City of Minneapolis
Community Planning & Economic Development
Planning Division
250 South 4th Street, Room 300
Minneapolis MN 55415-1316
612-673-3000

LAND USE AND ZONING OVERVIEW

Overview of Planning Policies

The Minneapolis Plan for Sustainable Growth and Other Adopted Plans

The Minneapolis Plan for Sustainable Growth is the city's comprehensive plan and the primary policy document for the City of Minneapolis. The comprehensive plan is adopted by the City Council and is used by policy and decision makers to help guide the physical development of the city. The plan includes a series of policy statements that are used to help guide city actions. In addition, implementation steps help make the policies reality.

The comprehensive plan provides guidance for the entire city. Neighborhood organizations throughout the city have worked with consultants and/or the Department of Community Planning and Economic Development – Planning Division to prepare and write small area plans for specific neighborhoods or groups of neighborhoods. These small area plans are used in conjunction with the comprehensive plan to give detailed direction to policy and decision makers about specific areas.

The Minneapolis Zoning Code

Zoning is the city's primary tool for regulating land uses and implementing the policies of the comprehensive plan. The zoning code divides the city into different districts: residential, office-residential, commercial, industrial and downtown. There are also overlay zoning districts within the city that either provide more flexibility or impose additional restrictions to the underlying zoning district.

Within each zoning district, the zoning code imposes land use controls that regulate what can be built on individual parcels of land. Such controls include: specifying the allowed uses of land in each zoning district, setbacks, height, bulk, density, parking requirements, lot coverage, etc. In each zoning district particular uses are prohibited, permitted, or conditional. For example, the R1 Single-family Residence District allows single-family homes while the I3 General Industrial District allows certain heavy industrial uses. While a permitted use is allowed, a conditional use requires a public hearing before the City Planning Commission. When the City changes the zoning district of an area, some uses may no longer be permitted under the new zoning district. However, if they were legally established before the change, then in general they can continue to exist as long as they are not abandoned. They become legal nonconforming uses.

Proposed developments, from new buildings to small home additions, are required to meet the requirements of the zoning ordinance. In some cases a proposal meets all of the zoning code requirements and may be permitted without a public hearing. In other instances the project may be a conditional use or a nonconforming use that requires a public hearing to proceed. In these situations there are applications that may be required before the project can continue. The Board of Adjustment, City Planning Commission, Heritage Preservation Commission and/or City Council will look at the project and make findings to determine if the proposal is in conformance with

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the zoning code, the comprehensive plan and other requirements. Each land use application has a different set of findings. The following is a description of the various applications (relevant findings are listed in appendices).

See Appendix A for the specific purpose of the Minneapolis Zoning Ordinance.

Types of Land Use Applications

1. Rezoning

A rezoning is an amendment to the zoning map that changes the zoning designation of a property from one zoning district to another, which in turn changes the range of uses allowed on a parcel. Amendments to the text of the zoning ordinance and the zoning maps are made for the purpose of promoting public health, safety, and general welfare, and in the consideration of changing conditions, conservation of property values, the trend of development, and the current and anticipated uses of property. The code requires that the City Planning Commission and City Council make findings before approving a rezoning.

See Appendix B for the specific findings for a rezoning.

2. Conditional Use Permit

In each zoning district particular uses are prohibited, permitted, or conditional. While a permitted use is allowed, a conditional use requires a public hearing before the City Planning Commission. This allows the City to review uses, which because of their unique characteristics, are not permitted as of right in a particular zoning district. A conditional use may be allowed if the City Planning Commission determines that the use will comply with all of the conditions and standards of the zoning ordinance. The zoning code requires that the City Planning Commission make findings before granting a conditional use permit.

See Appendix B for the specific findings for a conditional use permit.

3. Variance

Variances are intended to provide a means of departure from the literal provisions of the zoning ordinance where practical difficulties exist because of conditions or circumstances unique to an individual property. Variances usually go before the Board of Adjustment; however, when they are a part of an application with other land use applications (e.g. a conditional use permit) they are then heard before the City Planning Commission. The Board of Adjustment and City Planning Commission must make all three findings to approve a variance.

See Appendix B for the specific findings for a variance.

4. Change of Nonconforming Use

The City Planning Commission may allow a change from one nonconforming use to a different nonconforming use if it is compatible with the surrounding area and is less intense than the existing nonconforming use. In general, the City Planning Commission considers the following in making its decision: hours of operation, signage, traffic, parking, the nature of the business, number of employees, building size, aesthetics, lighting, and the generation of noise, heat, glare, and vibration.

See Appendix B for the specific findings for a change of nonconforming use.

