

City of Independence

Fairmount-Carlisle 353 Residential Tax Abatement and Design Guidelines for Parcel Specific Properties *(Updated May 2009)*

I. Introduction

This document establishes procedures for the utilization of parcel specific tax abatement included in the Fairmount-Carlisle 353 Redevelopment Plan (FCRP) approved by the City of Independence, Missouri, by Ordinance No. 16615, on February 20, 2007. The approved Redevelopment Plan allows the Fairmount-Carlisle 353 Redevelopment Corporation to receive abatement of property taxes for properties that are redeveloped or rehabilitated in accordance with the Redevelopment Plan. The Redevelopment Corporation has the option to assign or “pass on” the real estate tax abatement to the owners of specific parcels (“Parcel Specific Tax Abatement”) if they, too, redevelop or rehabilitate the properties in accordance with the Redevelopment Plan. The ability to assign property tax abatement to others differs from most Chapter 353 Redevelopment Plans, which assume that a redevelopment corporation will own and redevelop all properties within the redevelopment area. The primary benefit of tax abatement, therefore, flows to the redevelopment corporation in such projects.

Properties included in the abatement area are generally bounded on the far west by Hillcrest running southwesterly along the Union Pacific Railway to Brookside Avenue; the boundary continues East along Truman Road to the area just west of Forest Avenue; the boundary then runs north to U.S. 24 highway; on the north again along U.S. 24 Highway from approximately Forest Avenue to just east of Hardy; and on the east from approximately Hardy Avenue to Evans; along the north along the municipal boundary at approximately Evans, Parkview and the city owned property located north of Norledge Avenue; and between Home and Hillcrest.

The Fairmount-Carlisle 353 Redevelopment Plan – Amendment 1 includes the Procter, Bristol and Fairland Heights neighborhoods, in addition to the original Plan area neighborhoods (Mt. Washington, Fairmount, Carlisle and Bundschu) located northwest Independence, as indicated by the Vicinity Map. Exhibit A. The Amendment 1 documents include the parcels from the original development plan, and additional parcels on the south side of Truman Road from the railroad tracks north of Turner Street and Chrysler Avenue to include both sides off 18th Street to Brookside Avenue. The expanded area also includes properties along both sides of Brookside Avenue from 18th Street to the northern city limits with exclusion of Mount Washington Cemetery. This area would include an additional 2,249 parcels and bring the total number of parcels in the revitalization area to 4,893.

II. Purpose and Applicability

The purpose or intent of this program is to give the owners of specific parcels an incentive to rehabilitate their properties. As properties are thus improved over time, and other improvements are made as outlined in the Fairmount-Carlisle 353 Redevelopment Plan, the redevelopment area is revitalized, which is a primary goal of this plan.

These guidelines specify minimum standards and requirements that should be met to ensure that the rehabilitation of parcel specific properties accomplishes the goals of the Fairmount-Carlisle 353 Redevelopment Plan for neighborhood revitalization. These guidelines apply only to rehabilitation projects where Parcel Specific Tax Abatement is used.

To encourage redevelopment and rehabilitation, Section 353.110 of the state statutes provides that real estate taxes may be abated on the redeveloped property according to the following schedule.

- **Year 1-10** **100 percent abatement (excludes land assessment)**
- **Year 11-25** **50 percent abatement (excludes land assessment)**

III. Eligible Property

All parcels located in the Fairmount-Carlisle 353 Redevelopment Area are eligible for parcel Specific Tax Abatement. These guidelines may be utilized for properties up to two (2) residential units. This design will include condo-type dwellings. Adhering to the standards herein may likely mean that the number of units in structures must be reduced to meet certain requirements, especially those related to parking. This requirement thereby creates an incentive for the reduction of units of properties.

The assignment of Parcel Specific Tax Abatement to individual property owners for residential rehabilitation will be administered through the Redevelopment Corporation City staff staffing. Final approval is granted by the Fairmount-Carlisle Redevelopment Corporation Board of Directors to qualifying properties.

The program can be used in connection with new construction, provided such new construction is in conformity with the Fairmount-Carlisle 353 Redevelopment Plan.

