and Fixtures	_____	_____
d. Accounts Receivable	_____	_____
e. Inventory	_____	_____
f. Other (Specify)	_____	_____
TOTAL COLLATERAL	\$ _____	\$ _____

Will Applicant pledge any assets other than the Project itself to secure the bonds?
_____. If so, describe.

5. Marketing of Bonds:

Will the Bonds be publicly sold or privately placed? _____

Provide name, address and telephone number of investment banker:

Proposed date of issuance of the Bonds: _____

Has the Borrower investigated conventional financing? ____ Yes ____ No

6. Low-Income Housing Tax Credits:

Are low-income housing tax credits involved in this Project? ____ Yes ____ No.
If yes, describe status and relationship to the Project.

7. Financial Difficulties:

Has the Applicant or any of the management of the Applicant or its affiliates, or any concern with which such management has been connected, ever defaulted on its debt obligations, been involved in bankruptcy, creditor's rights, or receivership proceedings, or involved in criminal proceedings bearing on the handling of financial matters?

____ Yes ____ No. If yes, please give details:

8. Litigation:

Is the Applicant presently involved in any litigation which would have a material effect on its financial solvency? ____ Yes ____ No. If yes, please give details:

9. Payroll and employment Data:

At location to be financed:

	<u>Current</u>	<u>After the First Year of Project</u>
--	----------------	--

Annual Payroll

Number of Employees

At other Missouri locations:

Current

After the First Year
of Project

Annual Payroll

Number of Employees

10. Other information:

Indicate facts which would support the Authority's determination that the Project will tend to maintain, or provide gainful employment, for the people of the State of Missouri; maintain or increase the tax base or the economy of the State; maintain, diversify or expand industry in the State or in any other way be a benefit to the economy of the State.

D. CERTIFICATION OF APPLICANT

The undersigned hereby represents and certifies that to the best knowledge and belief of the undersigned, this Project Application contains no information or data, contained herein or in the accompanying exhibits or attachments, that is false or incorrect and that it is truly descriptive of the property which is intended as the security for the proposed bonds.

The undersigned acknowledges the Authority requires the Borrower display in a prominent location at the Project during construction and/or renovation a sign in a size, color and wording approved by the Authority acknowledging the assistance of the Authority in financing the Project.

A check in the amount of \$ _____ representing the non-refundable application fee and retainage fee is enclosed.

The issuance fee of \$ _____ will be due to the Authority simultaneously with the issuance of the Bonds.

NAME: _____

SIGNATURE: _____

TITLE: _____

Non-refundable Application Fee: 0.10% of principal amount of Bonds requested (Minimum of \$500, and a Maximum of \$2,000).

Retainage Fee: \$3,000 to compensate the Authority for initial legal fees and services from an independent financial advisor. In the event the retainage fee is not fully expended the excess will be refunded to Applicant. In the event expenses exceed the retainage fee, Applicant will be notified and shall be required to pay such expenses as they are due.

Issuance Fee: 0.08% of principal amount of Bonds issued.

Private not-for-profit 501(c)(3) Corporations shall follow the fee schedule reflected above, except the maximum issuance fee shall be \$20,000.



City Administrator
Brad Ratliff

City Clerk
Nick Jacobs

Business Office Manager
Trudy Prickett

City Attorney
Reid F. Holbrook

City Engineer
Carl Brooks

Chief of Police
Harry Gurin

City Planner
Cliff McDonald

Parks Director
Nathan Musteen

Municipal Offices – 250 S. Main, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.1004

To: Board of Aldermen
From: Clifford L. McDonald
Date: January 6, 2014
Re: Economic Development Incentive Policy

GENERAL INFORMATION

Applicant: City Staff

Requested Actions: Board of Aldermen to consider adoption of Economic Development Incentive Policy

Date of Application: January 6, 2014

Purpose: The purpose is for the City of Peculiar to establish and adopt an Economic Development Incentive Policy to provide guidance and procedures to implement various funding programs to include: TIF, TDD, CID and NID.

PROPOSAL: See “Requested Actions” above.

PREVIOUS ACTIONS:

The City created a Tax Increment Financing Commission (TIF Commission) by City Ordinance on May 6, 2002, CHAPTER 127. The Ordinance outlines the Composition, Powers, Duties, Organization and Terms of Office of the Commission, and provides for the Commission to adopt such rules and regulations of operations necessary to effectively and efficiently exercise its powers authorized by the TIF Act and Chapter 127.

KEY ISSUES

The City desires to use economic development tools to attract desired commercial growth. To support this goal the following economic development incentive policy was developed to establish policies and practices which are competitive with other jurisdictions while adequately protecting taxpayers, and adopt a more full-formed policy to guide the use of these incentives.

STAFF COMMENTS AND SUGGESTIONS

Presented for the Board of Aldermen's consideration is a draft Economic Development Incentive Policy. This policy expands the City's current Ordinance, adopted May 6, 2002 which only applies to Tax Increment Financing.

The policy is designed to provide specific guidance while not tying the City's hands to any particular threshold or standard. Throughout the policy the phrase "most favorable consideration" is used to lay out a standard and provide for flexibility depending on particular circumstances.

Some highlights of the draft policy include:

- The policy provides general guidelines for all Economic Development incentive applications and considerations. The City's current policy only addresses Tax Increment Financing (TIF).
- The policy provides for a Preliminary Funding Agreement for all full application reviews.
- The policy provides that most favorable consideration will be given to applications that propose the use of public assistance to fund public improvements rather than private improvements.
- The policy provides that most favorable consideration will be given to applications that request "pay as you go" reimbursement of initial development costs, rather than the issuance of public debt.
- The policy provides that most favorable consideration will be given to those projects where all proposed public funding mechanisms are no more than 20% of the total project costs, including all public and private costs, all hard and soft costs, and all developer fees and contingencies. In the case of TIF, a threshold of 15% is used, to which additional incentives might be added to get to 20%. Applicants may propose the use of incentives that deviate from this standard, but should demonstrate that the proposed project provides substantial public benefits, assists the City to pay for deficient public improvements or services, or provides substantial and unique benefits to the City.
- The policy provides that the plan should provide for a mandatory declaration of surplus Payments In Lieu of Taxes (PILOTs) to the applicable taxing districts that impose real property taxes within the redevelopment area in the amount of 50% of all captured PILOTs.

- The policy provides that most favorable consideration will be given to those projects that encourage the operation of new businesses in the City. Applicants are discouraged from requesting economic development assistance that would cause businesses which are already located within the City to relocate to the proposed development. If the proposed Project involves the relocation of an existing business already in the City into the Project area, the applicant should provide evidence that the business would otherwise leave the City without the requested public incentive.
- The policy recommends that other than having a limited number of residential units creatively integrated into commercial or retail projects, TIF residential projects will not receive favorable consideration from the City.

STAFF RECOMMENDATION

Favorably consider adopting the attached Economic Development Incentive Policy by Resolution.

STAFF CONTACT:
Clifford L. McDonald

City of Peculiar

Economic Development Incentive Policy

**A policy governing the use of public funding assistance for
development and redevelopment in Peculiar.**

Adopted by Resolution 2014-01-XX
January 20, 2014

City of Peculiar Economic Development Policy

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Introduction and General Guidelines

Section 1. Purpose and Scope.

The purpose of this Economic Development Policy (the “**Policy**”) is to provide guidance to property owners and developers in Peculiar on the use of public economic incentive tools. This Policy is also designed to provide direction and an understanding of the City’s expectations regarding the process, standards and policies that will be applied by the City to the use of economic development tools. A description of the purposes and process governing public funding sources covered by this Policy are set forth in the Missouri Municipal Finance Guide prepared by Gilmore & Bell, attached hereto as **Exhibit A.**

Section 2. Objectives.

The City is committed to the high quality, balanced growth and development of the community, to preserving the City's character & atmosphere and to revitalizing and redeveloping areas of the City. The City recognizes the importance of continued economic development to meet the needs of its residents, and its obligation to balance the demand for economic development with the judicious use of economic incentives, reserving the use of these incentives for projects that demonstrate significant public benefit. Accordingly, the City has established certain goals regarding the use of Funding Districts:

- A. To promote, stimulate and develop the general and economic welfare of the City.
- B. To provide and maintain an attractive community that creates a positive public image and encourages individuals, families and businesses to locate and invest in the community.
- C. To encourage the use of public economic incentives in those locations and situations that provide the maximum public benefit.
- D. To limit the use of public economic incentives for the shortest duration while still providing for the desired level of public financial assistance.

Fulfilling these goals can lead to a substantial public benefit, including the construction of public improvements, the creation of new jobs, the retention of existing quality jobs, the elimination of blight or conditions that could lead to blight, the increase of property values, the increase of tax revenues, and the promotion of economic stability throughout the City.

It is the policy of the City that any decision regarding the use of public economic incentives will be made in accordance with the guidelines, criteria, and procedures set forth in this Policy. Nothing in this Policy shall imply or suggest that the City is under any obligation to approve or support the use of a particular public economic incentive tool for any applicant. The City reserves the right to modify or waive, on a case-by-case basis, any of the procedures set forth in this Policy, provided that all of the applicable state statutory requirements are satisfied.

Section 3. Definitions.

Words and terms not defined elsewhere in this Policy shall have the following meanings:

“**Applicable Law**” means any statute, rule, regulation, ordinance or code applicable within the jurisdictional limits of the City.

“**Applicant**” means an individual or entity, or the authorized representative of such individual or entity, that submits an Application that requests the use of a public funding incentive.

“**Application**” means an initial request for public funding assistance through one or more of the forms of public assistance as discussed in this Policy.

“**Credit Support**” means pledge of the City’s full faith and credit in support of bonds or other forms of debt obligations issued by the City.

“**Funding District**” means a community improvement district, a transportation development district or a neighborhood improvement district.

Section 4. Application Process.

A. **Applications.** The Application shall include, at minimum, the following information:

1. All requirements of the applicable Missouri statutes governing the proposed economic incentive.
2. Description of the Project for which economic development assistance is requested.
3. Description of economic need for the public funding assistance including: (i) the facts and circumstances that create the need for public funding assistance; (ii) the amount and type of assistance desired; and (iii) a pro forma establishing that the project is not financially feasible and would not be constructed as proposed without the use of the requested public assistance (the “but for” test).
4. Evidence that the Applicant:(i) has the financial ability to complete and operate the proposed Project; (ii) is capable of providing adequate assurance (e.g. letter of credit, personal guaranty, performance bond, etc.) to the City for project completion, and (iii) has thoroughly explored alternative financing methods.

B. **Initial Review of Applications.**

1. Initial review of an Application will be conducted by City staff, including input from appropriate City departments. The Application may be forwarded to the City Attorney or Special Legal Counsel for review. The scope of the initial review is intended to determine whether the Application substantially meets the requirements of this Policy and generally is an appropriate request for economic development assistance.
2. If an initial application is deemed to meet the minimum requirements of this Policy and is generally an appropriate request for economic development assistance, then the next step is the entrance of the applicant into a Preliminary Funding Agreement in substantial compliance with the Form attached hereto as **Exhibit B** and provision of the required deposit. Full consideration of an Application will not commence until the Applicant enters into a Preliminary Funding Agreement.
3. In the event an Application does not substantially meet the requirements of this Policy or is not otherwise an appropriate request for economic development assistance as determined by City staff, the Application will be returned to the Applicant together with a written statement of the reasons the Application was deficient. Returned Applications may be

resubmitted upon cure of the reasons for rejection. Resubmitted Applications shall not require an additional application fee.

C. Preliminary Funding Agreement.

1. The City does not have a source of funds for costs incurred for additional legal, financial and other consultants or for direct out-of-pocket expenses and other costs resulting from services rendered by or to the City to review, evaluate process and consider Applications. An Applicant who desires assistance from the City through the use of public incentives shall demonstrate the financial ability to allow for the full and fair evaluation by the City of the proposal. In order for the City to fully consider and evaluate an Application, the City may require that, in lieu of an application fee, the Applicant shall deposit funds with the City pursuant to a Preliminary Funding Agreement between the City and the Applicant, using a form of agreement provided by the City substantially the same in form as shown in **Exhibit B**. The funds deposited with the pursuant to a funding agreement will be used by the City to pay for actual out-of-pocket expenses incurred to perform a full evaluation of the Application and engage consultants as needed for such evaluation.
2. The duties and obligations of the Applicant and the City to process an Application shall be set forth in a Preliminary Funding Agreement.
3. The Preliminary Funding Agreement shall require the Applicant to make an initial deposit of funds in the amount established by the City in such agreement. The Preliminary Funding Agreement shall also provide for additional funding to be deposited as necessary after drawdowns to ensure that the minimum cash balance available for each Project is equal to the initial deposit.

D. Full Review of Applications.

1. Upon receipt of an Application and the appropriate fees, or upon execution of a Preliminary Funding Agreement when required by the City, the City will review the request using the criteria set forth in this Policy and requirements set forth in applicable state statutes.
2. The City may require the Applicant to attend an application review conference. The purpose of an application review conference is to:
 - (a) Acquaint the Applicant with the procedural requirements of this Policy;
 - (b) Provide for an exchange of information regarding the Applicant's request;
 - (c) Advise the Applicant of any public sources of information that may aid the Application and identify issues that create opportunities or pose significant restraints for the Application;
 - (d) Review the Application and provide the Applicant with opportunities to enrich the request in order to mitigate any undesirable consequences of the proposed Project;
 - (e) Review compatibility with current City planning; and
 - (f) Provide general assistance by City staff on the overall plan for the Application and the proposed Project.

3. City staff may prepare a written report to be submitted to the Board of Aldermen for consideration. The report shall contain, at a minimum, comments regarding each of the applicable criteria set forth in Section 5 and the specific statutory requirements applicable to the request.
4. The Application shall proceed as set forth in applicable state statutes.

Section 5. General Guidelines for Considering Applications.

Most favorable consideration will be given to those projects that will: significantly assist the City in the elimination of blight and the conditions that may cause blight; provide financing for desirable public improvements; strengthen the employment and economic base of the City; increase property values; creating economic stability; upgrade older neighborhoods or areas; and facilitate economic self-sufficiency. The City may give consideration to the criteria stated below when considering any Application, to the extent each factor is relevant to the particular Application:

A. Project Costs.

1. Most favorable consideration will be given to those Applications that demonstrate the applicant is requesting the least amount of assistance from a Funding District in order to make the project financially feasible for the Applicant.
2. Most favorable consideration will be given to those Applications that propose the use of public assistance to fund public improvements rather than private improvements.
 - (a) The City may consider the cost of public improvements that serve the proposed development, and whether the Applicant is providing improvements that are already planned to be constructed by the City to serve existing deficiencies or new development, or whether such public improvements primarily serve the Applicant's proposed development.

B. Method of financing.

1. Most favorable consideration will be given to those projects for which the developer finances the initial project costs, rather than the City. The developer must provide evidence of the ability to secure private financing for the initial project costs.
2. The City may consider the level and nature of public financing, including the issuance of obligations by the City or another governmental entity at the direction of the City. Most favorable consideration will be given to those projects that do not require a City general obligation pledge or a pledge of revenues that would otherwise be received by the City to enhance the marketability of the debt obligations.
3. Most favorable consideration will be given to those projects that do not propose to use the City's full faith and credit to secure the issuance of public debt, but instead propose that debt is repaid only from project revenues.
4. The City will have the final decision on the method(s) of financing, and the selection of the underwriter, financial advisor and bond or note counsel.

C. Type of project and land uses.

1. The City may consider the level of public and private development for an Application. Most favorable consideration will be given to those Applications that propose to use public funding for the public components of a development project.
2. The City may consider whether the project proposes infill or new development. Most favorable consideration will be given to those Applications that propose infill development in blighted or other distressed areas.
3. When an application proposes the use of a Funding District in place of a Home Owners' Association, Property Owners' Association or Business Owners' Association, most favorable consideration will be given to those projects that propose minimal City implementation, oversight and administration for the Funding District.
4. The City may consider the types of land uses proposed for development (residential, commercial, industrial, governmental and institutional), and the need for such land uses in the proposed development. Most favorable consideration will be given to those projects that propose land uses that are compatible with the City's Future Land Use Plan, without need for amendment of the Future Land Use Plan.

D. Type of incentive requested.

The City may consider whether the proposed incentive tools are appropriate for the proposed type of development. The City may suggest the use of other incentive tools in lieu of those proposed in an Application. Additional information about specific economic incentive tools is set forth in this Policy.

E. Funding method proposed for the project.

1. Most favorable consideration will be given to those projects that do not reduce revenues that would otherwise be collected by the City or other governmental entities that have jurisdiction over the proposed project area.
2. The imposition of an extra sales tax in a proposed project has an incremental adverse effect on the ability to draw customers to the project, and this effect is difficult to measure. The Applicant maintains the burden to demonstrate that an additional sales tax will not have significant adverse effects on the project and on the sales tax revenues of the City.
3. Most favorable consideration will be given to Applications that propose initial financing by the Applicant.
4. Most favorable consideration will be given to Applications that request "pay as you go" reimbursement of initial development costs, rather than the issuance of public debt.

F. Ratio of requested assistance to total project costs.

1. Most favorable consideration will be given to those projects where all proposed public funding mechanisms are no more than 20% of the total project costs, including all public and private costs, all hard and soft costs, and all developer fees and contingencies.

2. Applicants may propose the use of incentives that deviate from this standard if the Applicant demonstrates that the proposed project provides substantial public benefits, assists the City to pay for deficient public improvements or services, or provides substantial and unique benefits to the City

G. Economic need.

1. Most favorable consideration will be given to Applications in which economic development assistance is sought in areas that exhibit great economic need.
2. Economic need may be demonstrated by:
 - (a) the presence of blight or conditions which may lead to blight;
 - (b) property identified by the City in need of special assistance;
 - (c) property which has not been subject to growth and development;
 - (d) property which has remained undeveloped despite the presence of surrounding development and adequate public facilities and services which serve the property;
 - (e) property where businesses are closed and the property has remained vacant for a significant period of time; and
 - (f) economic factors such as average household income, unemployment rates, and crime rates.

H. Administration of Funding Districts. Most favorable consideration will be given to Funding Districts where long-term administration will be undertaken by persons that are not affiliated with the Applicant or developer of the property.

I. Property acquisition and condemnation. Most favorable consideration will be given to those projects where the Applicant either owns the property or has an option to purchase the property, and where condemnation will not be needed for the project. Most favorable consideration will be given to projects where the landowner(s) dedicate land that is required for rights-of-way at no cost to the City or any Funding District created for the project.

J. Relocation of Existing City Businesses.

1. Most favorable consideration will be given to those projects that encourage the operation of new businesses in the City. Applicants are discouraged from requesting economic development assistance that would cause businesses which are already located within the City to relocate to the proposed development.
2. If the proposed Project involves the relocation of an existing business already in the City into the Project area, the Applicant should provide evidence that the business would otherwise leave the City without the requested public incentive.

K. Use of Tax Increment Financing.

1. In the event that a Funding District is proposed in connection with a tax increment financing plan, most favorable consideration will be given to those Applications that propose the use of a Funding District to:
 - (a) reduce the need for tax increment financing;
 - (b) shorten the duration of tax increment financing; and
 - (c) reduce the need for the City to issue or incur debt to finance project costs.
2. Other than a limited number of residential units which are creatively integrated into commercial or retail projects, TIF residential projects will not receive favorable consideration from the City.

Section 6. Eminent Domain.

The City does not encourage the use of eminent domain in conjunction with the use of public financing incentives. In extraordinary circumstances the City may approve the use of eminent domain in accordance with applicable law and only to the extent deemed necessary to make the approved project viable. In any case where eminent domain is proposed, the Applicant must prove and the Board of Aldermen must find that the Applicant has attempted, in good faith, to acquire the property privately. Although in some cases the expenses associated with the use of eminent domain qualifies as an eligible project cost under state law, the Applicant may be required to pay the costs associated with the condemnation proceedings, including court and litigation costs, attorney's fees and the final condemnation awards. Approval of the use of eminent domain will be at the City's discretion.

Tax Increment Financing

Section 7. TIF Process

- A. The City will use the following process for initial evaluation and consideration of any proposed TIF plan:
1. Pre-application meeting between Applicant and City staff.
 2. Negotiation and execution of a Preliminary Funding Agreement in accordance with the City's Policy governing Requests for Proposals.
 3. Submission of draft TIF Plan.
 4. City conducts initial review of TIF plan to determine compliance with the TIF Act and identify any issues. The City will provide a written response to the draft TIF plan.
 5. Revisions to the draft TIF plan as required by the City's initial written response. Applicant files revised plan.
 6. After initial issues that were identified by City staff have been addressed and after staff determines the TIF plan is complete and contains all of the required elements pursuant to the TIF Act, the City will issue initial notices to the taxing districts. Thereafter, the TIF plan will be processed in accordance with the TIF Act requirements. The City may refuse to issue the initial notices if the TIF plan is incomplete.
 7. The City will issue the notice regarding requests for proposals, in accordance with the City's Policy governing Requests for Proposals. This notice may be issued before, after, or simultaneously with the initial notice to the taxing districts.
 8. Any changes to the TIF plan which are prepared by the Developer shall be delivered to the City with sufficient time to review the proposed change(s) prior to the next scheduled meeting at which the plan will be considered. The City may continue the TIF Commission public hearing or the Board of Aldermen's consideration of the TIF Plan if City staff does not have sufficient time to review the proposed changes and provide a report to the TIF Commission or Board of Aldermen, as appropriate.
- B. TIF Commission consideration of a TIF Plan.
1. The TIF Commission may hold one or more study sessions to discuss the process for considering a TIF plan.
 2. At the public hearing, if the TIF plan has been prepared and proposed by a developer or landowner, the applicant will present the proposed plan, followed by comments and recommendations from City staff. The Commission will take public testimony, and the applicant will be allowed time for a response. All questions from the Commission to an applicant, City staff or the public shall be held during the public hearing.
 3. The TIF Commission recommendation may include any recommended additional changes, conditions or requirements that the Commission believes should be satisfied prior to

approval of the TIF plan or prior to implementation of the TIF plan or a particular project or phase of the TIF plan.

4. If the TIF Commission considers and votes on a resolution to recommend approval of the TIF plan but such resolution fails to receive a vote of approval, such action shall be deemed by the Board of Aldermen to be a recommendation against the TIF plan.

C. Board of Aldermen consideration of TIF Plan.

1. The Board of Aldermen may consider each TIF plan as a regular agenda item, and is not required to hold a public hearing regarding the TIF plan. The Board of Aldermen may, at its discretion, allow public comments regarding the TIF plan.
2. The Board of Aldermen may, at its discretion, hold one or more special meetings to consider the TIF plan.

- D. Independent studies may be obtained by the City through or at the request of City staff, the TIF Commission, or the Board of Aldermen. Such studies may include a blight study, a financial feasibility study, a market analysis, a traffic study, or any other type of professional evaluation of the TIF plan or any element of the TIF plan. The costs of any study shall be paid by the applicant in accordance with the terms of the funding agreement.

Section 8. Guidelines for Considering TIF Plans.

Most favorable consideration will be given to those plans that satisfy the general guidelines applicable to all applications as set forth in Section 5 of this Policy, and that satisfy the following additional guidelines:

- A. The total amount of subsidy from TIF revenues should be no more than 15% of the total project costs. The measurement of total project costs shall include all site preparation costs, building construction costs, hard costs, soft costs, developer fees, all professional fees of any type, and all project budget contingencies. Actual land costs incurred by the applicant will be considered as part of the total project costs. If land was purchased prior to preparation of the draft TIF plan, then the current market value as determined by an independent appraiser, approved by the City, may be considered as part of the total project costs.
- B. Any applicant that requests the issuance of bonds, notes or other indebtedness by the City must demonstrate that all annual revenues to repay the debt are at least 1.25 times the projected annual debt-service payments.
- C. The City will not provide a general fund annual appropriation pledge to enhance the sale of debt for the project except in extraordinary circumstances as demonstrated by the applicant.
- D. The TIF plan should provide for a retainage account to hold at least 15% of the TIF revenues until the project, including all private development, is substantially complete.
- E. TIF projects which create jobs with wages that exceed the community average will be favored.
- F. TIF plans that propose retail development should encourage the inflow of customers from outside the City and should not divert sales from or cannibalize existing retail in the City. If the TIF plan will cause or result in the relocation of one or more businesses already within the City, the Applicant must demonstrate that the business would leave or cease operations in the City without

such relocation, and the base year of the business (for the purpose of calculating economic activity taxes and payments in lieu of taxes) shall be the 12-month period prior to closing at its prior location. The TIF contract shall implement these requirements for relocated businesses.

- G. TIF plans that propose the redevelopment of existing residential neighborhoods and commercial and industrial areas will be favored. Projects to stabilize deteriorating or blighted residential neighborhoods and commercial and industrial areas will be favored.
- H. TIF plans that will be in effect for no more than 12 years will be favored.
- I. The developer should contribute not less than 15% of the total project costs from cash equity of the developer. Land costs or land value shall not be included in the calculation of developer's equity contribution unless the land will be purchased after the TIF plan is submitted to the City, or was purchased within one year prior to submitting the TIF plan to the City. Private loans obtained by developer will not be included in the calculation of developer's equity.
- J. The plan should provide for a mandatory declaration of surplus Payments In Lieu of Taxes (PILOTs) to the applicable taxing districts that impose real property taxes within the redevelopment area in the amount of 50% of all captured PILOTs. The declaration of mandatory surplus PILOTs shall be disbursed from the special allocation fund on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area, as set forth in Section 99.820.1(12), RSMo.
- K. A proposed TIF plan which does not meet the guidelines of this Policy may be viewed favorably by the City if the applicant clearly demonstrates that the project is of vital interest to the City and will significantly benefit the City through the elimination of blight, financing desirable public improvements, strengthening the employment and economic base of the City, increasing property values, reducing poverty, creating economic stability, upgrading and stabilizing older neighborhoods or developments, and facilitating economic self-sufficiency.

Section 9. TIF Contract.

