



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

Date: August 12, 2004

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

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Approved by: Barbara Sporlein, Director, Planning

Subject: Title 21, Chapter 578 of the Minneapolis Code of Ordinances

Previous Directives: On February 27, 2004, the subject matter of zoning design standards for residential development was introduced to the City Council by Council Members Johnson and Schiff. On June 18, 2004, Chapter 578 establishing a moratorium on construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three or four units in the area of North Minneapolis north of West Broadway Avenue was adopted by the City Council. On July 23, 2004, the subject matter of an ordinance amending Chapter 578 by expanding the boundaries of the interim zoning study area to include the Willard Hay, Near North, Harrison and Sumner Glenwood neighborhoods was introduced to the City Council by Council Member Johnson Lee.

RECOMMENDATION: No Recommendation.

Financial Impact: Not applicable

<p>Community Impact:</p>

<p>Ward: 3, 4 and 5</p>

<p>Neighborhood Notification: The Willard Hay, Near North, Harrison and Sumner Glenwood neighborhood associations were notified of the public hearing by a letter dated July 30, 2004. As of the writing of this report, staff has not received any comments from the neighborhood group.</p>
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<p>City Goals: 1.</p>

<p>Comprehensive Plan: 9.8 maintain and strengthen the character of the city's various residential areas; 9.21 preserve and enhance the quality of living in residential neighborhoods.</p>
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<p>Zoning Code: Residence, Office residence and Commercial Districts.</p>
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<p>Living Wage/Job Linkage: Not applicable</p>

<p>Other: Not applicable</p>

Background/Supporting Information

On June 18, 2004, the City Council adopted Chapter 578 which established 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 north of West Broadway Avenue. Housing that was being developed in conjunction with the Community Planning and Economic Development Department where design review has occurred was excluded from the restrictions of the interim ordinance. The City Council directed the planning division of CPED to commence a study of the effects of the design of new single and two-family dwellings, and multiple-family dwellings of three or four units within the interim zoning study area, 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. The interim ordinance established a waiver process in cases of hardship.

The proposed amendment to Chapter 578 expands the interim zoning study area to include the Willard Hay, Near North, Harrison and Sumner Glenwood neighborhoods. The City Council is interested in preserving the existing character of its traditional residential neighborhoods and 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 may be incompatible with the traditional design of surrounding properties and may detract from the desirability of these areas as places to live. The City Council is concerned that the design of some newly constructed housing in these neighborhoods may negatively affect livability and discourage homeownership, maintenance and investment in surrounding properties.

Approximately one-fourth of the city's total vacant residential lots are located within the Willard Hay, Near North, Harrison and Sumner Glenwood neighborhoods. Many of these lots are available for residential development at low cost. Therefore, additional development of housing in these neighborhoods without design standards may negatively affect existing and future residential development and may contribute to neighborhood instability.

Recommendation

CPED, Planning makes no recommendation on the proposed amendment to Chapter 578.

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, AND IN THE WILLARD HAY, NEAR NORTH, HARRISON AND SUMNER GLENWOOD NEIGHBORHOODS, 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~~ More than half 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, and within the Willard Hay, Near North, Harrison, and Sumner Glenwood neighborhoods, 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.

