



Legislation Details (With Text)

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Title: AN ORDINANCE TO CREATE THE LAND BANK COMMISSION; TO SET FORTH CERTAIN DUTIES AND RESPONSIBILITIES OF THIS COMMISSION; AND FOR OTHER PURPOSES.

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12/19/2017	1	City Council	Passed	Pass
12/5/2017	1	City Council	Held at second reading	
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11/7/2017	1	Public Works Council Committee	Recommended to Council	Pass

AN ORDINANCE TO CREATE THE LAND BANK COMMISSION; TO SET FORTH CERTAIN DUTIES AND RESPONSIBILITIES OF THIS COMMISSION; AND FOR OTHER PURPOSES.

WHEREAS, the purpose of the Jonesboro Land Bank Commission is to reverse urban blight, increase home ownership and the stability of property values, provide affordable housing, improve the health and safety of neighborhoods within the City of Jonesboro (the “City”) and to maintain the architectural fabric of the community.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1. There is hereby created the Jonesboro Land Bank Commission (“Commission”).

Section 2. *Liberal Construction of the Ordinance.* This ordinance being necessary for the welfare of the City and its inhabitants, shall be liberally construed to effect the purposes of it.

Section 3. *Purpose.* The purpose of the Commission is to reverse urban blight, increase home ownership and the stability of property values, provide affordable housing, improve the health and safety of neighborhoods within the city, and maintain the architectural fabric of the community.

Section 4. *Definitions.*

(a) *Residential Housing Facilities.* For purposes of this ordinance, the term “Residential housing facilities” means facilities for single and multifamily residential housing units of any and all kinds, and such other improvements or facilities deemed incidental or essential to the community, and in accordance with a

properly approved land bank redevelopment plan, provided that no such incidental development shall be in conflict with state law or city ordinance.

- (b) *Land Bank Redevelopment Plan.* Policy guide for acquisition and conveyance of Land Bank Commission properties giving consideration to City Zoning, Parks, Land Use, and Neighborhood Action Plans.
- (c) *Development Site Plan.* Plan prepared and submitted by applicant requesting conveyance of Land Bank Commission property.

Section 5. *Authority of Land Bank Commission.* The Commission shall, in the name of the City, have the power to control, acquire, construct, reconstruct, preserve, extend, equip, improve, operate, maintain, sell, lease, convey, contract concerning, or otherwise deal in or dispose of residential housing facilities, and other capital improvements or facilities, or any interest in such facilities including without limitation leasehold interests in and mortgages on such facilities, within the corporate limits of the City of Jonesboro, Arkansas. All real estate transactions shall be approved by City Council, including but not limited to foreclosures, sales, purchases, and acceptance of donations of real estate.

- (a) *Requirements.* The Commission shall inventory all property acquired for its use and benefit, and maintain the inventory as a public record; shall prepare and approve a Land Bank Redevelopment Plan (LBRP) shall make the LBRP a part of the Commission bylaws, provided, that the City Council is free to amend, repeal, modify, or expand any or all of these elements; and shall require all prospective purchasers to submit a Development Site Plan (DSP) and time frame for the property of interest which meets LBRP standards and other requirements of this ordinance.
- (b) *Conveyance Consideration.* Prior to conveyance, the Commission shall consider whether the prospective purchaser, or developer, has a history of not paying fines for violations of state laws, City ordinances, or code provisions; further, the Commission shall consider whether the prospective purchaser was a prior owner of real property transferred to the State Land Commission as a result of tax delinquency during the three-year period prior to the request for approval of a DSP, or approval of an extension to complete an approved DSP; further, the Commission may adopt additional conveyance considerations.

Section 6. *Approval of Development Site Plan (DSP).* Before the Commission can recommend to City Council the conveyance of real property, it must first approve the Development Site Plan submitted by applicant which includes:

- (a) A time frame for development pursuant to the approved plan;
- (b) Information and procedures to assure the development of the approved plan in the form it is approved;
- (c) Proof that the approved plan is consistent with all zoning requirements, or has obtained any necessary amendments to the local zoning requirements;
- (d) Proof that the approved plan otherwise complies with all City codes and regulations, including variances, otherwise required.
- (e) Demonstration that the approved plan complies with the LBRP.

Section 7. *Approved Development Site Plan Not Binding on Other City Commissions:* Nothing in the requirements of this ordinance shall mandate that any City board or commission approve any action requested by a proposed developer even if failure to receive such approval, negates the ability to move forward with the LBRP.