- A. The ordinance that approves a TIF plan will include a requirement that a redevelopment contract must be executed by the selected developer within a designated time period, upon terms and conditions that are acceptable to the City.
- B. The initial draft of a TIF contract will be prepared by the City. An ordinance to approve a TIF contract will not be placed on a Board of Aldermen agenda until all outstanding contractual issues have been resolved to the satisfaction of City staff.
- C. The contract may contain a list of pre-approved or prohibited land uses or tenants.
- D. The TIF contract will provide that prevailing wages must be paid by the developer where required by law, and the developer will indemnify the City for failure to meet applicable prevailing wage laws.
- E. The TIF contract will provide for an order of priority in which reimbursable project costs and other eligible costs shall be paid from the special allocation fund, on an as-collected basis or to repay bonds that have been issued pursuant to the TIF plan.

- F. The TIF contract will provide for a City administrative fund to be funded by a portion of the TIF revenues, which will pay for costs incurred by the City, including financial, legal, traffic and other consultants and advisors to the City, to administer the TIF plan and enforce the contractual obligations of the developer and the developer's authorized successors, assignees and transferees in the redevelopment area. In addition to any other costs that are authorized to be funded from the administrative fund, the contract will authorize the City to withdraw 2% of the funds deposited in the special allocation fund through the first full calendar year, and 1% annually thereafter, to reimburse the City for costs incurred to manage the special allocation fund and provide for the collection and disbursement of TIF revenues. The TIF contract will also provide for reimbursement to the City from the special allocation fund for costs incurred by the City to conduct a 'Component Unit' audit of any special funding district that is established in furtherance of the TIF plan. Funding of the City administrative costs will be a higher priority than reimbursement of developer reimbursable project costs.
- G. Interest on certified developer reimbursable project costs shall accrue from the date of City approval and certification for payment. Interest shall not start to accrue when the developer incurs such expense, or when a request for reimbursement is submitted to the City.

Funding Districts

Section 10. Transportation Development Districts (TDD).

- A. The City may file, or join as a co-petitioner, a petition for formation of a TDD where public transportation improvements to be funded by the TDD have been designated for construction on the City's Capital Improvements Plan or where the Board of Aldermen decide that such improvements primarily benefit of the general public rather than a particular development.
- B. In order to obtain favorable support for the formation of any TDD in the City, the petitioners should appear at a Board of Aldermen meeting and make a presentation regarding the TDD prior to filing the petition. The Board of Aldermen may express its support for or opposition to a proposed TDD through the adoption of a resolution or motion.
- C. If the petitioners have not obtained the support of the Board of Aldermen prior to filing a TDD petition, then a copy of the petition shall be delivered to the Board of Aldermen after the City is served with the petition by the court and the Board of Aldermen will express its support for or opposition to the TDD by motion or resolution. A failure by petitioners to make a presentation to the Board of Aldermen as set forth in paragraph B of this section, prior to filing the petition in court, will be taken into account when the Board of Aldermen considers the City's response to the petition.
- D. If a TDD is proposed in coordination with approval of a TIF plan, the execution of a development agreement between the petitioners and the City, or in connection with any other package of public economic incentives, the Board of Aldermen's support for formation of the TDD may be expressed in the TIF plan, the development agreement or other document or approval provided by the Board of Aldermen in connection with the project. In this situation, a separate presentation to the Board of Aldermen regarding the TDD petition is not required, and City staff will file an answer with the court in support of the TDD formation.

Section 11. Community Improvement Districts (CID).

A. Nature of Application.

- 1. Residential projects. For those projects that are entirely or primarily residential development and that propose to use a CID in place of a Homeowners' Association, most favorable consideration will be given to Applications that meet the following guidelines:
 - (a) The developer will turn over full control of the CID to the residents when at least 80% of the lots in the CID have been sold to residents that will reside within the CID.
 - (b) The CID operates autonomously from the City, and the City is not required to manage or oversee CID operations.
 - (c) The CID provides contractual indemnification to the City for the acts and omissions of the CID.
 - (d) The CID is formed as a political subdivision of the state, rather than as a non-profit corporation.

- (e) The CID provides for the perpetual maintenance and upkeep of all common property within the CID, and assumes obligations by contract to ensure that the City will not be required to undertake ownership or maintenance of common properties and open areas.
 - (f) The CID is used to pay for public improvements and services that serve the entire residential development.
- B. Commercial Project Size and Type. Most favorable consideration will be given to CIDs for commercial projects that are comprised of at least 40,000 square feet of new development or redevelopment.
- C. Timing of City Clerk’s Review. Applicants should submit to the City a draft CID petition before formally filing the CID petition with the City Clerk, to provide the City an opportunity to review and comment on such petition. This allows the City to identify concerns and issues before a CID petition is formally filed with the City Clerk, in order to avoid delay when the CID petition is formally filed with the City Clerk. If a draft CID petition is not submitted to the City for review and comment, the City may take more time to review the petition to determine whether the petition substantially complies with the requirements of the CID Act.
- D. Type of CID. Most favorable consideration will be given to Applications seeking the establishment of a political subdivision CID rather than a nonprofit corporation CID. CIDs that will take the form of a non-profit corporation and which intend to impose special assessments will indemnify the City from all claims, and any resulting costs, damages and legal or other professional fees associated with the legality of the special assessments.
- E. CID Services. Except where the provision of services is the primary purpose of establishing the CID, most favorable consideration will be given to CID proposals where CID services are not funded until after all debt associated with public improvements has been repaid.
- F. District Term. Except in the case of CIDs established as a substitute for a Homeowners Association, Property Owners Association or Business Owners’ Association, most favorable consideration will be given to those CIDs that are limited to a term of twenty (20) years or less.
- G. Financing of CIDs.
1. Where a CID is not proposed in connection with a TIF plan, any debt issuance in connection with a CID shall be issued by the CID unless otherwise requested by the City, and shall contain a disclosure that substantially complies with the following:

The bonds are special limited obligations of the District payable from all, part or any combination of the revenues of the CID District. The Bonds do not constitute an indebtedness within the meaning of any constitutional, statutory or charter debt limitation or restriction. The Bonds are not general obligations of the CID District, nor any municipality, county, the City of Peculiar, Missouri (the “City”), the State of Missouri or any other political subdivision thereof, and are not payable out of any funds or properties other than those specifically pledged as security therefor.

The City has not participated in the preparation of this Official Statement nor has it reviewed any of the information contained herein. The CID District is a separate political subdivision. The CID District has indemnified the City against any costs or damages of

the City that may arise from the sale, offering and repayment of the Bonds or in connection with the completion of the CID improvements.

2. The City shall not provide an annual appropriation backing for CID debt unless 90% of the CID improvements are owned or to be owned by the City or the City determines that such improvements have a benefit to the City as a whole, and any benefit to a specific residential or commercial development is incidental to the benefit to the City as a whole.

H. Special Assessments. The City may approve a CID that will impose special assessments if the following requirements have been met:

1. Special Assessments will be imposed in an amount sufficient to pay the principal of and interest on any indebtedness proposed to be incurred by or on behalf of the CID. Assessments must be sized to provide debt service coverage of not less than 120% for debt service payments. The City may request an independent report to demonstrate the satisfaction of this requirement. What if the CID is using both sales tax and special assessments?
2. The value of the real property will be at least five times the value of the annual special assessment, depending on the status of lot sales and vertical construction. For example, if the special assessment for a parcel or lot is \$2,500 per year, the market value of the real property (without building improvements) must be at least \$12,500 to \$25,000. The market value shall be determined based upon the value established by the Cass County Assessor's office or a real estate appraisal acceptable to the City.

Section 12. Neighborhood Improvement Districts (NID).

A. Project Characteristics. Most favorable consideration will be given to NID projects that satisfy the following conditions and requirements:

1. The NID improvements benefit an entire subdivision or other large area in which many properties benefit and are subject to the special assessments.
2. All Applicants are obligated to dedicate all rights-of-way and easements that are necessary to complete the NID project without cost to the City.
3. The Applicants demonstrate the financial capacity to complete the development (if new development is proposed), and the financial capacity to provide interim construction financing either personally or through a lending commitment.
4. The Applicants demonstrate that they have no interest in an existing development that has delinquent special assessments or property taxes.
5. The Applicants will pay for all costs associated with preparation of the plan and specifications for the improvements to be funded with the NID.
6. The Applicants will indemnify the City, or provide another form of security that is acceptable to the City Attorney, for the non-payment of the special assessments which may be used prior to sale of the property through the lien.

7. The NID is being used to pay for improvements that have already been identified for construction by the City.
- B. Timing of City Ordinance. For NIDs formed by petition, Applicants are highly encouraged to submit an application pursuant to this Policy before filing a petition to establish a NID with the City Clerk.
- C. Interim Construction Financing. Most favorable consideration will be provided for a NID that proposes initial construction financing through one of the following methods:
1. The Applicant provides a written commitment from a lending institution acceptable to the City, or other equivalent financing by the Applicant, which demonstrates the ability to provide financing for all construction costs. In this situation, the City may require execution of a Development Agreement between the City and Applicant which obligates the Applicant to fully financing the construction cost with the identified lending or funding source.
 2. The Applicant proposes financing through a conduit issuer. Debt issued by a conduit issuer shall not be a general obligation of the City and the financing agreement with the conduit issuer shall not include any City Credit Support. The City may covenant in a financing agreement to use the City's Credit Support to finance long-term bonds if and when the conditions on the use of such support as set forth below are satisfied.
- D. Permanent Financing.
1. The City may issue bonds and extend the City's Credit Support when the NID improvements are owned or to be owned by the City or the City determines that such improvements have a benefit to the City as a whole, and any benefit to a specific residential or commercial development is incidental to the benefit to the City as a whole. The City may also use the City's Credit Support when the City has determined that all of the following requirements have been met:
 - (a) The NID improvements have been substantially completed and the final costs of the project have been determined as required by the NID Act.
 - (b) Special Assessments have been imposed pursuant to the NID Act in an amount sufficient to pay the principal of and interest on any indebtedness proposed to be incurred by or on behalf of the City. Assessments must be sized to provide debt service coverage of 120% for debt service payments for the first 10 years and 110% thereafter. The City may require a consultant report to demonstrate satisfaction of these requirements.
 - (c) The value of the real property is at least five times (depending on the status of lot sales and vertical construction) the value of the annual special assessment. For example, if the special assessment for a parcel or lot is \$2,500 per year, the market value of the real property (without building improvements) must be at least \$12,500. The market value shall be determined based upon the value established by the Cass County Assessor's office or a real estate appraisal acceptable to the City.
 - (d) Either (a) at least 50% of the parcels in the District have been sold to third parties unrelated to the developer who intend to construct improvements on the parcels and did

not purchase the parcel with an intent to resell it or (b) vertical construction has commenced on at least 50% of the real estate. In lieu of the forgoing, the Developer may provide credit enhancement acceptable to the City to remain in effect until these milestones are achieved.

2. If the conditions are insufficient for the City to issue bonds and provide Credit Support, then the City may require debt to be issued by a conduit issuer. No Credit Support will be offered or committed to support these bonds. Bonds issued by a conduit issuer will be secured solely by the City's legal obligation to impose special assessments in accordance with the NID statute.

Section 13. City Oversight of Funding District Operations.

- A. Cooperation Agreements for CIDs and TDDs. The Applicant and any TDD or CID shall enter into an intergovernmental cooperative agreement with the City, which agreement shall, at a minimum, address the following rights, duties and obligations of the parties:
 1. district administration;
 2. imposition of the district funding mechanism;
 3. the method of collecting and accounting for the district revenues;
 4. the issuance of debt for the projects (if applicable);
 5. the conditions under which the district will be terminated;
 6. City representation on the district board of directors;
 7. Approval of additional projects;
 8. Applicant's obligation to report the existence of the District and any applicable funding mechanism to tenants or grantees;
 9. Applicant's assistance in assuring timely reporting of sales information to the Missouri Department of Revenue, the District or the City, as applicable; and
 10. Any other matters which may be required by the City.
- B. Annual Budget Review. The cooperative agreement between the City and a TDD or CID shall provide for annual review and approval of the Funding District budget.
- C. City Representation on Funding District Board of Directors. Most favorable consideration will be given to a TDD or CID where the majority control of the board of directors rests with persons designated by the City, including City staff and elected or appointed City officials.
- D. Performance Measures.
 1. The City may condition approval and implementation of any project on performance measures such as job creation. In such cases, the Applicant shall agree to the creation of performance measures, which if not satisfied will decrease the amount of economic development assistance provided by the City.

2. Each Project shall be monitored on an annual basis to determine compliance with the agreed-upon performance measures.
- E. Extension of District Terms. With respect to new commercial development or redevelopment, most favorable consideration shall be given to a project in which the public funding sources are scheduled to expire within a defined time period and are not expected to be renewed at the end of the stated life of the public funding source.
 - F. Abandonment of CIDs and TDDs. Most favorable consideration will be given to Applications that provide alternatives for City management or maintenance of TDD or CID projects in the event that control or management of the Funding District is abandoned.

Tax Abatement

Section 14. Chapter 353 Tax Abatement.

- A. Tax Abatement under the Urban Redevelopment Corporations Law is only extended to real property that has been found to be a “blighted area” by the city. For purpose of 353 tax abatement the term “blighted area” is defined as:

That portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities, and such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes.

- B. Maximum Tax Abatement. Most favorable consideration will be given to those projects that request tax abatement at the following maximum rates:

1. During the first ten-year abatement period –
 - (a) real property taxes resulting from 100% of the increased value of the land (exclusive of improvements) above the value of the land as established by the county assessor for the calendar year prior to the year that the redevelopment corporation acquires title to the real property for the proposed project, and
 - (b) real property taxes resulting from 100% of the value of all improvements on the real property that has been acquired by the redevelopment corporation for the project; and
2. During the next fifteen-year abatement period, real property taxes resulting from 50% of the total value of the land and improvements, as established by the county assessor, that has been acquired by the redevelopment corporation for the project.

Additional abatement during the second fifteen-year period may be considered by the City if the Applicant demonstrates significant economic need as described in Section 5 of this Policy.

- C. Redevelopment Contract. Urban Redevelopment Corporations have the power to operate one or more redevelopment projects; however such projects must be pursuant to a development plan which has been authorized by the City after holding a public hearing on the development plan 353.060, RSMo. The Redevelopment Corporation shall enter into a redevelopment contract with the City after approval of the Redevelopment Plan that provides for the implementation of the Redevelopment Plan and the payment of Payments In Lieu of Taxes, if applicable. The contract shall be binding upon successors to the Redevelopment Corporation in the real property for which tax abatement is provided. The City may pre-approve a transfer of property from the Redevelopment Corporation to the primary developer, but transfer to any other person or entity shall be subject to approval by the City.
- D. Payments In Lieu of Taxes. The Redevelopment Contract shall provide for the Payment In Lieu of Taxes as specified in the Redevelopment Plan, or in accordance with the Tax Impact Statement provided to the taxing districts prior to approval of the Redevelopment Plan.

Section 15. Chapter 100 Tax Abatement.

- A. General guidelines. The City will consider the following factors when evaluating a proposal to approve a development plan and tax abatement pursuant to Chapter 100:
 - 1. Employment to be generated by the project and the acceptance of performance standards (clawbacks) to enforce employment generation;
 - 2. Financial feasibility of the project, the financial abilities of the applicant and the need for public assistance;
 - 3. The impact of the project on public improvements and services, and the impact on other taxing districts and the improvements and services that they provide;
 - 4. The revenues to be generated by the project for the City and other taxing districts;
 - 5. Conformance with the City’s Comprehensive Plan and Future Land Use Plan;
 - 6. Economic impact of the project.
- B. The City will accept no credit risk when issuing bonds for a Chapter 100 project.
- C. Property owned by the City pursuant to a Chapter 100 project will be exempt from all real and personal property taxes. The City may require that a grant or payment in lieu of taxes be provided to all impacted taxing districts.
- D. Most favorable consideration will be given to Chapter 100 projects that propose the location of new businesses and industries in the City, and which retain business that would otherwise leave the City.

Other Public Funding Incentives

Section 16. Infrastructure Agreement.

- A. An infrastructure agreement, also commonly known as sales tax rebate or reimbursement agreement, provides for the payment of City sales tax revenues generated by a new development to a developer as reimbursement for the construction of public improvements. The City may enter into an infrastructure agreement when the applicant proposes a development that requires the construction of public improvements that are planned to be constructed by the City or that have a significant benefit to the general public, and the developer demonstrates substantial need for the reimbursement to make the project financially feasible.
- B. The City will not pursue reimbursement from other taxing jurisdictions in the consideration and negotiation of an infrastructure agreement, but the developer may pursue all available options with other funding districts.

Exhibit A

SUMMARY OF ECONOMIC DEVELOPMENT TOOLS:

THIS OUTLINE CONTAINS A SUMMARY OF –

TAX INCREMENT FINANCING
SALES TAX REBATE/DEVELOPMENT AGREEMENTS
TRANSPORTATION DEVELOPMENT DISTRICTS
COMMUNITY IMPROVEMENT DISTRICTS
SPECIAL BUSINESS DISTRICTS
NEIGHBORHOOD IMPROVEMENT DISTRICTS
PROPERTY TAX ABATEMENT UNDER CHAPTER 353 RSMO
PROPERTY TAX ABATEMENT UNDER CHAPTER 100 RSMO
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY LAW
LOCAL OPTION ECONOMIC DEVELOPMENT SALES TAX

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The following materials were prepared by the public finance law firm of Gilmore & Bell, P.C.

Gilmore & Bell is one of the leading public finance law firms in the United States. The firm specializes in public finance transactions, serving as bond counsel or underwriters' counsel in a wide variety of tax-exempt and taxable financings and providing tax and arbitrage rebate services in connection with tax-exempt financings. The firm also provides advice to cities, counties and states regarding economic development incentives, administers special taxing districts and handles commercial and corporate finance transactions and securities law matters. Gilmore & Bell has 50 attorneys and four offices, located in St. Louis and Kansas City, Missouri, Wichita, Kansas and Lincoln, Nebraska.

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TAX INCREMENT FINANCING IN MISSOURI

I. GENERAL

Municipalities can only spend public funds for public purposes. If the costs to be funded are public improvements – such as roads, traffic signals or utilities – then the municipality has a variety of options as to how to finance those public improvements. If the costs to be funded are not public improvements – such as land acquisition costs or site development costs – then public funds can be used to finance those costs only if the governing body of the municipality finds that the site is a “blighted area” or a “conservation area,” as defined under Missouri law. Tax increment financing is a method to encourage redevelopment of these areas.

The Missouri TIF law authorizes cities and counties to adopt a redevelopment plan that provides for the redevelopment of a designated area, and to use TIF to fund a portion of the project costs.

The theory of tax increment financing is that, by encouraging redevelopment projects, the value of real property in a redevelopment area should increase. When a TIF plan is adopted, the assessed value of real property in the redevelopment area is frozen for tax purposes at the current base level prior to construction of improvements. The owner of the property continues to pay property taxes at this base level. As the property is improved, the assessed value of real property in the redevelopment area increases above the base level. By applying the tax rate of all taxing districts having taxing power within the redevelopment area to the increase in assessed valuation of the improved property over the base level, a “tax increment” is produced. The tax increments, referred to as “payments in lieu of taxes,” are paid by the owner of the property in the same manner as regular property taxes. The payments in lieu of taxes are transferred by the collecting agency to the treasurer of the municipality and deposited in a special allocation fund. In addition, the county and city transfer 50% of all incremental sales and utility tax revenues to the treasurer of the municipality for deposit into the special allocation fund. All or a portion of the moneys in the fund can then be used to pay directly for redevelopment project costs or to retire bonds or other obligations issued to pay such costs.

The net effect of tax increment financing is to permit a developer to use a portion of property taxes that otherwise would be paid on the completed project to repay all or a portion of the development costs, thereby reducing the net annual debt service on the completed project (and thus increasing the rate of return on the project). In this manner, future tax increases are not abated, but rather are used to fund costs of the project.

II. PROCEDURES FOR ADOPTING TIF

The TIF Act

The TIF Act permits municipalities to undertake different redevelopment projects within a redevelopment area pursuant to the same redevelopment plan. If a redevelopment plan has multiple redevelopment projects, the municipality may designate different “redevelopment projects” and adopt tax increment financing at different times for each redevelopment project. This structure enables municipalities and developers to phase in projects and to derive additional benefits from the payments in lieu of taxes created by the redevelopment projects.

Before a municipality may implement tax increment financing, (1) the municipality must create a TIF commission as provided in the TIF Act, (2) a redevelopment plan, including a description of the redevelopment area and the redevelopment projects therein, must be prepared, (3) the TIF commission must hold a public hearing and make a recommendation to the municipality pertaining to the redevelopment plan, the redevelopment projects and the designation of the redevelopment area, and (4) the municipality must adopt an ordinance approving the redevelopment plan, the redevelopment projects and the designation of the redevelopment area as discussed below. If a TIF commission makes a recommendation in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or amendments thereto, the governing body of the municipality may only approve such plan, project, designation or amendment upon a two-thirds majority vote. Once the ordinance is adopted, tax increment financing may be implemented for one or more redevelopment projects within a redevelopment area. Because of various notice and hearing requirements, it usually takes 120 days or longer to establish a TIF commission and adopt a TIF plan.

In an amendment to the TIF Act effective January 1, 2008, the General Assembly required municipalities in St. Louis, St. Charles and Jefferson Counties to obtain the permission of a county-wide TIF commission prior to the approval of a redevelopment project by the municipality’s governing body. However, this amendment raised several constitutional concerns and left it unclear whether the county-wide TIF commission replaces the municipal TIF commission – and therefore holds the required public hearing for the project – or whether the county-wide TIF commission is *in addition to* the municipal TIF commission. To address these concerns, the General Assembly made further amendments to the TIF Act during the 2008 General Assembly session and, effective August 28, 2008, municipalities in St. Louis, St. Charles and Jefferson Counties are required to use an alternative TIF commission that is still created by the municipality but whose membership primarily consists of representatives appointed by the county and other taxing districts.

Role of the TIF Commission

Before adopting tax increment financing, a municipality must create a TIF commission by ordinance of its governing body. The composition of the TIF Commission depends on (1) whether a city or a county is undertaking the redevelopment project, and (2) the location of the city or county undertaking the redevelopment project, as described in the following chart:

Number of members appointed by:	Entity Creating TIF Commission				
	City (outside St. Louis, St. Charles and Jefferson Counties)	City (inside St. Louis, St. Charles or Jefferson Counties)	County (other than St. Louis County)	St. Louis County	St. Louis City
City(ies)	6	3*	0	3*	6
School districts	2	2	2	2	2
County	2	6	6	6	0
Other taxing districts	1	1	1	1	1
Total members	11	12	9	12	9

* These members are appointed by cities that have TIF districts in the county.

The TIF commission conducts the public hearings required under the TIF Act, and makes recommendations to the governing body of the municipality concerning the adoption of redevelopment plans or redevelopment projects and the designation of redevelopment areas. The redevelopment plans, redevelopment projects and the designation of the redevelopment area must receive final approval of the governing body of the municipality.

As discussed above, municipalities in St. Louis, St. Charles and Jefferson Counties no longer submit proposed redevelopment plans and projects to a city TIF commission for review, but instead submit proposed redevelopment plans and projects to a “county-wide” TIF commission. Although the municipality must still pass an ordinance or resolution to create the TIF commission, each new “county-wide” TIF commission will have 12 members consisting of six members appointed by the county executive or presiding commissioner, three members appointed by cities in the county that have tax increment financing districts in a manner agreed upon by the applicable cities, two members selected by the school districts located in the county in a manner agreed upon by the applicable school districts, and one member selected by all other ad valorem taxing districts in a manner in which all such districts agree.

Designation of Redevelopment Area

The “redevelopment area” must contain property that may be classified as a “blighted area,” a “conservation area” or an “economic development area” (described below), or any combination thereof. The entire redevelopment area need not meet the criteria of one of these three categories, but must include only “those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements.” Thus, a larger redevelopment area that includes property that is increasing in value can enhance the feasibility of a TIF project, provided the larger area, on the whole, is a blighted, conservation or economic development area and is “substantially benefited” by the redevelopment project.

The TIF Act defines a blighted area, a conservation area and an economic development area as follows:

“*Blighted area*” is defined as

an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.

“*Conservation area*” is defined as

any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence;

deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning.

“Economic development area” is defined as

any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of [a blighted area or a conservation area], and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will: (1) discourage commerce, industry or manufacturing from moving their operations to another state; or (2) result in increased employment in the municipality; or (3) result in preservation or enhancement of the tax base of the municipality.

In 2006, the General Assembly amended Missouri’s condemnation laws, which also had an effect on tax increment financing projects. First, farmland that is declared blighted cannot be acquired by eminent domain. Second, blight must be evaluated on a parcel-by-parcel basis, if any property in the redevelopment area will be acquired through (or under the threat of) condemnation.

An amendment to the TIF Act in 2007 prohibits new tax increment financing projects in any “greenfield area” within St. Louis, St. Charles, Jefferson and Franklin Counties. A “greenfield area” is defined as “any vacant, unimproved, or agricultural property that is located wholly outside the incorporated limits of a city, town, or village, or that is substantially surrounded by contiguous properties with agricultural zoning classifications or uses unless said property was annexed into the incorporated limits of a city, town, or village ten years prior to the adoption of the ordinance approving the redevelopment plan for such greenfield area.”

Other legislation in 2007 prohibits new tax increment financing projects in “Hunting Heritage Protection Areas.” Such areas consist of all land within the 100 year flood plain of the Missouri and Mississippi rivers, as designated by FEMA, but excluding (1) areas with a population of at least 50,000 persons and designated as an “urbanized area” by the United States Secretary of Commerce, (2) any land ever used, operated or owned by an entity regulated by the Federal Energy Regulatory Commission, (3) any land used for the operation of a physical port of commerce, (4) any land within Kansas City or St. Louis City, and (5) any land located within one half mile of any interstate highway. There are also several exceptions to the general prohibition against new tax increment financing projects including (1) the ability to expand existing tax increment financing projects located within a Hunting Heritage Protection Area, subject to certain limitations, (2) redevelopment projects for the purposes of flood and drainage protection, and (3) redevelopment projects for the purposes of constructing or operating renewable fuel facilities.

Although the TIF Act provides for redevelopment projects in an “economic development area,” certain questions remain regarding the constitutionality of TIF financing in such an area that may require a court case to resolve. It is unclear whether there are any instances under which a redevelopment project may be undertaken in an economic development area.