IV. Base Project Minimum

Parcel Specific Tax Abatement may be used in part for the rehabilitation and/or improvements to a property. There is a "Base Project" minimum requirement for the improvements in value of not less than the net Present Value @ 6.5 percent of the taxes abated based on the current assessed value (with an assumed annual increase in value of 0.54 percent), but not less than \$3,500 for the eligible improvements on the existing structure(s) on the property. Net Present Value is utilized because it demonstrates the future value of an investment over time. Rehabilitation or improvements to a detached garage, a new detached garage, or the addition of an attached unit(s) (if allowed by local zoning ordinances) can also be included in this Base Project.

V. Required Improvements

The Base Project for all rehabilitation construction and/or additions receiving parcel Specific Tax Abatement must comply with the following:

A. Effective Energy Conservation Standards

- (1) **Addition to Existing Structure.** New Construction must conform to City codes.
- (2) **Rehabilitation of Existing Structure.** To improve the thermal efficiency of the dwelling, the following are required.
 - (a) Weather-strip all doors and windows to reduce infiltration of air when existing weather stripping is inadequate or nonexistent.
 - (b) Caulk or seal all openings, cracks or joints in the building envelope to reduce air infiltration.
- (3) **Insulate all openings** in exterior walls where the cavity has been exposed as a result of the rehabilitation. *Fairmount-Carlisle Redevelopment Corporation requires repair and/or replacement of broken windows or windowpanes.*
- (4) **Replacement Systems**
 - (a) Heating, ventilating and air conditioning system supply and return pipes and ducts must be insulated whenever they run through unconditioned spaces.
 - (b) Heating systems, burners, and air conditioning systems should be carefully sized to be no greater than 15 percent oversized for the critical design, heating or cooling, except to satisfy the manufacturer's next closest nominal size.

B. **Smoke detectors and Carbon Monoxide Detectors.** Each sleeping area must be provided with a minimum of one (1) approved, listed, labeled and operational smoke detector, interior common areas and in the basement. Carbon Monoxide Detectors must be installed and operational on each floor.

C. **Driveways and Off-Street Parking.** A minimum of one paved off street parking space must be provided per unit, or in accordance with other zoning requirements. A minimum of 8.5 feet by 18 feet per space and in accordance with other dimensional standards according to City code.

- (1) Pavement must not be broken up or severely cracked in any location
- (2) No parking areas are allowed within the right-of-way; only driveway or alley approaches are permitted.

- (3) Driveway approach must be paved and width should match the original to maintain the historic intent of the property. This may be altered, if necessary, to accommodate current vehicular standards. In no cases shall the driveway approach width be altered to exceed 20 feet in residential areas.
- (4) The minimum amount of parking that must be provided must adhere to current zoning codes for the proposed use; even if the use has attained "legal non-conforming" status per the City's zoning code.
- (5) Some properties may need to apply for a variance concerning driveways.

D. Sidewalks

- (1) In conformance with the ordinances of the City of Independence, any sidewalk in front or alongside of a house or lot shall be in good repair. Any portion of a sidewalk that is not in good repair must be replaced.
- (2) New or replacement sidewalks shall match the width of sidewalks on adjacent properties and be constructed to the construction standards of the City of Independence.

The applicant may contact the Public Works Department of the city of independence for an inspection of sidewalks at any time. City Code requires that any portion of a sidewalk that the Public Works Department determines is not in good repair must be replaced. Applicants should be aware that sidewalks might become damaged over time or as a result of extensive home rehabilitation or construction activities. Therefore, the applicant may need to replace portions of sidewalk in acceptable condition at the beginning of a project. Applicants may want to be certain that the contractors they choose to do their rehabilitation work will guarantee that they will repair sidewalks that they damage. Sidewalks shall be in good repair throughout the period of tax abatement.

E. Landscape

(1) Minimum Required

- (a) Turf and/or planted beds in the front and back yards.
- (b) All fences must be located behind the front building line. All exceptions require design review (see City Code: Residential and Agricultural Fences).
- (c) Permanent foundation plantings other than flowers must be provided on all structures in the front yards, and side, where visible from the street, of the property, and must not be overgrown. Maintenance improvements must be made as necessary, including planting bed improvements as described below.

