

## **CHAPTER 55.**

### **COMMUNITY DESIGN.**

#### **Article I. Community Design Regulations.**

- 55.010. Definitions.
- 55.020. Review and Approval Required.
- 55.030. Submittal Requirements.
- 55.040. Review Procedure.
- 55.050. Reserved.
- 55.060. Reserved.
- 55.070. Appeals from Granting or Denial of Permit.
- 55.080. Reserved.
- 55.090. Penalty for Violation.

#### **Article II. Olive Boulevard Corridor Development.**

- 55.100. Effect.
- 55.105. Intent and Purpose.
- 55.110. Applicability.
- 55.115. Building Design Regulations.
- 55.120. Landscaping and Buffering Regulations.
- 55.125. Exterior Lighting Design Regulations.

#### **Article III. Blighting and Redevelopment Authority and Procedures.**

- 55.201. Title, Designation.
- 55.202. Finding and Determination of Blight.
- 55.203. Definitions.
- 55.204. Contents of Development Plan.
- 55.205. Supporting Evidence of Blight.
- 55.206. Filing Fee.
- 55.207. Review of the Development Plan by the City.
- 55.208. Public Hearing.
- 55.209. Action by Council on Development Plan: Approving Ordinance; Development Agreement.
- 55.210. Required Findings for Approval of Development Plan by City Council.
- 55.211. Tax Abatement.
- 55.212. Acceptance by Corporation.
- 55.213. Monitoring of Compliance, Time Extensions and Certificate of Completion.
- 55.214. Failure to Comply with Approved Development Plan or Development Agreement.
- 55.215. Financial Reporting.
- 55.216. Financial Restrictions on Redevelopment Corporations Generally.
- 55.217. Disposition of Surplus Earnings of a Redevelopment Corporation.
- 55.218. Powers of Redevelopment Corporations.
- 55.219. Powers of the City to Acquire, Clear, and Convey Real Property.
- 55.220. Acceptance of Application of State Enabling Act.
- 55.221. Computation of Time.
- 55.222. Severability.

#### **Article IV. Relocation Policy for Plans, Project and Areas for Redevelopment.**

- 55.301. Relocation Policy.

### **Article I.**

#### **Community Design Regulations.**

**55.010. Definitions.** As used in this Article, the terms below shall have the following respective meanings:

*Exterior structural alteration.* Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams, or girders which is visible from the exterior of a building or structure, or any substantial change in the roof or in exterior walls of a building or structure.

*Gross floor area.* The area described by the sum of the horizontal surfaces of the floors of a building or structure measured from the exterior faces of the exterior walls (Ord. 1750).

**Editors Note:** Ord. No. 1750, adopted June 9, 1992, amended this Code by repealing § 55.010 which formerly pertained to a master architectural control plan, and was derived from Ord. Nos. 431 and 722. Said ordinance provisions created a new § 55.010 pertaining to definitions.

**55.020. Review and Approval Required.** Except as provided in this Article, the review and approval of the Planning and Community Design Commission (the Commission) shall be required prior to the issuance of any permit for the erection, construction, conversion, relocation, or enlargement of or for any exterior structural alteration to any of the following:

- (a) Detached single-family dwellings, other than alteration or expansion of existing single-family dwellings; or
- (b) Commercial, industrial, institutional, or other nonresidential uses containing up to ten thousand (10,000) feet of gross floor area; or
- (c) Attached single-family dwellings and multi-family dwellings containing four (4) or less units; or
- (d) Billboards as defined by Section 225.020(m) (Ord. 1976).
- (e) Any proposed building or structure including conversion, relocation, or enlargement thereof or exterior structural alteration thereto which the Building Commissioner determines would be detrimental to the stability and values of surrounding properties by reason of:
  - (i) In the case of single-family dwellings and structures, excessive similarity or excessive and unreasonable dissimilarity in relation to any other structure existing, or for which a permit has been issued, or to any other structure included in the same permit application facing upon the same street and within two hundred fifty (250) feet of the proposed site; or
  - (ii) In the case of commercial, industrial, institutional and multiple-family buildings and structures, inharmoniousness or inconsistency with the properties in the surrounding area.

Unless the Building Commissioner determines that an approval is necessary under paragraph (e) of this Section, the following items shall not require prior approval of the Commission under this Article:

- (a) Decks;
- (b) Above and below ground swimming pools;
- (c) Conversion of carports;

- (d) Screened porches;
- (e) Satellite dishes;
- (f) Ornamental fences which comply with requirements of Section 40.440 of the Municipal Code; and
- (g) Additions to commercial or industrial buildings which comply with requirements of the zoning ordinance and which do not require provision of additional parking or loading spaces; and
- (h) Accessory structures containing two hundred fifty (250) square feet or more of gross floor area. (Ords. 431, 1641, 1673, 1750, 1800, 1882, 1925).

**55.030. Submittal Requirements.** Application for review and approval under this Article shall be made to the Building Commissioner at least thirty (30) days prior to a regularly scheduled meeting of the Commission on forms prescribed by the City and shall be accompanied by a filing fee designated by the City and three (3) copies of the following supporting documents for staff review:

- (a) A plot plan drawn to an appropriate scale identifying the location of the site and depicting the location of structures and improvements and required off-street parking and loading areas;
- (b) Typical elevations of proposed buildings or structures depicting height and mass, style, color, texture, and materials;
- (c) Signage and lighting plans and details, if new or altered signage or lighting is proposed; and
- (d) A planting and landscaping plan depicting location, type, and size of proposed plant materials, ground cover, and site amenities (Ords. 431, 1750, 2173).

**55.040. Review Procedure.** Upon receipt of an application under this Article, the Building Commissioner shall promptly review the application for completeness in accordance with the requirements of this Article and within ten (10) business days of such receipt shall advise the applicant of any deficiencies. Following receipt of a complete application which shall include submittal by the applicant of an additional fifteen (15) copies of the application and plans addressing the Building Commissioner's comments, the Commission shall review the application submitted in accordance with this Article at the Commission's next regularly scheduled meeting. Unless an extension of the time for review is requested in writing by the applicant, failure of the Commission to act within sixty (60) days of the date of said meeting shall constitute approval (Ord. 2173).

The Commission shall approve or conditionally approve the application if the Commission finds:

- (i) With respect to single-family dwellings and structures, the subject matter of the application, if erected, would not be detrimental, inharmonious or inconsistent with the property in the surrounding area. Such finding shall be based on a determination that neither of the following conditions will be created by erection of the proposed dwelling.

- (a) Excessive similarity to any other structure existing or for which a permit has been issued or any other structure included in the same permit application, facing upon the same street and within two hundred fifty (250) feet of proposed site, unless varying three (3) or more of the following features of exterior design and appearance:
1. Overall design.
  2. Color of materials.
  3. Landscaping.
  4. Combinations of materials.
  5. Texture of materials.
  6. Site setting.
  7. Locations of carports and garages.
  8. Finished grade levels.
  9. Type of roof.
  10. Height of roof.
  11. Number and size of windows.
- (b) Excessive and unreasonable dissimilarity or inappropriateness in relation to any other structure existing or for which a permit has been issued, or to any other structure included in the same permit application facing upon the same street and within two hundred fifty (250) feet of the proposed site in respect to one or more of the following features:
1. Cubical contents.
  2. Gross floor area.
  3. Height of building or height of roof.
  4. Other significant design features such as material or quality of architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such a nature as to be expected to provoke beyond reasonable doubt an adverse affect on the stability and value of surrounding property, and that finding is not based on personal preference as to taste or choice of architectural style.
- (ii) With respect to the erection, improvement or alteration of commercial, industrial, institutional or

multiple dwelling buildings and structures, that same shall be in the interest of the public health, welfare, safety and morals; and, harmonious and consistent with the property in the surrounding area with respect to the following factors:

(a) Use of space.

1. Ratio of structure(s) to the building site.
2. Position of structure(s) and other improvements on the site.
3. Relation of structure(s) and other improvements to adjoining properties and streets.
4. Landscaping.
5. Effective screening, such as fences, walls and/or landscaping.
6. All other factors contributing to the most desirable use of space.
7. Parking facilities.

(b) Design.

1. Plans and elevations.
2. Style, color, material and texture.
3. Relation to the site and to adjoining properties.
4. Signs as related to proposed structure(s) and adjoining properties.
5. Landscaping, fences, garden walls and entrances.
6. Other factors pertaining to overall design and appearance.

(c) Future development.

1. Proposed highways.
2. Street widening(s).
3. Public buildings, schools and churches.
4. Parks, parkways and other proposed or contemplated developments.

In approving an application under this Article, the Commission may impose conditions and restrictions

on the approval so long as the Commission specifically finds that the conditions set forth in this Section have been satisfied (Ord. 1750).

**Editors Note:** Ord. No. 1750, adopted June 9, 1992, amended §§ 55.040 and 55.040 to read as herein set out, in order to merge the former Sections pertaining to hearings before the board and findings by the board into one Section entitled review procedure. Sections 55.040 and 55.050 derived from Ord. 431.