Preparation of Redevelopment Plan

Before proceeding with a redevelopment project, the municipality must approve a redevelopment plan that designates the redevelopment area, describes the redevelopment project and sets forth a comprehensive program for redevelopment. The TIF Act requires the following information to be included in the redevelopment plan:

1. Estimated redevelopment project costs;
2. The anticipated sources of funds to pay the costs;
3. Evidence of commitments to finance the project costs;
4. The anticipated type and term of the sources of funds to pay costs;
5. The most recent equalized assessed valuation of the property within the redevelopment area that is to be subjected to payments in lieu of taxes and economic activity taxes;
6. An estimate of the equalized assessed valuation after redevelopment; and
7. The general use of the land in the redevelopment area.

Additional information not required by statute may be included in the plan, such as the total acreage in the redevelopment area and the total payments in lieu of taxes and economic activity taxes estimated to be generated over the period the plan is in effect.

Public Hearing Regarding Redevelopment Plan

Before adopting tax increment financing, the TIF commission must hold a public hearing on the redevelopment plan and redevelopment project and the proposed redevelopment area. Notice of the hearing must be published and must be mailed to affected taxing districts and property owners. The TIF commission is required to vote on any proposed redevelopment plan, redevelopment project, or designation of a redevelopment area within 30 days after the public hearing and to make recommendations. If the county-wide TIF commission required for municipalities in St. Louis, St. Charles, and Jefferson Counties fails to make a recommendation within 30 days of the public hearing, the plan, project, or designation at issue will be deemed to have been rejected by the TIF commission. Additionally, public hearings held by the county-wide TIF commission may not be continued for more than 30 days unless a longer period is requested by the chief elected official of the municipality creating the commission and approved by a majority of the members of the county-wide TIF commission.

Adoption of Ordinances by Municipality

The redevelopment plan will become effective upon adoption of an ordinance by the municipality that approves the redevelopment plan and the redevelopment project and designates the redevelopment area. As discussed above, if the TIF Commission makes a recommendation in opposition to the redevelopment plan, the redevelopment project or the designation of the redevelopment area, the governing body of the municipality may only approve such plan, project or designation upon a two-thirds majority vote. The TIF Act does not specify in detail what information must be included in the ordinance approving the redevelopment plan. The TIF Act does state, however, that no redevelopment plan may be adopted without findings that:

a. The redevelopment area on the whole is a blighted area, a conservation area or an economic development area, including a detailed description of the factors that qualify the redevelopment area.

b. The redevelopment area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing (this is sometimes referred to as the “but-for” test, as discussed above, and must be supported by an affidavit of the developer submitted with the redevelopment plan).

c. The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole.

d. The estimated dates, which shall not be more than 23 years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated.

e. A plan has been developed for relocation assistance for businesses and residences. The relocation plan must comply with the provisions of Sections 523.200 to 523.215 of the Revised Statutes of Missouri, as amended.

f. A cost-benefit analysis has been prepared showing the economic impact of the plan on each taxing district that is at least partially within the boundaries of the redevelopment area.

g. The redevelopment plan does not include the initial development or redevelopment of any gambling establishment.

III. CAPTURE/USE OF TIF REVENUES

Determination of TIF Revenues

After the ordinance is passed, the county assessor must determine the total equalized assessed value of all taxable real property within the redevelopment project area. Thereafter, the total equalized assessed valuation of taxable real property in the redevelopment project area in excess of the initial equalized assessed valuation is computed by the county assessor for each year that tax increment financing is in effect. The payments in lieu of taxes are made by property owners in the redevelopment area on the increase in current equalized assessed valuation of each taxable parcel of real property over and above the initial equalized assessed valuation of each such parcel, and such payments are deposited into the special allocation fund.

In addition, 50% of the increase in total revenues of incremental sales and utility taxes (referred to as “economic activity taxes”) are captured and deposited into the special allocation fund. Under the TIF Act, economic activity taxes do not include taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, special assessments and personal property taxes. Any economic development sales tax imposed pursuant to Section 67.1305 of the Revised Statutes

of Missouri is not captured by tax increment financing unless recommended by the economic activity tax board and approved by the governing body imposing the tax. Any city or county which levies a children's service sales tax pursuant to Section 67.1775 of the Revised Statutes of Missouri and approves a redevelopment plan or project after August 28, 2007 must reimburse the amount of the children's services sales tax captured and deposited into the special allocation fund to the community children's service fund established in conjunction with the imposition of the children's services sales tax.

Issuance of Bonds or Other Obligations

Either the municipality or the TIF commission may issue bonds or other obligations under the TIF Act which are payable from moneys in the special allocation fund or other funds specifically pledged. The TIF Act provides that voter approval of TIF bonds is not required. The bonds or other obligations must mature within 23 years, may bear any interest rate and may be sold at public or private sale as determined by the municipality or TIF commission. The bonds or other obligations are not a general obligation of the municipality and, accordingly, do not count toward the municipality's constitutional debt limitation.

Reporting/Hearing Requirements

The governing body of the municipality must submit to the Missouri Department of Economic Development an annual report concerning the status of each redevelopment plan and project. Effective August 28, 2009, if a municipality fails to provide an annual report to the Missouri Department of Economic Development, the municipality will be prohibited from implementing new TIF projects for at least five years.

The municipality must also publish in a newspaper of general circulation in the county a statement showing the payments in lieu of taxes received and expended in that year, the status of the redevelopment plan and projects, the amount of outstanding bonded indebtedness and any additional information the municipality deems necessary.

Every five years, the governing body of the municipality must hold a public hearing to determine if the redevelopment project is making satisfactory progress under the proposed time schedule contained in the redevelopment plan. Notice of the public hearing must be given in a newspaper of general circulation in the redevelopment area once each week for four weeks immediately prior to the hearing.

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SALES TAX REBATE/DEVELOPMENT AGREEMENTS

I. INTRODUCTION

Another alternative to TIF financing is for a municipality to enter into an agreement (commonly referred to as a “sales tax rebate agreement” or “development agreement”) with a property owner, whereby the owner of a retail establishment agrees to fund the costs of certain public improvements. The municipality agrees to reimburse the owner for the cost of those improvements, with interest at an agreed-upon taxable interest rate, from the incremental sales taxes generated by the project. The owner generally agrees to be paid solely from those incremental sales taxes, and not from any other funds of the municipality.

II. STATUTORY AUTHORITY

Section 70.220 of the Revised Statutes of Missouri (the “Cooperation Law”) authorizes any municipality or other political subdivision to contract with any other political subdivision, private person or firm for the “planning, development, construction, acquisition or operation of any public improvement or facility.” The political subdivision may authorize the contract by ordinance or resolution.

III. TYPICAL STRUCTURE OF TRANSACTION

Many retail developments require the installation of public improvements (such as roads, traffic signals and utilities) to accommodate the development. Under the typical agreement, the developer agrees to advance the costs of the public improvements. The political subdivision agrees to reimburse the developer for such costs, with interest, over a specified period of time. The agreement usually provides that only a portion of the incremental (*i.e.*, new) sales tax revenues generated from the development will be used to reimburse the cost of the public improvements. This results in immediate new revenue to the municipality, while also providing a source of repayment for the public improvements.

The Missouri Constitution generally requires voter approval if a political subdivision pledges tax revenue to the repayment of indebtedness that lasts for more than one year. Therefore, sales tax rebate agreements specifically provide that the political subdivision’s obligation is from year-to-year only, and is subject to annual appropriation by the governing body.

Because the developer usually assumes responsibility for initial construction of the public improvements, it’s important that the agreement provide for payment of prevailing wages, payment and performance bonds, and indemnification of the governing body.

Undertaking a sales tax rebate agreement is a fairly simple process, since the governing body is obligating only its funds – not the funds of any other political subdivision. No public hearing or consultation with other political subdivisions is required.

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TRANSPORTATION DEVELOPMENT DISTRICTS

I. INTRODUCTION

Purpose

A transportation development district may be created pursuant to Sections 238.200 to 238.275 of the Revised Statutes of Missouri, as amended (the “TDD Act”) to fund, promote, plan, design, construct, improve, maintain and operate one or more projects or to assist in such activity. A district is a separate political subdivision of the state. “*Project*” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

Projects, Submission of Plans

Before construction or funding of any project, the district must submit the proposed project to the Missouri Highways and Transportation Commission (the “commission”) for its prior approval. If the commission finds that the project will improve or is a necessary or desirable extension of the state highways and transportation system, the commission may preliminarily approve the project subject to the district providing plans and specifications for the project and making any revisions in the plans and specifications required by the commission and the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After such preliminary approval, the district may impose and collect such taxes and assessments as may be included in the commission’s preliminary approval. After the commission approves the final construction plans and specifications, the district must obtain prior commission approval of any modification of such plans or specifications.

If the proposed project is not intended to be merged into the state highways and transportation system, the district shall also submit the proposed project and proposed plans and specifications to the local transportation authority that will become the owner of the project for its prior approval. “*Local transportation authority*” is a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service.

In those instances where a local transportation authority is required to approve a project and the commission determines that it has no direct interest in that project, the commission may decline to consider the project. Approval of the project then vests exclusively with the local transportation authority subject to the district making any revisions in the plans and specifications required by the local transportation authority and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the district must obtain prior approval of the local transportation authority before modifying such plans or specifications.

II. FUNDING METHODS

Sales Tax

Any district may impose a sales tax in increments of one-eighth of one percent up to a maximum of one percent on all retail sales made in the transportation development district that are subject to taxation under Missouri law, with certain exceptions (including the sale of motor vehicles, trailers, boats and outboard motors). The sales tax must be approved by approval of a majority of the “qualified voters” within the district. The “qualified voters” are (1) the registered voters within the district, and (2) the property owners within the district (who shall receive one vote per acre). Any registered voter who also owns property must elect whether to vote as a registered voter or a property owner. Notwithstanding the foregoing, the owners of all of the property in the district may implement the sales tax by unanimous petition in lieu of holding an election. The sales tax rate must be uniform throughout the district.

The Missouri Department of Revenue began collecting sales taxes generated from taxable sales occurring on and after January 1, 2010 on behalf of all newly created and existing transportation development districts.

Special Assessments

The district may also, with majority voter approval, make one or more special assessments for project improvements that specially benefit the properties within the district. A district may establish different classes or subclasses of real property within the district for the purpose of levying different rates of assessments.

Property Tax

The district may also, with approval by at least four-sevenths of the voters, impose a property tax in an amount not to exceed the annual rate of ten cents on the hundred dollars assessed valuation. The property tax must be uniform throughout the district.

Tolls

If approved by a majority of the qualified voters voting on the question in the district, the district may charge and collect tolls or fees for the use of a project.

Bonds

The District may issue bonds, notes and other obligations for not more than 40 years, and may secure any of such obligations by mortgage, pledge, assignment or deed of trust of any or all of the property and income of the district. The district cannot mortgage, pledge or give a deed of trust on any real property or interests that it obtained by eminent domain.

III. FORMATION

Creation of District

A district may be created by (1) petition of at least fifty registered voters within the proposed district, or (2) if there are no registered voters within the district, the owners of all of the real property located within the proposed district. In addition, two or more local transportation authorities may adopt resolutions calling for the joint establishment of a district and then file a petition requesting the creation of a district. With certain limited exceptions, the property in the district must be contiguous.

The petition is filed in the circuit court of the county in which a majority of the district is located. Among other information, the petition must set forth:

- (1) The name and address of each respondent, which must include the commission and each affected local transportation authority within the proposed district;
- (2) A specific description of the proposed district boundaries including a map illustrating the boundaries;
- (3) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;
- (4) The estimated project costs and anticipated revenues to be collected from the project;
- (5) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;
- (6) A proposal for funding the district; and
- (7) Details of the budgeted expenditures, including estimated expenditures for physical improvements, land acquisition, professional services and interest charges.

Hearing

The court hears the case without a jury. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect.

If the petition was filed by registered voters or by a governing body, the court shall then certify the questions regarding district creation, project development and proposed funding for voter approval. If the petition was filed by the owners of record of all of the real property located within the proposed district, the court shall declare the district organized and certify the funding methods stated in the petition for qualified voter approval. If a petition is filed pursuant to the resolutions of two or more local transportation authorities calling for the joint establishment of a district, the court shall then certify the single question regarding district creation, project development and proposed funding for voter approval.

Effective August 28, 2009, if the petition for the establishment of the district is filed by the owners of all real property in the proposed district, the court is required to hold at least one public hearing regarding the establishment of the district.

Election

If the court certifies the petition for voter approval, a majority vote is required to approve the formation of the district.

If (1) the petition was filed pursuant to the resolutions of two or more local transportation authorities calling for the joint establishment of a district and was certified for voter approval, (2) the district desires to impose a sales tax as the only proposed funding mechanism and (3) the proposition to create the district and authorize the sales tax has received majority voter approval, the circuit court shall declare the district organized and the sales tax to be in effect.

If the district desires to impose a funding mechanism other than a sales tax, the proposed funding mechanism requires separate voter approval at a subsequent election.

“*Qualified voters*” for TDD elections generally include (1) the registered voters within the district and (2) if no registered voters are present in the district and the district petition was submitted by the property owners or by resolution of two or more local transportation authorities, the property owners within the district (who shall receive one vote per acre). If a registered owner moves into a district that has already been created and which no registered voters previously resided in, the registered voter must elect whether to vote as a registered voter or a property owner.

Board of Directors

Since the district is a separate political subdivision, it has its own board of directors that serves as the governing body of the district.

Unless the district is formed at the request of two or more local transportation authorities, directors are elected by the qualified voters within the district (i.e., registered voters or property owners, as the case may be).

If two or more local transportation authorities requested formation of the district, the board of directors consists of (1) the presiding officer and one person designated by the governing body of each local transportation authority (if the district is comprised of two or three local transportation authorities), or (2) the presiding officer of each local transportation authority (if the district is comprised of four or more local transportation authorities).

IV. MISCELLANEOUS

Condemnation

The District may condemn land for a project in the name of the state of Missouri, upon prior approval by the commission, or the local transportation authority as appropriate, as to the necessity for the taking of the description of the parcel and the interest taken in that parcel.

Project Revisions

At any time during the existence of a district, the board may submit to the voters of the district a proposition to increase or decrease the number of projects that it is authorized to complete.

If the board proposes to discontinue a project, it must first obtain approval from the commission if the proposed project is intended to be merged into the state highways and transportation system or approval from the local transportation authority if the proposed project is intended to be merged into a local transportation system under the local authority's jurisdiction.

The board may modify the project previously approved by the district voters, if the modification is approved by the commission and, where appropriate, a local transportation authority.

Audit Required

The state auditor is required to audit each district at least every three years, and may audit more frequently if the state auditor deems appropriate. The costs of this audit shall be paid by the district. Most districts that have issued bonds are required by the bond underwriter to obtain an annual audit.

Annual Report to State Auditor

Transportation development districts with cash receipts of more than \$10,000 per year are required to submit an annual report of its financial transactions to the state auditor. This report is due to the state auditor (1) within four months of the end of the district's fiscal year if the report will contain unaudited financial statements or (2) within six months of the end of the district's fiscal year if the report will consist of financial statements audited by a certified public accountant. Any district that fails to timely file this report may be fined up to \$500 per day until such report is filed.

Projects, Transfer to Commission or Authority

Within six months after development and initial maintenance costs of its completed project have been paid, the district shall pursuant to contract transfer ownership and control of the project to the commission or a local transportation authority which shall be responsible for all future maintenance costs pursuant to contract. Such transfer may occur sooner with the consent of the recipient.

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COMMUNITY IMPROVEMENT DISTRICTS

I. INTRODUCTION

What is a Community Improvement District?

A community improvement district is either a political subdivision with the power to impose a sales tax, a special assessment or a real property tax, or a nonprofit corporation with the power to impose special assessments. The CID is created by a city or county following submission of a petition by the property owners within the proposed district.

A community improvement district is a separate legal entity distinct and apart from the municipality or county that creates the district. In many respects, a CID is similar to a TDD, except that the CID can finance a much broader array of improvements and can also undertake various public services.

Authority

Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri (the “Community Improvement District Act”) authorize the creation of community improvement districts.

Kinds of Infrastructure Improvements

A variety of public improvements can be financed with a community improvement district. Projects may include, but are not limited to,

1. Pedestrian or shopping malls and plazas.
2. Parks, lawns, trees and any other landscape.
3. Convention centers, arenas, aquariums, aviaries and meeting facilities.
4. Sidewalks, streets, alleys, bridges, ramps tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems and other site improvements.
5. Parking lots, garages or other facilities.
6. Music, news and child-care facilities.
7. Any other useful, necessary or desired improvement.

In addition, within a “blighted area,” the district may pay costs of demolishing, renovating and rehabilitating structures.

Public Services

A community improvement district may provide a variety of public services, including but not limited to:

1. With the municipality's consent, prohibiting or restricting vehicular and pedestrian traffic and vendors on streets.
2. Operating or contracting for the provision of music, news, child-care or parking facilities, and buses, mini-buses or other modes of transportation.
3. Leasing space for sidewalk café tables and chairs.
4. Providing or contracting for the provision of security personnel, equipment or facilities for the protection of property and persons.
5. Providing or contracting for cleaning, maintenance and other services to public and private property.
6. Promoting tourism, recreational or cultural activities or special events.
7. Promoting business activity, development and retention.
8. Providing refuse collection and disposal services.
9. Contracting for or conducting economic, planning, marketing or other studies.

II. FORMATION PROCESS

Petition Requesting Formation

A community improvement district is formed by petition of the property owners. The petition must be signed by:

1. Property owners collectively owning at least 50 percent of the assessed value of the real property within the proposed district; and
2. More than 50 percent per capita of all owners of real property within the proposed district.

The petition must include a wide variety of information, including:

1. A five-year plan describing the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of those services and improvements.
2. Organizational and governance information, including:

- a. Whether the district will be a political subdivision or a nonprofit corporation.
 - b. If a political subdivision, the manner in which the board of directors will be elected and the number of directors on the initial board.
3. The maximum rates of real property taxes and special assessments that may be imposed.
 4. The limitations, if any, on the borrowing capacity and revenue generation of the district.

Remaining Steps to Form the District

After the petition is submitted, the governing body of the municipality will proceed with the following actions:

1. Hold a public hearing regarding the formation of the district. Notice of the hearing must be published once a week for two consecutive weeks before the public hearing, and must be mailed at least 15 days prior to the public hearing. The notice must include, among other items, the following information: (a) date, time and place of hearing; (b) boundaries of the district, (c) statement that a copy of the petition is available for review at the clerk's office and (d) statement that all interested persons will be given an opportunity to be heard at the hearing.
2. Establish the district by order or ordinance.

III. GOVERNANCE

Political Subdivision

The petition specifies whether directors will be elected by the "qualified voters" or appointed by the municipality. A "qualified voter" must either own real property within the district or be a registered voter within the district. Appointments are made by the chief elected officer with the consent of the governing body.

The board shall consist of at least 5 but not more than 30 directors. Each director must (a) own real property or a business within the district (or be the legally authorized representative of the owner) or (b) be a registered voter residing within the district. If there are less than 5 owners of real property located within the district, the board may be comprised of up to 5 legally authorized representatives of any of the owners of real property located within the district.

Nonprofit Corporation

The directors are elected in the same manner as directors of other nonprofit corporations, under chapter 355 of the Revised Statutes of Missouri.

IV. FUNDING OF IMPROVEMENTS

Special Assessments

Any community improvement district, whether a political subdivision or nonprofit corporation, may impose special assessments, if approved by petition signed by:

1. Owners collectively owning real property representing more than 50 percent of the assessed value of real property within the district; and
2. More than 50 percent per capita of the owners of all real property within the district.

Real Property Taxes

A community improvement district that is a political subdivision can impose a real property tax if approved by a majority of the “qualified voters.” A “qualified voter” is:

1. Registered voter residing within the district; or
2. If there are no registered voters residing within the district, the owners of real property within the district.

Unlike transportation development districts, there is no limit on the amount of real property taxes that may be imposed by a CID.

Sales Tax

A community improvement district that is a political subdivision can impose a sales tax if approved by a majority of the “qualified voters,” as defined above. The tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent.

Other Sources

1. Fees, rents and charges for district property or services.
2. Grants, gifts and donations.

Bonds

The District may issue bonds, notes and other obligations for not more than 20 years, and may secure any of such obligations by mortgage, pledge, assignment or deed of trust of any or all of the property of the district.

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SPECIAL BUSINESS DISTRICTS

I. INTRODUCTION

What is a Special Business District?

A special business district (SBD) is a political subdivision with the power to impose a real property tax, a business license tax and special assessments, depending upon the size of the City in which the SBD is created. The funding sources can be spent on certain public improvements and services listed in the statute. The SBD is created by a city following submission of a petition by property owners that pay real property taxes within the proposed district.

An SBD is a separate legal entity distinct and apart from the city that creates the district. In cities with 350,000 or more people, the SBD board consists of seven members appointed by the City and serves as the governing body of the SBD, but in all other cities the governing body of the city also serves as the governing body of the SBD and the SBD board is only a recommending body. Therefore, in all cities except those with 350,000 or more people, the city governing body needs to operate the SBD as a separate political subdivision of the city and not as another board or commission of the city.

Authority

Sections 71.790 to 71.808 of the Revised Statutes of Missouri govern special business districts.

Kinds of Infrastructure Improvements

Specific types of public improvements can be financed with a special business district:

1. Widen or narrow existing streets and alleys.
2. 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, information booths, aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses, and each and every other useful or necessary or desired improvement.
3. Landscape and plant trees, bushes and shrubbery, flowers and each and every and other kind of decorative planting.
4. Install and operate or lease public music and news facilities.
5. Construct and operate child-care facilities.
6. Construct lakes, dams, and waterways of whatever size.

7. 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.

Public Services

A special business district may provide a variety of public services, including:

1. purchase and operate buses, minibuses, mobile benches, and other modes of transportation;
2. Lease space within the district for sidewalk cafe tables and chairs;
3. 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;
4. Maintain 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 city;
5. Grant permits for newsstands, sidewalk cafes, and each and every other useful or necessary or desired private usage of public or private property;
6. Prohibit or restrict vehicular traffic on such streets within the business district as the governing body may deem necessary and to provide the means for access by emergency vehicles to or in such areas;
7. 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.
8. With the city's consent, prohibiting or restricting vehicular and pedestrian traffic and vendors on streets.

Additional Powers for Large Cities

In any city with a population of 350,000 or more, an SBD has the following additional powers:

1. Cooperate with other public agencies and with any industry or business located within the district in the implementation of any project within the district.
2. Enter into any agreement with any other public agency, any person, firm, or corporation to effect any of the provisions contained in the SBD statutes.
3. Contract and be contracted with, and to sue and be sued.

4. Accept gifts, grants, loans, or contributions from the city in which the district is located, the United States of America, the state of Missouri, political subdivisions, foundations, other public or private agencies, individuals, partnerships, or corporations.
5. Employ such managerial, engineering, legal, technical, clerical, accounting, and other assistance as it may deem advisable. The district may also contract with independent contractors for any such assistance.

II. FORMATION PROCESS

Petition Requesting Formation and Resolution of Intent

The process to form a special business district starts with a petition. The petition must be signed by one or more owners of real property on which is paid the ad valorem real property taxes within the proposed district. The status does not specify what the petition must contain. Once a petition is filed, the governing body may adopt a “resolution of intent” to form the SBD, which must contain the following:

1. Description of the boundaries of the proposed area;
2. The time and place of a hearing to be held by the governing body considering establishment of the district;
3. The proposed uses to which the additional revenue shall be put and the initial tax rate to be levied.

Survey and Investigation

Prior to adopting an ordinance which approves an SBD, the city must conduct a survey and investigation for the purposes of determining:

1. the nature of and suitable location for business district improvements,
2. the approximate cost of acquiring and improving the land therefor,
3. the area to be included in the business district or districts,
4. the need for and cost of special services, and cooperative promotion activities, and
5. the percentage of the cost of acquisition, special services, and improvements in the business district which are to be assessed against the property within the business district and that part of the cost, if any, to be paid by public funds.

The cost of the survey and investigation must be included as a part of the cost of establishing the business district. A written report of this survey and investigation must be filed in the office of the city clerk and must be available for public inspection.

Public Hearing

The governing body of the city must hold a public hearing prior to approval of the SBD by ordinance. The hearing must be preceded by two publication notices between 10 and 15 days before the hearing and mailed notice to all property owners and licensed businesses within the proposed district.

Ordinance to Approve District

If the city adopts an ordinance to approve the SBD, the ordinance must contain:

1. The number, date and time of the resolution of intention pursuant to which it was adopted;
2. The time and place the hearing was held concerning the formation of the area;
3. The description of the boundaries of the district;
4. A statement that the property in the area established by the ordinance shall be subject to the provisions of additional tax as provided in the petition;
5. The initial rate of levy to be imposed upon the property lying within the boundaries of the district;
6. A statement that a special business district has been established;
7. The uses to which the additional revenue shall be put;
8. In any city with a population of less than three hundred fifty thousand, the creation of an advisory board or commission and enumeration of its duties and responsibilities;
9. In any city with a population of three hundred fifty thousand or more, provisions for a 7-member board of commissioners to administer the special business district.

III. GOVERNANCE

The district is a separate political subdivision of the state. In cities with less than 350,000 population, the governing body of the city serves as the governing body of the SBD. Care should be taken to hold separate meetings of the SBD board rather than incorporating SBD legislative actions into legislative actions of the governing body of the city. In cities with less than 350,000 population, the SBD board serves as an advisory capacity to the SBD governing body.

In cities with a population of 350,000 or more, the SBD board appointed by the city serves as the governing body of the SBD. The members must be appointed by the mayor with the advice and consent of the governing body of the city. Five members must be owners of real property within the district or their representatives and two members must be renters of real property within the district or their representatives.

IV. FUNDING OF IMPROVEMENTS

Real Property Taxes

An SBD may impose a real property tax that does not exceed 85¢ per \$100 of assessed valuation. In St. Louis only, the real estate tax imposed by an SBD may be imposed and collected even though the property is subject to tax abatement pursuant to a redevelopment plan adopted under Chapter 353 of the Revised Statutes of Missouri.

Business License Tax

An SBD may impose a tax on businesses and individuals doing business within the SBD. The rate of the SBD business license tax cannot exceed 50% of the other business license taxes imposed within the district.

