



Request for City Council Committee Action from the Department of Community Planning and Economic Development - Planning Division

Date: September 28, 2006

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Interim Ordinance, Minneapolis Code of Ordinances Chapter 580

Previous Directives: On August 18, 2006, the City Council introduced the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, by adding a new Chapter 580 providing for a moratorium on new construction in the area of South Minneapolis bounded by Nicollet Ave (east and west Alley to Alley) from Franklin Ave on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) on the south (by Lilligren). The matter was referred to the Zoning and Planning Committee for a public hearing to be held September 28th, 2006.

Prepared by: Rebecca Farrar, Senior Planner
Approved by: Jason Wittenberg, Supervisor, Planning – Development Services
Presenters in Committee: Rebecca Farrar, Senior Planner

Reviews

<ul style="list-style-type: none"> Permanent Committee (PRC): 	Review	Approval ___ Date _____
<ul style="list-style-type: none"> Policy Review Group (PRG): 	Review Group	Approval ___ Date _____

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification - To be studied by staff
- Ward - 6
- City Goals - To be studied by staff
- Comprehensive Plan - To be studied by staff
- Zoning Code - To be studied by staff
- End of 60/120-day decision period – Not applicable.
- Other - -Not applicable

By Lilligren

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 580 relating to *Interim Ordinances*: Providing for a moratorium on new construction in the area of South Minneapolis bounded by Nicollet Avenue (east and west Alley to Alley) from Franklin Avenue on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way on the south.

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 580 to read as follow:

Chapter 580. Providing for a moratorium on new construction in the area of South Minneapolis bounded by Nicollet Avenue (east and west Alley to Alley) from Franklin Avenue on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way on the south.

580.10. 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.

580.20. Findings and purpose. The city council is concerned about the underdevelopment and underutilization of properties as well as the lack of pedestrian oriented developments in the area bounded by Nicollet Avenue (east to west Alley to Alley) from Franklin Avenue to the Midtown /Hennepin County Regional Railroad Authority (HCRRA) right of way and has enacted an interim ordinance in order to allow for the completion of a study to inform future development in the area bounded by Nicollet Avenue (east to west Alley to Alley) from Franklin Avenue to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way. The Pedestrian Oriented Overlay District and Development Guidelines Study, along with appropriate revisions to the city's official controls can ensure that activity in the area will not undermine the future orderly development of the area. The city finds that this interim ordinance should be adopted to protect this planning process and the health, safety and welfare of the citizens.

580.30. Zoning study. The area bounded by Nicollet Avenue (east to west Alley to Alley) from Franklin Avenue to the Midtown /Hennepin County Regional Railroad Authority (HCRRA) right of way, as shown on the attached map, is hereby declared to be an interim zoning study area with respect to new construction and expansion of all development projects and uses not permitted as of right. The planning division of the community planning and economic development department (CPED) is hereby directed to authorize and oversee the development of a study, in cooperation with the neighborhood organization, to inform the future development of the area and to propose such amendments to the city's comprehensive plan, official zoning controls, and other regulatory devices that the planning division deems advisable.

580.40. Restrictions. For a period of one (1) year from the date of introduction of this ordinance on August 18, 2006, no zoning approval, building permits, construction permits, demolition permits, licenses, or administrative waivers for new or expanded building construction not permitted as of right shall be allowed or granted by any city department for the study area bounded by Nicollet Avenue (east to west Alley to Alley) from Franklin Avenue to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way. On those blocks without an Alley, such restrictions shall apply to any zoning lot having frontage along Nicollet Avenue from Franklin Avenue to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way. These restrictions shall not apply to the issuance of permits for building construction permitted as of right by the zoning code, 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 of this interim ordinance, or to remodeling or renovation of existing buildings that does not involve an expansion to the exterior dimensions of the building. For the purpose of this interim ordinance, "permitted as of right" shall mean

construction that is not subject to one (1) or more land use applications requiring a public hearing under the zoning code.

580.50. 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.