



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

Date: October 2, 2008

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 585

Previous Directives: On August 22, 2008, 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 585 providing for a moratorium on for first reading and referral to the Zoning & Planning Committee; providing for a moratorium on the demolition, new construction, or establishment of single and two-family residential dwellings including rooming units and multiple-family residential dwellings having three or four dwelling units including rooming units in the R1, R1A, R2, R2B, R3, R4, R5, R6, OR1, OR2, and OR3 zoning districts in the "University District" area, including the neighborhoods of Cedar Riverside, Marcy Holmes, Prospect Park, Como, and University (*Introduced by CM Gordon*). The matter was referred to the Zoning and Planning Committee for a public hearing to be held October 2, 2008.

Prepared by: Jessica Thesing, City Planner

Approved by: Jason Wittenberg, Supervisor, Planning – Development Services

Presenters in Committee: Jessica Thesing, City Planner

Community Impact:

- Neighborhood Notification - To be studied by staff
- Wards: 2 & 3
- 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 Gordon

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 585 relating to *Interim Ordinances*: Providing for a moratorium on the demolition, new construction, or establishment of single and two-family residential dwellings including rooming units and multiple-family residential dwellings having three or four dwelling units including rooming units in the R1, R1A, R2, R2B, R3, R4, R5, R6, OR1, OR2, and OR3 zoning districts in the “University District” area, including the neighborhoods of Cedar Riverside, Marcy Holmes, Prospect Park, Como, and University. The area is bounded by the City of Minneapolis border to the east; Hennepin Avenue E, BN & Santa Fe Railroad, Winter St NE, Interstate 35 W, and Hennepin Ave E to the north; Harrison St NE, Central Ave NE, the Mississippi River, and Interstate 35 W to the west; and Interstate 94 and the Mississippi River to 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 585 to read as follow:

Chapter 585. Providing for a moratorium on the demolition, new construction, or establishment of single and two-family residential dwellings including rooming units and multiple-family residential dwellings having three or four dwelling units including rooming units in the R1, R1A, R2, R2B, R3, R4, R5, R6, OR1, OR2, and OR3 zoning districts in the “University District” area, including the neighborhoods of Cedar Riverside, Marcy Holmes, Prospect Park, Como, and University. The study area includes in entirety the above referenced neighborhoods and is bounded by the City of Minneapolis border to the east; Hennepin Avenue E, BN & Santa Fe Railroad, Winter St NE, Interstate 35 W, and Hennepin Ave E to the north; Harrison St NE, Central Ave NE, the Mississippi River, and Interstate 35 W to the west; and Interstate 94 and the Mississippi River to the south.

585.10. 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.

585.20. Findings and purpose. The city council is concerned that rapid changes in the residential areas surrounding the University of Minnesota may affect community livability. The city council is concerned that continued residential demolition and construction of single and two-family residential dwellings and multiple-family residential dwellings having three or four dwelling units could substantially alter the character and livability of the study area. The city council is interested in protecting the livability of the study area by examining issues such as parking, density, and whether the existing pattern of zoning districts within the study area is consistent with the policies of the comprehensive plan. 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 official zoning controls. The city council finds that the interim ordinance should be adopted to protect the planning process and the public health, safety, aesthetics, economic viability, and general welfare of the city.

585.30. Zoning study. All parcels within the area bounded by the Cedar Riverside, Marcy Holmes, Prospect Park, Como, and University neighborhoods. The area including in entirety the above referenced neighborhoods and bounded by the City of Minneapolis border to the east; Hennepin Avenue E, BN & Santa Fe Railroad, Winter St NE, Interstate 35 W, and Hennepin Ave E to the north; Harrison St NE, Central Ave NE, the Mississippi River, and Interstate 35 W to the west; and Interstate 94 and the Mississippi River to the south, are hereby declared to be an interim zoning study area with respect to the demolition, new construction, or establishment of single and two-family residential dwellings including rooming units and multiple-family residential dwellings having three or four dwelling units including rooming units in the R1, R1A, R2, R2B, R3, R4, R5, R6, OR1, OR2, and OR3 zoning districts. 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 division of regulatory services department, 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.

585.40. Restrictions. For a period of one (1) year from the date of introduction of this ordinance on August 22, 2008 no zoning approval, building permits, construction permits, demolition permits, licenses, or administrative waivers for building construction that allow for the demolition, new construction, or establishment of single and two-family residential dwellings including rooming units and multiple-family residential dwellings having three or four dwelling units including rooming units in the R1, R1A, R2, R2B, R3, R4, R5, R6, OR1, OR2, and OR3 zoning districts by the zoning code shall be allowed or granted by any city department for the study area consisting of parcels within the area bounded by the City of Minneapolis border to the east; Hennepin Avenue E, BN & Santa Fe Railroad, Winter St NE, Interstate 35 W, and Hennepin Ave E to the north; Harrison St NE, Central Ave NE, the Mississippi River, and Interstate 35 W to the west; and Interstate 94 and the Mississippi River to the south and including in entirety the Cedar Riverside, Marcy Holmes, Prospect Park, Como, and University neighborhoods. These restrictions shall not apply to the issuance of permits for any of the following:

- 1) 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;
- 2) Development for which complete applications have been received by the planning division of the community planning and economic development department prior to the effective date of this interim ordinance.

585.50. 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.