Special Assessments

Any SBD in a city with a population of 350,000 or more and located in more than one county may also impose special assessments at the following maximum rates:

1. Not more than 5¢ per square foot on each square foot of land.
2. Not more than ½¢ per square foot on each square foot of improvements on land.
3. Not more than \$12 per abutting foot of the lots, tracts and parcels of land within the district abutting on public streets, roads and highways.

Elections

The taxes and assessments described above are subject to voter approval. Residents of the SBD and owners of property within the SBD are “qualified voters” for property tax and special assessment elections. Holders of business licenses within the SBD are “qualified voters” for business license tax elections. When an election is held, the qualified voters must apply to the City Clerk for a ballot. The City Clerk will then mail a ballot to each qualified voter that applies for a ballot. Ballots must then be returned to the City Clerk’s office with an affidavit attesting that the voter is a qualified voter. The City Clerk will then arrange for election judges from the county election authority to count the ballots and certify the election.

Bonds

An SBD is authorized by statute to issue general obligation bonds or notes for a maximum of 20 years and in a maximum amount of 10% of the total assessed value of all land within the district. The SBD is also authorized to issue revenue bonds and refunding revenue bonds to pay the cost of acquiring, constructing, improving, or extending any revenue-producing facilities, and such bonds are payable solely from the operation of such revenue-producing facility. However, there are some concerns regarding the constitutionality of the statutorily prescribed election procedures for SBDs, particularly elections for the approval of general obligation bonds. Accordingly, if bonds are being considered as a funding mechanism, a Community Improvement District is a better economic development tool because

it can achieve many of the same goals as an SBD, but does not have constitutional concerns that might impact the marketability of any bonds.

* * * * *

NEIGHBORHOOD IMPROVEMENT DISTRICTS

I. INTRODUCTION

What is a Neighborhood Improvement District?

A neighborhood improvement district is an area benefited by a public improvement and assessed to pay for that improvement. It is created by an election held or petition circulated within the proposed district. It is **not** a separate legal entity.

Authority

Article III, Section 38(c) of the Missouri Constitution and Sections 67.453 to 67.475 of the Revised Statutes of Missouri (the “Neighborhood Improvement District Act”) authorize the creation of neighborhood improvement districts.

Kinds of Projects

Only **public** facilities, improvements or reimprovements can be financed with a neighborhood improvement district. The improvement must confer a benefit on property within the district, but the improvement is not required to be located in the district. Projects may include, but are not limited to:

1. Acquisition of property.
2. Improvement of streets, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto and service connections from sewer, water, gas and other utility mains, conduits or pipes.
3. Improvement of storm and sanitary sewer systems.
4. Improvement of street lights and street lighting systems.
5. Improvement of waterworks systems.
6. Improvement of parks, playgrounds and recreational systems.
7. Landscaping streets or other public facilities.
8. Improvement of flood control works.
9. Improvement of pedestrian and vehicle bridges, overpasses and tunnels.
10. Improvement of retaining walls and area walls on public ways.
11. Improvement of property for off-street parking.
12. Acquisition and improvement of other public facilities or improvements.

13. Improvements for public safety.

II. FORMATION PROCESS

A neighborhood improvement district may be created either by election or by petition of property owners.

By Election

A neighborhood improvement district must be approved by the percentage of voter approval of electors within the proposed district voting thereon required for general obligation bonds (four-sevenths or two-thirds). The resolution or ordinance calling the election and notice of election must include the following information:

1. Project name.
2. General nature of proposed improvement.
3. Estimated cost. *The estimated cost should include all costs, including financing costs. It does not include interest on the general obligation bonds.*
4. Boundaries of proposed district. *The boundaries of the area to be assessed may be described by metes and bounds, streets or other sufficiently specific description.*
5. Proposed method of assessment, including any provision for the annual assessment of maintenance costs for the improvement in each year in each year during the term of the bonds issued for the improvement and after the bonds issued for the original improvement are paid in full. *The cost of the improvements must be apportioned against the **property** in the district in accordance with the benefits accruing to the property by reason of the improvement and may be assessed equally per front foot, per square foot or any other reasonable assessment plan.*
6. Statement that final cost won't exceed the estimated cost by more than twenty-five percent (notice of election only).

By Petition

The petition signed by the owners of record of at least two-thirds by area of all real property located within the proposed district is submitted to the governing body. The State Auditor requires a certification of the acreage or square footage in the district and the acreage or square footage owned by the signers of the petition. The petition must include the following information:

1. Project name.
2. General nature of proposed improvement.

3. Estimated cost.
4. Boundaries of proposed district.
5. Proposed method of assessment, including a provision for the annual assessment of maintenance costs for the improvement in each year during the term of the bonds issued for the improvement and after the bonds issued for the original improvement are paid in full.
6. Number of years over which the assessments for the improvement can be paid.
7. Notice that names of signers may not be withdrawn later than seven days after petition filed.

The petition must be signed by all owners of record of a parcel of property for that parcel to be counted. Each owner of record of real property located in the proposed district is allowed one signature. Any person, corporation, or limited liability partnership owning more than one parcel of land located in such proposed district shall be allowed only one signature on the petition. In the case of property owned by a corporation or partnership, evidence of the authority of the person signing on behalf of such entity should be presented with the petition. An affidavit of the person or persons circulating the petition should also be submitted with the petition.

Remaining Steps to Form the District

After the election is held or petition is submitted, the governing body will proceed with the following actions:

1. Order preparation of plans and specifications.
2. Prepare a preliminary assessment roll.
3. Hold a public hearing regarding the proposed project. Notice of the hearing must be published not more than 20 days and not less than 10 days before the hearing, and must include the following information: (a) project name; (b) date, time and place of hearing. (c) general nature of improvements; (d) revised estimated cost (or, if available, final cost); (e) boundaries of district; and (f) statement that written and oral objections will be considered at the hearing. Notice must also be mailed to owners of record or property within district.
4. Governing Body orders improvements to be made.
5. Issuance of temporary notes, if needed.
6. Construction of the project.
7. Computation of final costs and assessments.
8. Assessment of final costs.

9. Mailing of notice of assessments and opportunity to pay up front to property owners.

III. FINANCING OF IMPROVEMENTS

Bonds issued in connection with neighborhood improvement districts are a form of general obligation bonds. The bonds are payable as to both principal and interest from the assessments and, if not so paid, from current income and revenue and revenues and surplus funds of the city or county that formed the district. The city or county is not authorized to impose any new or increased ad valorem property tax to pay principal of or interest on the bonds without voter approval. If the city or county uses funds on hand to pay debt service, the issuer can reimburse itself from assessments at a later date.

The bonds are general obligation bonds, and count against the issuer's legal debt limit at the time that the governing body has found the formation of the district advisable. Until bonds are actually issued, 125% of the project cost is counted against the debt limit. NID bonds can only be issued in an amount of up to 10% of the assessed valuation of the issuer. The maturity of the bonds is limited to 20 years.

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PROPERTY TAX ABATEMENT UNDER CHAPTER 353, RSMO.

I. INTRODUCTION

Under Chapter 353 of the Revised Statutes of Missouri, real property tax abatement is available within “blighted areas.” An Urban Redevelopment Corporation is created under the general corporations laws of Missouri and, once created, it has the power to operate one or more redevelopment projects pursuant to a city-approved or county-approved (if St. Louis County or Jackson County) redevelopment plan.

Under this program, an eligible city or county may approve a redevelopment plan that provides for tax abatement for up to 25 years, thus encouraging the redevelopment of the blighted area. To be eligible for the abatement, the Urban Redevelopment Corporation must take title to the property to be redeveloped. During the first 10 years of tax abatement, (1) 100% of the incremental increase in real property taxes on the land are abated, (2) 100% of the real property taxes on all improvements are abated, and (3) the property owner continues to pay real property taxes on the land in the amount of such taxes in the year before the redevelopment corporation takes title.

During the next 15 years, between 50% and 100% of the incremental real property taxes on all land and all improvements are abated. Payments in lieu of taxes (“PILOTS”) may be imposed on the Urban Redevelopment Corporation by contract with the city or county, as applicable, to achieve an effective tax abatement that is less than the abatement established by statute. PILOTS are paid on an annual basis to replace all or part of the real estate taxes that are abated. PILOTS will be allocated to each taxing district according to their proportionate share of ad valorem property taxes. The Urban Redevelopment Corporation may take title to lots, tracts or parcels of property within the redevelopment area in phases, in order to maximize the tax abatement during a phased redevelopment project.

II. PROCEDURES FOR APPROVING TAX ABATEMENT

The following is a summary of the basic steps for the approval of a development plan:

Preparation of Tax Impact Statement

The statute requires the governing body to hold a public hearing regarding any proposed development plan. Before the public hearing, the governing body must furnish to the political subdivisions whose boundaries include any portion of the property to be affected by tax abatement (1) notice of the scheduled public hearing and (2) a written statement of the impact on ad valorem taxes such tax abatement will have on the political subdivisions.

The tax impact statement must include, at a minimum, an estimate of the amount of ad valorem tax revenues of each political subdivision that will be affected by the proposed tax abatement.

Preparation of Development Plan

The proposed developer usually will assume responsibility for preparation of the development plan. This document identifies the proposed redevelopment area, the redevelopment projects to be undertaken, the program to be carried out to remove the blighting influences within the area, and the estimated project costs. The plan will include or incorporate by reference the characteristics that qualify the area as “blighted” under Missouri law.

The law defines a blighted area as “that portion of the city within which the legislative authority of such city determines 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.”

Public Hearing

Before approving a development plan, the governing body of the city or county must hold a public hearing. The governing body must adopt an ordinance establishing the procedures for giving notice of the public hearing. Notice of the hearing must be given to each affected taxing district affected by the development plan.

Preparation of Redevelopment Agreement

The Redevelopment Agreement describes the Urban Redevelopment Corporation’s obligations to carry out the development plan. Among the provisions that typically are included in the Redevelopment Agreement are (1) procedures for acquiring property, including prerequisites to the use of condemnation; (2) the period for which tax abatement will be provided; (3) the time period within which the redevelopment corporation can carry out the project; and (4) procedures for the corporation to transfer title to property in the area.

In 2006, the General Assembly amended Missouri’s condemnation laws, which affected condemnation under Chapter 353. First, an Urban Redevelopment Corporation cannot acquire property through condemnation, unless the corporation entered into a redevelopment agreement before December 31, 2006. Second, farmland that is declared blighted cannot be acquired by eminent domain. Third, blight must be evaluated on a parcel-by-parcel basis, if any property in the redevelopment area will be acquired through (or under the threat of) condemnation.

Adoption of Ordinance by Governing Body

Following the public hearing, the governing body can approve a development plan and Redevelopment Agreement by adoption of an ordinance. Among other matters, the ordinance must make findings that the area described in the development plan is “blighted” under Missouri law, that a relocation plan has been developed for displaced persons, and that the Redevelopment Agreement establishes the time within which property in the area must be acquired.

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PROPERTY TAX ABATEMENT UNDER CHAPTER 100, RSMO.

I. INTRODUCTION

General

Cities, counties, towns and villages in Missouri are authorized, pursuant to Article VI, Section 27(b) of the Missouri Constitution and Sections 100.010 to 100.200 of the Revised Statutes of Missouri (the “Act”) to issue industrial development bonds (“IDBs”) to finance projects for private corporations, partnerships and individuals. There are two primary reasons to issue IDBs under the Act. First, if the bonds are tax-exempt, it may be possible to issue the bonds at lower interest rates than those obtained through conventional financing. Second, even if the bonds are not tax-exempt, ad valorem taxes on bond-financed property may be abated so long as the bonds are outstanding. Such tax abatement may result in a significant financial benefit to a company. *This memo focuses primarily on the issuance of taxable industrial development bonds issued for the purposes of the abatement of ad valorem taxes.*

Types of Projects

The Act permits any city, county, town or village (referred to herein as a “Municipality”) to issue bonds to finance the costs of warehouses, distribution facilities, research and development facilities, office industries, agricultural processing industries, services facilities which provide interstate commerce and industrial plants. Article VI, Section 27(b) of the Missouri Constitution also authorizes such bonds to be issued for other types of commercial facilities. In connection with such projects, the bond proceeds may be used to finance land, buildings, fixtures and machinery.

Revenue Bonds

Revenue bonds issued pursuant to the Act do not require voter approval and are payable solely from revenues received from the project. The Municipality applies the proceeds from the sale of the bonds to purchase, construct, improve or equip a warehouse, distribution, commercial or industrial facility. In exchange, the company promises to make payments that are sufficient to pay the principal and interest on the bonds as they become due. Thus, the Municipality merely acts as a conduit for the financing.

II. TAXATION OF BOND-FINANCED PROPERTY

Property Tax Exemption

Under Article X, Section 6 of the Missouri Constitution and Section 137.100 of the Missouri Revised Statutes, all property of any political subdivision is exempt from taxation. In a typical IDB transaction, the Municipality holds fee title to the project and leases the project to the company. Although the Missouri Supreme Court has held that the leasehold interest is taxable, it is taxable only to the extent that the economic value of the lease is less than the actual market value of the lease. See *Iron County v. State Tax Commission*, 437 S.W.2d 665 (Mo. 1968)(*en banc*) and *St. Louis County v. State Tax Commission*, 406 S.W.2d 644 (Mo. 1966)(*en banc*). If the rental payments under the lease agreement equal the actual debt service payments on the bonds, the leasehold interest should have no “bonus value”

and the bond-financed property should be exempt from ad valorem taxation and personal property taxation so long as the bonds are outstanding.

The Municipality and the company may determine that partial tax abatement -- but not full tax abatement -- is desirable. For instance, if bonds are issued to finance both real and personal property, but the Municipality determines that tax abatement on the personal property is not appropriate, the company may agree to make "payments in lieu of taxes" to the city or county. The amount of payments in lieu of taxes is negotiable to any amount. The payments in lieu of taxes are payable by December 31 of each year, and are distributed to the Municipality and to each political subdivision in the same manner and in the same proportion as property taxes would otherwise be distributed under Missouri law.

Sales Tax Exemption

Under Section 144.054.3 of the Missouri Revised Statutes, a company may apply to the Missouri Department of Economic Development to receive a sales tax exemption on all personal property purchased through an IDB transaction. The municipality may also furnish the company with a sales tax exemption certificate, so that materials used in constructing any real property improvements can be exempt from sales taxes.

III. STRUCTURE OF THE TRANSACTION

Issuance and Sale of Bonds

The Municipality issues its bonds pursuant to a trust indenture entered into between the Municipality and a bank or trust company acting as trustee. IDBs, like issues of conventional corporate securities, are sold by two basic methods -- public offerings or private placements. If the company has access to the regional or national securities markets, it may retain an investment banker as underwriter and sell the bonds publicly. The size and financial condition of the company are the primary factors that determine the company's ability to utilize a public offering. As an alternative to a public offering, the company may wish to place the bonds with a sophisticated purchaser. A private placement is very similar to a long-term bank loan. If bonds are being issued at a taxable interest rate for the sole purpose of receiving tax abatement, it is common for the company or the company's commercial lender to purchase the bonds. The bond proceeds are deposited with the trustee bank in a separate trust account to be used to purchase and construct the project.

Conveyance of Property to Municipality and Lease-Back to Company

Concurrently with the closing of the bonds, the company will convey to the Municipality title to the site on which the industrial development project will be located. (The Municipality must be the legal owner of the property while the bonds are outstanding in order for the property to be eligible for tax abatement.) At the same time, the Municipality will lease the project site, together with all improvements thereon (including the project), back to the Company pursuant to a lease agreement. The lease agreement will require the company acting on behalf of the Municipality, to use the proceeds of the bonds to purchase and construct the project. The company will be unconditionally obligated to make payments to the trustee in amounts that will be sufficient to pay principal and interest on the bonds as they become due.

Under the lease agreement, the company typically: (a) unconditionally agrees to make payments sufficient to pay the principal of and interest on the bonds as they become due; (b) agrees, at its own expense, to maintain the project, pay all taxes and assessments with respect to the project and maintain adequate insurance; (c) has the right, at its own expense, to make certain additions, modifications or improvements to the project; (d) may assign its interests under the agreement or sublease the project while remaining responsible for payments under the agreement; (e) covenants to maintain its corporate existence during the term of the bond issue; and (f) agrees to indemnify the Municipality for any liability the Municipality might incur as a result of its participation in the transaction.

Payments in Lieu of Taxes

If the Municipality and the company determine that partial tax abatement is desirable, the Municipality and the company will enter into an agreement providing for the company to make “payments in lieu of taxes” to the Municipality and other taxing entities. The amount of payments in lieu of taxes is negotiable.

IV. PROCEDURE FOR ISSUING BONDS

The following is a summary of the basic steps required for the issuance of taxable bonds under the Act:

Approval of the Project

Upon a determination by the Municipality to proceed with the financing, the Municipality normally adopts a resolution (referred to as a “resolution of intent” or “inducement resolution”) stating the Municipality’s willingness and intent to issue IDBs for the project. Thereafter, the Municipality must provide notice to each taxing district of the Municipality’s intent to approve a “plan for industrial development” for the project. The plan must identify the primary terms of the proposed transaction, and must include a cost-benefit analysis that shows the impact of the proposed tax abatement on each taxing district.

Preparation of Legal Documents

Gilmore & Bell prepares the basic legal documents necessary for the bond issue, as described in “Structure of the Transaction” above. These documents will be reviewed by and supplemented with information and comments received from the parties to the financing, including the Municipality, the company, the trustee bank, any investment banker and their respective counsel.

Approval of Documents and Issuance of Bonds

After an investment banker or other purchaser (which may be the company) has agreed to purchase the bonds, the final details of the bond issue are determined and the basic documents will be finalized. The Municipality and the company will each adopt resolutions approving the legal documents and authorizing the issuance of the bonds at the specified interest rates and terms.

Preparation of Closing Documents

In addition to the basic legal documents discussed above, numerous other “closing documents” are necessary for the closing of a bond issue. Such documents include certificates relating to the existence of authority to execute and deliver documents and the absence of material litigation, corporate resolutions, opinions of counsel and evidence of payment for and receipt of the bonds. Gilmore & Bell will assist in the preparation and collection of the necessary closing documents.

Closing

The last step in the transaction is the closing itself, at which the Municipality delivers the bonds to the purchaser in exchange for payment of the purchase price of the bonds. The bond proceeds are paid over to the trustee bank, to be disbursed in accordance with the provisions of the trust indenture to pay the costs of the project. At the closing, Gilmore & Bell will deliver to the bond purchasers its opinion to the effect that the bonds have been validly issued under applicable state law and, if applicable, that the interest on the bonds is exempt from state and federal income taxation.

V. ADVANTAGES OF IDB FINANCING

From the Municipality’s standpoint, IDB financing is a useful tool to induce responsible new industries to locate in the area, as well as encouraging companies already in the area to remain, by assisting them in improving their present facilities or in building new ones. The end result is often a combination of increased job opportunities, existing job retention and large-scale capital investment.

From the company’s standpoint, the principal advantage of IDB financing depends on the purpose for which the bonds are being issued. If the bonds are tax-exempt, the cost of funds provided by IDBs generally is significantly below that of other alternatives because the interest paid to holders of such bonds is exempt from federal and state income taxation. If the bonds are taxable, the company can receive significant financial incentives in the form of tax abatement on the bond-financed property.

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LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY

I. PURPOSE

A Land Clearance for Redevelopment Authority (an “Authority”) may be created to assist counties and municipalities to redevelop blighted or insanitary areas for residential, recreational, commercial, industrial or for public uses. The LCRA Law (§§ 99.300 to 99.715, RSMo.) is premised upon the concept that the menace of blight is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided in the LCRA Law. The LCRA Act is intended to be a broad grant of authority by which a municipality, to the greatest extent it determines to be feasible in carrying out the provisions of the LCRA Act, is afforded maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment or renewal of areas by private enterprise.

II. CREATION

Before an Authority may operate in a city or county, the governing body of the city or county must (1) find that one or more “blighted” or “insanitary” areas (each defined in the statute) exist in such community and that the redevelopment of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such community and (2) approve the conduct of business by the Authority by ordinance or resolution. Although any municipality or county can authorize the operation of an LCRA, any municipality that contains less than 75,000 inhabitants is required to obtain majority voter approval to allow the Authority to operate. Regional authorities may also be created where two or more cities or counties cooperate to do so.

III. GOVERNANCE

An Authority is governed by a board of five commissioners appointed by the mayor for a municipal authority or county commission for a county authority. Commissioners must be taxpayers who have resided in the city or county forming the Authority for at least 5 years. In a regional Authority, each city or county appoints one commissioner. If there are an even number of communities represented in a regional Authority, those commissioners appoint one additional commissioner.

IV. POWERS

The LCRA Law provides for the financing of any land clearance or urban renewal project. The powers of an LCRA are exercised by its 5-member Board of Commissioners who must each be a taxpayer that has lived in the community for at least five years. The city must appoint Commission members to create staggered four-year terms.

An LCRA possesses a powers that related to blight clearance and redevelopment, including:

- Prepare or cause to be prepared and recommend redevelopment plans and urban renewal plans to the governing body of the community within its area of operation and undertake and carry out land clearance projects and urban renewal projects within its area of operation;

- Arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with a land clearance project or urban renewal project;
- Purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, eminent domain or otherwise, any real or personal property or any interest therein;
- To make plans to carry out a program of voluntary repair and rehabilitation of buildings and improvements, plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements;
- To make plans to carry out a program of compulsory repair, rehabilitation, demolition, or removal of buildings and improvements;
- Issue bonds for any of its corporate purposes including the payment of principal and interest upon any advances for surveys and plans for land clearance projects;
- Make or have made all surveys, studies and plans, but not including the preparation of a general plan for the community, necessary to the carrying out of the purposes of this law.

An LCRA may delegate to a municipality or other public body any of the powers or functions of the authority with respect to the planning or undertaking of a land clearance project or urban renewal project in the area in which the municipality or public body is authorized to act, and the municipality or public body is authorized to carry out or perform such powers or functions for the LCRA.

A “land clearance project” includes any work or undertaking to acquire blighted or insanitary areas or portions thereof; clearing any such areas by demolition or removal of structures and improvements thereon and to install, construct or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with a redevelopment plan; retain, sell or lease the land; and develop, construct, repair or improve residences, houses, buildings, structures and other facilities.

An “urban renewal project” includes any surveys, plans, undertakings and activities for the elimination and for the prevention of the spread or development of insanitary, blighted, deteriorated or deteriorating areas and may involve any work or undertaking for such purpose constituting a land clearance project or any rehabilitation or conservation work, or any combination of such undertaking or work in accordance with an urban renewal project.

“Rehabilitation or conservation work” is also defined in the statute and may include such things as carrying out plans for rehabilitation of buildings and other improvements, acquiring real property and demolition and clearing of such property to accomplish certain enumerated purposes; developing buildings and other structures; installing improvements necessary for carrying out the urban renewal project; and the disposition of the urban renewal project and related land.

V. FUNDING MECHANISMS

Generally

An Authority may issue bonds and may secure any of such obligations by mortgage, pledge, assignment or deed of trust of any or all of the property and income of the Authority, respectively. Bond issues of the Authority in excess of \$10,000,000 must be sold at public sale. The Authority may pledge all or any part of its gross or net rents, fees or revenues from land clearance projects to secure the repayment of bonds.

Any property held by the Authority in fee simple is subject to property tax abatement. A developer could enter into a financing arrangement similar to Chapter 100 where the developer receives the benefit of the abatement during the period any bonds remain outstanding. An Authority may acquire real property and lease the property to a redeveloper, who would then use the property and not pay *ad valorem* property taxes.

Property Tax Abatement in Constitutional Charter Cities

Sections 99.700 through 99.715, RSMo, provides a 10-year tax abatement process that is available in constitutional charter cities. The abatement covers 100% of the increased value of the property after abatement, as compared to the certified value before the abatement commenced. The property owner continues to annually pay taxes during this ten-year period based on the value of the property before redevelopment started.

A property owner submits plans to the LCRA which show that the applicant is engaged in new construction or rehabilitation pursuant to an approved redevelopment plan or urban renewal plan. § 99.700. The LCRA reviews the plans for construction/rehabilitation and issues a "certificate of qualification for tax abatement" to the applicant. § 99.700. The applicant notifies the county assessor of the qualification for tax abatement. § 99.705. The LCRA must issue a copy of the plans to the assessor. § 99.705. Then, the County assessor shall "issue a statement as to the current assessed valuation of the then existing real property covered by the plans."

The phrase "current assessed valuation" means the valuation of the property before new construction or rehabilitation begins, regardless of whether the new construction or rehabilitation is partially or totally complete at the time that the assessor receives the notice of qualification for abatement from the property owner. *20th & Main Redev. Partnership v. Kelley*, 774 S.W.2d 139 (Mo. 1989). This is the proper interpretation of the phrase "current assessed valuation" because the statute is to be construed liberally to effectuate the purpose of tax abatement. *Id.* The property is not to be assessed based on partially complete or completed rehabilitation at the time the assessor receives notice. *Id.*

The *Kelley* opinion notes that it would be a good practice to file a certificate for tax abatement prior to the start of new construction or rehabilitation, but failure to do so should not ruin the intended effect of the statute. The county must look back to the last valuation before new construction or rehabilitation started. In the *Kelley* case, the developer applied for tax abatement after an assessment date on which the rehabilitation was 90% complete, but still received abatement based on the pre-rehabilitation assessed value of the property.

The county assessor's statement of the value serves as the maximum assessed valuation of all real property included in the plans for a period of ten years from the date on which the statement is issued by the county. § 99.710.

Calculation of the 10-Year Abatement Period (Charter Cities)

Based on the *Kelley* case, the county should look to the January 1 assessment before the rehabilitation or new construction commenced. The facts of the *Kelley* case illustrate how this should work:

Jan. 1, 1985 – Assessed value of the subject property was \$46,080 (taxes due were \$2,186).

Aug. 1985 – Respondent purchased property, rehabilitation started.

Jan. 1, 1986 – Assessed value of the property was \$251,940 (taxes due were \$12,551), rehabilitation was 90% complete.

July 1986 – Owner received certificate of abatement from LCRA, owner delivered certificate to county assessor.

The county argued that taxes should be paid in 1986 based on the higher assessed value as of Jan. 1, 1986, because the county received the certificate in July 1986. The owner argued that the assessed value should be the lower Jan. 1, 1985 value because that was the value before the rehabilitation started.