**55.050. Reserved.**

**Editors Note:** Ord. No. 1750, adopted June 9, 1992, amended §§ 55.040 and 55.050 to read as herein set out, in order to merge the former Sections pertaining to hearings before the board and findings by the board into one Section entitled review procedure. Sections 55.040 and 55.050 derived from Ord. 431.

**55.060. Reserved.**

**Editors Note:** Ord. No. 1750, adopted June 9, 1992, amended this Code by repealing § 55.060 pertaining to the furnishing of the community design review board with assistance, and § 55.080 pertaining to advice and consultation by said board. Both Sections were derived from Ord. No. 431.

**55.070. Appeals from Granting or Denial of Permit.** Appeals from the granting or denial of a building permit by the Building Commissioner shall be to the Board of Adjustment as is in such cases provided by law (Ord. 431).

**55.080. Reserved.**

**Note:** See editor's note following § 55.060.

**55.090. Penalty for Violation.** Any person, firm or corporation violating or causing to be violated any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each offense; and each and every day such violation continues and exists the same shall constitute a separate offense (Ord. 431).

## **Article II.**

### **Olive Boulevard Corridor Development.**

**55.100. Effect.** This Article together with Article I of this Chapter shall apply as and in the areas set forth in Section 55.110 hereof, provided that in the event of a conflict between requirements of this Article and Article I, the provisions of this Article shall govern (Ord. 2129).

**55.105. Intent and Purpose.** To enhance the visual appearance and to preserve the value of properties along Olive Boulevard, the City's primary commercial corridor, this Article has been established to protect, preserve and enhance the visual and architectural appearance of the parcels and structures along Olive Boulevard within the City (Ord. 2129).

**55.110. Applicability.** The standards of this Article shall apply to all real property located within six hundred fifty (650) feet from the centerline of Olive Boulevard, or actual depth of such property, which ever is greater. The following properties and uses shall be exempt from the standards of this Section:

- (a) Properties zoned SR, Single-Family Residential District.
- (b) Improvements or repairs to existing developments that do not result in an increase in floor area

and changes in use that do not result in an increase in intensity (Ord. 2129).

#### **55.115. Building Design Regulations.**

(a) Purpose and Findings. The Building Design Regulations specified in this Section are intended to foster aesthetically pleasing buildings, which will protect and preserve the appearance, character, general health, safety and welfare of the City. Specifically, these regulations are intended to heighten the design of architecture in the City and to preserve the value of properties located along the Olive Boulevard Corridor. These standards are considered reasonable basic standards, providing sufficient flexibility to encourage creativity and are not intended to limit the ingenuity of the design professional. The Council of the City makes the following determinations and findings:

- (1) The Building Exterior Renderings requirements are necessary for the Planning and Community Design Commission and the City to exercise sound judgment and make rational decisions about building development and how the architecture of new buildings impacts the City and the surrounding environment.
- (2) The materials selected for use by the City represent the character and quality of architecture of the City.
- (3) The Building Design Standards are those the City believes best reflect the architectural values of the community, preserve and enhance the existing surrounding environment and preserve the value of properties located along the Olive Boulevard Corridor.

(b) Building Exterior Renderings. Detailed building exterior renderings shall be required and approved for all projects requiring site plan review, community design review and architectural approval as set forth in the Municipal Code and the Zoning Ordinance. All building exterior renderings submitted for approval shall contain or have attached thereto the following information:

- (1) A complete wall elevation scaled at no less than one inch equals twenty feet (1"=20') of every side of the building, including front, sides and rear. For structures not defined by a specific wall plane, the Building Commissioner or his designee shall determine the information required.
- (2) Two (2) cross sections of the site and building at a scale no less than one inch equals twenty feet (1"=20').
- (3) A detailed wall elevation at a scale of one inch equals ten feet (1"=10') depicting a wall plane of building materials used.
- (4) An exterior building finish materials list and a table identifying each exterior building finish material used, area per building plane and percentage of exterior finish material use per building plane.
- (5) A colored site perspective or axonometric at a scale no less than one inch equals twenty feet (1"=20') depicting the front and a side elevation of the building.

- (6) A title block indicating the preparer, property owner, date, scale and north arrow.
  - (7) An electronic file of the building exterior renderings.
  - (8) The applicant is encouraged to provide the City with any other forms of graphic material which would help portray the concept of the design.
- (c) Material Standards.
- (1) The following materials are prohibited from use as an exterior finish:
    - a. Exposed concrete masonry units (CMU);
    - b. Concrete finishes or precast concrete panels (such as tilt-up walls) that are not exposed aggregate, hammered, or sandblasted;
    - c. Manufactured building systems, such as "Butler Buildings";
    - d. Exposed vinyl siding;
    - e. Exposed plywood siding;
    - f. Exposed aluminum siding;
    - g. Exposed reflective glass;
    - h. Exposed asphalt shingle roofing or siding; and
    - i. Exposed chain-link fencing.
  - (2) The following exterior finish materials are conditionally permitted to be used as a building accent material, subject to the approval of the Planning and Community Design Commission. The total aggregate use of said materials may not exceed twenty-five (25) percent of the total exterior wall area for each building plane:
    - a. Oversized brick;
    - b. Ceramic tile;
    - c. Split-faced block;
    - d. Dryvit, stucco or EIFS (Exterior Insulated Finish);
    - e. Corrugated metal siding;
    - f. High-end wood siding, such as cedar; and

- g. Glass block.
- (3) The use of substantial amounts of standard and customary brick masonry is strongly encouraged. Other acceptable materials include the following:
- a. Natural or cast stone;
  - b. Architectural precast concrete;
  - c. Architectural, metal-panel systems such as Alucobond, Robertson, choice3;
  - d. Transparent glass curtain wall and storefront systems, such as Kawneer, EFCO, Visionwall;
  - e. Metal roofing, including standing seam, copper, pre-finished and Tourne-metal;
  - f. Natural or composite slate roofing;
  - g. Real or composite terra cotta tile roofing;
  - h. Wood shake roofing; and
  - i. Nonexposed single membrane roofing such as EPDM.
- (d) Building Design Standards.
- (1) Form, Scale and Proportion. The form and proportion of all buildings shall be consistent with the scale, form and proportion of existing development in the immediate area.
  - (2) Masses and Voids. The rhythm of structural mass to voids, such as windows and glass doors, of a front facade shall relate to the rhythms established in adjacent buildings.
  - (3) Front and Street Side Exterior Walls. Front and street side exterior walls, excluding windows, doors and overhead doors, consisting of a single undifferentiated plane with a single texture or color is highly discouraged. Visual interest may be accomplished through variations in building plane, materials, colors, entrance canopies, and other design features.
  - (4) Visual Interest. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. The use of different textures, complementary colors, shadow lines and contrasting shapes may also be used to provide visual interest.
  - (5) Streetscape. It is encouraged that building setbacks help maintain a consistent streetscape. Such a streetscape can be reinforced through a combination of tiered building massing, screen wall, berms and plantings.

- (e) Screening of Equipment.
  - (1) Roof-mounted Equipment. Roof mounted equipment, including ventilators and satellite dishes shall be completely screened from view (one hundred (100) percent opacity) or isolated so as not to be visible from any public right-of-way or residential zoning district within three hundred (300) feet of the subject lot. Roof screens, when used, shall be coordinated with the building to maintain a unified appearance.
  - (2) Equipment at Ground Level. All electrical and mechanical equipment and trash containers located at ground level shall be screened from view (one hundred (100) percent opacity) or isolated so as not to be visible from the right-of-way of an arterial street or residential zoning district within three hundred (300) feet of the subject lot. Such screens and enclosures, when used, shall be coordinated with the building to maintain a unified appearance (Ord. 2129).

#### **55.120. Landscaping and Buffering Regulations.**

(a) Purpose. The landscaping and buffering requirements specified herein are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character, general health, safety and welfare of the City and preserve the value of properties located along the Olive Boulevard Corridor. Specifically, these regulations are intended to increase the compatibility of adjacent uses by requiring a buffer or screen between uses, and in doing so, minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions and other objectionable activities or impacts conducted or created by an adjoining or nearby use.

(b) Landscape Plan. A landscape plan shall be required and approved for all projects requiring site plan and architectural approval as set forth in this Code and the Zoning Ordinance. Landscape plans shall be prepared on sheets no larger than twenty-four by thirty-six inches (24" x 36"), and scaled at a size no smaller than one inch equals twenty feet (1"=20'). All landscape plans shall contain or have attached the following information:

- (1) A title block indicating the preparer, property owner, date, scale and north arrow.
- (2) The location and dimensions of all existing and proposed structures, natural features, detention areas, parking lots and drives, roadways and right-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, fences, retaining walls, free standing electrical equipment, utility easements, conservation easements and ground lighting, tot lots and other recreational facilities, and other freestanding structural features as determined necessary by the Building Commissioner or authorized designee.
- (3) The location, quantity, size, root ball condition (e.g. B/B or potted), and type, both scientific and common, of all proposed materials.
- (4) The designation, location, quantity, size and both botanic and common names of all existing plant material intended to remain on the site that is to be developed.

