

# Memorandum

## Department of Planning

**To:** Planning and Public Works Committee

**From:** Justin Wyse, Director of Planning *JW*

**Date:** April 20, 2023

**RE:** **Chapter 353 Procedure Ordinance:** An ordinance adopting a procedure for considering development plans pursuant to Chapter 353 of the Revised Statutes of Missouri, as amended.



### **Summary**

City Council previously directed staff to begin the process of consideration of a Chapter 353 area around the Chesterfield Mall. The proposed satisfies the legal requirement for a City to have an ordinance detailing procedures for the review of proposals under Chapter 353. As detailed in the ordinance, Section 353.110.3 provides that notices shall be as provided by local ordinance. The attached ordinance requires notice to be provided prior to the required Public Hearing in a manner consistent with other noticing requirements of the City of Chesterfield. This includes mailed notice and publication in a paper of general circulation.

### **Recommendation**

This item should be forwarded to the Planning and Public Works Committee for review and recommendation to the full City Council.

Attachments: Chapter 353 Procedure Ordinance

Please forward to PPW for review and further direction.

*me Teisil* 2023-4-13

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI,  
ADOPTING A PROCEDURE FOR CONSIDERING DEVELOPMENT  
PLANS AND TAX EXEMPTION PURSUANT TO CHAPTER 353 OF  
THE REVISED STATUTES OF MISSOURI, AS AMENDED.**

**WHEREAS**, Chapter 353 of the Revised Statutes of Missouri, as amended, known and referred to as The Urban Redevelopment Corporations Law ("**Chapter 353**"), authorizes the City of Chesterfield, Missouri (the "**City**") to approve, by ordinance, development plans that allow for the redevelopment of blighted areas within the City and the granting of tax exemptions to encourage such redevelopment; and

**WHEREAS**, Chapter 353 provides that no tax exemption authorized by Chapter 353 shall become effective until the City's City Council (the "**City Council**") conducts a public hearing to consider a proposed development plan and such tax exemption; and

**WHEREAS**, prior to the public hearing, the City Council must furnish to the political subdivisions whose boundaries for ad valorem taxation purposes include any portion of the property to be affected by tax exemption: (1) written notice of the scheduled public hearing; and (2) a written statement of the impact on ad valorem taxes such tax exemption will have on the political subdivisions; and

**WHEREAS**, Section 353.110.3 of Chapter 353, provides that such notice and written statement shall be as provided by local ordinance before the public hearing; and

**WHEREAS**, the City Council desires to establish its procedures to provide the notice and written statement as required by Section 353.110.3 of Chapter 353.

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

**SECTION 1. Notice.** Not less than 10 days before a public hearing to consider a development plan that provides for tax exemption pursuant to Chapter 353, the City or its designee shall furnish (by hand delivery or by registered or certified mail, return-receipt requested) to the political subdivisions whose boundaries for ad valorem taxation purposes include any portion of the property to be affected:

- A. Notice of the scheduled public hearing, which shall include:

- (1) the time, date and place of the public hearing,
- (2) a general description of the boundaries of the proposed redevelopment area,
- (3) a general description of the proposed development plan,
- (4) an invitation to submit comments to the City Council prior to the date of the public hearing concerning matters that will be discussed at the public hearing, and to appear at the public hearing and provide comments, and
- (5) a statement that all interested persons and all political subdivisions will have the opportunity to be heard on such grant of tax exemption; and

B. A written statement of the impact on ad valorem taxes such tax exemption will have on the political subdivisions, which shall be prepared by or at the direction of the applicant and shall include an estimate of the amount of ad valorem tax revenues of each political subdivision which will be affected by the proposed tax exemption, based on the estimated assessed valuation of the real property involved as such property would exist before and after it is redeveloped.

**SECTION 2. Publication.** Following oral or written direction to proceed from the City Administrator, the City Clerk or his or her designee shall publish notice in a paper of general circulation, which shall serve as notice to all interested parties in the area of the proposed development plan that a public hearing will be held on a date and time certain, provided that the public hearing shall not be held less than 10 days following publication of the notice provided for in this section.

**SECTION 3. Additional Information from Applicant.** The applicant for tax exemption under Chapter 353 shall provide or cause to be provided to the City: a complete list of all political subdivisions whose boundaries for ad valorem taxation purposes include any portion of the property to be affected by tax exemption; the written statement specified in Section 1.B above, in a form approved by the City Administrator; and any other information deemed necessary by the City Administrator or his or her designee to evaluate the proposed development plan and comply with the requirements of this Ordinance.

**SECTION 4. Conflict.** To the extent this Ordinance or a provision or section of same conflicts with another ordinance of the City, this Ordinance and its provisions and sections shall control.

**SECTION 5. Effective Date.** This Ordinance shall take effect and be in full force from and after its final passage and approval.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, MAYOR

ATTEST:

\_\_\_\_\_  
Vickie McGownd, CITY CLERK

FIRST READING HELD: _____
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