The court agreed with the property owner, and the \$46,080 assessed value from 1985 was used for the purpose of calculating abatement. “‘The current assessed valuation of the then existing real property’ [in Section 99.705] does not refer to the valuation of the property when the certificate is presented to the assessor, as appellants would have us believe. An interpretation along these lines would render the remaining wording of the statute void of meaning, and would counter the intent of the legislature. * * * We hold that 99.705 provides that the valuation of the property *before* rehabilitation begins is the applicable number which is to be used for determining tax relief.” *Kelley*, 774 S.W.2d at 141 (emphasis in original).

The *Kelley* case is not specific on how the 10-year period is calculated, but a rule can be drawn from the case. Section 99.715 provides that abatement is effective “each year for a period of ten years from the date on which the statement [of abatement] was issued.” The court held in *Kelley* that the taxes due for the year 1986 were \$2,186 (based on the 1985 value), so presumably the first year of the 10-year period was 1986, starting on January 1, 1986. The general rule from this case would be that the first year of the 10-year period is the calendar year during which the certificate of qualification is issued, not a partial year, and the abatement continues for nine more calendar years after the year that the certificate is issued.

Property tax exemption for periods longer than 10 years may also be available through the issuance of industrial revenue bonds to finance certain property, similar to the tax exemption allowed under Chapter 100, RSMo. LCRAs in St. Louis City and Kansas City have issued industrial revenues bonds to finance the acquisition of certain real and personal property. This property is then titled in the

name of the LCRA (and is therefore tax-exempt) and leased to a private company. The lease payments made by the private company are then used to pay debt service on the bonds.

VI. OTHER CONSIDERATIONS

No real property can be acquired by the Authority until a plan is adopted by the governing body. An Authority may use the power of eminent domain to acquire any interest in any real property that is necessary to the redevelopment plan. All property including funds of an Authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process can be against the Authority's property. An authority is immune from any judgment which would be a charge or lien upon its property.

An Authority is a separate political entity required to comply with all Missouri laws applicable to political subdivisions (e.g., public meetings, Sunshine Law requirements, annual budgets, etc.). At least once a year the Authority must file a report of its activities with the city or county clerk where the Authority is located. Also, every five years the governing body of the city or county is to have a hearing to determine whether the Authority is making satisfactory progress under the time schedules in plans that have been approved.

A city which approves a land clearance project is granted certain additional powers by the LCRA Act which aid in the purposes of the plan, including causing parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished in compliance with a redevelopment plan. A city is also expressly authorized to plan or replan, zone or rezone any part of the city or make exceptions from building regulations and ordinances to carry out the plan.

Many provisions of the LCRA Act are similar to the Planned Industrial Expansion Authority ("PIEA") Act. However, the PIEA Act is available only to cities with a population of at least 400,000 or to cities that have adopted a charter under Article VI, Section 19 of the Missouri Constitution. Additionally, the PIEA Act is focused on industrial development.

* * * * *

LOCAL OPTION ECONOMIC DEVELOPMENT SALES TAX

I. INTRODUCTION

A Local Option Economic Development Sales Tax may be levied, subject to voter approval, at a rate of up to one-half of one percent (0.5%) by any city, town, village or county (collectively, a “municipality”) pursuant to Section 67.1305, RSMo. If approved by the voters, the sales tax will become effective on the first day of the second calendar quarter following the election. If not approved by the voters, a proposal for a Local Option Economic Development Sales Tax may not be resubmitted to the voters for twelve (12) months.

Certain municipalities, including Springfield, Joplin, St. Joseph, Buchanan County, Jasper County, all cities within Jasper County, Butler County and all cities within Butler County, may levy a Local Option Economic Development Sales tax, subject to voter approval, at a rate of up to one-half of one percent (0.5%) pursuant to Section 67.1303, RSMo., in lieu of the sales tax levied pursuant to Section 67.1305, RSMo. The provisions in Section 67.1303, RSMo., differ slightly from the provisions of Section 67.1305, RSMo., presented in this memorandum. If your municipality is able to levy a Local Option Economic Development Sales Tax pursuant to either Section 67.1303, RSMo., or Section 67.1305, RSMo., please consult with a Gilmore & Bell attorney to determine which sales tax will best serve your municipality’s needs.

II. PROCEDURES FOR IMPLEMENTATION

After the Local Option Economic Development Sales Tax is approved by the voters, the municipality levying the tax must create an Economic Development Tax Board. The membership of this Board is dependent upon whether the sales tax was levied by a city, town, village or county, as shown in the following table:

	Levied by City/Town/Village	Levied by County
School Districts	1	1
City/Town/Village	3	0
County	1	4
All Cities/Towns/Villages within County	0	2
TOTAL MEMBERS:	5	7

The purposes of this Board are to (1) develop and consider economic development plans, economic development projects and designations of economic development areas, (2) hold public hearings, and (3) make recommendations to the governing body of the municipality concerning economic development plans, economic development projects and designations of economic development areas. However, the governing body of the municipality levying the Local Option Economic Development Sales Tax will make all final funding determinations.

Before making any recommendations to the governing body of the municipality, the Economic Development Tax Board must hold a public hearing concerning the proposed economic development plan, economic development project or designation of an economic development area. Section 67.1305,

RSMo., does not provide any direction concerning the content of economic development plans or projects, the factors for considering the designation of an economic development area, or even procedures for giving notice of the public hearing. Accordingly, we suggest that the governing body of the municipality levying the sales tax pass a resolution, ordinance or order addressing these items concurrently with the establishment of the Economic Development Tax Board.

III. USE OF SALES TAX REVENUES

The use of Local Option Economic Development Sales Tax revenue is subject to several restrictions:

- Sales tax revenue may not be used for any retail development project, except for the redevelopment of downtown areas or historic districts.
- At least twenty percent (20%) of the revenue must be used for projects directly related to long-term economic development preparation, including but not limited to the following:
 - Acquisition of land;
 - Installation of infrastructure for industrial or business parks;
 - Improvement of water and wastewater treatment capacity;
 - Extension of streets; and
 - Providing matching dollars for state or federal grants.
- Remaining revenue may be used for, but is not limited to, the following:
 - Marketing;
 - Providing grants and low-interest loans to companies for job training, equipment acquisition, site development and infrastructure;
 - Training programs to prepare workers for advanced technologies and high skill jobs;
 - Legal and accounting expenses directly associated with the economic development planning and preparation process; and
 - Developing value-added and export opportunities for Missouri agricultural products.
- Not more than twenty-five percent (25%) of revenue may be used annually for administrative purposes, including staff and facility costs.
- Sales tax revenue may be used outside of the boundaries of the municipality imposing the tax if:
 - The municipality imposing the tax or the state receives significant economic benefit from the economic development plan, economic development project or the designation of the economic development area; and

- An agreement is entered between all municipalities participating in the economic development plan, economic development project or the designation of the economic development area detailing the authority and responsibilities of each municipality.
- When imposed in a tax increment financing (TIF) district, Local Option Economic Development Sales Tax revenue is not captured by TIF.
- When imposed in any special taxing district, including but not limited to TIF, Neighborhood Improvement Districts or Community Improvement Districts, Local Option Economic Development Sales Tax revenue may not be used for the purposes of the special taxing district unless recommended by the Economic Development Tax Board and approved by the governing body of the municipality levying the tax.

IV. REPORTING REQUIREMENTS

The Economic Development Tax Board and the governing body of the municipality levying the Local Option Economic Development Sales Tax must make a public report at least annually on the use of the sales tax revenue and the progress of any economic development plan, economic development project or the designation of the economic development area.

Additionally, no later than March 1 of each year, the Economic Development Tax Board must submit to the Joint Committee on Economic Development (a joint committee of the Missouri General Assembly) a report that includes the following information for each economic development project funded:

- A statement of the project's primary economic goals;
- A statement of the total Local Option Economic Development Sales Taxes received during the immediately preceding calendar year; and
- A statement of the total expenditures during the preceding calendar year in each of the following categories:
 - Infrastructure improvements;
 - Land and/or buildings;
 - Machinery and equipment;
 - Job training investments;
 - Direct business incentives;
 - Marketing;
 - Administration and legal expenses; and
 - Other expenditures.

V. REPEAL OF SALES TAX

The governing body of the municipality levying the Local Option Economic Development Sales Tax may choose to submit the question of repeal of the sales tax to the voters on any election date. Additionally, whenever the governing body of the municipality receives a petition signed by ten percent (10%) of registered voters of the municipality voting in the last gubernatorial election calling for an election to repeal the sales tax, the governing body must submit the question of the repeal to the voters at the next available election date.

If a majority of the voters approve the repeal, the repeal of the sales tax will become effective on December 31 of the calendar year in which the voters approved the repeal.

* * * * *

Exhibit B

PRELIMINARY FUNDING AGREEMENT

This **PRELIMINARY FUNDING AGREEMENT** (“**Agreement**”) is entered into this ____ day of, 20____, among the **CITY OF PECULIAR, MISSOURI** (the “**City**”), and _____, a Missouri _____ (the “**Developer**”) (collectively the “**Parties**”).

RECITALS

WHEREAS, the City is a fourth class city incorporated and exercising governmental functions and powers pursuant to the Constitution and the Revised Statutes of the State of Missouri, with its legislative power residing in the Board of Aldermen; and

WHEREAS, the Developer is the owner or has the right to purchase approximately ____ acres of real property generally located _____, and proposes to develop this property for _____ (the “**Development**”); and

WHEREAS, the Developer is a Missouri _____ and is authorized to conduct business in the State of Missouri; and

WHEREAS, the Developer is working with the City to develop a plan to provide for the funding of [**describe improvements**] to serve the Development, in accordance with Missouri law and applicable City Code requirements; and

WHEREAS, the Developer proposes to use [**describe funding mechanism**] to pay for improvements that will serve the Development (the Developer’s request(s) are collectively referenced herein as the “**Application**”); and

WHEREAS, in order for the City to fully consider and evaluate the Application and the proposed Development, the City will need to engage consultants to review, evaluate, process and consider the sources of public funding for the proposed Development; and

WHEREAS, the City does not have a source of funds to pay for costs incurred for additional legal, financial and other consultants or for direct out-of-pocket expenses and other costs resulting from services to review, evaluate, process and consider the Application; and

WHEREAS, it is the City’s policy that landowners and developers who desire assistance from the City in a public-private partnership or through the use of economic incentive tools shall demonstrate the financial ability to allow for the full and fair evaluation by the City of all development proposals and requests for economic incentives from the City

WHEREAS, in order for the City to fully consider and evaluate the Application, the Developer seeks to deposit funds with the City to be used by the City to pay for actual and reasonable out-of-pocket expenses necessary to perform a full evaluation of the Application.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Services to be Performed by the City.** The City shall:

A. Prepare or consult with the Developer on the preparation and consideration of an application in accordance with applicable State law for the requested public funding methods, give all notices, make all publications and hold hearings as required by State law and other applicable laws;

B. Provide necessary staff, legal, financial, and planning assistance to evaluate, process and consider the public funding sources for the Development;

C. Provide the necessary staff and legal, financial and planning assistance to prepare and negotiate an agreement between the Developer and the City for implementation of the proposed public funding sources;

D. If a development Agreement is entered into, provide the necessary staff, legal, financial and planning assistance to implement and administer such agreement; and

E. Engage appropriate outside consultants and attorneys to carry out the tasks described above.

2. **Initial Deposit.** The City acknowledges receipt of Fifteen Thousand Dollars (\$15,000.00) (the “**Deposit**”) from the Developer upon the execution of this Agreement. The City shall disburse the Deposit as set forth in **Section 4** and shall bill the Developer pursuant to **Section 3** to re-establish the Deposit so that there is always a minimum cash balance of Fifteen Thousand Dollars (\$15,000.00) available, from which additional disbursements may be made as required.

3. **Additional Funding.**

A. The City shall submit an itemized statement for actual expenses incurred to perform its obligations hereunder or for any additional obligations or expenditures incurred by the City in accordance with this Agreement. Such statements shall be submitted on a regular periodic basis, but no more often than monthly. Developer shall pay the City the amounts set forth on such statements (the “**Additional Funds**”) within thirty (30) days of receipt thereof. If such funds are not so received, the unpaid balance shall be subject to a penalty of two percent (2%) per month until paid, but in no event shall such penalty exceed twenty-four percent (24%) per annum, and City shall be relieved of any and all obligations hereunder until paid or may terminate this Agreement pursuant to **Section 5**. Developer shall supply the Additional Funds in a timely manner so that City activities may continue without interruption.

B. Developer shall reimburse the City for its administrative expenses and actual out-of-pocket expenses necessary to perform the City’s obligations hereunder, using Gilmore & Bell, P.C., for special legal counsel, and other consultants as approved according to this paragraph. The City shall advise Developer in writing if it intends to utilize the services of any other consultant to perform its obligations under the terms of this Agreement. Such written notice shall include the name of the consultant, the service to be performed and an estimate of the cost expected. If Developer, in writing, within five (5) business days from receipt of the City’s notice, objects to either the consultant named or the service to be performed, the City and Developer shall negotiate in good faith to resolve Developer’s objections. If the Parties cannot agree on the consultant to be used or the service to be performed, the City shall have no obligation to perform that service under the terms of this Agreement and Developer shall have no obligation to pay for such service under the terms of this Agreement.

C. The parties agree that the funds advanced to the City under this Agreement shall be reimbursed to Developer, to the extent allowed by law, through any public funding sources that may result for the Development.

D. Before a vote by the Board of Aldermen for approval or disapproval of the Application or any other measure associated the Application, the Developer shall deposit with the City, upon notice from the City, sufficient Additional Funds to pay all outstanding expenses incurred hereunder and replenish the amount on deposit with the City as provided in **Section 2**.

4. **Disbursement of Funds.** The City shall disburse the Deposit and Additional Funds for reimbursement of costs to the City on or before the thirtieth (30th) day of each month, and for consulting fees and the payment of all out-of-pocket expenses incurred by the City in connection with the performance of its obligations under this Agreement as payment for such expenses become due. Upon reasonable notice, the City shall make its records available for inspection by Developer for such disbursements.

5. **Project Administration.** In addition to the services set forth in **Section 1**, the City may be required to provide services from time to time for the continuing administration of the funding mechanisms that are approved as part of the Application, and any contracts entered into in furtherance of the Application. Upon appropriate itemization, the City shall be reimbursed by the Developer for actual meeting expenses and other expenses that are reasonable or incidental to the general operations of the City and its consultants with respect to administration of such funding mechanisms, and any contracts entered into in furtherance of the Application. The provisions of this section shall apply until such time as the City and the Developer execute an agreement which provides for the termination of this Funding Agreement and the terms and conditions under which the City's ongoing services shall be funded. It is anticipated that, if approved, any such Agreement will include provisions necessary for reimbursement of such funds to the Developer.

6. **Termination of this Funding Agreement.**

A. **Termination by the City.** In the event the Developer fails to perform any of its obligations herein, the City may terminate this Funding Agreement, and any other agreement between the parties, at its sole discretion if the Developer fails to cure the default within ten (10) days after written notice to the Developer of the default. Termination by the City shall also terminate any duties and obligations of the City with respect to this Funding Agreement, including, but not limited to, the City's processing of the Application. Upon such termination, the Deposit and any Additional Funds shall be disbursed as set forth in paragraph C of this Section.

B. **Termination by the Developer.** The parties hereto acknowledge that the Developer may determine to abandon the Application. Upon written notice of abandonment by the Developer, this Funding Agreement shall terminate and the City may terminate any other agreement between the parties. Upon such termination, the Deposit and any Additional Funds shall be disbursed as set forth in paragraph C of this Section.

C. **Wrap-Up After Early Termination.** Upon termination pursuant to paragraphs A or B of this Section, the City shall retain the Deposit and Additional Funds, if any, necessary to reimburse the City for all actual and reasonable expenses incurred under this Funding Agreement to the date of termination and any monies due and owing to the City pursuant to any other agreement with the Developer. Upon such termination, in the event the Deposit and Additional Funds are insufficient to reimburse the City for the outstanding expenses of the City payable hereunder, the Developer shall reimburse the City as set forth in **Section 3**. After termination of this Funding Agreement pursuant to paragraphs A or B of this Section, any amounts remaining from the Deposit and the Additional Funds after all amounts have either been paid as directed by the City, or reimbursed to the City, shall be returned to the Developer.

D. Termination by Consolidation into TIF Agreement. Unless otherwise terminated as provided in paragraphs A or B of this **Section 6**, this Funding Agreement shall stay in full force and effect until it is specifically terminated as set forth in an agreement between the City and Developer, and thereafter the terms and conditions of the agreement shall provide for the continued funding arrangements by Developer with respect to the Application.

7. **Notice.** Any notice, approval, request or consent required by or asked to be given under this Agreement shall be deemed to be given if in writing and mailed by United States mail, postage prepaid, or delivered by hand, and addressed as follows:

To the City:

City of Peculiar, Missouri
Attn: City Administrator
250 S. Main Street
Peculiar, Missouri 64078

With a copy to:

David Bushek
Gilmore & Bell, P.C., Suite 1100
2405 Grand Blvd.
Kansas City, Missouri 64108

To Developer:

[ADD]

With a copy to:

[ADD attorney]

Each party may specify that notice be addressed to any other person or address by giving to the other party ten (10) days prior written notice thereof.

8. **City Requirements and Prior Approval.** Developer agrees to comply with all applicable laws and City ordinances, including, but not limited to, the City's zoning ordinances, subdivision regulations and all planning or infrastructure requirements related to the development of any property. Developer agrees that execution of this Agreement in no way constitutes a waiver of any requirements of applicable City ordinances or policies with which Developer must comply and does not in any way constitute prior approval of any future proposal for development. Developer acknowledges that the City may not lawfully contract away its police powers and that approval of any zoning, subdivision and similar development applications cannot be contractually guaranteed. This Agreement does not alter or diminish the City's ability to exercise its legislative discretion to consider any application in accordance with all applicable laws with respect to the development of any property.

9. **Legal Representation.** The Developer understands and acknowledges that this arrangement is an accommodation to the Developer in which the City's special legal counsel is not providing legal representation to the Developer and that no attorney-client relationship between the Developer and the City's special legal counsel shall exist by any reason including, but not limited to, the Developer's payment of the City's expenses under this Funding Agreement. Developer further understands that legal counsel paid pursuant to this Funding Agreement is legal counsel for the City and acknowledges the duties of confidentiality and loyalty to the City.

10. **Subsequent Developers.** In the event the City selects another developer of record pursuant to a request for proposals to carry out the Application, the City shall require the subsequent developer to assume all obligations of the Developer under this Funding Agreement as of the date that the subsequent developer is designated as the developer of record and to reimburse the Developer for its expenditures under this Funding Agreement.

11. **Assignment.** This Funding Agreement may not be assigned by any party without the prior written consent of the other party. No assignment, unless specifically provided for in such consent, shall relieve the assigning party of any liability pursuant to this Funding Agreement. This Funding Agreement shall be binding upon the parties and their successors and permitted assigns.

[Remainder of this Page Intentionally Left Blank]

The parties hereto have caused this Agreement to be executed by their duly authorized representatives the day and year first above written.

CITY OF PECULIAR, MISSOURI

By: _____
Mayor

(SEAL)

ATTEST:

City Clerk

[DEVELOPER]

By: _____

Name: _____

Title: _____

City Administrator
Brad Ratliff



City Engineer
Carl Brooks

City Planner
Cliff McDonald

Chief of Police
Harry Gurin

City Attorney
Reid F. Holbrook

City Clerk
Nick Jacobs

Business Office Manager
Trudy Prickett

Municipal Offices – 250 S Main, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.5213

Parks Director
Nathan Musteen

To: Board of Aldermen
From: Cliff McDonald, City Planner
Date: January 6, 2014
Re:

GENERAL INFORMATION

Applicant: Planning Commission & City Staff
Requested Actions: Amend Chapter 400, Zoning Regulations, to Incorporate an Approved Land-use Table (Land-use Matrix) to Identify Permitted and Special Permit Uses in Districts: AG, Agriculture; O-C, Office Commercial; C-1, General Business; C-2, Central Business; C-P, Planned Business; I-1, Light Industrial; I-2, Heavy Industrial; and A-C, Arts and Culture Overlay.
Date of Application: January 6, 2014
Purpose: To Amend Chapter 400, Zoning Regulations, to Identify Permitted and Special Permit Uses in Multiple Zoning Districts by Incorporating an Approved Land-use Table (see Requested Actions above).
Property Location (if applicable): City Wide

PROPOSAL

Recommend the Board of Aldermen review the proposed Amendments to Chapter 400, Zoning Regulations, and consider approving & adopting these changes to incorporate an Approved Land-use Table into the City’s Zoning Regulations by Ordinance.

PREVIOUS ACTIONS

The Planning Commission identified the need to provide for “Permitted” Uses in Commercial Zoning Districts to provide for, and promote, Economic Development and Commercial growth within the City. As discussion and review of Permitted Uses ensued, Special Permits were added to the review process as well as other Zoning Districts so that “Similar” uses were being addressed. Eventually all the City’s Zoning Districts except for “Residential” were included in the discussion, review and development of the Approved Land-use Table (Land-use Matrix).

The Planning Commission has worked diligently on the Approved Land-use Table being presented for the Board’s review. The Commission has devoted Ten (10) months creating this document, based initially upon the Shawnee, Kansas Land-use Matrix, and has worked closely with DPACD throughout its development to ensure the uses identified for District A-C were approved by DPACD’s Board of Directors.

The Planning Commission has scheduled its Public Hearing for the Amendments to Chapter 400 to incorporate the Approved Land-use Table for February 13th, 2014.

KEY ISSUES

1. Documents Presented for Your Review: There are Three (3) “Sets” of documents being presented for your Information & Review, they are:
 - a. Land-use Matrix Zoning Ordinance Changes. This document shows the changes to the existing Zoning Regulations for each District; deletions are “lined thru” and new additions to the Text are shown in “Red.”
 - b. Draft Ordinance, Chapter 400 Land-use Table Amendments. This document is the Draft Ordinance which will incorporate all the changes to existing Districts, and adds a “New” SECTION 400.500 to Chapter 400 to incorporate the Approved Land-use Table.
 - c. Approved Land-use Table. This Thirteen (13) page document lists the “Permitted” and “Special Permit” Uses for all Zoning Districts except for the City’s Residential and Historic Zoning Districts. This should be reviewed closely as the approval/disapproval of all future Land-use applications will be determined from this document.

2. Changes to Zoning Regulations (Aside from Land-use): There are no “Significant” changes to the District Zoning Regulations being presented in this proposed Amendment. There are several minor changes to the Regulations which are outlined below:
 - a. SECTION 400.600 APPROVAL CRITERIA. Paragraph 7 is proposed to ensure the Applicant for a Special Permit in District A-C makes a presentation to the DPACD Board of Directors so their Board may subsequently provide a recommendation for, or against, the Special Permit to both the Planning Commission and Board of Aldermen.
 - b. SECTION 400.450: DISTRICT “A-C” ARTS AND CULTURE OVERLAY. Paragraph A.2.e is proposed to establish the Maximum Size of 10,000 square feet for a principal building in the District.
 - c. SECTION 400.460: DISTRICT C-P PLANNED BUSINESS DISTRICT. Paragraph 1.b is proposed to reduce the required minimum acreage from 20 acres to 10 acres.
 - d. SECTION 400.450: DISTRICT “A-C” ARTS AND CULTURE OVERLAY. **Amending existing Paragraph A.2.a (Special Uses) is NOT YET RESOLVED.** The existing paragraph requires ALL buildings or structures being erected, constructed, reconstructed, moved or altered which are larger than 2,000 square feet to secure a Special Use Permit regardless of whether the “Use” of the proposed business is Permitted or by Special Permit.
The Proposed amendment will likely “exempt” existing structures (to promote renovation of existing structures) or increase the minimum square footage to 3,500 to 5,000 SF, again to promote the renovation of existing facilities within the District – this will be determined by the Planning Commission prior to final presentation to the Board of Aldermen.

STAFF RECOMMENDATIONS

I recommend the Board of Aldermen review the proposed changes and Approved Land-use Table in preparation for a Public Hearing before the Board, tentatively scheduled for February 17th, 2014.

STAFF CONTACT: Clifford L. McDonald

DRAFT CHANGES TO ZONING DISTRICTS

AG, C-0, C-1, C-2, C-P, A-C, I-1 AND I-2

NECESSARY TO IMPLEMENT THE

LAND-USE MATRIX

SECTION 400.360: DISTRICT "AG" AGRICULTURE

The "AG" Agriculture District is intended to conserve farm land for agricultural purposes and to serve as a "holding" zone to prevent the premature development of large land acreages and of recently annexed land for which the most appropriate future use has not yet been determined.

1. *Permitted uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:

a. Agriculture, horticulture, orchards and general farming, excluding the raising, breeding or processing of livestock or farm animals (except the keeping of up to ten (10) chickens is permitted in accordance with Peculiar Municipal Code [Chapter 205](#)).

~~b. Bed and breakfast inn.~~

~~c. Day care, child.~~

~~d. Place of religious exercise or religious assembly.~~

~~e. Railroad rights of way, excluding rail yards.~~

f. Single-family dwelling, detached.

g. Stable, private or public or riding.

h. Keeping of one (1) horse in accordance with the following conditions:

(1) A minimum area of two and one-half (2½) or more acres is required for each horse.

(2) The animal must have access to adequate food and water.

(3) The animal must have access to shade and, at a minimum, a permanent type lean to that protects from wind.

(4) The owner shall provide adequate care and control of the animal to ensure its health and safety, including a properly fenced outdoor area large enough for exercising.

(5) All other provisions of the Peculiar Municipal Code regarding the keeping of animals shall be complied with.