- (5) The location of all proposed berming indicating contours at one-foot contours and percent of slope.
- (6) Specification of the type, boundaries, size and spacing of all proposed ground cover.
- (7) Elevations of all fences, bridges, retaining walls, trash enclosures or other similar details proposed for location on the site.
- (8) The location and general type of all existing trees over six (6) inch caliper (measured at a height of three (3) feet above ground level) and, in addition, designation of those to be retained.

An electronic file of the landscape plans shall also be submitted at the time of application.

(c) Landscape Material Standards, Installation and Maintenance.

- (1) Standards. The following standards shall be considered the minimum required planting standards for all trees and landscape material:

a. Plant units. Many of the landscape standards of this Article are expressed in terms of the number of "plant units" required. The following table provides the breakdown of plant unit equivalencies.

Type of Plant Material	Equivalent Plant Units
Medium or Large Deciduous Tree	10
Small Deciduous or Ornamental Tree	5
Conifer of Upright Evergreen	5
Shrub	1

- b. Plant quality. Plants installed to satisfy the requirements of this Article shall conform to or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and adapted to the local area.
- c. Artificial plants. No artificial plants or vegetation shall be used to meet any standards of this Section.
- d. Trees.
  - 1. Types:

Required. Where required or permitted, trees shall be of the following types: ornamental, evergreen or large deciduous trees. A list of recommended trees classified by type is available through the Department of Public Works. Use of species native to Missouri is preferred.

Species mix. When more than ten (10) trees are required to be planted to meet the standards of this Section, a mix of species shall be provided. In order to promote diversity in the urban forest, the number of species to be planted shall vary according to the overall number of trees required to be planted in accordance with following requirements:

Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40	4
41+	5

2. Sizes:

Medium and large deciduous trees. Medium and large deciduous trees planted to satisfy the standards of this Article shall have a minimum diameter of two and one-half (2 1/2) inches, measured at a point that is at least six (6) inches above ground level.

Small deciduous or ornamental trees. Small deciduous and ornamental trees planted to satisfy the standards of this Article shall have a minimum diameter of one and one-half inches (1 1/2) inches, measured at a point that is at least six (6) inches above ground level.

Conifers and upright evergreens. Conifers planted to satisfy the standards of this Article shall have a minimum height of five (5) feet.

- e. Shrubs (deciduous and conifer). Shrubs planted to satisfy the standards of this Article shall be of a minimum size of three (3) to five (5) gallon container depending upon species and spacing. Spacing shall be from three (3) feet to five (5) feet apart depending upon species and size.
- f. Ground treatment. The ground area within required landscape areas shall receive appropriate landscape treatment and present a finished appearance and reasonably complete coverage upon planting. The use of pebbles or gravel is prohibited unless authorized by the Planning and Community Design Commission.

The following standards shall apply to the design of ground treatment:

- 1. Groundcover. Groundcover appropriate for the area may be planted in lieu of turf grass. Groundcover shall be of a size and spacing to provide a minimum of fifty (50) percent coverage after the first full growing season and complete coverage at maturity. Edging shall be provided for all groundcover.
- 2. Mulch. Mulch shall be installed and maintained at a minimum depth of two (2) inches and a maximum depth of four (4) inches on all planted areas except where groundcover plants are fully established. Mulch may be used as a permanent

ground treatment in those landscape designs where groundcover or grass is inappropriate.

3. Grass seed and sod. Turf areas shall be planted with species suitable as permanent lawns. Turf areas shall be sodded or seeded. In areas where grass seed is used, maintenance shall be provided until coverage is complete, and complete coverage shall be provided after the first full growing season. Zoysia grass shall not be allowed.
- g. Fences and walls. Fences and walls used to screen residential developments from adjacent streets and land uses shall be of uniform appearance and design throughout the subject development.
- h. Use of existing plant material.
1. General. Preservation of existing and viable planting, where feasible, is highly encouraged. Vegetation and plant material that exists on a site prior to development may be used to satisfy the landscape standards of this Section provided that such material meets size, variety and location requirements of this Section.
  2. Tree credits. Existing trees that satisfy the standards of this Section may be substituted for any of the trees required in accordance with the following standards:

Tree credit formula. Existing trees shall be credited according to the following formula. Fractional measurements shall be attributed to the next lowest category.

Diameter of Tree at 6-inches above ground	Credits
6 or more	10
3 to 4 inches	5
Less than 3 inches	0

3. Trees excluded from credits. No credits shall be permitted for the following types of trees:
  - Trees that are not properly protected from damage during the construction process; and
  - Trees that are dead, dying, diseased or infested with harmful insects.
  - Existing trees of a species specifically prohibited in this Section.

(2) Installation, Maintenance and Replacement.

- a. Installation. All landscaping shall be installed according to sound nursery practices in a

manner designed to encourage vigorous growth. All landscape material, living and non-living, shall be healthy and in place prior to issuance of final Occupancy Certificate. A temporary Occupancy Certificate may be issued prior to installation of required landscaping if written assurances and financial guarantees satisfactory to the Building Commissioner are submitted ensuring that planting will take place when planting season arrives. The amount of the financial guarantee shall be equal to two (2) times the estimated cost of the plant material based on written cost estimates provided by the developer.

- b. Maintenance and replacement. Trees, shrubs, fences, walls and other landscape features depicted on the plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan. The landowner, or successors in interest, or agent, if any, shall be jointly responsible for the following:
  - 1. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticulture practices. It is encouraged that a copy of proposed maintenance guidelines be furnished to the project owner for the planning design as installed;
  - 2. The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition;
  - 3. The regular maintenance, repair or replacement, where necessary, of any landscaping required by this Article, including the removal and replacement of any dead trees or plantings within thirty (30) days of notification by the City; and
  - 4. Continuous maintenance of the site as a whole.
- (d) Design Criteria.
  - (1) The arrangement of trees and shrubs shall be done in a manner that provides the maximum visual separation between adjacent land uses. Plant materials shall be massed in groups to achieve a naturalistic and pleasing effect. Selection of plant materials and locations of plantings shall be made with consideration to avoid interference with existing overhead utility lines.
  - (2) Existing vegetation which satisfies the landscape requirements of this Section may be credited for landscaping materials required. Such vegetation shall meet the specifications for new plant materials and be located within the area for which credit is allocated. Where credit has been given, the developer shall note on the landscape plan the landscape materials which would have been required if the existing vegetation did not exist. If any of the vegetation dies, the developer shall install the corresponding plant materials as described in the landscape plan.

- (3) Required screening shall not be interrupted for any reason except for required sidewalks, driveways and pedestrian or bicycle paths.
  - (4) The scale and nature of landscape material shall be appropriate to the site and structures. Larger scaled buildings, for example, shall generally be complemented by plants which will grow to a larger scale.
  - (5) Plant material shall be selected for its form, texture, color and concern for ultimate growth. Use of Silver Maples, Box Elders, Russian Olives, Lombardy Poplars and other weak wooded species shall be avoided.
  - (6) Dense evergreen and deciduous shrubs shall be incorporated into site landscape treatments, particularly in those areas screening parking lots from public rights-of-way or property zoned for residential use.
  - (7) Plant material shall be placed intermittently along long expanses of building walls, fences and other barriers to create a softening effect.
  - (8) Detention/retention basins and ponds shall be landscaped along the perimeter of the high water level of the basin or pond. Such landscaping shall include shade and ornamental trees, evergreens, shrubbery, hedges and/or other live planting materials.
  - (9) Earthen berms and existing topography shall, whenever practical, be incorporated into the site landscape treatment. Berms shall be stabilized to prevent erosion and of such a slope to allow maintenance.
  - (10) To present a healthy, neat and orderly appearance, all landscape areas, including interior parking lot islands, and grass areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, ground covering and other landscaping. An underground irrigation system shall be installed, operated and maintained. Such system shall be required for all new developments and redevelopment projects. For sites proposing additions and/or expansions, an underground irrigation system shall be installed, operated and maintained where physically practical and reasonable, as determined by the Planning and Community Design Commission.
- (e) Landscaping Along a Right-of-Way. Where a parcel abuts a public or private street right-of-way, the areas set forth below shall be Right-of-Way Landscape Area. The width of the Right-of-Way Landscape Area and landscaping standards shall be provided in accordance with the following:

(1) Olive Boulevard:

- a. The first twenty (20) feet from the right-of-way line shall be Right-of-way Landscape Area.
- b. A minimum of seventy-five (75) planting units shall be planted for every one hundred (100) lineal feet of right-of-way length.