Section 8. *Time Frame for Completion of the Development Site Plan.*

- (a) Unless expressly authorized by City Council, upon recommendation of the Commission, any approved DSP shall be completed within three (3) years of the date of approval of the plan.
- (b) If the developer has made substantial progress toward completion of the DSP, the Commission may approve an extension of time for development unless it receives information, or is provided evidence, to suggest that the DSP will not be completed within a reasonable period of time, not to exceed two (2) additional years from the date the plan expires.
- (c) Notwithstanding the provisions of subsection (b) above, an additional extension of time can be granted upon good cause shown by the developer as to why completion within the original time frame, and any extension, was impractical and unfeasible.

Section 9. *Land Bank Commission Subject to City Supervision.*

- (a) The Mayor, through his or her designated representative, shall serve as the administrative staff of the Commission.
- (b) The Mayor may designate the Chief Financial Officer and Treasurer to serve as the treasurer for the Commission.
- (c) The Commission shall be subject to the authority of the Mayor as to establishing a budget, hiring employees, and fulfilling the functions of the Commission as set forth in this ordinance.
- (d) The Commission, within ninety (90) days of the initial appointments, shall prepare a set of bylaws to be submitted for approval, by resolution of City Council, before they become effective; further, any substantive changes in the bylaws shall also be approved by the City Council before they become effective.
- (e) The Commission shall file an annual report with the City Clerk that sets forth its activities for the proceeding calendar year, including a complete operating and financial statement prepared in accordance with the relevant City ordinances as to financial reporting.
- (f) The Commission shall confer and coordinate with the Citizens Fair Housing Board (CFHB) to ensure consistency of housing policy established by City Council.

Section 10. *City Purchasing. Bidding and Financial Reporting Procedures Will Control All* laws, ordinances, resolutions, and other documents, which set forth purchasing, bidding, or financial reporting procedures for the City shall also apply to the Commission.

Section 11. *Meetings: Quorum: Public Records*

- (a) The Commission shall meet upon the call of its chairman, or a majority of its members, and at such times as may be specified in its bylaws for regular meetings.
- (b) A majority of its members shall constitute a quorum for the transaction of business.
- (c) The affirmative vote of a majority of the members present at a meeting of the Commission shall be necessary for any action to be taken.
- (d) No vacancy in the membership shall impair the right of a quorum to exercise all the rights and perform all duties of the board.

Section 12. *Appointment of Commission Members and Commission Procedures.*

- (a) The Commission shall consist of nine (9) persons to be appointed by the Mayor, subject to the confirmation of City Council, no proxy votes allowed.
- (b) One (1) of the nine (9) members shall be involved in projects or work dedicated to the development of low and moderate income housing;
- (c) One (1) of nine (9) members shall be from the housing industry;
- (d) One (1) of nine (9) members shall be an officer of a financial institution;
- (e) One (1) of nine (9) members shall be a member of the board of the Jonesboro Urban Renewal Housing Authority (JURHA), selected from a list of three (3) names, submitted by the JURHA;
- (f) One (1) of nine (9) members shall be a member of CFHB selected from a list of three (3) names, submitted by the CFHB membership;
- (g) Four (4) of the nine (9) members shall be selected at-large, provided that the four (4) at-large members shall reside in different city wards;
- (h) The members of the Commission shall have terms of four (4) years, except that the initial members shall have staggered terms to be decided by drawing lots. Five (5) members shall have four (4) year terms, and four (4) members shall have two (2) year terms.
- (i) A member shall serve until his or her successor is selected and qualified.
- (j) Members shall be limited in the number of consecutive terms that can be served as set forth in city ordinance, resolution, or policy statements.
- (k) Vacancies shall be filled by the Mayor, subject to confirmation by the City Council.
- (l) Any Commissioner is subject to removal for cause which is defined to include misfeasance, malfeasance or nonfeasance in office. Any Commissioner subject to removal for cause shall be notified in writing of the reason for such removal, and shall be provided ten (10) days from the receipt of such notice to provide statement as to why the Commissioner believes that removal is inappropriate, or that the basis for removal contains misstatements of fact, or that the basis for removal should not result in such a sanction.

Section 13. *Additional and Supplemental Powers.* In addition to the provisions of this ordinance, the Commission shall exercise all additional or supplement powers authorized by the General Assembly for local governments, provided the City Council delegates such an authority to the Commission.

Section 14. *Severability.* In the event any title, section, paragraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

Section 15. *Repealer.* All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

PASSED AND APPROVED this 19th day of December, 2017.