(2) Maintenance Improvements

- (a) Areas of pervious pavement or gravel should be improved with a minim of three (3) inches of topsoil to promote growth of vegetation.
- (b) Retaining walls shall be restored to exhibit structural integrity.
- (c) Improvements to reduce maintenance problems in high maintenance areas in front and side yard should be considered. This will likely include areas of severe slopes (over 3:1 slope) areas where mowers cannot be used (grass or weeds adjacent to vertical elements).
- (d) Planting beds should be constructed to minimize future maintenance problems including stripping sod (and weeds), adding topsoil and soil amendments, applying a pre-emergent, and covering with a mulch material. An edging material may also be appropriate.

F. Architectural Review Criteria. New and existing buildings, structures and appurtenances that are constructed, moved, reconstructed, materially altered or materially repaired shall be visually compatible in accordance with applicable City Codes.

G. Electrical Service. There shall be a minimum of 100 amp electrical service to each dwelling unit (except single room occupancy units). Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and light outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the city will require the defects to be corrected to eliminate the hazard. (See Attachment A.)

VI. Eligible Improvements

Any repair is acceptable in the Base Project requirement that may affect the health and safety of the occupants. Minor or cosmetic repairs by themselves, however, cannot be included as a part of the Base Project. Examples of eligible improvements are listed below. This list is not all inclusive and only lists the

types of work that may be done. Section V, Required Improvements, specifies the improvements that must be done for a property to receive the tax abatement. However, the following improvements may be applied toward the base project minimum.

- A. **Structural alterations and reconstruction, including the construction of basements**-(e.g., repair or replacement of structural damage, chimney repair, additions to the structure, installation of an additional bath (s) finished attics and/or basements, repair of termite damage and the treatment against termites or other insect infestation, etc.).
- B. **Elimination of health and safety hazards**-(including the resolution of defective paint surfaces or lead-based paint problems on homes build prior to 1978 and asbestos removal).
- C. **Changes for aesthetic appeal and elimination of obsolescence**-(e.g. new exterior siding, adding a second story to the home, covered porch, porch and stair railings).
- D. **Reconditioning or replacement of plumbing**-(including connecting to public water and/or sewer system), heading, air conditioning, including replacement of window units with a central system and electrical systems. Installation of new plumbing fixtures is acceptable.
- E. **Improvements for accessibility to the handicapped**-(e.g. remodeling kitchens and baths for wheelchair access, lowering kitchen cabinets, installing wider doors and exterior ramps, etc.) Exterior ramps require conformance with design standards.
- F. **Roofing, gutters and downspouts**
- G. **Flooring, tiling and carpeting**
- H. **Energy conservation improvements**-(e.g. new double pane windows, storm windows, steel insulated exterior doors, insulation, caulking and weather stripping, etc). *Repair of broken windows and windowpanes is required by the Fairmount-Carlisle Redevelopment Corporation as stated in Section VII, Required Improvements.*
- I. **Major landscape work and site improvement**-patios, decks and terraces that improve the value of the property. Also, landscaping as required in Section V, Required Improvements or those required to preserve the property from erosion, count toward the base project minimum. The correction of grading and drainage problems also is acceptable. Tree removal on private property is acceptable if the tree is a safety hazard to the property. Repair of existing walks and driveway is recommended if it may affect the safety of the property.
- J. **Driveways and paved off-street parking areas**-(the minimum required to meet standards per unit).
- K. **Major interior and exterior painting, including required pre-paint preparation**-
- L. **Any improvement required under Section V, Required Improvements**-.
- M. **Wiring or electrical system upgrades**-improvements to the existing wiring or electrical panel to bring the property into conformance. (See Attachment A. City of Independence, ELECTRICAL CODE MINIMUM STANDARDS).
- N. **Expansion Of floor area**- improvements that increase the overall floor area, or will provide additional square footage to increase the value of the home.

VII. Architectural Exhibits

The improvements must comply with all local codes and ordinances. The property owner may decide to employ an architect or a consultant to prepare the proposal. The property owner must provide the Redevelopment Corporation with the appropriate architectural exhibits that clearly show the scope of work to be accomplished. The following list of exhibits is recommended, but may be modified by the Redevelopment Corporation as required.