5. Expansion of Nonconforming Use

The City Planning Commission may allow the expansion of a nonconforming use if it meets certain findings including but not limited to compatibility with adjacent properties and the intensity of the use.

See Appendix B for the specific findings for an expansion of nonconforming use.

6. Site Plan Review

Site Plan Review is a process where the City Planning Commission reviews the physical design of a property for compliance with applicable standards of the City's Zoning Code, Comprehensive Plan, or other plans adopted by the City Council. Site plan review does not determine if a use is a permitted use. However, it does cover elements of site design including parking lot layout, landscaping, lighting, signage, exterior appearance of buildings, and various others items. The intent is to promote development that is compatible with nearby properties, neighborhood character, natural features, and adopted city plans; to minimize pedestrian and vehicular conflicts; to reinforce public spaces; to promote public safety; and to visually enhance development.

See Appendix B for the specific findings for site plan review.

Roles and Responsibilities

1. Applicant

Those filing a land use application (e.g., site plan review, conditional use permit, etc.) with the City make an appointment for one or more pre-application meetings with City staff to identify necessary applications. The City provides a checklist outlining the information that must be submitted for a complete application. Once an application is filed and deemed complete, it is scheduled for a public hearing before the relevant board or commission.

2. Development Services Staff

When plans are presented for review, Development Services staff members identify whether the project requires a land use application(s) that is subject to a public hearing. For those projects that require a public hearing, Development Services staff prepares a report and recommendation(s) that is submitted to the relevant board or commission, suggesting whether the project should be approved or denied (and if approved, whether the approval should be subject to certain conditions that would mitigate any adverse impact). Development Services staff uses the findings listed in the appendices as the basis for their recommendation.

See Appendix C for the specific duties of Planning Division staff.

3. Zoning Administrator

The Zoning Administrator is charged with interpreting and administering the zoning ordinance as well as keeping records of zoning decisions. Some of the official duties of the Zoning Administrator are performed by City staff acting as his or her representative.

See Appendix C for the specific duties of the Zoning Administrator.

4. Neighborhood Organizations

The Department of Community Planning and Economic Development - Planning Division maintains a list of recognized neighborhood organizations that are to be notified of land use applications that require a public hearing. As part of a complete land use application, the person filing the application must provide the relevant neighborhood organization a letter or e-mail message that includes the following information: a description of the project; the zoning approvals that the applicant is aware are needed for the project; the address of the property for which zoning approval is sought; and the applicant's name, address, telephone number, and e-mail address, if available.

Once an application is deemed complete, the City sends an official notice to the relevant neighborhood organization(s) 21 days prior to the public hearing. (A notice is also sent to all property owners within 350 feet of the property in question 15 days prior to the public hearing.) The neighborhood organization implements their own protocol for review of land use applications, which might include holding a meeting where the applicant and affected residents and/or property owners are present. The neighborhood organization may choose to establish a

position on the land use application and communicate that position to the City. This position, which is advisory, should be communicated to the City staff person who is listed on the official notice.

5. City Planning Commission

The City Planning Commission is charged with long-range planning for the city and is responsible for advising the City Council on matters of development, zoning, and capital improvements. It is a citizen's committee that works with the staff of the Department of Community Planning and Economic Development - Planning Division on the development of plans and the review of land use applications. The City Commission consists of mayoral appointments and representatives from the School Board, Library Board, Park Board, Hennepin County, and the City Council.

See Appendix C for the specific duties of City Planning Commission.

6. Board of Adjustment

The Board of Adjustment is charged with making decision on applications for variances, certificates of nonconforming use, and appeals of decisions of the zoning administrator. Board members are appointed by the City Council from an advisory list of citizens submitted to it by the City Planning Commission.

See Appendix C for the specific duties of the Board of Adjustment.

7. Heritage Preservation Commission

The Heritage Preservation Commission serves as a citizen advisory body to the Minneapolis City Council, preserving historically and architecturally significant buildings and districts while allowing modifications for contemporary use. The HPC administers chapter 599 of the code of ordinances.

See Appendix C for the specific duties of the Heritage Preservation Commission.

8. City Council and Mayor

The City Council automatically hears applications for rezoning applications and applications to vacate public rights of way. The City Council also decides appeals of decisions of the City Planning Commission, Board of Adjustment, and Heritage Preservation Commission. The Mayor may sign or veto decisions of the City Council.

See Appendix C for the specific duties of the City Council related to the administration of the zoning code.

Application Process

When an individual plans a change to their property, the first place they should visit is the Development Services office. The Development Services office is one of several departments located in the Public Service Center as a partner in the *Minneapolis Development Review,* an integrated center for development review.