- c. At least one third ( 1/3) of the required planting units shall consist of street trees.
- d. The total planting units may be reduced by one third ( 1/3) for the following:
  - 1. If the applicant provides a berm that is at least two and one half (2 1/2) feet higher than the finished elevation of the parking lot; or
  - 2. If the applicant provides a three (3) foot high ornamental fence or knee wall consisting of brick, stone or finished concrete.
- e. Street trees shall be evenly spaced and may not exceed a lineal distance of thirty (30) feet.
- f. Street trees shall not be planted within three (3) feet of the right-of-way.
- g. Street trees shall not be planted beyond fifteen (15) feet from the right-of-way.
- h. A minimum six (6) foot wide sidewalk shall be provided within the Right-of-Way Landscape Area.
- i. No sidewalk shall be placed within the five (5) feet of the street curb. Where proposed development or construction subject to this Article contains an existing sidewalk which does not comply with this Section, the developer shall replace the sidewalk to conform to the requirements of this Section.

(2) Other public or private rights-of-way:

- a. The first ten (10) feet from the right-of-way line shall be Right-of-Way Landscape Area.
- b. A minimum of eighty (80) planting units shall be planted for every one hundred (100) lineal feet of right-of-way length.
- c. At least one third ( 1/3) of the required planting units shall consist of street trees.
- d. The total planting units may be reduced by one third ( 1/3) for the following:
  - 1. If the applicant provides a berm that is at least two and one half (2 1/2) feet higher than the finished elevation of the parking lot; or
  - 2. If the applicant provides a three (3) foot high ornamental fence or knee wall consisting of brick, stone or finished concrete.
- e. Street trees shall be evenly spaced and may not exceed a lineal distance of thirty (30) feet.
- f. Street trees shall not be planted within three (3) feet of the right-of-way.

- g. Street trees shall not be planted beyond ten (10) feet from the right-of-way.
- h. A minimum five (5) foot wide sidewalk shall be provided within the Right-of-Way Landscape Area.
- i. No sidewalk shall be placed within the first five (5) feet from the street curb. Where proposed development or construction subject to this Article contains an existing sidewalk which does not comply with this Section, the developer shall replace the sidewalk to conform to the requirements of this Section.

(f) Off-street Parking Area Landscaping. All interior and off-street parking areas containing more than ten (10) off-street parking spaces shall provide landscaping in accordance with the following:

- (1) Perimeter Off-Street Parking Area Screening: Landscape standards for landscaping along the perimeter of an off-street parking area shall be provided as follows:
  - a. The outer perimeter edge of all off-street parking areas shall provide a minimum of thirty (30) planting units for every one hundred (100) linear feet of parking edge.
  - b. The average height of all shrub planting at the time of placement shall be three (3) feet. In no case shall any shrub be less than eighteen (18) inches in height at the time of planting.
  - c. Planting units shall be located within five (5) feet of the parking edge.
  - d. Right-of-Way Landscape Area planting units shall not count towards meeting the counting requirements of the Perimeter Off-Street Parking Lot Screening.
  - e. In instances where a shared/joint entrances or a cross access agreement is recorded or where a shared parking agreement is provided between two (2) adjacent nonresidential uses, the Planning and Community Design Commission may reduce the landscaping requirements for abutting parking areas.
- (2) Interior Off-Street Parking Area Landscaping. Landscape standards for landscaping within the interior of an off-street parking area shall be provided as follows:
  - a. At least twenty (20) planting units shall be provided for each ten (10) parking spaces within an off-street parking area. Seventy-five (75) percent of the required plant units shall be medium or large deciduous trees.
  - b. All landscaping areas that are not dedicated to trees shall be landscaped with grass, groundcover, shrubs or other appropriate landscape treatment.
  - c. Sand, pebbles, gravel or pavement shall not be considered appropriate landscape treatment.

- d. Interior off-street parking area landscaping shall generally be dispersed throughout the parking lot and shall be designed to delineate vehicular or pedestrian circulation patterns.
- e. No more than ten (10) continuous parking stalls shall be permitted without a planting area island.
- f. All planting area islands shall be protected by a minimum six (6) inch raised concrete curb to prevent damage by vehicles and vehicle overhang.
- h. Interior parking area islands shall be a minimum of one hundred sixty two (162) square feet in area and shall be a minimum of nine (9) feet in width, as measured from back of curb to back of curb.
- i. The soil contained in a parking area island shall be mounded to provide additional visual relief in the off-street parking area and to improve drainage for plant materials.
- j. Interior parking islands shall contain at least one shade tree.

(g) Side Yard Landscape Requirements. All nonresidential or multifamily residential developments shall provide a Side Yard Landscape area. The Side Yard Landscape area landscaping shall be provided as follows:

(1) Abutting a nonresidential property.

- a. Within the required zoning side yard setback area, a landscape area a minimum of ten (10) feet in width shall be provided.
- b. At least fifty (50) planting units shall be provided for every one hundred lineal (100) feet abutting a nonresidential use.
- c. In instances where a shared/joint entrances or a cross access agreement is recorded or where a shared parking agreement is provided between two (2) adjacent nonresidential uses, the Planning and Community Design Commission may reduce the landscaping requirements for abutting Side Yard Landscape areas.

(2) Abutting a residential property.

- a. Within the required zoning buffer or transitional yard, a landscape area of a minimum of twenty (20) feet shall be provided.
- b. Solid landscape screening to a minimum of six (6) feet in height above the nearest grade of the parking lot shall be provided along the length of the abutting property line. If determined necessary by the Planning and Community Design Commission, due to topographical changes between the abutting commercial and residential property, the minimum height of the required screening may be increased to eight (8) feet.

- c. At least one hundred (100) planting units shall be provided for every one hundred (100) lineal feet of parking area abutting a nonresidential use.
- d. At least sixty (60) percent of the required planting unit shall consist of conifers, evergreens and evergreen shrubs.

(h) Rear Yard Landscape Requirements. All nonresidential or multifamily residential developments shall provide a Rear Yard Landscape area. The Rear Yard Landscape area landscaping shall be provided as follows:

(1) Abutting a nonresidential property.

- a. Within the required zoning rear yard setback, a landscape area a minimum of ten (10) feet in width shall be provided.
- b. At least fifty (50) planting units shall be provided for every one hundred (100) lineal feet of parking area abutting a nonresidential use.
- c. In instances where a shared/joint entrances or a cross access agreement is recorded or where a shared parking agreement is provided between two (2) adjacent nonresidential uses, the Planning and Community Design Commission may reduce the landscaping requirements for Rear Yard Landscape areas.

(2) Abutting a residential property.

- a. Within the required buffer or transitional yard, a landscape area of a minimum of twenty (20) feet shall be provided.
- b. Solid landscape screening to a minimum of six (6) feet in height above the nearest grade of the parking lot shall be provided along the length of the abutting property line. If determined necessary by the Planning and Community Design Commission, due to topographical changes between the abutting commercial and residential property, the minimum height of the required screening may be increased to eight (8) feet.
- c. At least one hundred (100) planting units shall be provided for every one hundred (100) lineal feet of parking area abutting a nonresidential use.
- d. At least sixty (60) percent of the required planting unit shall consist of conifers, evergreens and evergreen shrubs.

(i) Building Perimeter Landscaping.

(1) Width. A landscaped area a minimum of eight (8) feet in width shall be located around the front and side of all buildings.

(2) Exceptions. The Planning and Community Design Commission may grant an exception to the

requirements of this paragraph where one or more of the following conditions exist:

- a. There are two (2) or more primary entrances along the building plane. A minimum eight (8) foot wide sidewalk must be provided in lieu of the building perimeter landscaping; or
- b. The area within twenty (20) feet of a dock or service garage door may be exempted from building perimeter landscaping; or
- c. If service docks and garages are located along the rear of the building and if additional screening is provided above those required within this Article.

- (3) Coverage. Required building perimeter landscaping shall remain open and free of all paving except where walks to buildings and other similar paving is required.
- (4) Planting materials. Landscaping shall be provided along all front and side facades except where sidewalks and driveways are located. Such landscaping shall be comprised of a combination of shade trees, ornamental trees, evergreens and shrubs. Particular attention shall be paid toward transitions between the building and ground plane, visual breaks along monotonous building facades, and enhanced walkways, entrances, seating areas, bus stops or any other pedestrian areas; separate and buffer pedestrian and public areas from cruise lanes, drives and parking areas, and provide direction to focal areas and main entrances.
- (5) Ground cover. Except where occupied by planting beds, foundation landscaping areas may be sodded planted with groundcover, contain decorative stone or mulch.

(j) Deviations and Variations. Innovative landscaping treatments are encouraged and shall be considered as a positive attribute in connection with any request for a deviation from the percentage and landscape material requirements of this Article. Deviations which do not exceed ten (10) percent of the minimum requirements may be authorized should a determination be made that the purposes of this Article are met. Requests for variations shall be considered in accordance with the procedures for variances as set forth in the Zoning Ordinance.

(k) Changes to Approved Landscape Plan. Any change or deviation to an approved landscape plan shall be in conformance with the provisions for amendments as contained in this Article (Ord. 2129).

#### **55.125. Exterior Lighting Design Regulations.**

(a) Purpose. The exterior lighting design regulations specified in this Section are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character, general health, safety and welfare of the City and will preserve the value of properties located within the Olive Boulevard Corridor. Specifically, these regulations are intended to control glare and light trespass, minimize obstructive light, conserve energy and resources while maintaining safety, security, and productivity, and curtail the degradation of the nighttime visual environment.

