

Introduced by: City Manager Nathan Mai-Lombardo

**AN ORDINANCE AMENDING CHAPTER 400, ARTICLE XIV, ECONOMIC DEVELOPMENT IMPROVEMENT AND REGULATIONS FOR THE COMMERCIAL FAÇADE IMPROVEMENT GRANT PROGRAM IN THE CITY OF BERKELEY MISSOURI**

**WHEREAS,** The City of Berkeley desires to provide financial assistance to encourage property owners and tenants of commercial properties to restore or improve the appearance of their buildings as well as to help property owners and tenants of the City of Berkley and contributing structures restore, preserve, rehabilitate, and maintain the city’s commercial properties and resources.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:**

- Section 1.** Article XIV Economic Development Improvement - Commercial Façade Improvement Grant Program will be repealed in its entirety and replaced with a new Article XIV Economic Development Improvement – Commercial Façade Improvement Grant Program.
- Section 2.** The Article is attached and incorporated hereto as if fully set forth herein.
- Section 3.** Codification: This ordinance shall be codified and made part of the City of Berkeley Code of Ordinances as set out herein or as the codifier so sees fit.
- Section 4.** Effective Date: This Ordinance shall be in full force and effect from and after its date of passage.

1st Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2023  
2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2023  
3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2023

\_\_\_\_\_  
Babatunde Deinbo, Mayor

ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved as to Form:  
Donnell Smith, City Attorney

Final Roll Call:			
Councilwoman Verges	Aye	___	Nay ___ Absent ___ Abstain ___
Councilwoman Williams	Aye	___	Nay ___ Absent ___ Abstain ___
Councilman Hoskins	Aye	___	Nay ___ Absent ___ Abstain ___
Councilwoman Anthony	Aye	___	Nay ___ Absent ___ Abstain ___
Councilman Hindeleh	Aye	___	Nay ___ Absent ___ Abstain ___
Councilwoman-at-Large Crawford-Graham	Aye	___	Nay ___ Absent ___ Abstain ___
Mayor Deinbo	Aye	___	Nay ___ Absent ___ Abstain ___

**Economic Development Improvement — Commercial Facade Improvement Grant Program**

**Section 400.1110. Program Created.**

There is hereby created a Commercial Facade Improvement Grant Program for the City of Berkeley to be administered by the City's Economic Development Coordinator.

**Section 400.1120. Applicant To Complete.**

Applicants shall complete all requirements in the guidelines; and shall be reviewed through the Economic Development Commission (ED) and forwarded to the City Council for final approval. The Economic Development Coordinator shall submit completed applications to the City Council with its recommendations from ED regarding eligible improvements and funding. The City Council shall make the final decision approving or disapproving an application.

**Section 400.1130. Approved Grant.**

An applicant whose grant is approved shall enter into an agreement with the City by ordinance setting out the details of the grant award.

**Section 400.1140. Program Guidelines.**

1. Summary

To encourage business owners to reinvest in our commercial corridors, the City of Berkeley is offering grants to assist in exterior renovations of their property. Attractive building facades and vital businesses support and encourage their neighbors. They can have a significant effect on the attractiveness and marketability of the surrounding area.

2. Applicant Eligibility Requirements

- a. Property owners of service or commercial/mixed-use structures and building tenants with leases of more than one year in length are eligible for funding. Governmental entities and public/quasi-public authorities are ineligible for financial aid. Eligible applicants include the owner of a commercial building or the owner of a commercial business. All applications must be signed by the property owner to indicate consent for the proposed improvements.
- b. All grant recipients are required to publicly display the City of Berkeley Grant Award Certificate in a conspicuous location in the building for a period of one year from the date grant funds are dispersed.
- c. The determination of eligibility and priority for assistance is at the discretion of the City Council and is subject to fund availability.

3. Property Eligibility Requirements

- a. Properties that are used in whole or part for targeted service or commercial activities are eligible for funding.
- b. The program is intended to assist projects that promote retail activities, create an attractive environment, encourage neighborhood character and architectural design, use quality materials, and incorporate innovative design concepts.
- c. The exterior of the property must meet all City of Berkeley Codes and Ordinances relating to

code violations, abatement, property maintenance, signs, and zoning.

- d. In the event that an exterior violation exists that is not funded in the program this must be corrected prior to the disbursement of grant monies.

#### 4. Target Area

The Façade Improvement Grant Program focuses exclusively in the City's commercial corridors Airport Road, Frost Avenue, the 6100 block of Madison Avenue, and Natural Bridge Road. All commercially zoned properties located within these designated areas are eligible for funding.

#### 5. Grant Amount and Completion of Projects

Financial assistance is available to business owners or property owners, up to \$10,000, every 5 years, per building or storefront. A storefront is defined as each individual commercial unit, having its own exterior access door, separated from adjacent units by a wall, and having its own restrooms. The grant is provided in the form of a dollar-for-dollar match. The owner/tenant must use private, non-City funds to match the City's grant. A property owner of a building with multiple storefronts may apply for a grant to renovate multiple storefronts.

Work must be completed within six months of receiving the grant award. The applicant must request an extension in writing.

