

MEMORANDUM

TO: City Planning Commission, Committee of the Whole
FROM: Brad A. Carter, Development Coordinator III (612-673-2877)
DATE: August 26, 2016
SUBJECT: Land Subdivision Text Amendment - Parkland Dedication Ordinance

BACKGROUND

Attached is a copy of the draft ordinance language to update the adopted parkland dedication ordinance. The current ordinance was adopted by City Council in September 2010 but it did not go into effect until January 1, 2014.

The adopted parkland dedication ordinance does not include a severability clause as do other adopted city ordinances (e.g. Title 20, Zoning Code or Title 23, Heritage Preservation). The intent of this ordinance amendment is to add a severability clause to the current ordinance and correct an omission that occurred with the original adoption. The proposed amendment language also revises and clarifies the adopted definition of “developer” to make clear that the parkland dedication ordinance does not apply to governmental units. Since implementation of the adopted ordinance in January 2014, it has become apparent that, similar to affordable housing units which often rely on public sector financing (and are exempt from the parkland dedication ordinance), requiring governmental development projects to meet the provisions of the parkland dedication ordinance increases the overall development costs as the government agency must now obtain additional public funds for the proposed project and then transfer public funds from one government agency to another. This text amendment also includes language that makes these changes retroactive to January 1, 2014 and any fees paid by governmental units will be refunded.

Please review the draft ordinance language. If you have any concerns or questions, please feel free contact me.

It is our intent to have a public hearing at the September 19, 2016 Planning Commission with your recommendation being forwarded to the City Council Zoning & Planning Committee for their meeting on September 29, 2016.

ATTACHMENTS

- Draft Parkland Dedication Ordinance language

Amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 598 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 598.355 to read as follows:

598.355. Severability. If any section, subsection, sentence, clause, or phrase of these parkland dedication regulations are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the regulations. The City Council hereby declares that it would have adopted the regulations in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 2. That the definition for “developer” contained in Section 598.360 of the above-entitled ordinance be amended to read as follows:

Developer means any person, firm, corporation, sole proprietorship, or partnership, state agency, or political subdivision thereof who seeks to improve property in a manner that would result in a net increase in the number of residential dwelling units on the property or create or expand a commercial or industrial use on the property, and includes any property owner or subdivider of the land. This definition does not include governmental units.

Section 3. That Section 598.420 of the above-entitled ordinance be amended to read as follows:

598.420. Effective date. This chapter shall take effect on January 1, 2014. It shall not apply to development that has received approval of all required land use applications by the city council, city planning commission, and/or board of adjustment prior to the effective date or development for which complete land use and/or building permit applications have been received in full by the department of community planning and economic development prior to the effective date. The amendment to the definition of developer in section 598.360 is effective retroactively to January 1, 2014, and any fees paid by a state agency or political subdivision thereof will be refunded.