~~2. *Special uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or~~

altered for one (1) or more of the following uses without prior approval of a special use permit in accordance with [Article V](#):

- ~~— a. Airport or heliport.~~
- ~~— b. Animal hospital or clinic in a completely enclosed building.~~
- ~~— c. Cemetery, mausoleum or columbarium.~~
- ~~— d. Club, private.~~
- ~~— e. College or university.~~
- ~~— f. Golf course or golf driving range, except miniature golf course.~~
- ~~— g. Gun or archery shooting club.~~
- ~~— h. Keeping of animals by a non-profit organization for youth and educational activities.~~
- ~~— i. Reserved.~~
- ~~— j. Kennel, fish hatchery, apiary or aviary.~~
- ~~— k. Manufactured home development.~~
- ~~— l. Outdoor recreation or amusement.~~
- ~~— m. Public facility, use or utility.~~
- ~~— n. Public or private park or similar natural recreation area.~~

3. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

- a. *Height.* Buildings or structures shall not exceed thirty-five (35) feet or two and one-half (2½) stories in height, except accessory agricultural equipment structures designed to be fireproof.
- b. *Front yards.* There shall be a front yard of at least thirty (30) feet.
- c. *Side yards.* There shall be a side yard on each side of a building of at least fifteen (15) feet.
- d. *Rear yards.* There shall be a rear yard of at least thirty (30) feet.
- e. *Lot area.*

(1) Single-family dwellings shall provide a lot area of at least ten (10) acres, provided that where a lot has less area than herein provided and has been held in separate ownership since on or before December 3, 1979, this regulation shall not prohibit the erection of a single-family dwelling.

(2) All other uses shall provide a lot area of at least twenty (20) acres. (Ord. No. 111808 §1(400-410.1--3), 11-18-08; Ord. No. 101711 §1, 10-17-11; Ord. No. 04162012 §I, 4-16-12)

SECTION 400.360: DISTRICT "AG" AGRICULTURE

The "AG" Agriculture District is intended to conserve farm land for agricultural purposes and to serve as a "holding" zone to prevent the premature development of large land acreages and of recently annexed land for which the most appropriate future use has not yet been determined.

1. *Permitted uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:

- a. Permitted uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table.
- b. Agriculture, horticulture, orchards and general farming, excluding the raising, breeding or processing of livestock or farm animals (except the keeping of up to ten (10) chickens is permitted in accordance with Peculiar Municipal Code [Chapter 205](#)).
- c. Single-family dwelling, detached.
- d. Stable, private or public or riding.
- e. Keeping of one (1) horse in accordance with the following conditions:
 - (1) A minimum area of two and one-half (2½) or more acres is required for each horse.
 - (2) The animal must have access to adequate food and water.
 - (3) The animal must have access to shade and, at a minimum, a permanent type lean to that protects from wind.
 - (4) The owner shall provide adequate care and control of the animal to ensure its health and safety, including a properly fenced outdoor area large enough for exercising.
 - (5) All other provisions of the Peculiar Municipal Code regarding the keeping of animals shall be complied with.
- f. Keeping of one (1) head of cattle, 2 sheep, or 2 goats in accordance with the following conditions:
 - (1). A minimum area of 2 and one-half (2-½) acres is required for each head of cattle, or 2 sheep or goats, with a minimum total of ten (10) acres of grazing land per owner.

- (2). The animal must have access to adequate food and water.
- (3). The owner shall provide adequate care and control of the animal to ensure its health and safety, including a properly fenced outdoor area large enough for exercising.
- (4). All other provisions of the Peculiar Municipal Code regarding the keeping of animals shall be complied with.

2. *Special uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for one (1) or more of the special uses identified and approved in [Section 400.500 Approved Land Uses and Specific Exclusions](#) and [Table 400.502, Approved Land Use Table](#) without prior approval of a special use permit in accordance with [Article V](#):

3. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

a. *Height.* Buildings or structures shall not exceed thirty-five (35) feet or two and one-half (2½) stories in height, except accessory agricultural equipment structures designed to be fireproof.

b. *Front yards.* There shall be a front yard of at least thirty (30) feet.

c. *Side yards.* There shall be a side yard on each side of a building of at least fifteen (15) feet.

d. *Rear yards.* There shall be a rear yard of at least thirty (30) feet.

e. *Lot area.*

(1) Single-family dwellings shall provide a lot area of at least ten (10) acres, provided that where a lot has less area than herein provided and has been held in separate ownership since on or before December 3, 1979, this regulation shall not prohibit the erection of a single-family dwelling.

(2) All other uses shall provide a lot area of at least twenty (20) acres.

SECTION 400.420: DISTRICT "O-C" OFFICE COMMERCIAL

The "O-C" District is intended to encourage and permit the establishment of commercial office uses in areas which have developed, or are appropriate to develop, as limited retail districts. This district should also be located in areas adjacent to established commercial districts, in historic and/or architecturally significant areas where the adaptive reuse of existing buildings is encouraged, in areas of particular tourist interest and along arterial and/or collector streets which are suitable for more intensive commercial development.

~~1. Permitted uses. No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:~~

~~— a. Office, general.~~

~~— b. Office, medical.~~

~~2. Special uses. No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, for one (1) or more of the following uses without prior approval of a special use permit in accordance with [Article V](#):~~

~~— a. Bakery, retail only.~~

~~— b. Bank, savings and loan, savings bank or credit union.~~

~~— c. Broadcast station.~~

~~— d. Business or professional school.~~

~~— e. Club, private.~~

~~— f. Dry cleaning drop off only.~~

~~— g. Public facility, use or utility.~~

~~— h. Railroad rights of way, excluding rail yards.~~

~~— i. Restaurant, indoor.~~

~~— j. Restaurant, outdoor with maximum outdoor seating no greater than twenty-five percent (25%) of indoor seating capacity.~~

3. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

a. *Height.* Buildings or structures may be erected to any height provided area regulations can be met.

b. *Front yards.* There shall be a front yard of at least twenty-five (25) feet, plus three (3) feet for each story in excess of four (4).

c. *Side yards.* There shall be a side yard on each side of a building equal to twenty percent (20%) of the lot width, provided the side yard shall not be less than fifteen (15) feet and need not be more than fifty (50) feet.

d. *Rear yards.* There shall be a rear yard of at least twenty-five (25) feet for buildings not exceeding two (2) stories and at least the height of the building for buildings in excess of two (2) stories. (Ord. No. 111808 §1(400-440.1--3), 11-18-08)

SECTION 400.420: DISTRICT "O-C" OFFICE COMMERCIAL

The "O-C" District is intended to encourage and permit the establishment of commercial office uses in areas which have developed, or are appropriate to develop, as limited retail districts. This district should also be located in areas adjacent to established commercial districts, in historic and/or architecturally significant areas where the adaptive reuse of existing buildings is encouraged, in areas of particular tourist interest and along arterial and/or collector streets which are suitable for more intensive commercial development.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table:

2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

a. *Height.* Buildings or structures may be erected to any height provided area regulations can be met.

b. *Front yards.* There shall be a front yard of at least twenty-five (25) feet, plus three (3) feet for each story in excess of four (4).

c. *Side yards.* There shall be a side yard on each side of a building equal to twenty percent (20%) of the lot width, provided the side yard shall not be less than fifteen (15) feet and need not be more than fifty (50) feet.

d. *Rear yards.* There shall be a rear yard of at least twenty-five (25) feet for buildings not exceeding two (2) stories and at least the height of the building for buildings in excess of two (2) stories. (Ord. No. 111808 §1(400-440.1--3), 11-18-08)

SECTION 400.430: DISTRICT "C-1" GENERAL BUSINESS

The "C-1" District is intended to provide locations for a variety of commercial uses throughout the community while ensuring the size and nature of uses permitted and the location characteristics are such that they will not adversely affect surrounding residences.

~~1. *Permitted uses.* There are no permitted uses in the "C-1" General Business District.~~

~~2. *Special uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for one (1) or more of the following uses without prior approval of a special use permit in accordance with [Article V](#):~~

- ~~a. Animal hospital or clinic in a completely enclosed building.~~
- ~~b. Auditorium or assembly hall.~~
- ~~c. Bakery, retail only.~~
- ~~d. Bank, savings and loan, savings bank or credit union.~~
- ~~e. Bar or tavern.~~
- ~~f. Barber or beauty shop.~~
- ~~g. Bicycle repair.~~
- ~~h. Billboard signs.~~
- ~~i. Body art establishment.~~
- ~~j. Brew pub.~~
- ~~k. Broadcast station.~~
- ~~l. Bus station.~~
- ~~m. Business or professional school.~~
- ~~n. Business service.~~
- ~~o. Carwash.~~
- ~~p. Clinic, medical or dental.~~

- ~~— q. Club, health.~~
- ~~— r. Club, private.~~
- ~~— s. Day care center, child.~~
- ~~— t. Dry cleaner or laundromat.~~
- ~~— u. Frozen food locker for individual use.~~
- ~~— v. Furniture or home furnishings center.~~
- ~~— w. Garment repair.~~
- ~~— x. Gas station.~~
- ~~— y. Golf course or driving range.~~
- ~~— z. Greenhouse, commercial.~~
- ~~— aa. Grocery store.~~
- ~~— ab. Home improvement center.~~
- ~~— ac. Hospital.~~
- ~~— ad. Hotel.~~
- ~~— ae. Indoor recreation or amusement facility.~~
- ~~— af. Mini storage.~~
- ~~— ag. Miniature golf course.~~
- ~~— ah. Motion picture theater.~~
- ~~— ai. Nursery.~~
- ~~— aj. Outdoor recreation or amusement.~~
- ~~— ak. Outdoor sales, storage or display only when accessory to a principal use.~~
- ~~— al. Office, general.~~
- ~~— am. Office, medical.~~

- ~~— an. Parking lot associated with a principal use.~~
- ~~— ao. Pawnshop.~~
- ~~— ap. Pet day care in a completely enclosed building.~~
- ~~— aq. Pet supply store.~~
- ~~— ar. Place of religious exercise or religious assembly.~~
- ~~— as. Preschool.~~
- ~~— at. Printing plant.~~
- ~~— au. Print shop.~~
- ~~— av. Public facility, use or utility.~~

- ~~— aw. Railroad rights of way, excluding rail yards.~~

- ~~— ax. Restaurant, drive in or carry out.~~

- ~~— ay. Restaurant, indoor.~~

- ~~— az. Retail sales or service.~~

- ~~— ba. Shopping center, neighborhood.~~

- ~~— bb. Small electrical repair.~~

- ~~— bc. Truck stop.~~

- ~~— bd. Vehicle parts store.~~

- ~~— be. Vehicle sales or rental.~~

- ~~— bf. Vehicle service or repair.~~

- ~~— bg. Wholesale sales office or show room.~~

3. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

- a. *Height.* Buildings or structures may be erected to any height.
- b. *Front yards.* There shall be a front yard of at least twenty (20) feet.
- c. *Side yards.* There shall be a side yard on each side of a building of at least ten (10) feet.
- d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION 400.430: DISTRICT "C-1" GENERAL BUSINESS

The "C-1" District is intended to provide locations for a variety of commercial uses throughout the community while ensuring the size and nature of uses permitted and the location characteristics are such that they will not adversely affect surrounding residences.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table:

2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:
 - a. *Height.* Buildings or structures may be erected to any height.
 - b. *Front yards.* There shall be a front yard of at least twenty (20) feet.
 - c. *Side yards.* There shall be a side yard on each side of a building of at least ten (10) feet.
 - d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION 400.440: DISTRICT "C-2" CENTRAL BUSINESS

The "C-2" District is intended to provide locations for a wide variety of uses. The district is intended to be applied to a very limited downtown business core.

1. ~~Permitted uses.~~ No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:

- ~~— a. Bank, savings and loan, savings bank or credit union.~~
- ~~— b. Business service.~~
- ~~— c. Office, general.~~

— 2. ~~Special uses.~~ No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for one (1) or more of the following uses without prior approval of a special use permit in accordance with [Article V](#):

- ~~— a. Animal hospital or clinic in a completely enclosed building.~~
- ~~— b. Auditorium or assembly hall.~~
- ~~— c. Bakery, retail only.~~
- ~~— d. Bar or tavern.~~
- ~~— e. Barber or beauty shop.~~
- ~~— f. Bicycle repair.~~
- ~~— g. Billboard signs.~~
- ~~— h. Body art establishment.~~
- ~~— i. Broadcast station.~~
- ~~— j. Brew pub.~~
- ~~— k. Bus station.~~
- ~~— l. Business or professional school.~~
- ~~— m. Clinic, medical or dental.~~
- ~~— n. Club, health.~~
- ~~— o. Club, private.~~
- ~~— p. Dry cleaner.~~
- ~~— q. Frozen food locker for individual use.~~

- ~~— r. Furniture or home furnishings center.~~
- ~~— s. Garment repair.~~
- ~~— t. Gas station.~~
- ~~— u. Greenhouse, commercial.~~
- ~~— v. Hotel.~~

- ~~—— w. Indoor recreation or amusement.~~
- ~~—— x. Motion picture theater.~~
- ~~—— y. Outdoor recreation or amusement.~~
- ~~—— z. Parking lot associated with a principal use.~~
- ~~—— aa. Parking structure.~~
- ~~—— ab. Pet day care in a completely enclosed building.~~
- ~~—— ac. Place of religious exercise or religious assembly.~~
- ~~—— ad. Printing plant.~~
- ~~—— ae. Print shop.~~
- ~~—— af. Public facility, use or utility.~~
- ~~—— ag. Railroad rights of way, excluding rail yards.~~
- ~~—— ah. Restaurant, indoor or carry out.~~
- ~~—— ai. Retail sales or service.~~
- ~~—— aj. Small electrical repair.~~

3. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

- a. *Height.* Buildings or structures may be erected to any height.
- b. *Front yards.* The required front yard setback shall be zero (0) feet.
- c. *Side yards.* The required side yard setback shall be zero (0) feet.
- d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION 400.440: DISTRICT "C-2" CENTRAL BUSINESS

The "C-2" District is intended to provide locations for a wide variety of uses. The district is intended to be applied to a very limited downtown business core.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table:

2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

- a. *Height.* Buildings or structures may be erected to any height.
- b. *Front yards.* The required front yard setback shall be zero (0) feet.
- c. *Side yards.* The required side yard setback shall be zero (0) feet.
- d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION 400.450: DISTRICT "A-C" ARTS AND CULTURE OVERLAY

A. The "A-C" District is intended to provide opportunities that encourage the development of an arts and culture district within a very limited area of the downtown business core.

1. ~~Permitted uses. No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:~~

- ~~— a. Art gallery.~~
- ~~— b. Artisan production shop.~~
- ~~— c. Artist studio.~~
- ~~— d. Bakery, retail only.~~
- ~~— e. Bank, savings and loan, savings bank or credit union.~~
- ~~— f. Bar or tavern.~~
- ~~— g. Barber or beauty shop.~~
- ~~— h. Bicycle repair.~~
- ~~— i. Boarding or lodging house.~~
- ~~— j. Brew pub.~~
- ~~— k. Bus station.~~
- ~~— l. Business or professional school.~~
- ~~— m. Business service.~~
- ~~— n. Clinic, medical or dental.~~
- ~~— o. Club, health.~~
- ~~— p. Club, private.~~
- ~~— q. Day care center, child.~~
- ~~— r. Day care, adult and child.~~
- ~~— s. Drycleaner.~~
- ~~— t. Drycleaner or laundromat (pick up and drop off only).~~
- ~~— u. Frozen food locker for individual use.~~
- ~~— v. Furniture (handmade furniture only).~~
- ~~— w. Garment repair.~~
- ~~— x. Indoor recreation or amusement.~~
- ~~— y. Live/work unit.~~
- ~~— z. Miniature golf course.~~
- ~~— aa. Museum.~~
- ~~— bb. Office, general.~~
- ~~— cc. Outdoor recreation or amusement.~~
- ~~— dd. Parking lot.~~
- ~~— ee. Performing arts theater.~~
- ~~— ff. Pet day care in a completely enclosed building.~~

- ~~— gg. — Pet supply store.~~
- ~~— hh. — Place of religious exercise or religious assembly.~~
- ~~— ii. — Preschool.~~
- ~~— jj. — Print shop.~~

- ~~— kk. — Restaurant, indoor or carryout.~~

- ~~— ll. — Retail sales or service.~~

- ~~— mm. — School for the arts.~~

- ~~— nn. — Single family dwelling and two family dwelling.~~

- ~~— oo. — Small engine repair.~~

- ~~— pp. — Specialized product store.~~

- ~~— qq. — Visitor's center.~~

~~— 2. — *Special uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for one (1) or more of the following uses without prior approval of a special use permit in accordance with Article V:~~

- ~~— a. — Any permitted or special uses building which has a footprint over two thousand (2,000) square feet and less than ten thousand (10,000) square feet.~~
- ~~— b. — Auditorium or assembly hall.~~
- ~~— c. — Body art establishment.~~
- ~~— d. — Broadcast station.~~
- ~~— e. — Hotel/motel.~~
- ~~— f. — Motion picture theater.~~

- ~~— g. — Outdoor dining.~~

- ~~— h. — Outdoor sales, storage or display.~~

- ~~— i. — Public facility, use or utility.~~

- ~~— j. — Public or private park or similar natural recreation area.~~

- ~~— k. — Public or private school offering a curriculum that meets State standards for grades K through 12.~~

~~1. Uses other than permitted land uses specified above may be allowed as a special use permit approved by the Board of Aldermen, if the City Planner determines that such a use is consistent with the intent of the district and the proponent obtains a favorable recommendation from the Downtown Peculiar Arts and Culture District ("DPACD").~~

3. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this Code:

- a. *Height.* The maximum height for principal buildings and structures shall be forty-five (45) feet and the maximum number of stories shall be three (3).
- b. *Front yards.* The required front yard setback shall be zero (0) feet or no closer than existing building(s) on block, whichever is more stringent.
- c. *Side yards.* The required side yard setback shall be zero (0) feet.
- d. *Rear yards.* There shall be a rear yard of at least five (5) feet.

B. *Additional Regulations Specific To The District.*

1. *Parking regulations.* On-street parking is allowed within the district. Furthermore, the district is exempt from the required off-street parking stall requirement. Nonetheless, if a property owner constructs off-street parking spaces, the parking lot shall be paved with an approved hard surface meeting the requirements of the City Engineer.\

2. *Signs.* Signs permitted in [Article IX](#) and additional signs described below:

- a. Projecting signs.
- b. Menu boards.
- c. Flashing, blinking, moving or otherwise animated signs allowed as a special use permit approved by the Board of Aldermen.
- d. Signs in rights-of-way approved by the City Engineer and MoDOT, if applicable.
- e. Off-site promotional signs for events, festivals and other activities approved by the City Planner.
- f. Temporary signs and banner signs no longer than thirty (30) days consecutively and no more than one hundred eighty (180) days a calendar year.

g. Additional signs not described above or in [Article IX](#) allowed as a special use permit approved by the Board of Aldermen.

3. *Lighting.* Lighting permitted in [Chapter 400](#) "Zoning Regulations" and additional lighting described below:

a. Neon.

b. Additional lighting allowed as a special use permit approved by the Board of Aldermen.

4. *Noise.* No business shall exceed fifty-five (55) decibels as described in [Section 400.1160](#) "Performance Standards for Noise" after 10:00 P.M. seven (7) days a week except allowed as a special use permit approved by the Board of Aldermen.

SECTION 400.450: DISTRICT "A-C" ARTS AND CULTURE OVERLAY

A. The "A-C" District is intended to provide opportunities that encourage the development of an arts and culture district within a very limited area of the downtown business core.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in [Section 400.500 Approved Land Uses and Specific Exclusions](#) and [Table 400.502, Approved Land Use Table](#):
2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this Code:
 - a. *Height.* The maximum height for principal buildings and structures shall be forty-five (45) feet and the maximum number of stories shall be three (3).
 - b. *Front yards.* The required front yard setback shall be zero (0) feet or no closer than existing building(s) on block, whichever is more stringent.
 - c. *Side yards.* The required side yard setback shall be zero (0) feet.
 - d. *Rear yards.* There shall be a rear yard of at least five (5) feet.
 - e. *Area.* [The maximum area for principal buildings and structures shall be ten thousand \(10,000\) square feet.](#)

B. *Additional Regulations Specific To The District.*

1. *Parking regulations.* On-street parking is allowed within the district. Furthermore, the district is exempt from the required off-street parking stall requirement. Nonetheless, if a property owner constructs off-street parking spaces, the parking lot shall be paved with an approved hard surface meeting the requirements of the City Engineer.\

2. *Signs.* Signs permitted in [Article IX](#) and additional signs described below:
 - a. Projecting signs.
 - b. Menu boards.
 - c. Flashing, blinking, moving or otherwise animated signs allowed as a special use permit approved by the Board of Aldermen.

d. Signs in rights-of-way approved by the City Engineer and MoDOT, if applicable.

e. Off-site promotional signs for events, festivals and other activities approved by the City Planner.

f. Temporary signs and banner signs no longer than thirty (30) days consecutively and no more than one hundred eighty (180) days a calendar year.

g. Additional signs not described above or in [Article IX](#) allowed as a special use permit approved by the Board of Aldermen.

3. *Lighting.* Lighting permitted in [Chapter 400](#) "Zoning Regulations" and additional lighting described below:

a. Neon.

b. Additional lighting allowed as a special use permit approved by the Board of Aldermen.

4. *Noise.* No business shall exceed fifty-five (55) decibels as described in [Section 400.1160](#) "Performance Standards for Noise" after 10:00 P.M. seven (7) days a week except allowed as a special use permit approved by the Board of Aldermen.

SECTION 400.460: DISTRICT "C-P" PLANNED BUSINESS

The "C-P" District is intended to provide locations for the development of regional retail shopping facilities and related activities which will provide for planned and controlled consumer services for all segments of the population, promote healthful economic growth, create a desirable environment, best complement the general land use pattern of the community and assist in implementing the established goals and policies of the community.

1. *Permit required.*

a. Any development, including building and open land uses, shall be prohibited in the "C-P" Planned Business District prior to the approval of a development plan in conformance with the requirements of this Section.

b. "C-P" Planned Business District zoning shall not be permitted or granted upon any property having a total area of less than ~~twenty (20) acres~~.

c. The review and approval of a development plan shall be in accordance with [Article XI](#).

~~2. *Permitted uses.* There are no permitted uses in the "C-P" Planned Business District.~~

~~3. *Special uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for one (1) or more of the following uses without prior approval of a special use permit in accordance with [Article V](#):~~

~~—— a. — Animal hospital or clinic in a completely enclosed building.~~

~~—— b. — Bakery, retail only.~~

~~—— c. — Bank, savings and loan, savings bank or credit union.~~

~~—— d. — Bar or tavern.~~

~~—— e. — Barber or beauty shop.~~

~~—— f. — Brew pub.~~

~~—— g. — Business or professional school.~~

~~—— h. — Clinic, medical or dental.~~

~~—— i. — Drive in theater.~~

- ~~— j. Furniture or home furnishings center.~~
- ~~— k. Greenhouse, commercial.~~
- ~~— l. Home improvement center.~~
- ~~— m. Hotel.~~
- ~~— n. Indoor recreation or amusement facility.~~
- ~~— o. Motion picture theater.~~
- ~~— p. Multiple family dwelling, sixteen (16) units or more.~~
- ~~— q. Office park.~~
- ~~— r. Office, general.~~
- ~~— s. Office, medical.~~
- ~~— t. Outdoor recreation or amusement.~~
- ~~— u. Parking structure.~~
- ~~— v. Pet day care in a completely enclosed building.~~
- ~~— w. Public facility, use or utility.~~
- ~~— x. Railroad rights of way, excluding rail yards.~~
- ~~— y. Restaurant, drive in or carry out.~~
- ~~— z. Restaurant, indoor.~~
- ~~— aa. Retail commercial.~~
- ~~— ab. Retail sales or service.~~
- ~~— ac. Service station.~~
- ~~— ad. Shopping center, regional.~~

4. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

SECTION 400.460: DISTRICT "C-P" PLANNED BUSINESS

The "C-P" District is intended to provide locations for the development of regional retail shopping facilities and related activities which will provide for planned and controlled consumer services for all segments of the population, promote healthful economic growth, create a desirable environment, best complement the general land use pattern of the community and assist in implementing the established goals and policies of the community.

1. *Permit required.*

a. Any development, including building and open land uses, shall be prohibited in the "C-P" Planned Business District prior to the approval of a development plan in conformance with the requirements of this Section.

b. "C-P" Planned Business District zoning shall not be permitted or granted upon any property having a total area of less than **ten (10) acres**.

c. The review and approval of a development plan shall be in accordance with [Article XI](#).

2. *Permitted uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the permitted uses identified and approved in [Section 400.500 Approved Land Uses and Specific Exclusions](#) and [Table 400.502, Approved Land Use Table](#).

3. *Special uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for one (1) or more of the special uses identified and approved in [Section 400.500 Approved Land Uses and Specific Exclusions](#) and [Table 400.502, Approved Land Use Table](#) without prior approval of a special use permit in accordance with [Article V](#):

4. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

SECTION 400.470: DISTRICT "I-1" LIGHT INDUSTRIAL

The "I-1" District provides locations for a variety of uses associated primarily in the conduct of light manufacturing, assembling and fabrication, warehousing, wholesaling and commercial service operations that require adequate accessibility to transportation facilities. The district is also intended to provide locations for a limited amount of commercial development that will serve employees of surrounding industrial uses.