Once an applicant has a plan or proposal, they may set up an appointment with a Development Services staff member by calling 311 from within Minneapolis or 612-673-3000 from outside the city. If it is determined that a land use application is necessary for the project, the applicant will be given relevant applications to complete. The project will be assigned to a Development Services staff person who will guide the applicant through the Board of Adjustment or City Planning Commission process. When all of the applications are completed, the project will be scheduled for the first available meeting of the Board of Adjustment or City Planning Commission. A 21-day notice is sent to the official neighborhood organization and a 15 day notice is sent to all property owners within 350 feet of the site. Applications cannot be heard before the Board of Adjustment or City Planning Commission without this notice. In some cases where there is a rezoning, or an appeal of the Board of Adjustment or City Planning Commission decision, then the application will be heard before the City Council as well.

Appendix A – The Purpose of the Minneapolis Zoning Ordinance

520.30. Purpose. This zoning ordinance is adopted for the following purposes:

(1) To implement the policies of the comprehensive plan.

(2) To promote and protect the public health, safety, aesthetics, economic viability and general welfare of the city.

(3) To encourage the most appropriate use of land throughout the city.

(4) 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.

(5) To provide adequate light, air, privacy and convenience of access to property, and to secure property from fire, flood and other dangers.

(6) To protect and conserve the value of land, buildings and other improvements throughout the city.

(7) To prevent the overcrowding of land and the undue concentration of population.

(8) To provide for the safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic, with particular regard to the avoidance of congestion in the streets and highways.

(9) To preserve and increase the amenities of the city.

(10) To provide for the administration of this title including the powers and duties of officials and bodies charged with such administration, the standards for land use approvals and the procedures for its enforcement.

Appendix B – Findings for specific Land Use Applications

Rezoning

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Conditional Use Permit

Findings as Required by the Minneapolis Zoning Code:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

5. Is consistent with the applicable policies of the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

Variance

Findings as Required by the Minneapolis Zoning Code:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Change of a Nonconforming Use

Findings as Required by the Minneapolis Zoning Code:

1. The proposed use is compatible with adjacent property and the neighborhood.

2. The proposed use is less intense than the existing, nonconforming use.

   (a) Hours of operation.

   (b) Signage.

   (c) Traffic generation and safety.

   (d) Off-street parking and loading.

   (e) Nature of business operations.

   (f) Number of employees.

   (g) Building Bulk.

   (h) Aesthetic impacts on surrounding property.

   (i) Noise, odor, heat, glare and vibration.

   (j) Other.

Expansion of a Nonconforming Use

Findings as Required by the Minneapolis Zoning Code:

1. A rezoning of the property would be inappropriate.

2. The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

3. The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.

5. In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.

6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.

7. The enlargement, expansion, relocation, structural alteration or intensification is consistent with the policies of the comprehensive plan.

Site Plan Review

Findings as Required by the Minneapolis Zoning Code:

1. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review.

2. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan.

3. The site plan is consistent with applicable development plans or development objectives adopted by the city council.

Appendix C – Roles and Responsibilities

Specific Duties of Planning Division Staff

Jurisdiction and authority. The planning director or his or her authorized representative shall have the following powers and duties in connection with the administration of this zoning ordinance:

1. To interpret and administer the provisions of this zoning ordinance and maintain records of such interpretations.

2. To issue zoning certificates and maintain records thereof.

3. To maintain permanent and current records of this zoning ordinance, including but not limited to all maps, amendments, conditional use permits, variances, appeals, site plan reviews and expansions or changes of nonconforming use, and applications therefor.

4. To provide information relative to all matters arising out of the zoning ordinance.

5. To receive, review, file and forward all complete land use applications to their respective review bodies, as provided in this zoning ordinance.

6. To review and make recommendations on proposed amendments to this zoning ordinance.

7. To issue zoning certificates regulating temporary uses, pursuant to Chapter 535, Regulations of General Applicability.

8. To issue certificates of nonconforming use for structures, pursuant to Chapter 531, Nonconforming Uses and Structures.

9. To maintain all zoning records which are a part of the administration of the zoning codes adopted in 1924 and 1963.

10. To serve as the secretary for the board of adjustment.

11. To establish and administer rules and regulations relating to the administration of this zoning ordinance, including application forms.

12. To consult with the city engineer to determine compliance with standards for uses within the FP Floodplain Overlay District, as specified in Chapter 551, Overlay Districts, and maintain records thereof, and notify the Minnesota Commissioner of Natural Resources when the giving of any notice is required by this zoning ordinance.

