

**Council Agenda Item #2
Amend Council Agenda
Motion by Palmisano**

Motion by Palmisano that the agenda be amended to include under New Business the introduction of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances* by adding a new Chapter 590.

New Business #2

Palmisano moves to introduce an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, for first reading and referral to the Zoning & Planning Committee (adding a new Chapter 590 providing for a moratorium on the demolition, new construction, or establishment of single and two-family residential dwellings in the R1, R1A, R2, and R2B zoning districts in neighborhoods of Linden Hills, Fulton, Armatage, Kenny, and Lynnhurst, and authorizing the department of Community Planning and Economic Development to conduct a study to inform future development of the area and to propose such amendments to the city's official controls and other regulatory devices).

2014-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Palmisano

Amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances.

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 590 to read as follows:

CHAPTER 590. PROVIDING FOR A MORATORIUM ON THE DEMOLITION, NEW CONSTRUCTION, OR ESTABLISHMENT OF SINGLE AND TWO-FAMILY RESIDENTIAL DWELLINGS IN THE R1, R1A, R2, AND R2B ZONING

DISTRICTS IN THE NEIGHBORHOODS OF LINDEN HILLS, FULTON, ARMATAGE, KENNY, AND LYNNHURST

590.10. Authority. Pursuant to Minnesota Statutes Section 462.355, Subd. 4, the city is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the city while the city or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the city has enacted Chapter 529 of the zoning code, which governs the establishment of interim ordinances. The city declares that this interim ordinance is established pursuant to the aforementioned statute and city ordinance.

590.20. Findings and purpose. The city council is concerned about the scale, scope, conduct, and rapid pace of teardowns and infill development in the lower density residential zoning districts of the Linden Hills, Fulton, Armatage, Kenny, and Lynnhurst neighborhoods. The city council is concerned that the design of some newly constructed housing in these neighborhoods is incompatible with surrounding properties and may detract from the livability and character of the affected neighborhoods. The city council is also interested in examining nuisance and safety-related construction issues within the study area; including, but not limited to, water dam issues; placement, parking, and maintenance of construction dumpsters; after-hours construction noise; construction vehicle idling; construction debris and litter on adjacent properties; and snow clearance around construction sites. The city council is concerned about the negative effects of infill construction work on the urban forest, lakes and shorelands, and on stormwater infrastructure. The city council is examining process improvements that will allow neighboring stakeholders to be informed about proximate residential construction activity. These are voiced concerns of residents given the high concentration of demolitions and new construction in these neighborhoods. As a result of the important land use and zoning issues cited above, the city has authorized a study to consider possible amendments to its official controls, including the zoning code-, and related policy and process improvements. The city council finds that this interim ordinance should be adopted to protect the planning process and the public health, safety, neighboring properties, economic viability, public assets, and general welfare of the city.

590.30. Zoning study. The department of community planning and economic development, in cooperation with other applicable city departments, is hereby authorized to conduct a study to inform the future development of the area and to propose such amendment's to the city's official controls and other regulatory devices that the department deems necessary and advisable in furtherance of the city's policy objectives.

The study area consists of all parcels within the area bounded by the recognized boundaries of the Linden Hills, Fulton, Armatage, Kenny, and Lynnhurst neighborhoods. This area is hereby declared to be an interim zoning study area with respect to the demolition, new construction, and establishment of single and two-family residential dwellings in the R1, R1A, R2, and R2B zoning districts within these neighborhoods.

The department of community planning and economic development shall return to the Zoning & Planning Committee to present a progress report in no more than six (6) months' time.

590.40. Restrictions. For a period of one (1) year from the date of introduction of this ordinance on March 7, 2014, in the R1, R1A, R2, and R2B zoning districts for parcels within the study area described in section 590.30:

- (a) *New construction.* No wrecking permits shall be allowed or granted by any city department to demolish an existing single or two-family dwelling. No building permits to construct a single or two-family dwelling shall be allowed or granted by any city department.
- (b) *Building additions.* No building additions exceeding one thousand five hundred (1,500) square feet total on above-grade floors for any existing single or two-family dwelling shall be allowed or granted by any city department.
- (c) *Exception.* Subject to compliance with all applicable, existing ordinances, ~~wrecking and building permits shall be issued for new single and two-family dwellings on any property that has submitted appropriate application(s) and these applications are deemed complete by the department of community planning and economic development prior to March 7, 2014.~~ a building permit may be issued for new construction on a zoning lot that had a complete wrecking permit application submitted prior to March 7, 2014. In addition, wrecking or demolition required to abate a dangerous or hazardous condition as determined and authorized by the building official or chief of the fire department shall be exempt.

In anticipation of completion of the study prior to the one (1) year expiration of the interim ordinance, the city council may elect to take action to conclude the interim ordinance prior to its scheduled expiration.

Consistent with section 529.40, these restrictions shall apply only to the issuance of permits for which an application has not been filed prior to the effective date of the interim ordinance.

590.50. Hardship. In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this interim ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions as provided in Chapter 529 of the zoning code. A waiver may be granted where the city council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.