1. ~~Permitted uses. No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:~~

- ~~—— a. — Agriculture, horticulture, orchards and general farming, excluding the raising, breeding or processing of livestock or farm animals.~~
- ~~—— b. — Animal hospital or clinic in a completely enclosed building.~~
- ~~—— c. — Appliance and large electrical repair.~~
- ~~—— d. — Bakery, retail or commercial.~~
- ~~—— e. — Bar or tavern.~~
- ~~—— f. — Brewery, micro.~~
- ~~—— g. — Business service.~~
- ~~—— h. — Carpentry, cabinet or pattern shop.~~
- ~~—— i. — Carwash.~~
- ~~—— j. — Carwash, industrial.~~
- ~~—— k. — Club, health.~~
- ~~—— l. — Club, private.~~
- ~~—— m. — Cold storage facility.~~
- ~~—— n. — Dry cleaner or laundromat.~~
- ~~—— o. — Frozen food locker.~~
- ~~—— p. — Furniture or home furnishings center.~~
- ~~—— q. — Greenhouse, commercial.~~
- ~~—— r. — Indoor skating rink.~~

- ~~—— s. Kennel, fish hatchery, apiary or aviary.~~
- ~~—— t. Manufactured or modular home sales.~~
- ~~—— u. Manufacturing, secondary.~~
- ~~—— v. Moving, transfer, distribution or storage facility.~~
- ~~—— w. Nursery.~~
- ~~—— x. Office park.~~
- ~~—— y. Pet day care in a completely enclosed building.~~
- ~~—— z. Print shop.~~
- ~~—— aa. Produce market, wholesale.~~
- ~~—— ab. Railroad rights of way, excluding rail yards.~~
- ~~—— ac. Restaurant, drive in or carry out.~~
- ~~—— ad. Service station.~~
- ~~—— ae. Small electrical repair.~~
- ~~—— af. Vehicle body shop in an enclosed building.~~
- ~~—— ag. Vehicle sales or rental.~~
- ~~—— ah. Vehicle service or repair.~~
- ~~—— ai. Wholesale sales office or show room.~~

~~—2.— *Special uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for one (1) or more of the following uses without prior approval of a special use permit in accordance with [Article V](#):~~

- ~~—— a. Adult entertainment establishment.~~
- ~~—— b. Airport or heliport.~~
- ~~—— c. Billboard signs.~~

- ~~— d. Bottling, canning or preserving factory.~~
- ~~— e. Brewery.~~
- ~~— f. Broadcast station.~~
- ~~— g. Check cashing establishment.~~
- ~~— h. Distillery.~~
- ~~— i. Drive in theater.~~
- ~~— j. Freight terminal.~~
- ~~— k. Golf course or driving range.~~
- ~~— l. Hospital.~~
- ~~— m. Laboratory, research.~~
- ~~— n. Laboratory, support.~~
- ~~— o. Outdoor recreation or amusement.~~
- ~~— p. Outdoor sales, storage or display.~~
- ~~— q. Pawnshop.~~
- ~~— r. Penal or correctional institution.~~
- ~~— s. Plumbing or sheet metal shop.~~
- ~~— t. Printing plant.~~
- ~~— u. Public facility, use or utility.~~

- ~~— v. Radio or television broadcast station.~~

- ~~— w. Residential treatment facility.~~

- ~~— x. Short term loan establishment.~~

- ~~— y. Title loan establishment.~~

- ~~— z. Winery.~~

3. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

- a. *Height.* Buildings or structures shall not exceed seventy-five (75) feet or six (6) stories in height.
- b. *Front yards.* The required front yard setback shall be fifteen (15) feet, unless adjacent to a residential district, then the front yard requirement of such adjoining residential district shall be provided.
- c. *Side yards.* The required side yard setback shall be ten (10) feet.
- d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION 400.470: DISTRICT "I-1" LIGHT INDUSTRIAL

The "I-1" District provides locations for a variety of uses associated primarily in the conduct of light manufacturing, assembling and fabrication, warehousing, wholesaling and commercial service operations that require adequate accessibility to transportation facilities. The district is also intended to provide locations for a limited amount of commercial development that will serve employees of surrounding industrial uses.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in [Section 400.500 Approved Land Uses and Specific Exclusions](#) and [Table 400.502, Approved Land Use Table](#):
2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:
 - a. *Height.* Buildings or structures shall not exceed seventy-five (75) feet or six (6) stories in height.
 - b. *Front yards.* The required front yard setback shall be fifteen (15) feet, unless adjacent to a residential district, then the front yard requirement of such adjoining residential district shall be provided.
 - c. *Side yards.* The required side yard setback shall be ten (10) feet.
 - d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION 400.480: DISTRICT "I-2" HEAVY INDUSTRIAL

The "I-2" District is intended to provide locations for industrial uses which by their nature generate levels of smoke, dust, noise, odors and visual impacts that render them incompatible with virtually all other land uses. The district is also intended to provide locations for a limited amount of commercial development that will serve employees of surrounding industrial uses.

1. ~~Permitted uses. No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:~~

- ~~— a. — Appliance repair.~~
- ~~— b. — Bakery, commercial.~~
- ~~— c. — Bottling, canning or preserving factory.~~
- ~~— d. — Brewery, distillery or winery.~~
- ~~— e. — Business service.~~
- ~~— f. — Car wash, industrial.~~
- ~~— g. — Carpentry, cabinet or pattern shop.~~
- ~~— h. — Cold storage facility.~~
- ~~— i. — Dry cleaner or laundromat.~~
- ~~— j. — Greenhouse, commercial.~~
- ~~— k. — Indoor skating rink.~~
- ~~— l. — Kennel, fish hatchery, apiary or aviary.~~
- ~~— m. — Manufactured or modular home sales or construction.~~
- ~~— n. — Manufacturing, primary.~~
- ~~— o. — Manufacturing, secondary.~~
- ~~— p. — Moving, transfer, distribution or storage facility.~~

- ~~— q. Newspaper printing.~~
- ~~— r. Plumbing or sheet metal shop.~~
- ~~— s. Print shop.~~
- ~~— t. Radio or television broadcast station.~~
- ~~— u. Railroad rights of way, excluding rail yards.~~
- ~~— v. Research laboratory.~~
- ~~— w. Service station.~~
- ~~— x. Small electrical repair.~~
- ~~— y. Vehicle body shop in an enclosed building.~~
- ~~— z. Vehicle service or repair.~~
- ~~— aa. Wholesale sales office or show room.~~
- ~~— ab. Winery.~~

~~— 2. *Special uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for one (1) or more of the following uses without prior approval of a special use permit in accordance with [Article V](#):~~

- ~~— a. Adult entertainment establishment.~~
- ~~— b. Automobile salvage dealer.~~
- ~~— c. Airport or heliport.~~
- ~~— d. Batch plant.~~
- ~~— e. Billboard signs.~~
- ~~— f. Broadcast station.~~
- ~~— g. Bulk storage of petroleum products.~~
- ~~— h. Crematorium.~~
- ~~— i. Dry cleaning plant.~~

- ~~— j. Electro plating or galvanizing facility.~~
- ~~— k. Extraction of sand, gravel or soil.~~
- ~~— l. Forge.~~
- ~~— m. Foundry.~~
- ~~— n. Freight terminal.~~
- ~~— o. Gun or archery shooting club.~~
- ~~— p. Junk or salvage yard.~~
- ~~— q. Lumber mill.~~
- ~~— r. Machine shop.~~
- ~~— s. Outdoor recreation or amusement.~~
- ~~— t. Outdoor storage.~~
- ~~— u. Penal or correctional institution.~~
- ~~— v. Printing plant.~~
- ~~— w. Processing, packaging and storing of meat, dairy or food products, but not including slaughterhouse or stockyard.~~
- ~~— x. Public facility, use or utility.~~
- ~~— y. Quarry.~~
- ~~— z. Sanitary landfill.~~

3. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

- a. *Height.* Buildings or structures shall not exceed seventy-five (75) feet or six (6) stories in height.
- b. *Front yards.* The required front yard setback shall be fifteen (15) feet, unless adjacent to a residential district, then the front yard requirement of such adjoining residential district shall be provided.
- c. *Side yards.* The required side yard setback shall be ten (10) feet.
- d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION 400.480: DISTRICT "I-2" HEAVY INDUSTRIAL

The "I-2" District is intended to provide locations for industrial uses which by their nature generate levels of smoke, dust, noise, odors and visual impacts that render them incompatible with virtually all other land uses. The district is also intended to provide locations for a limited amount of commercial development that will serve employees of surrounding industrial uses.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table:
2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:
 - a. *Height.* Buildings or structures shall not exceed seventy-five (75) feet or six (6) stories in height.
 - b. *Front yards.* The required front yard setback shall be fifteen (15) feet, unless adjacent to a residential district, then the front yard requirement of such adjoining residential district shall be provided.
 - c. *Side yards.* The required side yard setback shall be ten (10) feet.
 - d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION 400.500: APPROVED LAND USES AND SPECIFIC EXCLUSIONS.

(a) The presumption established by this chapter is that all legitimate uses of land are approved within at least one zoning district in the city limits. Therefore, because the list of approved uses set for in [section 400.502](#) (Approved Land use Table) cannot be all inclusive; those uses that are listed shall be interpreted by the City Planner to include other uses that have similar impacts to the uses listed.

(b) Notwithstanding subsection (a) of this section, all uses that are not listed in [section 400.502](#) (Approved Land use Table), even given the interpretation mandated by subsection (a) of this section, are prohibited. Nor shall [section 400-502](#) (Approved Land use Table) be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is approved in other zoning districts.

(c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the city's fire prevention code.
- (2) Stockyards, slaughterhouses, and rendering plants.
- (3) Use of a travel trailer as a temporary or permanent residence.
- (4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted.

SECTION 400.501: USE OF THE DESIGNATIONS “P,” or “SP” IN APPROVED LAND USE MATRIX.

(a) Permitted uses. Uses identified with a “P” in the Approved Land Use Table, Sec. 400.502, are permitted in each respective district, provided that uses comply with all other applicable standards of this ordinance. No building or premises improved or unimproved shall be used, and no building shall be hereafter erected, converted, enlarged, reconstructed, or structurally altered, except for a purpose permitted in the district in which the building or land use is located as shown in the Approved Land Use Table, Sec. 400.502, except for:

- a. Uses lawfully established prior to the effective date of this Zoning Ordinance or in accordance with Chapter 400, [ARTICLE X](#), Non-conformities, of this ordinance.
- b. Special uses allowed in accordance with Chapter 400, [ARTICLE V](#), Special Permits.

- (b) Special uses. Uses identified with an “SP” in the Approved Land Use Table, Sec. 400.502, are considered special uses and may be permitted in the subject district only after review and approval by the Board of Aldermen in accordance with Chapter 400, [ARTICLE V](#), Special Permits of this ordinance.
- (c) Prohibited uses. Uses identified with a “-“ in the Approved Land Use Table, Sec. 400.502, are expressly prohibited in the subject district. Uses that are not listed may also be prohibited; determination of whether an unlisted use may be permitted shall be made by the City Planner in accordance with Chapter 400, [ARTICLE XII](#), Administration and Enforcement of this ordinance.

SECTION 400.502: APPROVED LAND USE TABLE.

Table 400.502, Approved Land Use Table

SECTION 400.600: APPROVAL CRITERIA

In order for the Commission to recommend approval or disapproval of an application for a special permit or for the Board to approve or deny an application for a special permit, they shall make findings of fact to determine that the following criteria are met:

1. The proposed use is consistent with the intent of the Comprehensive Plan;
2. The proposed use is one specifically permitted by this code;
3. The proposed use does not adversely impact the public health, safety or general welfare;
4. The proposed use does not adversely impact the public infrastructure system;
5. The proposed use is compatible with the use, scale, orientation and setback of properties in the general vicinity;
6. The proposed use conforms to all conditions and performance standards as set forth in this Article, when applicable; **and**
7. **An application for a special permit in District A-C requires the applicant to present the application information to the Downtown Peculiar Arts and Culture District (“DPACD”) committee. A recommendation from DPACD, either for or against the special use permit, is required for the Public Hearings before both the Planning Commission and Board of Alderman; the Commission and Board shall take DPACD’s recommendation under advisement.**

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE AMENDING NINE (9) SECTIONS OF CHAPTER 400 AND ESTABLISHING ONE (1) NEW SECTION 400.500 OF THE PECULIAR MUNICIPAL CODE TO PROVIDE AN APPROVED LAND USE TABLE FOR MULTIPLE ZONING DISTRICTS.

WHEREAS, the City Planner has recommended amendments to SECTIONS 400.360, 400.420, 400.430, 400.440, 400.450, 400.460, 400.470, 400.480, 400.600 and establishing SECTION 400.500 of the City of Peculiar Municipal Code, and

WHEREAS, the Planning Commission (“Commission”) recommended approval of the changes to the above listed Sections of Chapter 400 of the City Municipal Code following a Public Hearing held February 13, 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI THAT SECTIONS 400.360, 400.420, 400.430, 400.440, 400.450, 400.460, 400.470, 400.480 AND 400.600 OF THE CITY MUNICIPAL CODE BE AMENDED AND A NEW SECTION 400.500 BE ADOPTED AS FOLLOWS:

SECTION I: That Section 400.360 be removed in its entirety and replaced with the following:

SECTION 400.360: DISTRICT "AG" AGRICULTURE

The "AG" Agriculture District is intended to conserve farm land for agricultural purposes and to serve as a "holding" zone to prevent the premature development of large land acreages and of recently annexed land for which the most appropriate future use has not yet been determined.

1. *Permitted uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:
 - a. Permitted uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table.
 - b. Agriculture, horticulture, orchards and general farming, excluding the raising, breeding or processing of livestock or farm animals (except the keeping of up to ten (10) chickens is permitted in accordance with Peculiar Municipal Code [Chapter 205](#)).
 - c. Single-family dwelling, detached.

- d. Stable, private or public or riding.
- e. Keeping of one (1) horse in accordance with the following conditions:
 - (1) A minimum area of two and one-half (2½) or more acres is required for each horse.
 - (2) The animal must have access to adequate food and water.
 - (3) The animal must have access to shade and, at a minimum, a permanent type lean to that protects from wind.
 - (4) The owner shall provide adequate care and control of the animal to ensure its health and safety, including a properly fenced outdoor area large enough for exercising.
 - (5) All other provisions of the Peculiar Municipal Code regarding the keeping of animals shall be complied with.
- f. Keeping of one (1) head of cattle, 2 sheep, or 2 goats in accordance with the following conditions:
 - (1). A minimum area of 2 and one-half (2-½) acres is required for each head of cattle, or 2 sheep or goats, with a minimum total of ten (10) acres of grazing land per owner.
 - (2). The animal must have access to adequate food and water.
 - (3). The owner shall provide adequate care and control of the animal to ensure its health and safety, including a properly fenced outdoor area large enough for exercising.
 - (4). All other provisions of the Peculiar Municipal Code regarding the keeping of animals shall be complied with.

2. *Special uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for one (1) or more of the special uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table without prior approval of a special use permit in accordance with Article V:

3. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

- a. *Height.* Buildings or structures shall not exceed thirty-five (35) feet or two and one-half (2½) stories in height, except accessory agricultural equipment structures designed to be fireproof.
- b. *Front yards.* There shall be a front yard of at least thirty (30) feet.
- c. *Side yards.* There shall be a side yard on each side of a building of at least fifteen (15) feet.
- d. *Rear yards.* There shall be a rear yard of at least thirty (30) feet.
- e. *Lot area.*
 - (1) Single-family dwellings shall provide a lot area of at least ten (10) acres, provided that where a lot has less area than herein provided and has been held in separate ownership since on or before December 3, 1979, this regulation shall not prohibit the erection of a single-family dwelling.
 - (2) All other uses shall provide a lot area of at least twenty (20) acres.

SECTION II: That Section 400.420 be removed in its entirety and replaced with the following:

SECTION 400.420: DISTRICT "O-C" OFFICE COMMERCIAL

The "O-C" District is intended to encourage and permit the establishment of commercial office uses in areas which have developed, or are appropriate to develop, as limited retail districts. This district should also be located in areas adjacent to established commercial districts, in historic and/or architecturally significant areas where the adaptive reuse of existing buildings is encouraged, in areas of particular tourist interest and along arterial and/or collector streets which are suitable for more intensive commercial development.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table:

2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

- a. *Height.* Buildings or structures may be erected to any height provided area regulations can be met.

b. *Front yards.* There shall be a front yard of at least twenty-five (25) feet, plus three (3) feet for each story in excess of four (4).

c. *Side yards.* There shall be a side yard on each side of a building equal to twenty percent (20%) of the lot width, provided the side yard shall not be less than fifteen (15) feet and need not be more than fifty (50) feet.

d. *Rear yards.* There shall be a rear yard of at least twenty-five (25) feet for buildings not exceeding two (2) stories and at least the height of the building for buildings in excess of two (2) stories.

SECTION III: That Section 400.430 be removed in its entirety and replaced with the following:

SECTION 400.430: DISTRICT "C-1" GENERAL BUSINESS

The "C-1" District is intended to provide locations for a variety of commercial uses throughout the community while ensuring the size and nature of uses permitted and the location characteristics are such that they will not adversely affect surrounding residences.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table:
2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:
 - a. *Height.* Buildings or structures may be erected to any height.
 - b. *Front yards.* There shall be a front yard of at least twenty (20) feet.
 - c. *Side yards.* There shall be a side yard on each side of a building of at least ten (10) feet.
 - d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION IV: That Section 400.440 be removed in its entirety and replaced with the following:

SECTION 400.440: DISTRICT "C-2" CENTRAL BUSINESS

The "C-2" District is intended to provide locations for a wide variety of uses. The district is intended to be applied to a very limited downtown business core.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table:

2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:

- a. *Height.* Buildings or structures may be erected to any height.
- b. *Front yards.* The required front yard setback shall be zero (0) feet.
- c. *Side yards.* The required side yard setback shall be zero (0) feet.
- d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION V: That Section 400.450 be removed in its entirety and replaced with the following:

SECTION 400.450: DISTRICT "A-C" ARTS AND CULTURE OVERLAY

A. The "A-C" District is intended to provide opportunities that encourage the development of an arts and culture district within a very limited area of the downtown business core.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table:

2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this Code:

- a. *Height.* The maximum height for principal buildings and structures shall be forty-five (45) feet and the maximum number of stories shall be three (3).
- b. *Front yards.* The required front yard setback shall be zero (0) feet or no closer than existing building(s) on block, whichever is more stringent.
- c. *Side yards.* The required side yard setback shall be zero (0) feet.
- d. *Rear yards.* There shall be a rear yard of at least five (5) feet.
- e. *Area.* The maximum area for principal buildings and structures shall be ten thousand (10,000) square feet.

B. *Additional Regulations Specific To The District.*

1. *Parking regulations.* On-street parking is allowed within the district. Furthermore, the district is exempt from the required off-street parking stall requirement. Nonetheless, if a property owner constructs off-street parking spaces, the parking lot shall be paved with an approved hard surface meeting the requirements of the City Engineer.\

2. *Signs.* Signs permitted in [Article IX](#) and additional signs described below:

- a. Projecting signs.
- b. Menu boards.
- c. Flashing, blinking, moving or otherwise animated signs allowed as a special use permit approved by the Board of Aldermen.
- d. Signs in rights-of-way approved by the City Engineer and MoDOT, if applicable.
- e. Off-site promotional signs for events, festivals and other activities approved by the City Planner.
- f. Temporary signs and banner signs no longer than thirty (30) days consecutively and no more than one hundred eighty (180) days a calendar year.
- g. Additional signs not described above or in [Article IX](#) allowed as a special use permit approved by the Board of Aldermen.

3. *Lighting.* Lighting permitted in [Chapter 400](#) "Zoning Regulations" and additional lighting described below:

- a. Neon.

b. Additional lighting allowed as a special use permit approved by the Board of Aldermen.

4. *Noise.* No business shall exceed fifty-five (55) decibels as described in [Section 400.1160](#) "Performance Standards for Noise" after 10:00 P.M. seven (7) days a week except allowed as a special use permit approved by the Board of Aldermen.

SECTION VI: That paragraphs 1, 2 and 3 of Section 400.460 be removed in their entirety and replaced with the following:

1. *Permit required.*

a. Any development, including building and open land uses, shall be prohibited in the "C-P" Planned Business District prior to the approval of a development plan in conformance with the requirements of this Section.

b. "C-P" Planned Business District zoning shall not be permitted or granted upon any property having a total area of less than ten (10) acres.

c. The review and approval of a development plan shall be in accordance with [Article XI](#).

2. *Permitted uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the permitted uses identified and approved in [Section 400.500 Approved Land Uses and Specific Exclusions](#) and [Table 400.502, Approved Land Use Table](#).

3. *Special uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for one (1) or more of the special uses identified and approved in [Section 400.500 Approved Land Uses and Specific Exclusions](#) and [Table 400.502, Approved Land Use Table](#) without prior approval of a special use permit in accordance with [Article V](#).

SECTION VII: That Section 400.470 be removed in its entirety and replaced with the following:

SECTION 400.470: DISTRICT "I-1" LIGHT INDUSTRIAL

The "I-1" District provides locations for a variety of uses associated primarily in the conduct of light manufacturing, assembling and fabrication, warehousing, wholesaling and commercial service operations that require adequate accessibility to transportation facilities. The district is also intended to provide locations for a limited amount of commercial development that will serve employees of surrounding industrial uses.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table:
2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:
 - a. *Height.* Buildings or structures shall not exceed seventy-five (75) feet or six (6) stories in height.
 - b. *Front yards.* The required front yard setback shall be fifteen (15) feet, unless adjacent to a residential district, then the front yard requirement of such adjoining residential district shall be provided.
 - c. *Side yards.* The required side yard setback shall be ten (10) feet.
 - d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION VIII: That Section 400.480 be removed in its entirety and replaced with the following:

SECTION 400.480: DISTRICT "I-2" HEAVY INDUSTRIAL

The "I-2" District is intended to provide locations for industrial uses which by their nature generate levels of smoke, dust, noise, odors and visual impacts that render them incompatible with virtually all other land uses. The district is also intended to provide locations for a limited amount of commercial development that will serve employees of surrounding industrial uses.

1. *Permitted uses and Special Uses.* No building, structure, land or premises shall be used and no other building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses identified and approved in Section 400.500 Approved Land Uses and Specific Exclusions and Table 400.502, Approved Land Use Table:
2. *Height and area regulations.* The height of buildings hereafter erected, constructed, reconstructed, moved or altered and the minimum dimensions of lots and yards shall be as follows, unless otherwise permitted in this code:
 - a. *Height.* Buildings or structures shall not exceed seventy-five (75) feet or six (6) stories in height.
 - b. *Front yards.* The required front yard setback shall be fifteen (15) feet, unless adjacent to a residential district, then the front yard requirement of such adjoining residential district shall be provided.
 - c. *Side yards.* The required side yard setback shall be ten (10) feet.
 - d. *Rear yards.* There shall be a rear yard of at least twenty (20) feet.

SECTION IX: That Section 400.600 be removed in its entirety and replaced with the following:

SECTION 400.600: APPROVAL CRITERIA

In order for the Commission to recommend approval or disapproval of an application for a special permit or for the Board to approve or deny an application for a special permit, they shall make findings of fact to determine that the following criteria are met:

1. The proposed use is consistent with the intent of the Comprehensive Plan;
2. The proposed use is one specifically permitted by this code;
3. The proposed use does not adversely impact the public health, safety or general welfare;
4. The proposed use does not adversely impact the public infrastructure system;
5. The proposed use is compatible with the use, scale, orientation and setback of properties in the general vicinity;
6. The proposed use conforms to all conditions and performance standards as set forth in this Article, when applicable; and
7. An application for a special permit in District A-C requires the applicant to present the application information to the Downtown Peculiar Arts and Culture District (“DPACD”) Board of Directors. A recommendation from DPACD, either for or against the special use permit, is required for the Public Hearings before both the Planning Commission and Board of Alderman; the Commission and Board shall take DPACD’s recommendation under advisement.

SECTION X: That new Section 400.500 of the Peculiar Municipal Code be established to read as follows:

SECTION 400.500: APPROVED LAND USES AND SPECIFIC EXCLUSIONS.

(a) The presumption established by this chapter is that all legitimate uses of land are approved within at least one zoning district in the city limits. Therefore, because the list of approved uses set for in section 400.502 (Approved Land use Table) cannot be all inclusive; those uses that are listed shall be interpreted by the City Planner to include Similar Uses that have similar impacts to the uses listed.

(b) Notwithstanding subsection (a) of this section, all uses that are not listed in section 400.502 (Approved Land use Table), even given the interpretation mandated by subsection (a) of this section, are prohibited. Nor shall section 400-502 (Approved Land use Table) be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is approved in other zoning districts.

(c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the city's fire prevention code.
- (2) Stockyards, slaughterhouses, and rendering plants.
- (3) Use of a travel trailer as a temporary or permanent residence.
- (4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted.

SECTION 400.501: USE OF THE DESIGNATIONS “P,” or “SP” IN APPROVED LAND USE MATRIX.

(a) Permitted uses. Uses identified with a “P” in the Approved Land Use Table, Sec. 400.502, are permitted in each respective district, provided that uses comply with all other applicable standards of this ordinance. No building or premises improved or unimproved shall be used, and no building shall be hereafter erected, converted, enlarged, reconstructed, or structurally altered, except for a purpose permitted in the district in which the building or land use is located as shown in the Approved Land Use Table, Sec. 400.502, except for:

- a. Uses lawfully established prior to the effective date of this Zoning Ordinance or in accordance with Chapter 400, ARTICLE X. Non-conformities, of this ordinance.

- b. Special uses allowed in accordance with Chapter 400, ARTICLE V, Special Permits.
- (b) Special uses. Uses identified with an “SP” in the Approved Land Use Table, Sec. 400.502, are considered special uses and may be permitted in the subject district only after review and approval by the Board of Aldermen in accordance with Chapter 400, ARTICLE V, Special Permits of this ordinance.
- (c) Prohibited uses. Uses identified with a “-” in the Approved Land Use Table, Sec. 400.502, are expressly prohibited in the subject district. Uses that are not listed may also be prohibited; determination of whether an unlisted use may be permitted shall be made by the City Planner in accordance with Chapter 400, ARTICLE XII, Administration and Enforcement of this ordinance.

SECTION 400.502: APPROVED LAND USE TABLE.

Table 400.502, Approved Land Use Table

Effective Date. The effective date of this ordinance shall be the ____ day of _____, 2014.