13. To perform the administrative review of permitted communication towers, antennas, and base units.

14. To perform administrative site plan review and administrative site plan review of single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units, as specified in Chapter 530, Site Plan Review.

15. To enforce this zoning ordinance by commencement of appropriate administrative and legal remedies, including but not limited to issuance of citation or written orders, or reference to the city attorney for issuance of a formal complaint.

16. To take such other actions as reasonable and necessary for the administration and enforcement of this zoning ordinance.

17. To perform the administrative review of donation collection bins.

Specific Duties of City Planning Commission

Jurisdiction and authority. The city planning commission shall have the following powers and duties in connection with the administration of this zoning ordinance:

1. To initiate amendments to the text of this zoning ordinance and to the zoning map.

2. To hear and make recommendations to the city council on proposed amendments to this zoning ordinance, including rezonings.

3. To initiate amendments to the comprehensive plan.

4. To hear and make recommendations to the city council on proposed amendments to the comprehensive plan.

5. To hear and decide applications for conditional use permit.

6. To hear and decide applications for major site plan review, pursuant to the procedures and standards set forth in Chapter 530, Site Plan Review.

7. To hear and decide applications for expansion of a nonconforming use and change of nonconforming use, pursuant to the procedures and standards set forth in Chapter 531, Nonconforming Uses and Structures.

8. To hear and decide applications for land use reviews, including but not limited to variances and certificates of nonconforming use, as part of concurrent review, pursuant to section 525.20.

9. To hear and decide appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, planning director or other official in the administration or the enforcement of this zoning ordinance with respect to minor site plan review, administrative review of permitted communication towers, antennas and base units, travel demand management plans, transfer of development rights and floor area ratio premiums.

10. To recommend to the city council appointments to the board of adjustment.

Specific Duties of the Board of Adjustment

Jurisdiction and authority. The board of adjustment shall have the following powers and duties in connection with the administration of this zoning ordinance:

1. To hear and decide applications for variances from the provisions of this zoning ordinance pursuant to the procedures and standards set forth in this chapter.

2. To hear and decide appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, director of inspections, planning director or other official in the administration or the enforcement of this zoning ordinance.

3. To hear and decide applications for certificates of nonconforming use pursuant to the procedures and standards set forth in Chapter 531, Nonconforming Uses and Structures.

Specific Duties of the Heritage Preservation Commission

Jurisdiction and authority. The commission shall have the following powers and duties in connection with the administration of this chapter:

1. To interpret and administer the provisions of this chapter.

2. To adopt and administer rules and regulations relating to the administration of this chapter.

3. To direct the commencement of designation studies, as authorized by this chapter.

4. To hear and make recommendations to the city council on the proposed designation of landmarks and historic districts.

5. To hear and decide applications for certificate of appropriateness.

6. To hear and decide applications for demolition of historic resources.

7. To hear and decide appeals from decisions of the planning director, director of inspections or other official, as authorized by this chapter.

8. To hear and make recommendations to the city council on proposed historic variances.

9. To hear and make recommendations to the city council on proposed transfers of development rights.

10. To adopt design guidelines for landmarks and historic districts, and to revise design guidelines as necessary.

11. To review and make recommendations to the city council on proposed amendments to the zoning code.

12. To make recommendations to the city council on proposed amendments to this chapter.

13. To inform and educate the citizens of Minneapolis concerning the historical, cultural, architectural, archaeological or engineering heritage of the city.

14. To seek and identify incentives to encourage both public and private investments in preserving the city's landmarks, historic districts and historic resources.

15. To make recommendations to the city council that designated properties or historic resources be acquired by purchase, gift or by eminent domain.

16. To take such other actions as are reasonable and necessary for the administration and enforcement of this chapter.

Specific Duties of the City Council Related to the Administration of the Zoning Code

The city council shall have the following powers and duties in connection with the administration of this zoning ordinance:

1. To initiate amendments to this zoning ordinance.

2. To adopt amendments to this zoning ordinance.

3. To adopt and amend a comprehensive plan for the city or portions thereof.

4. To hear and decide appeals from decisions of the city planning commission and board of adjustment, as authorized by this zoning ordinance.

5. To adopt and amend interim ordinances, and to hear and decide applications for waivers from such ordinances.

6. To approve interim uses.

7. To grant variances from the provisions of this zoning ordinance to historic properties as provided in Chapter 34 of the Minneapolis Code of Ordinances, Heritage Preservation Commission.

8. To take such other actions not delegated to other bodies which may be desirable and necessary to implement the provisions of this zoning ordinance.