



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: June 10, 2004

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

Prepared by: Blake Graham, Manager, Zoning & Development Controls, (612) 673-3241

Approved by: Barbara Sporlein, Director, Planning

Subject: Chapter 578 Interim Ordinance

Previous Directives: The subject matter of a moratorium on new construction of R1 to R4 buildings in North Minneapolis was introduced to the City Council April 30, 2004. On February 27, 2004 the subject matter of zoning design standards for residential development was introduced to the City Council.

RECOMMENDATION: No Recommendation.

Financial Impact: Not applicable

Community Impact:

Ward: 3 and 4

Neighborhood Notification: Registered Neighborhood Associations north of West Broadway Avenue were notified of the public hearing by a letter dated May 24, 2004. As of the writing of this report, staff has not received any comments from the neighborhood group.

City Goals: See staff report

Comprehensive Plan: See staff report

Zoning Code: See staff report

Living Wage/Job Linkage: Not applicable

Other: Not applicable

Background/Supporting Information

The subject matter of an interim ordinance on “new construction of R1 to R4 buildings in North Minneapolis (defined as City limits to boundary of Ward 5 & 7), excluding housing being developed in conjunction with Community Planning & Economic Development (CPED), and establishing a waiver process”, was introduced to the City Council April 30, 2004 by Council

Members Johnson, Johnson Lee and Samuels. The moratorium on new construction was effective upon introduction, pursuant to Section 529.40 of the city's zoning code. CPED, Planning has drafted the attached Chapter 578 in response to introduction of the interim ordinance subject matter.

Section 578.10 of the draft interim ordinance includes the authority of the city to establish interim ordinances found in Minnesota Statutes Section 462.355, Subd. 4, and Chapter 529 of the zoning code.

Section 578.20 includes the findings and purpose of the interim ordinance. These include concerns about the adverse effects of the design of new single-family and two-family dwellings, and multiple-family dwellings of three and four units, especially in and near older neighborhoods with low and moderate priced housing. There is concern that the design of some newly constructed housing in these neighborhoods is incompatible with the traditional design of surrounding properties and may detract from the desirability of these areas as places to live and discourage homeownership, maintenance and investment. Because of these concerns, there is a need to conduct a study to consider possible amendments to the zoning code to address issues of design standards for these residential uses. (Residential developments of five units or more are governed by the standards for conditional use permit and site plan review.)

Section 578.30 establishes an interim zoning study area within the area of North Minneapolis bounded by West Broadway Avenue and the Mississippi River to the city limits and directs CPED, Planning to commence a study of the effects of the construction of new single-family and two-family dwellings, and multiple-family dwellings of three or four units and to propose zoning amendments related to the design of these uses that CPED, Planning deems advisable.

Section 578.40 establishes restrictions on approvals for the construction of any new single-family dwelling, two-family dwelling or multiple-family dwelling of three or four units for a period of one year from April 30, 2004. The restrictions do not apply to housing being developed in conjunction with CPED where design review has occurred, including housing receiving CPED development funding and CPED land sales.

Section 578.50 establishes a process to waive all or a portion of the restrictions where the city council finds substantial hardship caused by the restrictions and that the waiver will not unduly affect the integrity of the planning process or the purposes of the interim ordinance.

Recommendation

CPED, Planning makes no recommendation on the proposed interim ordinance.

**PROPOSED ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Johnson, Johnson Lee and Samuels

Amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances* by adding a new Chapter 578, providing for a moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three or four units in the area of North Minneapolis bounded by West Broadway Avenue and the Mississippi River to the City limits, except housing being developed in conjunction with the Community Planning and Economic Development Department.

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 578 to read as follows:

CHAPTER 578. PROVIDING FOR A MORATORIUM ON THE CONSTRUCTION OF NEW SINGLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, AND MULTIPLE-FAMILY DWELLINGS OF THREE OR FOUR UNITS IN THE AREA OF NORTH MINNEAPOLIS BOUNDED BY WEST BROADWAY AVENUE AND THE MISSISSIPPI RIVER TO THE CITY LIMITS, EXCEPT HOUSING BEING DEVELOPED IN CONJUNCTION WITH THE COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.

578.10. 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.

578.20. Findings and purpose. The city council is concerned about the effects of the design of new single and two-family dwellings, and multiple-family dwellings of three and four units, especially in and near older neighborhoods with low and moderate priced housing. The city council is concerned that the design of some newly constructed housing in these neighborhoods is incompatible with the traditional design of surrounding properties and may detract from the desirability of these areas as places to live. The city council also is concerned that the design of some newly constructed housing in these neighborhoods may negatively affect neighborhood livability and discourage homeownership, maintenance and investment in surrounding properties.

The city council is interested in protecting the livability of the study area by preserving the existing character of its traditional residential neighborhoods. Approximately one-third of the city's total vacant residential lots are located within the study area. Many of these lots are available for residential development at low cost. The city council is concerned about future residential development in the study area without additional design standards for single and

two-family dwellings, and multiple-family dwellings of three and four units. The city council is concerned that further development without such design standards could negatively affect existing and future residential development and contribute to neighborhood instability.

As a result of the important land use and zoning issues cited above, the city, through its planning division, will conduct studies to consider possible amendments to the comprehensive plan or official zoning controls to address the issues of design standards for these residential uses. (Residential developments of five units or more are governed by the standards for conditional use permit and site plan review.) The city council finds that this interim ordinance should be adopted to protect the planning process and the public health, safety, aesthetics, economic viability and general welfare of the city.

578.30. Zoning study. The Residence Districts, Office Residence Districts, and Commercial Districts within the area of North Minneapolis bounded by West Broadway Avenue and the Mississippi River to the city limits, as shown on the attached map, is hereby declared to be an interim zoning study area with respect to the construction of any new single-family dwelling, two-family dwelling, or multiple-family dwelling of three or four units. The planning division of the Community Planning and Economic Development Department (CPED) is directed to commence a planning study of the effects of these uses and to propose such amendments to the comprehensive plan or zoning controls related to the design of these uses that the planning division deems advisable.

578.40. Restrictions. For a period of one year from the date of introduction of this ordinance on April 30, 2004, no zoning approval, building permit, license or other approval for the construction of any new single-family dwelling, two-family dwelling, or multiple-family dwelling of three or four units shall be granted for any property located within the zoning study area by any city department. For the purpose of this interim ordinance, construction includes moving a new structure onto a lot. These restrictions shall not apply to housing being developed in conjunction with CPED where design review has occurred, including housing receiving CPED development funding and CPED land sales. The city council specifically reserves the right to extend this ordinance for such additional periods as are necessary to complete the planning study as provided by state law.

578.50. 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.