First Reading: _____

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ____ DAY OF _____, 2013, BY THE FOLLOWING VOTE:

Alderman Gallagher _____

Alderman Dunsworth _____

Alderman Fines _____

Alderman Ray _____

Alderman Stark _____

Alderman Turner _____

APPROVED:

ATTEST:

Ernest Jungmeyer, Mayor

City Clerk

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
Abstracting services	-	-	P	P	P	P	-	-
Accounting & Bookkeeping services	-	-	P	P	P	P	-	-
Adult entertainment establishment	-	-	-	-	-	-	SP	SP
Advertising-direct or general mail	-	-	-	P	P	-	-	-
Air conditioning/plumbing/heating- Contractors	-	-	-	P	P	-	P	-
Air conditioning/plumbing/heating- Wholesale	-	-	-	-	-	-	P	-
Aircraft parts-Mfg	-	-	-	-	-	-	P	-
Aircraft storage/equipment maintenance	-	-	-	-	-	-	P	-
Alcoholic beverages,beer,wine-wholesale	-	-	-	-	-	-	P	-
Alcoholic beverages,beer,wine-retail	-	P	-	P	P	P	-	-
Alterations-clothing	-	P	-	P	P	P	-	-
Amusement parks	SP	-	-	-	-	-	-	-
Animal day care	P	-	-	SP	SP	-	P	-
Animal Hospital-outdoor kennel	P	-	-	SP	SP	-	P	-
Animal Hospital-No outdoor kennel	P	-	-	SP	SP	-	P	P
Antiques-retail	-	P	-	P	P	P	-	-
Apparel & accessories-Mfg	-	-	-	-	-	-	P	-
Apparel & accessories-retail	-	P	-	P	P	P	-	-
Appliance and large electrical repair	-	-	-	-	-	-	P	P
Appliances-Mfg	-	-	-	-	-	-	P	P
Appliances-retail	-	-	-	P	P	P		
Apiary or aviary	-	-	-	-	-	-	P	P
Aquariums	SP	-	-	-	-	-	-	-
Arcades, billiard halls, amusement centers	-	-	-	P	P	P	-	-
Architectural services	-	-	P	P	P	-	-	-
Arenas, field houses	SP	-	-	-	-	-	-	-
Armature rewinding	-	-	-	-	-	-	P	-
Art galleries	-	P	-	P	P	P	-	-
Artisian production shop	-	P	-	-	-	-	-	-
Artist Studio	-	P	-	-	-	-	-	-
Asphalt felts and coatings-Mfg	-	-	-	-	-	-	SP	-
Auction establishments	-	-	-	SP	SP	SP	-	-
Automatic temperature controls-Mfg	-	-	-	-	-	-	P	-

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
Automobile Brokers	-	-	-	-	-	-	P	-
Automobile/motor vehicle repair	-	-	-	P	P	SP	P	-
Automobile/motor vehicle sales	-	-	-	-	-	SP	P	-
Automobile/truck rental services	-	-	-	SP	-	SP	P	-
Automobile/truck wash	-	-	-	SP	SP	SP	SP	-
Automobile leasing establishments	-	-	-	P	-	SP	P	-
Automobile parts & supplies-retail	-	-	-	P	P	P	-	-
Automobile salvage dealer	-	-	-	-	-	-	-	SP
Automobile service center/maintenance	-	-	-	P	P	SP	-	-
Bakeries - Retail	-	P	-	P	P	P	-	-
Bakeries - Wholesale	-	-	-	-	-	-	P	P
Banking services	-	P	-	P	P	P	-	-
Banking services-off premise ATM machines	-	P	-	P	P	P	-	-
Barber or Beautician services	-	P	-	P	P	P	-	-
Bar or Tavern, without live entertainment	-	P	-	P	P	P	P	P
Bar or Tavern, with live entertainment	-	P	-	SP	SP	SP	-	-
Batch plant	-	-	-	-	-	-	-	SP
Bed & Breakfast	-	P	-	-	-	-	-	-
Bicycles-Mfg	-	-	-	-	-	-	P	-
Bicycles-retail & repair	-	P	-	P	P	P	-	-
Billboard signs	-	-	-	-	-	-	SP	SP
Blank books, loose leaf binders-Mfg	-	-	-	-	-	-	P	-
Boarding or Lodging House	-	P	-	-	-	-	-	-
Boat and boat trailers-Mfg	-	-	-	-	-	-	P	-
Boat building, repair & storage	-	-	-	-	-	-	P	-
Boat rentals	-	-	-	SP	SP	SP	-	-
Body Art or Tattoo Parlor	-	P	-	P	P	-	-	-
Bookbinding and misc. work	-	P	-	P	P	P	-	-
Book, magazines, newspaper distributors-Wholesale	-	-	-	-	-	-	P	-
Book, magazines, newspaper - Retail	-	P	-	P	P	P	-	-
Bottled gas- retail	-	-	-	-	-	-	SP	-
Bottling, canning or preserving-factory	-	-	-	-	-	-	SP	P
Bowling alleys	-	-	-	P	-	P	-	-

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
Brewery	-	-	-	-	-	-	SP	P
Brewery, micro	-	P	-	P	P	P	P	-
Brew Pub	-	P	-	P	P	P	P	-
Brick and clay tile- Mfg	-	-	-	-	-	-	P	-
Broadcast station - Radio or Television	P	P	-	P	-	-	P	P
Brooms and brushes- Mfg	-	-	-	-	-	-	P	-
Building contractor's office	-	-	P	P	P	P	-	-
Bulk Petroleum stations/terminals	-	-	-	-	-	-	SP	SP
Business Management Consulting services	-	-	P	P	P	P	P	P
Business Associations	-	-	P	P	P	P	-	-
Business forms-Mfg	-	-	-	-	-	-	P	-
Cable TV maintenance yard	-	-	-	-	-	-	P	-
Camera/photographic material-retail	-	P	-	P	P	P	-	-
Carpentry, cabinet or pattern shop	-	-	-	-	-	-	P	P
Car wash/detail cleaning facilities	-	-	-	P	P	P	P	-
Carwash, industrial	-	-	-	-	-	-	P	P
Caterers	-	P	-	P	P	-	SP	-
Cemeteries	P	-	-	-	-	-	-	-
Check-cashing establishment	-	-	-	-	-	-	SP	-
Child & Adult Daycare centers	-	P	-	P	P	-	-	-
Chiropractors & health related services	-	P	P	P	P	-	-	-
Chocolate-Mfg	-	-	-	-	-	-	P	-
Civic, social, & fraternal organizations	-	-	-	P	P	-	-	-
Clay, ceramic, refractory mineral-Mfg	-	-	-	-	-	-	P	-
Clean & polishing materials-Mfg	-	-	-	-	-	-	P	-
Clothing-Mfg	-	-	-	-	-	-	P	-
Club, health	-	P	-	P	P	P	P	-
Club, private	-	P	-	-	-	-	-	-
Coin operated Laundry	-	P	-	P	P	-	-	-
Cold storage facility	-	-	-	-	-	-	P	P
Computer hardware & software-retail	-	-	P	P	P	P	-	-
Computer hardware & software-Mfg	-	-	-	-	-	-	P	-
Concrete products-Mfg	-	-	-	-	-	-	P	-

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
Concrete ready-mix plants	-	-	-	-	-	-	P	-
Confectioneries	-	P	-	P	P	P	-	-
Construction equipment-retail	-	-	-	SP	-	-	P	-
Costume jewelry, notions-Mfg	-	-	-	-	-	-	P	-
Cotton, fibers, silk, wool weaving-Mfg	-	-	-	-	-	-	P	-
Convenience stores without fuel	-	-	-	P	P	P	-	-
Convenience stores with fuel	-	-	-	SP	SP	SP	P	-
Credit unions & personal credit services	-	P	P	P	P	P	-	-
Crematorium	-	-	-	-	-	-	-	SP
Curtains and drapes-Mfg	-	-	-	-	-	-	P	-
Curtains, drapes, upholstery-retail	-	-	-	P	P	P	P	-
Dairy products-retail	-	P	-	P	P	P	-	-
Dairy products-wholesale and/or Mfg	-	-	-	-	-	-	P	-
Dance studio	-	P	-	P	P	P	-	-
Day spa	-	P	-	P	P	P	-	-
Dental services	-	P	P	P	P	P	-	-
Department stores-retail	-	-	-	P	P	P	-	-
Detective & protection services	-	-	P	P	-	-	-	-
Diaper services	-	-	-	-	-	-	P	-
Discount & variety stores	-	-	-	P	P	P	-	-
Distilling and blending liquors-Mfg	-	P	-	-	-	-	P	P
Drug & alcohol treatment center	-	-	P	P	SP	-	-	-
Drug (prescription) & sundries-wholesale	-	-	-	-	-	-	P	-
Drug (prescription) & sundries-retail	-	P	-	P	P	P	-	-
Dry cleaners	-	P	-	P	P	-	P	P
Dry cleaning plant	-	-	-	-	-	-	-	SP
Dry goods & notions-wholesale	-	-	-	-	-	-	P	-
Dry goods & notions-retail	-	-	-	P	P	P	-	-
Duplicating & stenographer services	-	-	P	P	-	-	-	-
Dwelling, in conjunction with business	-	P	-	-	-	-	-	-
Earthenware/kitchen articles-Mfg	-	-	-	-	-	-	P	-
Electrical & construction material-Wholesale or Mfg	-	-	-	-	-	-	P	-
Electical contractors services	-	-	-	P	P	-	P	-

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
Electric vehicle recharging station	-	-	-	P	P	P	-	-
Electrical supplies-retail	-	-	-	P	P	-	P	-
Electrical distribution equip.-Mfg	-	-	-	-	-	-	P	-
Electrical generating plants	SP	-	-	-	-	-	SP	-
Electrical utility maintenance yard	-	-	-	-	-	-	P	-
Electrical regulating substations	SP	-	-	-	-	-	SP	-
Electric Lighting & wiring-Mfg	-	-	-	-	-	-	P	-
Electric components & accessory-Mfg	-	-	-	-	-	-	P	-
Electro-plating or galvanizing facility	-	-	-	-	-	-	-	SP
Employment services	-	P	P	P	P	P	-	-
Engineering services	-	P	P	P	P	P	-	-
Engineering/laboratory/scientific equipment-Mfg	-	-	-	-	-	-	P	-
Envelope-Mfg	-	-	-	-	-	-	P	-
Equipment rental & leasing services	-	-	-	SP	-	-	P	-
Executive, legislative and judicial buildings	-	-	P	P	P	P	-	-
Exhibition halls	SP	P	-	-	-	-	SP	-
Exterminating & disinfecting services	-	-	-	P	P	-	P	-
Fabricated wire products-Mfg	-	-	-	-	-	-	P	-
Farm equipment & Machinery-retail	P	-	-	-	-	-	P	-
Farm equipment & Machinery-Mfg	-	-	-	-	-	-	P	-
Farmers' markets	P	P	-	P	P	-	-	-
Fire protection services	-	-	-	P	P	-	P	-
Fish and seafood-retail	-	-	-	P	P	P	-	-
Fish and seafood-wholesale	P	-	-	-	-	-	P	-
Floor coverings-retail	-	-	-	P	P	P	-	-
Floor coverings-wholesale	-	-	-	-	-	-	P	-
Florists-retail	P	P	-	P	P	P	-	-
Florists-wholesale	P	-	-	-	-	-	P	-
Flour and other mill products-Mfg	-	-	-	-	-	-	P	-
Forge or Foundry	-	-	-	-	-	-	-	SP
Freight forwarding services	-	-	-	P	P	P	P	-
Freight terminal	-	-	-	-	-	-	SP	SP
Frozen food locker for individual use	-	P	-	-	-	-	P	-

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
Fruits and vegetables-retail	P	P	-	P	P	-	-	-
Fruits and vegetables-wholesale	P	-	-	-	-	-	P	-
Funeral, mortuary and crematory services	-	-	-	SP	-	-	SP	-
Furniture & home furnishings-wholesale or Mfg	-	-	-	-	-	-	P	-
Furniture handmade and/or repurposed	-	P	-	P	P	-	-	-
Furniture-retail	-	-	-	P	P	P	-	-
Furniture repair & uphoistery	-	P	-	P	P	-	P	-
Garden supplies/ Nursery-retail	P	P	-	P	-	P	P	-
Garment repair	-	P	-	P	P	-	-	-
Gas pressure control stations	P	-	-	-	-	-	P	-
Gas utility maintenance yard	-	-	-	-	-	-	P	-
Gasoline service stations	-	-	-	SP	SP	SP	-	-
Glass and glassware-Mfg	-	-	-	-	-	-	P	-
Go-cart tracks	P	-	-	-	-	-	-	-
Golf driving ranges	P	-	-	P	-	-	SP	-
Graphic art studio	-	P	P	P	P	P	-	-
Grease/lubricating oils-Mfg	-	-	-	-	-	-	P	P
Greenhouses	P	-	-	P	-	-	P	P
Greeting cards-Mfg	-	-	-	-	-	-	P	-
Greeting cards-retail	-	P	-	P	P	P	-	-
Groceries-retail	-	-	-	P	P	P	P	-
Groceries-wholesale	-	-	-	SP	-	-	P	-
Gun or archery shooting club	-	-	-	-	-	-	-	SP
Gymnasiums and athletic clubs	-	-	-	P	P	-	P	-
Gymnastic studio	-	P	P	P	P	-	P	-
Gypsum products-Mfg	-	-	-	-	-	-	P	-
Handmade arts and crafts	-	P	-	P	P	P	-	-
Hardware-retail	-	-	-	P	P	P	-	-
Historic and monument sites	-	P	-	-	-	-	-	-
Hobby supplies	-	P	-	P	P	P	-	-
Hospitals	P	-	-	-	-	P	SP	-
Hotels	-	-	-	P	-	P	-	-
House & business cleaning services	-	-	P	P	P	-	-	-

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
Household appliances-Mfg	-	-	-	-	-	-	P	-
Household appliances-retail	-	-	-	P	P	P	-	-
Ice-Mfg	-	-	-	-	-	-	P	-
Ice-retail	-	-	-	P	-	P	-	-
Indoor recreational facility	-	P	-	P	-	-	P	P
Industrial machinery and equipment-Mfg	-	-	-	-	-	-	P	-
Interior design studio	-	P	-	P	P	-	-	-
Internet café	-	P	-	P	P	P	-	-
Insurance agents and broker services	-	P	P	P	P	-	-	-
Investment and holding services	-	P	P	P	P	-	-	-
Jewelry and precious metal-Mfg	-	-	-	P	P	P	-	-
Jewelry-retail	-	P	-	P	P	P	-	-
Jewelry, watch, clock repair services	-	P	-	P	P	P	-	-
Junk or salvage yard	-	-	-	-	-	-	-	SP
Karate studio	-	-	-	-	-	-	P	-
Kennels-boarding	P	-	-	SP	SP	-	P	P
Kennels-breeding	P	-	-	SP	SP	-	P	P
Lace Goods-Mfg	-	-	-	-	-	-	P	-
Lamp shades-Mfg	-	-	-	-	-	-	P	-
Laboratory, research or support	-	-	-	-	-	-	SP	-
Landscaping services-landscaping, tree trimming,	P	-	-	-	-	-	P	-
Lawn mowing and similar services	P	-	-	-	-	-	P	-
Laundry and dry cleaning services	-	P	-	P	P	-	P	P
Legal services	-	P	P	P	P	P	-	-
Libraries	-	P	P	P	P	-	-	-
Linen and supply services	-	-	-	P	-	-	P	-
Linoleum and floor coverings-Mfg	-	-	-	-	-	-	P	-
Liquor-retail	-	P	-	P	P	P	-	-
Locksmith services	-	-	-	P	P	-	P	-
Luggage-Mfg	-	-	-	-	-	-	P	-
Lumber and building materials-wholesale	P	-	-	-	-	-	P	-
Lumber yards-retail	-	-	-	P	-	P	P	-
Machine shop	-	-	-	-	-	-	-	SP

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
Mail and Postal services-private	-	P	-	P	P	P	-	-
Mail order houses-retail	-	-	-	-	-	-	P	-
Mail order services with storage	-	-	-	-	-	-	P	-
Manufactured or modular home sales	-	-	-	-	-	-	P	P
Massage Parlor-therapeutic/massage establishment	-	P	-	P	P	-	-	-
Mausoleums	P	-	-	-	-	-	-	-
Meats-retail	-	P	-	P	P	P	-	-
Medical/surgical instruments-Mfg	-	-	-	-	-	-	P	-
Medical clinics/out patient services	-	P	P	P	P	-	-	-
Medical laboratory services	-	-	-	P	P	P	P	-
Medical chemicals-Mfg	-	-	-	-	-	-	P	-
Mental health treatment-nonresidential	-	-	SP	SP	SP	-	-	-
Mental health treatment-residential	-	-	-	SP	SP	SP	-	-
Metal coating/engraving services-Mfg	-	-	-	-	-	-	P	-
Metal products/fabricated steel-Mfg	-	-	-	-	-	-	P	-
Metal stamping	-	-	-	-	-	-	P	-
Metalworking machinery equipment-Mfg	-	-	-	-	-	-	P	-
Millwork-Mfg	-	-	-	-	-	-	P	-
Milk processing	P	-	-	-	-	-	P	-
Miniature golf	P	P	-	P	P	P	-	-
Mobile home-Mfg	-	-	-	-	-	-	P	-
Monasteries	P	-	-	-	-	-	-	-
Monuments-retail	-	-	-	P	P	-	P	-
Motels	-	-	-	P	-	P	-	-
Motion picture distribution services	-	-	-	-	-	-	P	-
Motion picture processing services	-	-	-	-	-	-	P	-
Motorcycles and parts-Mfg	-	-	-	-	-	-	P	-
Motor freight terminals	-	-	-	-	-	-	SP	-
Moving, transfer, distribution or storage facility	-	-	-	-	-	-	P	P
Museums	-	P	-	P	P	-	-	-
Musical instruments and supplies-Mfg	-	-	-	-	-	-	P	-
Musical instruments and supplies-retail	-	P	-	P	P	P	-	-
Newspapers and Magazines-retail	-	P	-	P	P	P	-	-

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
News syndicate services	-	-	-	P	P	P	-	-
Noodles and pasta-Mfg	-	-	-	-	-	-	P	-
Novelties, gifts and souvenirs-retail	-	P	-	P	P	P	-	-
Nursing home/intermediate care	-	-	-	P	P	-	-	-
Nursery stock farms	P	-	-	-	-	-	P	-
Office and store fixtures-Mfg	-	-	-	-	-	-	P	-
Office, general	-	P	P	P	P	P	-	-
Office park	-	-	P	-	-	P	P	-
Optical instruments/lenses-Mfg	-	-	-	-	-	-	P	-
Optometrists	-	-	P	P	P	P	-	-
Ornamental iron-Mfg	-	-	-	SP	-	-	P	-
Orthopedic, prosthetic, surgical appliances-Mfg	-	-	-	-	-	-	P	-
Outdoor recreation or amusement	-	P	-	-	-	-	SP	SP
Outdoor sales, storage or display	-	-	-	-	-	-	SP	SP
Packing & Crating services	-	P	-	SP	SP	-	P	-
Paint, glass and wallpaper services	-	-	-	P	P	-	P	-
Paper and paper products-wholesale	-	-	-	-	-	-	P	-
Paperboard containers and boxes-Mfg	-	-	-	-	-	-	P	-
Paper-Mfg	-	-	-	-	-	-	-	SP
Parcel containers Mfg	-	-	-	-	-	-	SP	P
Parks-private	P	-	-	-	-	P	-	-
Parking lot	P	P	-	-	P	-	-	-
Paving mixtures-Mfg	-	-	-	-	-	-	-	SP
Pawn shops	-	-	-	SP	SP	-	SP	-
Pencils, pens, office/artist materials-Mfg	-	P	-	-	-	-	P	P
Performing arts theater	-	P	-	P	P	P	-	-
Pet daycare in completely enclosed building	P	-	-	-	-	-	P	-
Petroleum bulk stations	-	-	-	-	-	-	-	SP
Pet grooming	P	-	-	P	-	-	P	-
Pet supply store	-	P	-	P	P	P	-	-
Pharmaceutical preparation-Mfg	-	-	-	-	-	-	P	-
Photocopying and blue print services	-	-	SP	P	P	-	-	-
Photo engraving or finishing services	-	P	-	P	P	-	-	-

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
Photographic studios and supplies	-	P	-	P	P	-	-	-
Physician services	-	P	P	P	P	P	-	-
Place of religious exercise or religious assembly	P	P		P	P	-	P	-
Planning and development services	-	P	P	P	P	-	-	-
Planetarium	-	P	-	-	-	-	-	-
Plastic fabric, vinyl products-Mfg	-	-	-	-	-	-	-	P
Plumbing fixtures and heating apparatus-Mfg	-	-	-	-	-	-	P	-
Porcelain electrical supplies-Mfg	-	-	-	-	-	-	P	-
Postal services	-	P	-	P	P	P	-	-
Pottery-Mfg	-	-	-	-	-	-	P	-
Prefabricated wooden building & structural members	P	-	-	-	-	-	P	P
Printing-commercial	-	P	-	P	P	-	P	P
Printing & publishing books, newspapers & periodicals	-	P	-	P	P	-	P	-
Private clubs	-	P	-	-	-	-	-	-
Produce market, wholesale	-	-	-	-	-	-	P	-
Professional membership organizations	-	-	P	P	P	P	-	-
Public facility, use or utility	SP	-	-	-	-	-	SP	SP
Quarrying stone and sand	-	-	-	-	-	-	-	SP
Radios,TV,Phonographs, recorders, tape players-Mfg	-	-	-	-	-	-	P	P
Radios,TV,Phonographs, recorders, tape players-repair	-	-	-	P	P	-	-	-
Radios,TV,Phonographs, recorders, tape players-retail	-	-	-	P	P	P	-	-
Radio transmitting stations and towers	SP	-	-	-	-	-	SP	SP
Real estate agents/brokers	-	-	P	P	P	-	-	-
Real estate/credit card/mortgage processing centers	-	-	P	P	P	P	-	-
Recreational vehicles and equipment-retail	-	-	-	-	-	SP	P	-
Recreation centers	P	P	-	-	-	SP	-	-
Recreational Vehicle Park	SP	-	-	-	-	-	SP	-
Recycling of paper, glass and Liquids	-	-	-	-	-	-	SP	SP
Refrigerated warehouses	-	-	-	-	-	-	P	P
Refuse incinerators	-	-	-	-	-	-	-	SP
Research, development & testing services	-	-	-	SP	SP	-	P	-
Residential treatment facility	-	-	-	SP	SP	SP		-
Restaurants-drive thru and drive ins	-	P	-	SP	SP	SP	SP	-

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
Restaurants, indoor or carry out	-	P	-	P	P	P	P	-
Road maintenance yards	-	-	-	-	-	-	SP	P
Roofing and sheet metal contracting services	-	-	-	-	-	-	P	-
Rubber footwear-Mfg	-	-	-	-	-	-	-	P
Salvage yard	-	-	-	-	-	-	-	SP
Sausage and other prepared meat products-Mfg	-	-	-	-	-	-	-	SP
Savings and loan associations	-	-	-	P	P	P	-	-
Schools - Art, Business and Community College	-	P	-	P	P	P	P	-
Schools-vocational/technical	P	-	-	-	-	-	P	-
Scientific and educational research services	-	-	-	SP	SP	-	P	-
Screws machine products-nuts, bolts, etc.-Mfg	-	-	-	-	-	-	P	-
Seamstress service	-	P	-	P	P	P	-	-
Second hand merchandise-retail	-	P	-	P	P	-	-	-
Security and commodity brokers	-	P	P	P	P	P	-	-
Security protection services	-	-	P	P	P	-	-	-
Self storage centers	-	-	-	-	-	-	P	-
Sewage pressure control stations	-	-	-	-	-	-	SP	SP
Shoe repair/shoe shine services	-	-	-	P	P	P	-	-
Shoes-retail	-	-	-	P	P	P	-	-
Shoes-wholesale and Mfg	-	-	-	-	-	-	P	-
Short-term loan establishment	-	-	-	-	-	-	SP	-
Signs and advertising displays-Mfg	-	-	-	-	-	-	P	-
Silk screening services	-	P	-	P	P	P	P	-
Silverware and plated ware-Mfg	-	P	-	-	-	-	P	-
Skating rinks, Ice and Roller -indoor	-	-	-	P	-	-	P	-
Small electrical repair	-	-	-	P	P	-	P	P
Small engine repair	-	-	-	SP	-	-	P	-
Soaps and detergents-Mfg	-	-	-	-	-	-	-	SP
Social, correctional, treatment & counseling services	-	-	SP	SP	-	-	-	-
Softball, Baseball fields-private	P	-	-	-	-	-	-	-
Solid Waste transfer stations	-	-	-	-	-	-	-	SP
Sporting goods-retail	-	-	-	P	P	P	-	-
Stadiums	P	-	-	-	-	-	-	-

Land Use Category	AG	A-C	O-C	C-1	C-2	CP	I-1	I-2
Stationary-retail	-	P	-	P	P	P	-	-
Stone products and cut stone	P	-	-	SP	-	-	P	-
Stonework, masonry, tile, setting & plastering services	-	-	-	-	-	-	P	-
Swimming clubs-indoor facility	P	-	-	-	-	P	-	-
Tailoring services	-	P	-	P	P	P	-	-
Taxicab dispatch and garaging	-	-	-	-	-	-	P	-
Telephone maintenance yards	-	-	-	-	-	-	P	-
Telephone microwave towers (cell towers)	SP	-	-	-	-	-	SP	-
Telephone response mail order services	-	-	-	SP	-	-	P	-
Telephone soliciting services	-	-	-	P	P	-	-	-
Tennis club	P	-	-	-	-	-	P	-
Theaters - (live)	-	P	-	P	P	P	-	-
Theaters-motion picture-indoor	-	P	-	P	P	P	-	-
Tires and inner tubes-Mfg	-	-	-	-	-	-	-	SP
Tires and inner tubes-retail	-	-	-	P	-	P	P	-
Tires and inner tubes-wholesale	-	-	-	-	-	-	P	-
Title loan establishment	-	-	-	-	-	-	SP	-
Tobacco and tobacco products	-	-	-	P	P	P	-	-
Transportation terminals	-	-	-	P	-	-	P	-
Travel agencies	-	-	P	P	P	P	-	-
Umbrellas, parasols, canes-Mfg	-	-	-	-	-	-	P	-
Upholstery filling and padding-Mfg	-	-	-	-	-	-	P	-
Vehicle body shop in an enclosed building	-	-	-	-	-	-	P	P
Vending machine operations	-	-	-	P	P	P	P	-
Venetian blinds and shades-Mfg	-	-	-	-	-	-	P	-
Veterinary services - large animal	P	-	-	SP	-	-	-	-
Veterinary services - small animal	-	P	-	P	P	-	-	-
Video amusement center	-	-	-	P	P	P	-	-
Video rental-retail	-	-	-	P	P	P	-	-
Visitor center	-	P	-	P	P	-	-	-
Vitreous china, table and kitchen articles-Mfg	-	-	-	-	-	-	P	-
Wallpaper-Mfg	-	-	-	-	-	-	P	-
Warehousing and storage-general	-	-	-	-	-	-	P	-

