

BILL NO. 15
ORDINANCE NO. ____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE RELATED TO IMPROVEMENT GUARANTEE RELEASES.

WHEREAS, as part of the subdivision procedures, in lieu of completing all public improvements prior to recording a final plat, a developer is authorized to post a guarantee with the City to guarantee completion of those improvements; and

WHEREAS, such public improvement guarantee procedures are governed by State law, specifically Section 89.410 RSMo.; and

WHEREAS, state law has certain time periods for when the City must release the escrowed funds; and

WHEREAS, Section 7.6 – Land subdivision improvements installed or guaranteed and Section 6.25 – Land subdivision improvements installed or guaranteed, of the Unified Development Ordinance, contain procedures for escrow releases with the authority held by the Planning and Zoning Commission to release same; and

WHEREAS, the City desires to amend its procedures to have the Public Works Director with oversight of the City Administrator be responsible for such releases and have such releases be governed by the required escrow agreement; and

WHEREAS, the Planning and Zoning Commission considered such amendment on ____, 2023; and

WHEREAS, after consideration of the same, the Planning and Zoning Commission made a recommendation of _____to the Board of Aldermen; and

WHEREAS, the Board of Aldermen held a duly noticed and published public hearing on _____, 2023 regarding the proposed amended regulations in conformity with all requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 6.2.5 – Land Subdivision Improvements Installed or Guaranteed, of the Unified Development Ordinance, is hereby amended by amending subsection 4) to add the underlined text and repeal the struck through text to read as follows:

4) The bond shall remain in effect or the escrowed sum shall be held in the escrow account by the escrow agent, as the case may be, until such time as the Director of Public Works, with oversight by the City Administrator ~~Planning and Zoning Commission~~ shall, by written authorization to the surety or escrow agent, release the surety from the obligation of the bond or the escrow agent from his obligation to retain the escrowed sum in the escrow account, which release may be partial and may occur from time to time, as improvements are completed, as required by the improvement plans and governing ordinance as applicable, and approved; provided, however:

- a) The Director of Public Works ~~Planning and Zoning Commission~~, upon recommendation of the ~~City Engineer~~ City Administrator and the City Attorney, shall release the surety or escrow agent from all or any part of its obligation only upon receipt of the requisite written notification from the inspecting agency; and
- b) In no case shall the ~~Planning and Zoning Commission~~ Director of Public Works, authorize the release of more than ninety-five percent (95%) of the amount held as the bond or escrow sum until said improvements have been completed in a satisfactory manner, approved by the Director of Public Works, with oversight by the City Administrator ~~Planning and Zoning Commission~~, and accepted or approved by the appropriate authority.

Section 2. Section 7.6 – Land subdivision improvements installed or guaranteed, of the Unified Development Ordinance, is hereby amended by amending subsection 4) to add the underlined text and repeal the struck through text to read as follows:

(4) The bond shall remain in effect or the escrowed sum shall be held in the escrow account by the escrow agent, as the case may be, until such time as the Director of Public Works, with oversight by the City Administrator ~~Planning and Zoning Commission~~ shall, by written authorization to the surety or escrow agent, release the surety from the obligation of the bond or the escrow agent from his obligation to retain the escrowed sum in the escrow account, which release may be partial and may occur from time to time, as improvements are completed, as required by the improvement plans and governing ordinance as applicable, and approved; provided, however:

- a. The ~~Planning and Zoning Commission~~ Director of Public Works, upon recommendation of the ~~City Engineer~~ City Administrator and the City Attorney, shall release the surety or escrow agent from all or any part of its obligation only upon receipt of the requisite written notification from the inspecting agency; and
- b. In no case shall the ~~Planning and Zoning Commission~~ Director of Public Works, authorize the release of more than ninety-five percent (95%) of the amount held as the bond or escrow sum until said improvements have been completed in a satisfactory manner, approved by the ~~Planning and Zoning Commission~~ Director of Public Works, with oversight by the City Administrator, and accepted or approved by the appropriate authority.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED this _____ day of _____, 2023

MAYOR

APPROVED this _____ day of _____, 2023

MAYOR

ATTEST:

CITY CLERK/CITY ADMINISTRATOR