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

Date: September 27, 2007

To: Council Member Gary Schiff, Chair, Zoning and Planning Committee
Committee members Goodman, Remington, Samuels, Gordon, Colvin Roy

Referral to: Zoning and Planning Committee

Subject: Minneapolis Zoning Code Text and Map Amendment Work Plan

Recommendation: Approve work plan

Previous Directives: Previous Zoning Code subject matter introduction and referral to Committee and staff

Prepared by: Barbara Sporlein, Planning Director
Approved by: Barbara Sporlein, Planning Director
Presenters in Committee: Barbara Sporlein, Planning Supervisor; Planning Supervisors may present as well

Reviews

- Permanent Review Committee (PRC): Approval ___ Date _____ **NA**
- Policy Review Group (PRG): Approval ___ Date _____ **NA**

Financial Impact

- No financial impact **X**
- Action requires an appropriation increase to the ___ Capital Budget or ___ Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Action is within the Business Plan **X**
- Action requires a change to the Business Plan
- Other financial impact
- Request provided to the Finance Department when provided to the Committee Coordinator

Community Impact

- Neighborhood Notification **NA**
- City Goals **Implements and is consistent with the following City Goals: One Minneapolis, Connected Communities, Enriched Environment, A Premier Destination**
- Comprehensive Plan **Implements and is consistent with *The Minneapolis Plan***
- Zoning Code Various chapters **(see attached list)**
- Other

Supporting Information

The CPED Planning Division administers, interprets and enforces the Minneapolis Zoning Code. The purpose of the Code, in part, as stated in Chapter 520.30 is to protect the public health, safety, aesthetics, economic viability and general welfare of the city; to protect the character and stability of residential, commercial and industrial areas within the city; and to promote the orderly and beneficial development of those areas.

A comprehensive revision to the zoning code was adopted by the City Council in 1999. Ongoing revisions are recommended and adopted for a variety of reasons, including, but not limited to, the need to respond to state law changes and comply with other public agency requirements (i.e. MAC, DNR, FEMA); to ensure consistency with adopted plans; to respond to changing market conditions and development patterns where appropriate; to respond to changing policy direction; and to simplify and streamline where possible. The Zoning Code is formally amended when the Council and Mayor approve individual rezoning applications, approve changes as part of a rezoning study, and/or approve zoning code text and map amendments.

The proposed amendments vary in scope and complexity. Some proposed amendments, such as updating the definitions chapter and correcting technical discrepancies, are administrative in nature. Some, such as establishing definitions and development standards for public plazas, have limited application. Others, such as a rezoning study or consideration of special zoning controls for the University area apply to specific geographic areas. Still others, such as the comprehensive review of parking standards, the planned unit development chapter and the land subdivision regulations, can affect a broad range of development. Staff work on zoning code text and map amendments includes research and analysis related to legal authority, best practices, alternatives, possible impacts on other parts of the code (with the goal of trying to avoid unintended consequences), and drafting language. Staff works closely with the City Attorney's Office on all amendments.

Planning staff completed work on ten (10) zoning code text amendments in 2004, eleven (11) in 2005, and ten (10) in 2006. Planning staff are currently working on twelve (12) text amendments, including three (3) development moratoria. They are also working on three (3) rezoning studies.

A complete inventory of proposed zoning code text amendments is attached. The inventory includes the applicable chapter of the code, brief description, status and staff recommended timeline, and comments. It also includes the list of rezoning studies underway and pending. The second worksheet in the document includes the amendments completed between 2004 and 2006.

ZONING CODE TEXT AND MAP AMENDMENTS WORK PLAN
CPED-PLANNING DIVISION, revised 9-14-07

Amendments Approved in 2006 to date

1		SEMI Master Plan Rezoning Study		Approved by City Council 3/07.
2		Franklin Ave Transit Station Area Rezoning Study		Approved by City Council 4/07.
3		29th & University Ave Transit Station Area Rezoning Study		Approved by City Council 6/07.
4	525	Amend the requirement that nonresidential and residential uses must have separate entrances and hallways (staff)		Approved by City Council 6/15/07.
5	535	Expand the allowable and conditional uses of wind turbines (Gordon)		Approved by City Council 6/29/07.
6	520, 530, 546, 547	Review and revise regulations and design standards related to 1-4 unit new residential buildings (staff).		Approved by City Council 6/29/07.
7	550	Amend Industrial Employment Districts to limit the size of food and beverage uses (nightclubs and restaurants) (Schiff).		Approved by City Council 8/3/07.
8	521, 580	Administer interim ordinance providing for moratorium on new construction in area bounded by Nicollet Ave (east and west alley to alley) from Franklin Avenue to the Midtown Greenway (Lilligren)		City Council executed 12-month moratorium on 8/18/06; interim ordinance approved 10/06/06; moratorium expired 8/17/07.
9		Nicollet-Franklin Rezoning Study		Approved by City Council 8/31/07.

