



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

Date: May 5, 2005

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

Prepared by: Erik Nilsson, Assistant City Attorney, (612) 673-2192

Approved by: Jason Wittenberg, Planning Supervisor, (612) 673-2297

Subject: Interim Ordinance, Minneapolis Code of Ordinances Chapter 579

Previous Directives: On April 1, 2005, 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 579 providing for a moratorium on new construction and expansion of all development projects and uses not permitted as of right in the Loring Hill area. The matter was referred to the Zoning and Planning Committee for a public hearing to be held May 5th, 2005.

Financial Impact: Not applicable

Community Impact: To be studied by staff Ward: 7th City Goals: To be studied by staff Comprehensive Plan: To be studied by staff Zoning Code: To be studied by staff Living Wage/Job Linkage: To be studied by staff Other: To be studied by staff

Proposed Ordinance
of the
City of Minneapolis

By Goodman

Amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances* by adding a new Chapter 579, providing for a moratorium on new construction or expansion of projects in the *Loring Hill Area*.

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 579 to read as follows:

Chapter 579. PROVIDING FOR A MORATORIUM ON NEW CONSTRUCTION OR EXPANSION OF PROJECTS IN THE *LORING HILL AREA*.

579.10. 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.

579.20. Findings and Purpose. The city council is concerned about the scale, scope, and rapid pace of development projects in the Loring Hill area and has enacted an interim ordinance in order to allow for the completion of a master planning process to inform future development in the Loring Hill area. Development of the area master plan, 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.

579.30. Zoning Study. The Loring Hill area, bounded by Interstate 94 on the south, LaSalle Avenue on the east, Hennepin and Lyndale Avenues on the west, and 15th Street on the north, 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 master planning study, in cooperation with the neighborhood organization, to inform the future development of the Loring Hill 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.

579.40. Restrictions. For a period of one (1) year from the date of introduction of this ordinance on April 1, 2005, 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. 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 or more land use applications requiring a public hearing under the zoning code.

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579.50. 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.