#### 6. Eligible Improvements

The primary goal of the City of Berkeley Commercial Façade Improvement Grant Program is to achieve significant visual improvements in commercial façade appearance. Work which qualifies for assistance includes improvements to the exterior of a building which are visible from the public right-of-way. Improvements that otherwise would be substantially difficult to undertake "but for" the grant assistance may be looked at more favorably. The determination of eligibility and priority for assistance is at the discretion of the City Council.

Eligible items include:

- Uncovering and restoring historical facades and architectural elements,
- Removing existing façade materials and replacing them with more attractive designs and materials (such as windows, doors, exterior cleaning, tuck-pointing and masonry repairs, painting, exterior lighting/security, shutters, gutters, awnings, signage, landscaping, and paving and sidewalks) and,
- Other detailing which leads to an enhanced appearance.

In addition, the City is targeting the following business categories in its recruitment and assistance efforts, especially downtown:

- Sit-down restaurants
- Grocery stores
- Record/music/book stores
- Crafts and hobbies
- Bicycle sales/repair
- Medical services
- Clothing store
- Sporting/outdoor goods
- Bakery
- Home décor
- Furniture and Antiques
- Toys

- Art supplies
- Hardware stores
- Professional office uses (legal/medical/accounting/etc)
- Deli/butcher
- Florist
- Theatre (live/movies)

#### 7. Ineligible Costs

- Cost of new construction, repair, or replacement of a new roof unless it is a significant architectural element of the building and is visible from street level in the immediate vicinity of the building.
- Work that principally involves minor repairs, painting, or maintenance
- Billboards
- Removal of architecturally significant features
- Sandblasting
- Purchase of Property
- Inventory and operating capital
- Salaries
- Any activity completed prior to receiving final approval of grant funds
- New construction or additions that would increase space

#### 8. Requirements and Terms

- a. The owner/tenant shall comply with all applicable provisions of the City of Berkeley Municipal Code concerning equal employment opportunity and affirmative action programs and practices in connection with the construction work being completed using loan funds.
- b. The owner/tenant shall assist and actively cooperate with the City in obtaining the compliance of contractors with such provisions of the City's Code, and with the rules, regulations and relevant orders issued by the City pursuant to such provisions of the Ordinances.
- c. Work performed must be in compliance with all applicable City Codes and Ordinances
- d. The applicant must be current on license fees, sales tax, and property taxes.
- e. Applicant agrees to obtain three (3) bids from contractors. If permits are required for the project, contractor may need to be licensed.
- f. The applicant must verify that there are no current code enforcement actions against the building or business.

#### 9. Application Review Process

- a. In order to qualify, applicants cannot start their project until after receiving the necessary approvals. If work begins before application or approval, the City cannot fund the project.
- b. Applications must be submitted to the City of Berkeley Economic Development Department. An application from a tenant must include a copy of the lease and written approval from the owner.
- c. A team may visit the site to discuss the proposed improvements.
- d. If the proposal meets the requirements of the Program, a Conditional Letter of Approval will be sent to the owner/tenant. This letter may require modifications or changes to the original proposal.
- e. If the application is conditionally approved, the owner/tenant may be required to submit cost estimates and drawings of the proposed work in order to obtain final approval.
- f. The applicant must obtain permits for the required work.
- g. Applicant must provide proof of matching documentation before drawing out grant funds.

## 10. Evaluation Criteria

The City of Berkeley Economic Development Department's decision to accept an application will be based on available funds, the merits of the proposed project, and the support it provides to the general beautification of Airport Road, Frost Avenue, Madison Avenue, and Natural Bridge Road. All approved projects will meet the criteria presented in this document. Additionally, the following will be taken into consideration:

- Appropriateness to the original, historic façade of the building.
- Significant improvement of the visual appearance of the building and surrounding area.
- The level of investment being made to the property.
- Whether the proposed use is on the targeted business categories list.
- Collective participation of adjacent property owners, if applicable.
- How it relates to the overall existing architecture.

## 11. Grant Award

Grants will be awarded on a first come, first serve basis; and will be awarded based on the Evaluation Criteria. If funding is not approved, applicants are encouraged to reapply during a future grant cycle. Annual funding is not guaranteed.

The City of Berkeley is not obligated to reimburse any approved application for reimbursement after one year from the date of the original approval of the grant application or exterior appearance, whichever date is later. Written requests for time extensions can be considered by the Economic Development Coordinator.

## 12. Buy Local

Whenever possible, applicants are strongly encouraged to use local contractors to complete all tasks associated with their renovation. This will not only help garner support to continue this program, but more importantly help boost our economy.

## 13. Ineligible Businesses

- Projects located on illegally obtained or used property per the City's Zoning Ordinance or any use not approved by the City's Planning Commission or Board of Adjustment.
- Any faith-based organization whose building(s) are used for religious activities such as worship, religious instruction or weekly services
- Any site, building or use that does not meet eligibility criteria

### **Section 400.1150. Effective Date.**

This Article shall be in full force and effect from and after its passage and approval in the manner provided by law.

### **Section 400.1160. through Section 400.1190. (Reserved)**