Amendments Underway or Pending

	Chapter	Description (with Council author)	Lead Planning Staff	Status/Comments
1	581	Administer interim ordinance providing for moratorium on approvals for height increases not permitted as of right in the uptown study area (Remington)	Beard/Arnold	City Council executed 6 month moratorium on 9/22/06; interim ordinance approved on 10/20/06 and amended 2/23/07 (moratorium extended to 9/21/07).
2	582	Administer interim ordinance providing for development moratorium on electronic advertising billboards (Benson)	Poor/Clarksen/Wee	City Council executed 12-month moratorium on 2/9/07; interim ordinance approved 6/15/07.
3	584	Administer interim ordinance providing for a moratorium on the establishment or change of retail sales and services uses located in the area bounded by Lyndale Ave. N., 45th Ave. N., Upton Ave. N., and 41st Ave. N. (Johnson)	Sether	City Council executed 12-month moratorium on 6-29-07. Interim ordinance approved 8/17/07.
4	multiple	Make a number of housekeeping changes to correct and clarify provisions (correct typos, definitions, citations and cross references, titles, etc.) (staff)	Ellis	Introduced at City Council on 8/17/07. Scheduled for City Planning Commission on 9/17/07.

Amendments Underway or Pending

	Chapter	Description (with Council author)	Lead Planning Staff	Status/Comments
5	531	Allow construction of structures accessory to certain non-conforming uses (Schiff)	Thesing	Introduced at City Council on 8/17/07. Scheduled for City Planning Commission on 9/17/07
6	551	Revise Shoreland Overlay District to eliminate inconsistencies in review process (staff)	Weckman	Introduced at City Council on 12/22/06. Official review and approval expected 11/07.
7	multiple	Comprehensive revision of parking requirements, including location and calculations of required spaces (Schiff)	Wittenberg	Subject matter introduced by City Council on 3/31/06. Staff work underway.
8	527	Comprehensive revision to Planned Unit Development chapter (Remington)	Voll/Bernard	Introduced at City Council on 2/23/07 and 5/11/07 (Schiff). Staff work underway.
9	598, 535	Comprehensive revision to land subdivision regulations for opportunities to streamline and simplify (staff and attorney's office)	Voll/Bernard	Staff work underway.
10	543	Comprehensive revision of sign provisions (staff)	Dvorak/Clarksen/Ellis	Staff work underway.
11		Consider special zoning requirements for the SE Minneapolis-University; possibly overlay district (staff)	Mogush	Approved as part of City response to the University of MN Neighborhood Impact Report. Begin work late 2007.
12	535	Revise code to be consistent with requirements of the Joint Airport Zoning Code and require performance standards in 5dB insulated areas (staff, attorney's office)	Otto	Staff is negotiating with MAC for possible settlement of noise litigation. This is an element of those negotiations. Staff expect to move forward with this amendment in late 2007.
13	547, 548	Review and revise use tables for each district to fine-tune certain uses--e.g., distinguish motorized scooter sales from automobile sales (staff)		
14	530, 549	Establish definition and development standards for public plazas (staff)		Expect to obtain guidance from the urban design policies in the forthcoming revisions to the comprehensive plan
15	525, 530, 535, 541	Consider requiring a garage when establishing dwelling units (Schiff)		Subject matter introduced by City Council on 3/30/2007.
16	531	Revise the time period within which certain nonconforming dwellings can obtain a building permit following damage or destruction (increase from current 180 day period). (Hodges)		Subject matter introduced by City Council on 6/29/07.
17	525	Provide specific guidance related to regulation of properties with multiple base zoning districts--"split zoning." (staff)		Not introduced.
18		Develop regulatory controls and process for "sober houses" (Council staff direction)		Not introduced. City Council issued staff direction on 8/17/07.

Rezoning Studies Underway and Pending

		Name (area) of Rezoning Study	**Lead Planner**	Status
1		South Lyndale Rezoning Study	Arnold/Widmeier/Bernard	Introduced at City Council 5/25/07. Approved by CPC 8/13/07, scheduled for Z & P on 9/17/07.
2		Bassett Creek Valley Rezoning Study	Leighton/Voll	Staff work underway, approval estimated 12/07
3		38th Street Transit Station Area Rezoning Study	Mogush/Bernard/Widmeier	staff work underway; approval estimated 12/07
4		Nokomis East Transit Station Area Rezoning Study	Mogush	Begin late 2007
5		46th Street Transit Station Area Rezoning Study	Mogush	Begin late 2007-early 2008 (wait for implementation study to be completed)
6		Above the Falls Master Plan Rezoning Study (likely include Bottineau area rezoning work)	Leighton	Begin early 2008
7		Midtown Greenway and Uptown Rezoning Studies	Arnold + others	Begin early 2008
8		Cedar Riverside Rezoning Study	Elliott/Voll/Maze	2008