(b) Definitions.

- (1) Fixture. The assembly that holds the lamp (bulb) in a lighting system, including elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing and attachment parts.
- (2) Footcandle. A unit of illuminance amounting to one lumen per square foot.
- (3) Full-cut off. A light fixture which cuts off all upward transmission of light.
- (4) Fully shielded. A fully shielded luminaire is a luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.
- (5) Glare. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted, or which causes annoyance, discomfort or loss in visual performance and visibility.
- (6) High intensity discharge (HID) lighting. A family of bulb type including mercury vapor, metal halide, high pressure and low pressure sodium, which glow when an electric current is passed through a gas mixture inside the bulb.
- (7) Horizontal (or vertical) footcandles. The amount of light striking a vertical or horizontal plane.
- (8) Illuminance. The quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, measured in lux or footcandles.
- (9) Inventory of lights. A list of lamps indicating the bulb type, bulb wattage and manufacturer through which the rated lumens can be determined.
- (10) Light source. The bulb and lens, diffuser or reflective enclosure.
- (11) Light trespass. Light projected onto a property from a fixture not located on that property.
- (12) Lumen. Measure of brightness of the illumination exiting a bulb, provided by the manufacture.
- (13) Luminance. The physical quantity corresponding to the brightness of a surface (e.g. a lamp, luminaire, sky, or reflecting material) in a specified direction. The luminous intensity of an area of the surface divided by that area measured in candelas per square meter.
- (14) Luminaire. A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamp to the power supply.
- (15) Lux (lx). The SI unit of illuminance. One lux equals one lumen per square meter.
- (16) Non-cutoff. A light fixture which does not cut off all upward transmission of light.

- (17) Obtrusive light. Spill light which, because of quantitative, directional or spectral context, gives rise to annoyance, discomfort, distraction or reduction in the ability to see essential information.
- (18) Spill light. Light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.

(c) Exterior Lighting Plan. An Exterior Lighting Plan shall be required and approved for all projects requiring site plan and architectural approval under the Municipal Code or the Zoning Ordinance. Exterior Lighting Plans shall be prepared on sheets no larger than twenty-four (24) by thirty six (36) inches, and scaled at a size no smaller than one inch equals twenty (20) feet. All Exterior Lighting Plans shall contain or have attached the following information:

- (1) A title block indicating the preparer, property owner, date, scale and north arrow.
  - (2) The location of all exterior lighting sources, including, but not limited to pole lights, wall lights, ground lights and doorway lights.
  - (3) A table providing a complete inventory of lighting of all exterior light fixtures, including fixture type, lumen and luminaire to be used on the site.
  - (4) Dimension and height of all pole lights located on the property.
  - (5) A photometric survey, showing horizontal footcandles measured on the ground plane. Light measurements shall be taken in a grid format with one-foot intervals. Grid and measurements shall extend ten (10) feet beyond the property line.
- (d) Lighting Design Standards.
- (1) All luminaries of eighteen hundred (1800) or more lumens shall be full cutoff as installed. For luminaires under eighteen hundred (1800) lumens, the bulb shall be frosted glass or shall be installed behind a translucent cover.
  - (2) The maximum illumination level at five (5) feet inside an adjacent residential parcel or right-of-way, or beyond, from light emitted from an artificial light source shall be 0.1 horizontal footcandles and 0.1 vertical footcandles. Maximum illumination at ten (10) feet inside an adjacent commercial or industrial parcel or on a roadway, or beyond shall not exceed 0.1 horizontal footcandles or 0.1 vertical footcandles.
  - (3) No line of sight to a bulb is permitted five (5) feet or more beyond a residential or public right-of-way property line by an observer viewing from a position that is level with or higher than the ground below the fixture. Compliance shall be achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture arm or a combination of these factors.
  - (4) The total height of all light poles, including the base, pole and fixture, shall be limited to sixteen

(16) feet.

- (5) All light pole fixtures shall be full cut off fixtures, parallel with the ground at a zero (0) tilt, and shall not have any light source projecting beyond the plane of its cover.
- (6) All wall pack fixtures located on an exterior wall plane must be full cut-off and may not have the bulb projecting beyond the plane of its cover.
- (7) Flood lights or spot lights attached to light pole or any light fixture extending above a building wall are prohibited, unless requested by civil authorities for public safety. No flood light may be aimed higher than forty-five (45) degrees above a horizontal plane parallel with the ground.
- (8) The nighttime use of white lighting or white strobe lighting on any communication tower is prohibited. (Nighttime white strobe lighting is not required by the FAA) Applicants must show proof of any such FAA requirements.
- (9) The Planning and Community Design Commission may, by request, approve the use of architectural up lighting or down lighting to highlight an exterior building surface (Ord. 2129).

### **Article III.**

#### **Blighting and Redevelopment Authority and Procedures.**

**55.201. Title, Designation.** This Article shall be known and may be cited and referred to as the "Blighting and Redevelopment Procedures Ordinance" (Ord. 2240).

**55.201. Finding and Determination of Blight.** It is hereby found, determined and declared by the Council of the City of Olivette, Missouri as follows:

A. That there exist in isolated portions of the City certain areas, lots and structures that, by reason of age, obsolescence, inadequate or outmoded design, physical deterioration, substandard or unsanitary improvements, excessive or unproductive land coverage, defective design or arrangement of buildings, lack of proper support facilities, or lack of appropriate light, air, open space, have become economic and social liabilities conducive to ill health, transmission of disease, crime, or inability to pay reasonable taxes;

B. That the existence of such areas, lots and structures, and the failure to clear, replan, rehabilitate, reconstruct or redevelop these areas, lots and structures, results in progressive deterioration, causes a wasteful expenditure of public funds for policing, and occasions large outlays for the creation and maintenance of public facilities and services;

C. That such areas, lots and structures have impaired the economic value of neighborhoods, infecting them with blight characterized by depreciated values, impaired investment, reduced income and consequential inability to pay reasonable taxes, and such conditions constitute a menace to the health, safety, morals and welfare of the citizens of the City;

D. That such areas, lots and structures require the employment of capital on an investment basis and

the redevelopment of such areas, lots and structures under proper supervision with appropriate planning as to land use, traffic circulation, and construction;

E. That the clearance, replanning, rehabilitation, reconstruction, and redevelopment of such areas, lots and structures on a substantial scale is necessary for the removal of blight and for the public welfare; and

F. That it is in the public interest to encourage the removal of blight and to provide procedures for its removal as allowed by Chapter 353 of the Revised Statutes of Missouri and as provided herein (Ord. 2240).

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

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

(b) "Blighted Area": Those portions of the City which the City Council shall determine that, by reason of age, obsolescence, inadequate or outdated 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.

(c) "City": The City of Olivette, Missouri.

(d) "City Council": The Council of the City.

(e) "City Clerk": The Clerk of the City.

(f) "City Manager": The Manager of the City.

(g) "Corporation": An urban redevelopment corporation organized under and pursuant to the provisions of the "Urban Redevelopment Corporations Law", Chapter 353, R.S.Mo. 2000, as amended, to pursue or effect redevelopment under said Chapter 353.

(h) "Development Agreement": A contract or agreement entered into between the City and a corporation pursuant to an approved development plan.

(i) "Development Plan": A plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the City Council by ordinance.

(j) "Mayor": The Mayor of the City.

(k) "Person": Any individual, firm, partnership, joint venture, association, corporation, whether organized for profit or not (except an urban redevelopment corporation organized pursuant to the provisions of

the "Urban Redevelopment Corporations Law"), estate, trust, business trust, receiver or trustee appointed by any state or federal court, syndicate, or any other group or combination acting as a unit, and shall include the male as well as the female gender and the plural as well as the singular number.

(l) "Real Property": Any and all lands, buildings, improvements, land under water, waterfront property and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein or appurtenant thereto, legal or equitable, including restrictions of record created by plat, covenant or otherwise, rights-of-way, and terms for years.

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

(n) "Redevelopment Area": That portion of an area encompassed by a development plan.

(o) "Redevelopment Project": A specific work or improvement to effectuate all or any part of a development plan.

(p) "Urban Redevelopment Corporations Law": Chapter 353, R.S.Mo. 2000, as amended (Ord. 2240).

**55.204. Contents of Development Plan.** Any corporation may submit to the City Clerk a proposed development plan, along with fifteen (15) copies thereof, for the redevelopment of a redevelopment area, together with evidence that it is a corporation in good standing, lawfully organized and existing under the Missouri Urban Redevelopment Corporations Law, and a filing fee as set forth in Section 55.206 hereof. The development plan shall contain the following:

(a) A legal description of the redevelopment area by metes and bounds or other definite designation, together with a map of the redevelopment area.

