

HOUSE RESEARCH

Bill Summary

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Overview

This bill prohibits interim resolutions or ordinances from halting, delaying, or impeding consideration of a use, development, or subdivision for which a complete application is pending. An interim ordinance, also called a moratorium ordinance, allows a city, county or town to place on hold any land use decisions while it considers adopting or amending a comprehensive plan or official controls (zoning). The bill also amends and clarifies the law governing city and town subdivision regulations with regard to dedications and fees.

- 1 Specific controls; other subjects (county planning statute).** Conforming amendment.
- 2 Interim zoning (county planning statute).** (a), (b) Requires a county to provide public notice, hold a hearing and then adopt by a two-thirds vote a temporary interim zoning map or ordinance as an emergency measure. Deletes the authority to extend the interim resolution beyond one year.

(c) Prohibits an interim resolution from halting, delaying, or impeding consideration of a use, development, or subdivision for which a completed application is pending before the county. States that completeness of the application is determined by meeting the requirements of the ordinance and an application that is not complete must be returned to the applicant with an explanation and an opportunity to correct. Provides that this paragraph does not apply to adult-use or sexually oriented businesses and does not prevent denying an application if the proposed use would be a nuisance.
- 3 Interim ordinance (city and town planning statute).** (a), (c) Requires a city or town to provide 10 day public notice and hold a hearing before adopting by a two-thirds vote an interim ordinance. Under current law, a hearing is only required if the ordinance relates to livestock production and the vote is a simple majority.

(b) Prohibits an interim ordinance from halting, delaying, or impeding consideration of a use, development, or subdivision for which a completed application is pending before the city or town. States that completeness of the application is determined by meeting the requirements of the ordinance and an application that is not complete must be returned to the applicant with an explanation and an opportunity to correct. Provides that this paragraph does not apply to adult-use or sexually oriented businesses and does not prevent denying an application if the proposed use would

be a nuisance.

- 4 Terms of regulations (city and town authority to adopt subdivision regulations).** Prohibits a city or town from requiring land dedication or payment of fees in a development contract that are not authorized by statute or agreed to by all parties. Requires financial security required for work to have a rough proportionality to the work. Requires the city or town to provide to the applicant a copy of the complete development contract at least three days before approval, unless otherwise agreed to by the parties.
- 5 Nexus (city subdivision ordinances).** Technical, conforming changes.
- 6 Dedication (city subdivision ordinances).** Recodes part of Minn. Stat. § 462.358, subd. 2b, governing subdivision regulations to require a reasonable portion of the buildable land to be dedicated for public infrastructure such as streets, sewer and water. This separates out the regulations for this kind of infrastructure from parks and open space dedication (see next section).
- 7 Park dedication and fees (city subdivision ordinances).** Recodes part of Minn. Stat. § 462.358, subd. 2b, governing subdivision regulations relating to dedication or payment in lieu of dedication for parks and open space. In addition:
- (a) defines "fair market value" for the purposes of setting fees as the value negotiated between the municipality and the applicant, or the market value of the property as determined by the municipality based on an independent appraisal;
 - (e) provides that if a municipality accepts a cash fee for a redevelopment project, the fee must be based only on the new value arising from the redevelopment; and
 - (g) provides that if a municipality chooses to accept a cash fee in lieu of dedicated land, the municipality may collect the fee at any time after the applicant has submitted building permits for development of the approved subdivision and before completion of development.
- 8 Repealer.** Repeals Minn. Stat. § 462.358, subd. 2b, recoded in sections above.