Amendments Completed in 2004:			
1	530	site plan alley access (Schiff)	
2	535	prohibition of certain security barriers on commercial buildings (Johnson)	
3	543	allowing flashing signs for museums (Goodman)	
4	551	allowing drive-through facilities in Central/Lowry Pedestrian Overlay District (Ostrow)	
5	551	technical amendments related to floodplain overlay district as required by FEMA and DNR (Schiff)	
6	548, 549, 520	establish definition of money-wiring uses (Lilligren); council policy direction on 10/8/04 defining money wiring as substantially similar to general sales and services	
7	525	transfer zoning enforcement from Regulatory Services to CPED-Planning (Schiff)	
8	525	establish authority of City Council in planning and zoning matters (Schiff)	
9	525	establish authority for zoning enforcement administrative fines (Schiff)	
10	525	establish 10-day Zoning Administrator appeal period, and 15-day complete application review period (Schiff)	
Amendments Completed in 2005:			
1	551	Hiawatha LRT Station Area Pedestrian Overlay Text and Map (Zerby, Zimmermann, Schiff, Colvin Roy)	Approved by City Council 1/14/05 and 8/1/05 (50th St. Station Area will be completed after the Station Area Plan is completed).
2	530	Site Plan Review Chapter comprehensive revision (Schiff, Colvin Roy, Goodman)	Approved by the City Council 4/29/05.
3	530, 535	Moratorium on construction of new 1-4 unit residential buildings in north Minneapolis (Johnson, Samuels, Johnson Lee)	Moratorium enacted 4/30/04; expired 4/29/05. New 1-4 unit residential design standards adopted as part of new site plan review chapter, approved by City Council on 4/29/05
4	548	Include antiques and collectibles stores as permitted uses in the C-1 zoning district (Schiff)	Approved by City Council 5/13/05.
5	521	Lake Street/Midtown Light Rail Transit Station Rezoning Study - District and Map changes (staff)	Approved by City Council 10/7/05.

Amendments Completed in 2005:			
6	549	Loring Hill Area development moratorium (Goodman)	Enacted by City Council on 4/1/05; interim ordinance approved by City Council 5/13/05.
7	529	Changes to interim ordinance provision to bring into compliance with State law, including restrictions to extend an interim ordinance/moratorium beyond 12 months (Schiff)	Approved by City Council 11/4/05.
8	548, 549, 550	Establish reasonable limit on minimum side and rear yards for residential and hotel uses where such yards increase based on height of the building consistent with building code (Schiff)	Approved by City Council 11/4/05.
9	531, 543, 544	Changes to non-conforming use provisions to bring into compliance with State law, including new allowances related to replacing, restoring, or improving non conformities (Schiff)	Approved by City Council 12/2/05.
10	537	Emergency homeless shelters, extend hours of operations (Goodman), definition of overnight shelter (full council)	Approved by City Council 12/2/05.
11	535	Permitted obstructions in required yards (window wells, egress windows) (staff)	Approved by City Council 12/23/05.

Amendments Completed in 2006			
	Chpt(s)	**Description (with Council author)**	**Status and Comments**
1	520, 536, 546, 547, 548, 549, 550, 551	Comprehensive review and revision to conditional uses, including making some conditional uses permitted uses (staff); this work will include a revision to the definition of sports and health facilities to distinguish between small training facilities and large health-fitness clubs (Lane), and to include dance studios (and similar uses) as permitted uses in the Industrial Living Overlay District (Ostrow)	Approved by City Council 2/10/06.
2	525, 546	Reduce minimum lot area from 10,000 square feet to 6,000 square feet in the R2B District and amend lot area variance for two-family dwellings (Lilligren).	Continued indefinitely by the CPC 2/21/06, based on input from Z and P committee,
3	525	Amend fees table to establish new and increase land use and HPC application and zoning enforcement fees (Schiff/staff)	Approved by City Council 2/24/06.
4	549	Loring Hill Area development moratorium (Goodman)	Enacted by City Council on 4/1/05; interim ordinance approved by City Council 5/13/05; moratorium expired 3/31/06; staff reviewed development controls and did not recommend any changes.
5	548	Amend C-1 district to revise the minimum lot area requirement for residential uses (allow C-2 residential density in C-1 but not change allowed uses (Schiff)	Approved by City Council 6/16/06.
6	520, 530, 535, 536, 541, 543, 546-551	Farmer's Markets - definition, development standards, parking requirements (Schiff)	Approved by City Council 7/21/06.
7	535	Amendment to Communication Towers, Antennas and Base Units. Purpose is to authorize mounting of antennas on light poles in downtown area in order for City's Wi-Fi initiative to be implemented (Schiff)	Approved by City Council 9/22/06.
8	544	Downtown Entertainment District Billboard/Sign District (Schiff). Create new requirements for off-premise advertising billboards in an area bounded by 2nd Ave N, Hennepin Ave, and 8th and 6th Sts N.	Approved by City Council 9/22/06.
9	525	Authorize a variance related to minimum width requirement for 1-4 unit residential buildings (Schiff).	Approved by City Council 9/22/06.
10	549	Clarify that City is exempt from State adult uses statute due to existence of local ordinance (Goodman)	Approved by City Council 10/20/06.