

2006-Or-____
DRAFT PROPOSED ORDINANCE
of the
CITY OF
MINNEAPOLIS
By Remington

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 581 relating to *Interim Ordinances*: Providing for a moratorium on building construction that exceeds the maximum height permitted as of right by the zoning code in the area of the Uptown Small Area Plan. The proposed boundaries include all parcels with frontage on both Hennepin Ave and Franklin Ave W; parcels with frontage on Hennepin Ave south of Franklin Ave W and north of 28th St W; parcels within the area bounded by 28th St W, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way, Humboldt Ave S, and Bryant Ave S; parcels within the area bounded by the Midtown Greenway/HCRRA right of way, 31st St W, Calhoun Parkway E, and Bryant Ave S; parcels within the area bounded by 31st St W, 32nd St W, Holmes Ave S, and Fremont Ave S; and parcels which lie partially or completely within an area 150 feet east and west of the centerline of Hennepin Avenue between 32nd St W and 36th St W.

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 581 to read as follow:

Chapter 581. Providing for a moratorium on building construction that exceeds the maximum height permitted as of right by the zoning code in the area of the Uptown Small Area Plan. The proposed boundaries include all parcels with frontage on both Hennepin Ave and Franklin Ave W; parcels with frontage on Hennepin Ave south of Franklin Ave W and north of 28th St W; parcels within the area bounded by 28th St W, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way, Humboldt Ave S, and Bryant Ave S; parcels within the area bounded by the Midtown Greenway/HCRRA right of way, 31st St W, Calhoun Parkway E, and Bryant Ave S; parcels within the area bounded by 31st St W, 32nd St W, Holmes Ave S, and Fremont Ave S; and parcels which lie partially or completely within an area 150 feet east and west of the centerline of Hennepin Avenue between 32nd St W and 36th St W.

581.10. 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.

581.20. Findings and purpose. The city council is concerned about the scale of development projects in the area of the Uptown Small Area Plan and has enacted an interim ordinance in order to allow for the completion of a study to inform future development in this area. The Uptown Small Area Plan, along with appropriate revisions to the city's official controls, can ensure that the height of new development 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.

581.30. Zoning study. All parcels with frontage on both Hennepin Ave and Franklin Ave W; parcels with frontage on Hennepin Ave south of Franklin Ave W and north of 28th St W; parcels within the area bounded by 28th St W, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way, Humboldt Ave S, and Bryant Ave S; parcels within the area bounded by the Midtown Greenway/HCRRA right of way, 31st St W, Calhoun Parkway E, and Bryant Ave S; parcels within the area bounded by 31st St W, 32nd St W, Holmes Ave S, and Fremont Ave S; and parcels which lie partially or completely within an area 150 feet east and west of the centerline of Hennepin Avenue between 32nd St W and 36th St W., as shown on the attached map, are hereby declared to be an interim zoning study area with respect to building construction that exceeds the maximum height permitted as of right by the zoning code. 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 neighborhood organization, 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.

581.40. Restrictions. For a period of six (6) months from the date of introduction of this ordinance on September 22nd, 2006, no zoning approval, building permits, construction permits, demolition permits, licenses, or administrative waivers for building construction that exceeds the maximum height permitted as of right by the zoning code shall be allowed or granted by any city department for the study area consisting of parcels with frontage on Hennepin Ave south of Franklin Ave W and north of 28th St W; parcels within the area bounded by 28th St W, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way, Humboldt Ave S, and Bryant Ave S; parcels within the area bounded by the Midtown Greenway/HCRRA right of way, 31st St W, Calhoun Parkway E, and Bryant Ave S; parcels within the area bounded by 31st St W, 32nd St W, Holmes Ave S, and Fremont Ave S; and

parcels which lie partially or completely within an area 150 feet east and west of the centerline of Hennepin Avenue between 32nd St W and 36th St W. 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;
- 3) Development of a height permitted as of right by the zoning code or to remodeling or renovation of existing buildings that does not involve an expansion to any vertical dimensions of the building that exceed a height permitted as of right.
- 4) Applications for amendment of an approved planned unit development that will not result in a change to the placement and size of building area that exceeds the height allowed as of right by the zoning code.

581.50. 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.