(b) A description of the redevelopment project including (i) a list of properties in the redevelopment area owned or to be acquired by the corporation, (ii) a list of structures proposed to be demolished; (iii) a description of any new construction proposed in the area, if any, including a statement of the type, number and character of each new industrial, commercial, residential or other building or improvement to be erected or made; (iv) a description of any building renovation proposed, if any, including any proposed repairs or alterations to such buildings; and (v) an estimated timetable for implementing the acquisition, demolition, new construction and/or rehabilitation. If the project is to be developed in phases, the development plan shall provide a separate description for each phase. The corporation's obligations to implement the redevelopment project, including its obligations under an approved timetable for the project, are to be set forth in a separate development agreement executed by the corporation and the City. Such development agreement may allow for extensions of approved timetables under appropriate circumstances.

(c) A statement of those portions, if any, of the redevelopment area which are proposed to be sold, donated, exchanged or leased to a board of education, public library board, art museum board or other public agency, and an outline of the terms of such proposed sale, donation, exchange or lease.

(d) A statement of any zoning and subdivision applications that the corporation believes may be necessary or desirable for the redevelopment and its protection against blighting influences, including changes to zoning ordinances, maps or the City's comprehensive plan, applications for subdivision or special use permits, or any other land use application deemed necessary or desirable.

(e) A statement of any changes in streets or street levels or street closings that the corporation believes may be necessary or desirable, and any changes to streets adjoining or near the redevelopment project that the corporation believes may be necessary or desirable, including a the manner in which the corporation believes these changes can be financed.

(f) If relocation of residents or businesses may become necessary, the development plan must propose a relocation policy consistent with the requirements of City Ordinance No. [55.301] and Sections 523.200 through 523.215 of the Revised Statutes of Missouri, as amended. In such event the development plan shall also contain, to the extent known to the corporation, the following:

(1) A statement of the character of the existing dwelling accommodations, if any, in the redevelopment area, the approximate number of families residing therein, the number of vacancies therein, and the rentals being paid and/or demanded therefore, and

(2) A statement of the character of the existing commercial structures, if any, in the redevelopment area, the approximate number of businesses operating therein, the number of vacancies therein, and the rentals being paid and/or demanded therefore.

(g) A statement, to the extent known to the corporation, of any projects or relocations outside of the redevelopment area which would be initiated due to the redevelopment project.

(h) A description of the anticipated method of financing the redevelopment and the corporation's views regarding the marketability of the redevelopment project.

(i) A description of the persons who will be likely be active in or associated with the management of the redevelopment project following the approval of the development plan.

(j) A statement giving the legal description of the real property, if any, proposed to be purchased or acquired by eminent domain and the reasons why the aid of the City is sought for this purpose. If the City grants condemnation rights to the corporation, the extent and terms of such grant, including indemnification and security to be provided by the corporation, will be set forth in a separate development agreement executed by the corporation and the City.

(k) A statement providing that the separate development agreement to be executed by the corporation and the City will include reasonable limitations on the corporation's right to assign the redevelopment project to ensure that the intention and purpose of the redevelopment project will be carried out.

(l) A statement providing that the separate development agreement to be executed by the corporation and the City will include reasonable reimbursement and indemnification agreements with the City regarding (i) the City's costs incurred for evaluating and reviewing of the proposed development plan and for participating in plan implementation, and (ii) costs or damages resulting from third-party claims or litigations.

(m) A statement of the most current assessed value of the parcels of real property located in the redevelopment area and a parcel identification map identifying the parcels by tax locator numbers.

(n) If the corporation is requesting tax abatement pursuant to Section 55.211 hereof, the City may require that the development plan contain a statement showing the economic impact of the proposed tax abatement on the taxing districts whose boundaries for ad valorem taxation purposes includes any real property located in the redevelopment area before and after completion of the redevelopment project. In the alternative, the City shall prepare said tax impact statement.

(o) A statement of the objectives of the development plan and how those objectives will be implemented through the development project.

(p) As other information, statements, or exhibits may be deemed necessary or desirable for the City Council's consideration of a development plan or negotiation of a development agreement, the City may require that the corporation, either contemporaneously with or after the filing of a development plan, submit such information, statements, or exhibits, including but not limited to:

- (1) A statement of the housing accommodations or commercial structures available in other locations in the City, if any, for those persons and businesses to be displaced by the redevelopment project;
  - (2) Evidence that the corporation has or will have sufficient resources to acquire and clear the land involved and complete the redevelopment project;
  - (3) Evidence of the marketability of the redevelopment project, including any commitments for leases or purchases the corporation can provide;
  - (4) A statement of the anticipated total assessed value of such parcels after redevelopment and completion of the redevelopment project; and
  - (5) A written analysis establishing that, but for a specified amount of tax abatement, the corporation would not be able to obtain a reasonable rate of return on its investment and would not proceed with the redevelopment project.
- (q) The corporation shall update any information submitted to the City as may be necessary or required by the City and shall inform the City of any information previously provided is found by the corporation to be incomplete, inaccurate or otherwise misleading to any material extent (Ord. 2240).

**55.205. Supporting Evidence of Blight.** (a) Any application for approval of a development plan must be supported by factual evidence of blight.

(b) Evidence must relate to the area generally.

(c) Evidence must relate to each specific property proposed to be acquired within the context of the

area generally.

(d) Evidence must be sufficient to show that, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, the properties involved are either an economic or social liability, or are conducive to ill health, transmission of disease, crime, or inability to pay reasonable taxes.

(e) Evidence must be sufficiently complete that the City Council can make a finding of blight as required by the Urban Redevelopment Corporations Law (Ord. 2240).

**55.206. Filing Fee.** No proposed development plan shall be accepted for filing unless it is accompanied by a non-refundable filing fee to the City of two thousand five hundred dollars (\$2,500.00), which said amount shall be used by the City to defray expenses connected with the staff's evaluation and review of the proposed development plan. The City may further require the corporation to execute a reimbursement agreement with the City, pursuant to which the corporation shall reimburse the City for all legal, planning, accounting and other professional fees and expenses reasonably incurred by the City in connection with its evaluation and review of the proposed development plan. The corporation shall further pay, when due and payable, all such other fees, licenses and charges required by the ordinances of the City applicable to such corporation as a developer and/or the redevelopment project (Ord. 2240).

**55.207. Review of the Development Plan by the City.** Promptly upon the filing of a development plan, the City Clerk shall distribute copies thereof to the City Council, City Manager, Zoning Administrator and the City Attorney. In the event that the development plan fails to comply with the terms of this Article, the City Manager shall notify the corporation in writing of the rejection of the development plan and shall state the reasons for such rejection. If the development plan complies with the requirements of this Article and the City's comprehensive plan, the City Manager shall notify the City Council which may then direct the clerk to proceed with publication as described in Section 55.208 hereto. If the development plan fails to conform to the comprehensive plan, the City may consider an amendment to the comprehensive plan prior to or concurrently with approval of a development plan (Ord. 2240).

**55.208. Public Hearing.** (a) Following receipt of notice to proceed the City Clerk shall publish notice (i) in a paper of general circulation within the City and (ii) in a paper authorized to publish legal notices, notifying all interested parties in the proposed development area that a public hearing will be held on a date and time certain, provided that the public hearing shall not be held less than fifteen (15) days nor more than thirty (30) days following publication of the notice provided for in this Section. The public hearing shall be held for the purpose of stimulating comment by those persons to be affected by or those persons interested in such development plan.

(b) In the event a proposed development plan provides for tax abatement or exemption as authorized by the Urban Redevelopment Corporations Law, the City shall furnish each political subdivision whose boundaries for ad valorem taxation purposes include any portion of the real property to be affected by such tax abatement or exemption with a written statement of the impact on ad valorem taxes such tax abatement or exemption will have on such political subdivisions and written notice of the hearing to be held as provided for in subsection (a) above. The written statement and notice required by this paragraph shall be mailed to each political subdivision by registered or certified mail, postage prepaid, return receipt requested at least fifteen (15) days prior to the hearing and shall include, but need not be limited to, an estimate of the amount of ad valorem tax revenues of each political subdivision which will be affected by the proposed tax abatement or exemption

based upon the estimated assessed valuation of the real property involved as such property would exist before and after it is developed. At the public hearing all political subdivisions described in this Section shall have the right to be heard on such grant of tax abatement or exemption (Ord. 2240).

**55.209. Action by Council on Development Plan; Approving Ordinance; Development Agreement.** After public hearing has been held upon a proposed development plan the City Council may, by ordinance:

- (a) Unconditionally approve the plan and authorize and direct the Mayor or City Manager on behalf of the City to enter into a development agreement with the corporation; or
- (b) Disapprove the plan; or
- (c) Approve the development plan subject to such conditions, exceptions or restrictions as the Council may deem to be in the public interest.

If the City Council conditionally or unconditionally approves the development plan the approval ordinance shall also provide for expiration of development rights, including the rights of eminent domain and tax abatement, in the event of failure of the urban redevelopment corporation to acquire ownership of property within the area of the development plan. Such ordinance shall provide for a duration of time within which such property must be acquired, and may allow for acquisition of property under the plan in phases. Such ordinance shall also permit reasonable extensions of any time deadlines under appropriate circumstances (Ord. 2240).

