

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: July 6, 2010

RE: Analysis for Ordinance No. BL2010-694 Amending
the Zoning Code Text

ORDINANCE NO. BL2010-694 (CRAFTON) – This zoning text change amends the Metro Code to provide for the refund of application fees for zone changes that are not enacted within one year from the date the application is filed with the planning commission. The zoning code provides that the planning commission is to develop a fee schedule for zone change application, which schedule is to be approved by the council by resolution. The council approved the current version of the fee schedule in 2007, and approved an amendment regarding SP application fees in 2009. In 2005, the council enacted Ordinance No. BL2004-409 to provide that the zoning application fee may be waived for rezoning requests initiated by members of council for certain downzonings, but there are no waiver provisions for applications filed by private citizens.

This ordinance would require the planning department to refund an applicant's fee if the zone change is not enacted by the council within one year, either in its original form or as amended. The director of finance refused to certify that funds are available for this ordinance because of the negative revenue impact it would have on the planning department. The finance director's letter states that a supplemental appropriation would need to be approved by the council for the planning department if this ordinance was enacted.

The planning commission recommended disapproval of this ordinance. The bulk of the departmental expense regarding zoning applications is the review process between the time the application is filed and its consideration by the council. The planning staff recommendation also notes that this ordinance could lead to speculative zone change requests.