- A. **Plot Plan of the Site** is required if a new addition is being made to the existing structure. Show the location of the structure(s), walks, drives, streets, and other relevant detail. Include finished grade elevations at the property corners and building corners. Show the required flood elevation.
- B. **Proposed Interior Plan of the Dwelling**. Show where structural or planning changes are contemplated, including an addition to the dwelling.
- C. **Parking and Landscape**. Where parking improvements are included, a plot plan is required. Where landscape improvements are included, any format may be used to demonstrate compliance with minimum requirements.
- D. **Graphics for Design Review**. Graphics sufficient for design review shall be provided.
- E. **Work Write-Up and Cost Estimate**.

1. Any format may be used for these documents; however, quantity and the cost of each item must be shown. Also, include a complete description of the work for each item (where necessary). The Rehabilitation Checklist provided at homeowner orientation and the inspector's inspection summary should be used to ensure all work items are considered.
2. Cost estimates must include labor and materials sufficient to complete the work by a contractor.
3. Property owners doing their own work can include the cost estimate for labor in determining if the minimum requirements for the Base Project are being met. The value of work is allowed toward meeting the base minimum. (Attachment B)
4. The Work Write-Up does not need to reflect the color or specific model numbers of appliances, bathroom fixtures, carpeting, etc
5. The consultant who prepares the work write-up and the cost estimate (or an architect, engineering or home inspection service) needs to inspect the property to assure (a) there are no rodents, dry rot, termites and other infestation and there are no defects that will affect the health and safety of the occupants. (b) the adequacy of the existing structural, heating, plumbing, electrical and roofing systems, and (c) the upgrading of thermal protection (where necessary). (d) Architectural fees for preparing the work write-up can count toward the base project amount. (e) The current wage rates for self-performed labor will be determined by the corporation and that information will be distributed to the applicant at the time of the orientation.

VIII. Tax abatement Not Intended for the Conversion to Additional Rental Units.

Generally, it is not intended that an investor should be allowed to utilize tax abatement to rapidly accumulate properties that clearly and collectively constitute a multi-family project. An investor utilizing tax abatement shall not have an interest in more than seven units in a two-block area. The use of tax abatement shall not be utilized for the purpose of converting owner-occupied dwelling units to rental units or for the purpose of further subdivision of rental properties into a larger number of units. However, tax abatement may be used for the conversion of rental units to owner occupancy and/or for the purpose of reducing the number of rental units within a previously converted structure. The Fairmount-Carlisle Redevelopment Corporation will not assign tax abatement to any proposed project where, upon consideration, the obvious intent is contrary to the intent of the tax abatement incentive as stated above.

IX. Nominal Charges and Fees

The Fairmount-Carlisle Redevelopment Corporation will charge a nominal fee for the processing of a request for the assignment of real estate tax abatement under this program. There will be a fee charge for the transfers of the deed. Charges may vary from year to year.

X. Application/Approval Process

This describes a typical step-by-step application/approval process for Parcel Specific Tax Abatement.

1. Homeowners Responsibilities

- A. The applicant for Parcel Specific Tax Abatement is required to attend an orientation meeting at which:
 - (1) Copies of the Tax Abatement Policies and Guidelines will be provided.
 - (2) Lead-based paint booklets will be provided.
 - (3) A copy of a property evaluation form will be provided.
- B. The applicant must identify all elected projects, complete the property evaluation form, and obtain drawings, if necessary, prior to arrival of the inspector.
- C. An inspector utilized by the Fairmount-Carlisle Redevelopment Corporation will examine and review the property to identify needed improvements. The inspector will provide the owner of the property with a copy of the required improvements, an estimate of costs, and an indication if permits are required. The City staff at the City of Independence will review this work write-up to verify that the items requiring building permits are indicated.
- D. Upon satisfactory completion of the application review, and a determination that the proposed project would be in compliance with the Fairmount-Carlisle Parcel Specific Tax Abatement Guidelines, a commitment for tax abatement is issued in the form of a Memorandum of

Understanding by the Fairmount-Carlisle Redevelopment Corporation. For minimum interior and exterior property standards, properties receiving tax abatement must meet and be maintained in compliance with the minimum standards, codes and ordinances of the City. Non-compliance may result in loss of tax abatement.