**55.210. Required Findings for Approval of Development Plan by City Council.** In any ordinance approving a development plan, the City Council shall make the following findings and declarations:

- (a) That the area included within a development plan is a blighted area, and that the clearance, redevelopment, replanning, rehabilitation, or reconstruction thereof is necessary for the public convenience and necessity;
- (b) That, if the corporation seeks to acquire all or any part of the real property within a blighted area by exercise of the power of eminent domain, such acquisition by the exercise of the power of eminent domain is for the public convenience and necessity; and
- (c) That approval of the development plan and construction of the redevelopment project is necessary for the preservation of the public peace, property, health, safety, morals and welfare (Ord. 2240).

**55.211. Tax Abatement.** (a) In any ordinance approving a development plan, the City Council may grant tax abatement in accordance with the terms of the Urban Redevelopment Corporations Law on such terms and conditions as the City Council may deem appropriate and in furtherance of the public peace, property, health, safety, morals and welfare.

(b) Notwithstanding any other provision of law to the contrary, payments in lieu of taxes may be imposed under the development agreement between the City and the corporation which receives tax abatement or exemption on property pursuant to the Urban Redevelopment Corporations Law. Pursuant to the terms of the Urban Redevelopment Corporations Law, such payments shall be made to the collector of revenue of St. Louis County by December 31 of each year that payments are due. The City Council shall furnish the collector of

revenue a copy of such agreement requiring payment in lieu of taxes, to permit the collector, as required by law, to allocate all revenues received from such payment in lieu of taxes among all taxing authorities whose property tax revenues are affected by the exemption or abatement on the same pro rata basis and in the same manner as the ad valorem property tax revenues received by each taxing authority from such property in the year such payments are due (Ord. 2240).

**55.212. Acceptance by Corporation.** (a) Upon enactment into law of an ordinance approving a development plan, the City shall endeavor to enter into a development agreement with the corporation pursuant to the terms and conditions set forth in this Article and the ordinance approving the development plan. The form of said development agreement shall be approved by the City Attorney.

(b) A copy of any development agreement entered into between the City and the corporation shall be recorded by the corporation in the office of the Recorder of Deeds of St. Louis County and proof of such recording shall be filed with the City Clerk prior to the issuance of any building or demolition permits for work in the redevelopment area. True copies of the development plan authorized by the City Council by ordinance shall be retained with the authorizing ordinance by the City Clerk (Ord. 2240).

**55.213. Monitoring of Compliance, Time Extensions and Certification of Completion.** (a) Building permits: In the event an ordinance approves a development plan for a redevelopment area and grants tax abatement or exemption pursuant to Section 55.211 hereof, a building permit for construction in the redevelopment area shall not be issued during the period of any such tax abatement or exemption unless the building plans are found by the City to be in substantial compliance with the approved development plan, as amended, modified, or changed by ordinance.

(b) Investigation: After a development plan has been authorized by the City Council, the City shall investigate and determine from time-to-time during construction of the redevelopment project whether the corporation undertaking such development plan is complying, in all material respects, with the provisions thereof and its development agreement with the City, in the manner and at the times fixed therein for the performance of the various phases thereof.

(c) Time extension: The City Council may, for good cause shown, grant to a corporation operating under an approved development plan an extension of time in which to complete the redevelopment project, or any phase, stage or portion thereof (Ord. 2240).

**55.214. Failure to Comply with Approved Development Plan or Development Agreement.** Whenever any person operating under an approved development plan does not substantially comply with the development plan or the development agreement within the time limits and in the manner for the completion of each stage thereof as therein stated, reasonable delays caused by unforeseen circumstances beyond his control alone excepted, or shall do, permit to be done, or fail or omit to do anything contrary to or required of him by this Article, or shall be about to do, permit to be done, or fail or omit to have done, anything contrary to or required of him by this Article, then any such fact may be certified by the City Manager to the City Attorney, who may and is hereby authorized to commence a proceeding in the circuit court in the name of the City to have such action, failure or omission or threatened action or omission stopped, prevented or rectified by injunction or otherwise, or in the name of the City to bring an action for damages against the corporation for breach of any of the provisions of the development plan; provided that, if the City Manager shall reasonably determine that a corporation has abandoned construction before completion of the project in accordance with the terms of an approved

development plan, the real property included in the plan shall, from that date, be subject to assessment and payment of all ad valorem taxes based on the true full value of such real property (Ord. 2240).

**55.215. Financial Reporting.** (a) A corporation, the development plan of which provides for tax abatement and which desires to obtain and continue the benefits of tax abatement provided in the Urban Redevelopment Corporations Law and as provided in the development plan, shall file with the City Clerk three (3) copies of its financial report for the preceding year, which report shall disclose the earnings of the corporation and the disposition of any net earnings in excess of those provided for under Section 55.216, and the interest rate on income debentures, bonds, notes or other evidences of debt of the corporation; thereupon, the City Clerk shall deliver the financial reports to the Director of Finance who shall review the financial report of the corporation and thereafter shall file with the City Council the financial report, accompanied by an opinion as to compliance by the corporation with Section 55.216 and the applicable terms of the Urban Redevelopment Corporations Law.

(b) The provisions of the above Section 55.215(a) shall not apply to any person or entity acquiring ownership from a corporation of real property acquired for redevelopment as contemplated by Section 55.218(c) hereof (Ord. 2240).

**55.216. Financial Restrictions on Redevelopment Corporations Generally.** (a) Issuance of Obligations and Payment of Interest Thereon. No corporation whose development plan has been approved by the council shall:

- (1) Issue income debentures, bonds, notes or other evidences of debt bearing or paying an interest rate in excess of the rate permitted by law.
- (2) Pay any interest on its income debentures or dividends on its stock, regardless of class or preference, during any fiscal year, unless (i) there shall exist at the time of such payment no default under any payment obligations with respect to its indebtedness, (ii) all accrued interest, taxes and other public charges shall have been duly paid, and (iii) reasonable reserves shall have been set up for depreciation, obsolescence and other proper uses and requirements.

(b) Limitation on Net Earnings. The net earnings of a corporation whose development plan has been approved by the council shall be limited to an amount not to exceed eight (8) percent per annum of the cost to such corporation of the redevelopment project, including the cost of the land or the balance of such total cost of the project as reduced by amortization payments; provided that the net earnings derived from any redevelopment project shall in no event exceed a sum equal to eight (8) percent per annum upon the entire cost thereof. Such net earnings shall be computed after deducting from gross earnings the following:

- (1) All reasonable costs and expenses of maintenance and operation;
  - (2) Amounts paid for taxes, assessing, insurance premiums, and other similar charges; and
  - (3) An annual amount sufficient to amortize the cost of the entire project at the end of the period, which shall not be less than twenty (20) years and not more than sixty (60) years from the date of completion of the redevelopment project.
- (c) The provisions of the above Sections 55.216(b) and 55.216(c) shall not apply to any person or

entity acquiring ownership from a corporation of real property acquired for redevelopment as contemplated by Section 55.218(c) hereof (Ord. 2240).

**55.217. Disposition of Surplus Earnings of a Redevelopment Corporation.** (a) The development plan may, upon approval of the City Council, contain provisions that any surplus earnings in excess of the rate of net earnings provided under Section 55.216:

- (1) May be held by the corporation as a reserve for maintenance of such rate of return in the future and may be used by the corporation to offset any deficiency in such rate of return which may have occurred in prior years;
- (2) May be used to accelerate the amortization payments;
- (3) May be used for the enlargement of the project; or
- (4) May be used for reduction in rentals therein other than to itself or its subsidiaries;

provided that, at the termination of the tax relief period granted pursuant to Section 55.211, the corporation shall make a strict accounting of surplus earnings and shall turn over to the City any excess of such surplus earnings not previously used as provided in the above Section 55.217(a)(1).

(b) The provisions of the above Section 55.217(a) shall not apply to any person or entity acquiring ownership from a corporation of real property acquired for redevelopment as contemplated by Section 55.218(c) hereof (Ord. 2240).

**55.218. Powers of Redevelopment Corporations.** (a) Acquisition of Property.

- (1) A corporation may acquire real property or secure options in its own name, or in the name of nominees, and it may acquire real property by gift, grant, lease, purchase or otherwise.
- (2) A corporation shall have the right to acquire by the exercise of the power of eminent domain any real property in fee simple or other estate which is necessary to accomplish the purpose of this Article, under such conditions and only when so empowered by the City Council.
- (3) Property already devoted to public use may be acquired by the corporation, provided that no real property belong to any City, county, or the state or any political subdivision thereof may be acquired without its consent.

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

(c) Disposal of Property. A corporation may sell or otherwise dispose of any or all of the real property acquired by it for the purpose of a redevelopment project. The development plan, the ordinance

approving any development plan, and any development agreement entered into pursuant thereto, may provide that in the event of the sale or other disposition of the real property of the corporation by reason of the foreclosure of any mortgage or other lien through insolvency or bankruptcy proceedings or by order of any court of competent jurisdiction, or by voluntary transfer or otherwise, the partial tax relief provided under the Urban Redevelopment Corporations law shall insure to any purchaser of such real property so long as such purchaser shall continue to use, operate and maintain such real property in accordance with the provisions of the development plan. If such development plan, ordinance and development agreement does not so provide and the purchaser of such real property shall continue to use, operate and maintain such real property in accordance with the provisions of the development plan, the City Council may grant the partial tax relief provided in the Urban Redevelopment Corporations Law. If such real property shall not be used, operated and maintained in accordance with the provisions of such development plan, ordinance and development agreement, or if the purchaser does not desire the property to continue under the development plan, or if the ordinance approving the development plan provides for termination of tax relief under such circumstances, the City Council may refuse to grant the purchaser continuing tax relief, the real property shall be assessed for ad valorem taxes upon the full true value of the real property and, except as provided by development agreement, may be owned and operated free from any of the conditions, restrictions or provisions of this ordinance, the development plan, the ordinance approving the development plan, and the development agreement (Ord. 2240).

**55.219. Powers of the City to Acquire, Clear, and Convey Real Property.** The City may:

- (a) Acquire by the exercise of the power of eminent domain, or otherwise, an area designated on a master plan as a redevelopment area;
- (b) Clear any such real property and install, construct, and reconstruct streets, utilities and any and all other City improvements necessary for the preparation of such area for use in accordance with the provisions of this Article; and
- (c) Sell or lease such real property for use in accordance with the provisions of this Article (Ord. 2240).

**55.220. Acceptance of Application of State Enabling Act.** The provisions of the "Urban Redevelopment Corporations Law", Chapter 353, Revised Statutes of Missouri, 2000, as amended, are hereby accepted and shall apply to all persons and corporations operating under this Article, insofar as the same may be applicable thereto, and shall supercede any contrary or conflicting provision of this Article (Ord. 2240).

**55.221. Computation of Time.** In computing any period of time prescribed or allowed by this Article, the day of the act or event after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday (Ord. 2240).

**55.221. Severability.** The Sections of this Article shall be severable. In the event any Section of this Article is found by a court of competent jurisdiction to be invalid, the remaining Sections of this Article are valid, unless the court finds the valid Sections of this Article are so essentially and inseparably connected with, and so dependent upon, the void Section that it cannot be presumed the City Council would have enacted the valid Sections without the void Section, or unless the court finds that the valid Sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent (Ord. 2240).

## **Article IV.**

### **Relocation Policy.**

**55.301. Relocation Policy.** The following Relocation Policy shall apply to any plan, project, or area for redevelopment under the operation of Chapter 99 R.S.Mo., Chapter 100 R.S.Mo., or Chapter 353 R.S.Mo., which has been, or is hereafter, filed for approval, approved or amended on or after August 31, 1991 and which proposes or includes within its provisions or necessitates displacement of persons, when such displacement is not subject to the provisions of the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Sections 4601 to 4655, as amended) or to subsection 1 of Section 523.205 R.S.Mo.:

1. As used herein, the following terms shall mean:

"Business", any lawful activity which is conducted:

- (a) Primarily for the purchase, sale or use of personal or real property or for the manufacture, processing or marketing of products or commodities; or
- (b) Primarily for the sale of services to the public;

"Decent, safe and sanitary dwelling", a dwelling which meets applicable housing and occupancy codes. The dwelling shall:

- (a) Be structurally sound, weathertight and in good repair;
- (b) Contain a safe electrical wiring system;
- (c) Contain an adequate heating system;
- (d) Be adequate in size with respect to the number of rooms needed to accommodate the displaced person; and
- (e) For a handicapped person, be free of barriers which would preclude reasonable ingress, egress or use of the dwelling;

"Displaced person", any person that moves from the real property or moves his personal property from the real property permanently and voluntarily as a direct result of the acquisition, rehabilitation or demolition of, or the written notice of intent to acquire such real property, in whole or in part, for a public purpose;

"Handicapped person", any person who is deaf, legally blind or orthopedically disabled to the extent that acquisition of another residence presents a greater burden than other persons would encounter or to the extent that modifications to the replacement residence would be necessary;

"Initiation of negotiations", the delivery of the initial written offer of just compensation by the acquiring entity, to the owner of the real property, to purchase such real property for the project, or the notice to the

person that he will be displaced by rehabilitation or demolition;

"Person", any individual, family, partnership, corporation, or association;

"Urban redevelopment corporation", as defined in Section 353.020 R.S.Mo.

2. Every urban redevelopment corporation acquiring property within a redevelopment area shall submit a relocation plan as part of the redevelopment plan. The relocation plan shall comply with all applicable provisions of this Relocation Policy.

3. Unless the property acquisition under any plan, project, or area for redevelopment approved under the operation of Chapter 99 R.S.Mo., Chapter 100 R.S.Mo., or Chapter 353 R.S.Mo., is subject to federal relocation standards or subsection 1 of Section 523.205 R.S.Mo., any such plan approved in connection with such property acquisition shall include a relocation plan which shall, either by incorporation of this Relocation Policy or by express provision therein, provide for the following:

- 1) Payments to all eligible displaced persons who occupied property to be acquired for not less than ninety (90) days prior to the initiation of negotiations who are required to vacate the premises;
  - 2) A program for identifying special needs of displaced persons with specific consideration given to income, age, size of family, nature of business, availability of suitable replacement facilities and vacancy rates of affordable facilities;
  - 3) A program of referrals of displaced persons with provisions for a minimum of three (3) decent, safe and sanitary housing referrals for residential persons or suitable referral sites for displaced businesses, a minimum of ninety (90) days' notice of referral sites for handicapped displaced persons and sixty (60) days' notice of referral sites for all other displaced persons prior to the date such displaced persons are required to vacate the premises and arrangements for transportation to inspect referral sites; and
  - 4) Every displaced person shall be given a ninety-day notice to vacate, prior to the date such displaced person is required to vacate the premises.
4. All displaced residential persons eligible for payments shall be provided with relocation payments based upon one of the following, at the option of the person:
- 1) A five hundred dollar (\$500.00) fixed payment, or
  - 2) Actual reasonable costs of relocation including actual moving costs, utility deposits, key deposits, storage of personal property up to one month, utility transfer and connection fees and other initial rehousing deposits including first and last month's rent and security deposit.
5. All displaced business eligible for payments shall be provided with relocation payments based upon the following, at the option of the business:

- 1) A one thousand five hundred dollar (\$1,500.00) fixed payment; or
  - 2) Actual costs of moving including costs for packing, creating, disconnection, dismantling, reassembling and installing all personal equipment and costs for relettering similar signs and similar replacement stationary.
6. If a displaced person demonstrates the need for an advance relocation payment, in order to avoid or reduce a hardship, the developer or the City, shall issue the payment subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished. Payment for a satisfactory claim shall be made within thirty (30) days following receipt of sufficient documentation to support the claim. All claims shall be filed with the displacing agency within six (6) months after:
- 1) For tenants, the date of displacement;
  - 2) For owners, the date of displacement or the final payment for the acquisition of the real property, which is later.
7. Any displaced person, who is also the owner of the premises, may waive relocation payments as part of negotiations for acquisition of the interest held by such person. Such waiver shall be in writing, shall disclose the person's knowledge of the provisions of Section 523.205 R.S.Mo. and his entitlement to payment and shall be filed with the acquiring public agency.
8. All persons eligible for relocation benefits shall be notified in writing of the availability of such relocation payments and assistance concurrent with the notice of referral sites as required in subdivision (3) of subsection 5 of Section 523.205 R.S.Mo.
9. Any urban redevelopment corporation, its assigns or transferees, which has been provided any assistance under the operation of Chapter 99 R.S.Mo., Chapter 100 R.S.Mo., Chapter 353 R.S.Mo., or Chapter 523 R.S.Mo., with land acquisition by the City shall be required to make a report to the City Council or appropriate public agency which shall include, but not be limited to, the addresses of all occupied residential buildings and structures within the redevelopment areas and the names and addresses of persons displaced by the redeveloper and specific relocation benefits provided to each person, as well as a sample notice provided to each person.
10. An urban redevelopment corporation which fails to comply with the relocation requirements provided in Section 523.205 R.S.Mo., shall not be eligible for tax abatement as provided for in Chapter 353 R.S.Mo.
11. The requirements set out herein shall be considered minimum standards. In reviewing any proposed relocation plan under the operation of Chapter 99 R.S.Mo., Chapter 100 R.S.Mo., or Chapter 353 R.S.Mo., the City Council or public agency shall determine the adequacy of the proposal and may require additional elements to be provided.
12. Relocation assistance shall not be provided to any person who purposely resides or locates his business in a redevelopment area solely for the purpose of obtaining relocation benefits.

13. The provisions of Sections 523.200 and 523.205 R.S.Mo. shall apply to land acquisitions under the operation of Chapter 99 R.S.Mo., Chapter 100 R.S.Mo., or Chapter 353 R.S.Mo., filed for approval, approved or amended on or after August 31, 1991 (Ord. 2241).