- E. The applicant must apply for all required permits through the City.
- F. A Notice to proceed will be issued and rehabilitation construction may begin. Depending on the extent of work to be done, the inspector should provide information to the homeowner as to the length of time to complete the work. A total period of up to three (3) years for full compliance is allowed for substantial rehabilitation.
- G. Property owners failing to complete required improvements within the maximum time frame of three (3) years from the “start” date (date of the inspection) must submit a request for extension to the Fairmount-Carlisle Redevelopment Corporation to maintain the abatement. This request must state the reason for the extension, required improvements that remain to be completed, and proposed time frame for completion, not to exceed one year. Failure to complete required improvements within the amended date approved by the Board of Directors will result in removal from the abatement process.
- H. When all work is complete in accordance with the approved architectural exhibits and change orders, the applicant provides copies of paid invoices and approved permits (i.e. proof of final inspection from City Building Inspector), to indicate the property is ready for final inspection. A final inspection will be conducted by a rehabilitation inspector of the City of Independence to certify completion and a Certificate of Compliance will be issued.

2. Corporation Responsibilities

- I. The Fairmount-Carlisle Redevelopment Corporation Board of Directors approves each Parcel Specific Tax Abatement Project and the execution of the Missouri Deeds. The owner will deed the property to the Corporation and the Corporation deeds the property thereafter back to the owner. These deeds provide that the Redevelopment Corporation has “ownership” of the parcel for 24 hours so that the Parcel Specific Tax Abatement can “flow through” the corporation to the specific parcel of land.
- J. Those filings and recording of the respective deeds will be performed by the staff assigned to the Fairmount-Carlisle Redevelopment Corporation.
- K. Upon receipt of the Certificate of Compliance and the signed and notarized Missouri Deed, the Fairmount-Carlisle Redevelopment Corporation will issue a Certificate of Tax Abatement. Copies of these documents are filed with the Director of Assessment, Jackson County, Missouri and the Finance Director, City of Independence, Missouri. The term of the tax abatement shall for 100% abatement of the increase in value for the first 10 years, and 50% abatement of the increase in value for the next 15 years. Abatement runs with the property for the full twenty-five (25) years (except upon cancellation for default of covenants regarding property maintenance and plan compliance) and therefore continues in the event ownership of the property is transferred.
- L. The Redevelopment Corporation, will determine the amount of the Base Project minimum requirement (refer to Section IV).
- M. The Redevelopment Corporation, in cooperation with the City staff of the City of Independence, reviews applications to determine that:
 - (1) Requirements for the Base Project would be met
 - (2) Other requirements relating to minimum property standards, driveways and off-street parking, landscape, etc. would be met.

All work items that require a building permit will be noted in the work write-up (the City staff at the City of Independence will review the work write-up). Exterior architectural/structural alterations made within one-year prior to the date a property enters the Fairmount-Carlisle Parcel Specific Tax Abatement Program (the “start” date = date of the inspection), or within one-year of the approval process for the Fairmount-Carlisle 353 Redevelopment Plan, shall be considered in the tax abatement review process, and is eligible to submit expenses as verification for meeting the base project requirement.

- N. The Redevelopment Corporation, upon request from the homeowner, may provide some direction and advice to low and moderate income applicants as to availability of rehabilitation programs in addition to the tax abatement.

XI. Variances

In the event of practical hardship, the Fairmount-Carlisle Redevelopment Corporation may vary the strict application of these Parcel Specific Tax Abatement Guidelines, provided the general intent and spirit of the Redevelopment Plan is preserved. From time-to-time, the Board may develop other policies regarding variances. These are available on request. Procedural requirements will not be varied without a specific written request to the Fairmount-Carlisle Redevelopment Corporation Board. The request must be considered by the Board and receive an affirmative vote for the variance to be granted. No variances to the Base Project Minimum or those that are not in accordance with the Fairmount-Carlisle 353 Redevelopment Plan will be considered. Also, the Fairmount-Carlisle Redevelopment Corporation has no authority regarding City Code requirements. All projects must comply with City requirements.

XII. Review/Appeals

- A. Review: All completed work will be reviewed by City staff to ensure code compliance and by a representative of the Fairmount-Carlisle Redevelopment Corporation to determine compliance with the Commitment for Tax Abatement prior to granting tax abatement.
- B. Appeals-Tax Abatement: Determinations by the Fairmount-Carlisle Redevelopment Corporation regarding the granting of tax abatement may be appealed to the independence City Council.

XIII. Report to the City Council

The Fairmount-Carlisle Redevelopment Corporation will provide the city Council with a yearly report, which documents all properties granted tax abatement, the value of improvements and all policies and procedures adopted by the Corporation. The report also will indicate the progress toward the stated goals of the Fairmount-Carlisle 353 Redevelopment Plan.

XIV. Periodic Review

The Fairmount-Carlisle Redevelopment Corporation will conduct on-site exterior inspections and may conduct on-site interior inspections every five years after a property has received tax abatement to ensure compliance the guidelines. Properties receiving tax abatement must also be maintained in compliance with the minimum standards, codes, and ordinances of the City. Unresolved code violations or failures to comply with the guidelines may result in repeal of the tax abatement. The Fairmount-Carlisle Redevelopment Corporation can initiate proceedings to revoke tax abatement anytime code violations or noncompliance with these standards are reported as unresolved. Property owners refusing access to their structure for the purpose of Periodic Review inspections shall have the property abatement rescinded.

XV. Definitions

Definitions of terms not defined herein are found in the Fairmount-Carlisle 353 Redevelopment Plan.

Attachment A
City of Independence
ELECTRICAL CODE (MINIMUM STANDARDS)

1. All new or replacement wiring shall be in accordance with the NEC as adopted by the City of Independence, MO. All wiring devices and equipment must be UL approved. Rewiring or new wiring shall be concealed in walls or ceilings where at all possible. Approval of surface mounted wiring must be obtained from the Building Inspection Department.
2. Interior Electrical Service Equipment: Shall be 100 amp breaker type with a minimum of 12 circuit service installation must meet NEC standards of Article 230 and 250.
3. Lighting Fixtures: All lighting fixtures shall consist of a complete fixture including lamps, glassware or globe to provide an operation fixture.
4. Basement & Attic: Existing wiring that has been altered is unsafe or not installed to the NEC shall be required to meet the current NEC. At least one switch shall be provided at the entrance to basement to control a light on the stairs and basement. At least one outlet is required and shall be protected by a ground fault circuit interrupter. Any exposed knob and tube wiring in basement must be replaced to the point of concealment.
5. An Electrical Permit will be required for any and all alterations or additions to the electrical wiring, appliances, equipment or systems associated with the premises electrical wiring. (No permit needed for repairs).

The following are general guidelines and do not limit your responsibility for full compliance with the NEC and other Building Codes.

Each of the following rooms must have at least two (2) non-switched duplex receptacles – living room, family room, dining room and bedrooms.

All bathrooms must have at least one (1) grounded duplex receptacle with ground fault protection.

Each habitable room must have a wall switch controlled light fixture or receptacle.

All hallways and stairs must have wall switch controlled light fixtures.

All entrances or exits must have a wall switch controlled light fixture for exterior lighting.

Kitchens must have two (2) small appliances circuits and be Ground Fault protected per NEC.

Replace any receptacle outlets of old and/or interior design and ground per the NEC.

Smoke detectors will be installed per the International Residential Code. Section R317.

Attachment B

Statement of Labor Provided by Property Owner

Fairmount/Carlisle 353 Redevelopment Plan

Tax Abatement Program

Property Address: _____

Owner Name: _____

Owner Address (if different): _____

Trade	Hourly Rate	Total Hours	Total Value (hrs x \$)
Roofing	\$30.25		
Painting	\$17.70		
Wallpapering	\$28.09		
Carpentry	\$25.66		
Plumbing	\$35.13		
Electrical	\$20.78		
HVAC	\$18.77		
Carpet laying/flooring	\$29.00		
Sidewalk/driveway	\$23.13		
Sheetrock/Plaster	\$28.58		

(Amounts provided from Davis-Bacon Pay Scale, for Jackson County metro area, September 2008)

The labor costs above represent hours applied toward completion of the tax abatement requirements of the Fairmount-Carlisle 353 Redevelopment Plan.

Signed: _____

Date: _____

Approved: _____

Date: _____

This document shall be retained by the Fairmount-Carlisle 353 Redevelopment Plan for a period of 25 years. The property owner is responsible for keeping a copy of this Statement of Labor Costs as well as all related tax abatement documents for 25 years. In the event of sale of the property, the above mentioned documents shall be transferred to the new owner for retention throughout the tax abatement period. (Updated September 2008)