

**Community Planning and Economic Development Planning Division Report
Zoning Code Text Amendment**

Date: February 6, 2012

Initiator of Amendment: Council Member Reich

Date of Introduction at City Council: December 9, 2011

Specific Site: Citywide

Ward: Citywide **Neighborhood Organization:** Citywide

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Intent of the Ordinance: To allow for film, video and audio production as a permitted use in the Commercial Districts, and to establish specific development standards for these uses.

Appropriate Section(s) of the Zoning Code: Chapter 536 Specific Development Standards; Chapter 548, Commercial Districts

Background: An ordinance amendment was introduced at the City Council on December 9, 2011, to amend Chapter 548 of the Zoning Code relating to permitted uses in the Commercial Districts and Chapter 536 relating to Specific Development Standards. The purpose of the amendment is to allow film, video and audio production as a permitted use in the commercial districts.

Purpose for the Amendment:

What is the reason for the amendment?

What problem is the Amendment designed to solve?

What public purpose will be served by the amendment?

What problems might the amendment create?

The purpose of the amendment is to allow film, video and audio production as a permitted use in the commercial districts.

Film, video and audio production uses are currently a conditional use in the C2 Neighborhood Corridor Commercial District, C3A Community Activity Center District and C4 General Commercial District and is prohibited in the C1 Neighborhood Commercial District and the C3S Community Shopping Center District as a principal use. Currently, a limited production and processing use, that includes film, video or audio production, is allowed a conditional use in all commercial districts but is limited to maximum gross floor area of 1,200 square and must be connected to a retail or office component. This would not accommodate recently proposed or previously approved film, video and audio production establishments.

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The City Council directed CPED-Planning Division staff to work on a text amendment to allow film, video and audio production as a conditional use in the C1 district. There is an existing development standard that requires all activity to occur within a completely enclosed building with soundproofing, and that sound is not audible outside the building. Staff is not recommending adding additional development standards but is recommending a housekeeping change to Chapter 536 to make the nomenclature for this use consistent throughout the zoning code.

After reviewing existing development standards, previous applications and practices from other cities, staff believes that this use is appropriate as a permitted use in all commercial districts. The amendment will remove the requirement for a conditional use permit in the C2, C3A and C4 zoning districts and will address a possible need for film, video and audio production uses in the areas of the city that are in the C1 or C3S Districts.

These uses are not expected to generate significant amounts of traffic or be otherwise detrimental to any adjacent properties. The existing ordinance includes a specific development standard that requires soundproofing and that all activity is conducted within an enclosed building. This use would be subject to the hours of operation as required by Title 13 Licenses and Business Regulations, Section 259.200 Hours open to the public. In the C1, C2, C3S and C4 zoning districts the permitted hours of operation are Sunday through Thursday, 6:00 a.m. to 10:00 p.m. and Friday and Saturday, from 6:00 a.m. to 11:00 p.m.; in the C3A zoning district the permitted hours of operation are Sunday through Thursday, 6:00 a.m. to 1:00 a.m. and Friday and Saturday, from 6:00 a.m. to 2:00 a.m. A film, video and audio production use could not operate outside of these hours without first having obtained a license for extended hours of operation through the Business Licenses & Consumer Services Division.

In the C1 zoning district staff is recommending that the size of the use be limited to the maximum floor area requirements for commercial uses. In the C1 zoning district, film, video and audio production uses would be limited to 4,000 square feet per use; that size could be increased if off-street parking is not located between the principal structure and the street and if the structure is at least two (2) stories (not including the basement). Because of floor area restrictions intended to limit the size of individual uses in the C1 District, it would not be possible for a large scale film, video or audio production company to locate in this district without seeking a variance. Consistent with the policy intent of the different zoning districts, this amendment will allow small scale uses to locate in the C1 District while allowing larger facilities in the other commercial districts. Any associated communication tower, antenna or base unit (whether in the C1 district or otherwise) requires a separate review and must meet the requirements of Chapter 535 Regulations of General Applicability, Article VIII Communication Towers, Antennas and Base Units.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

This amendment is part of the continual process of updating the zoning ordinance. Recently there has been a proposal for an audio recording establishment in the C1 district.

Staff performed a code search to obtain information on how other cities treat film, video and audio production uses. In the City of Saint Paul, MN, these uses are permitted in the T2, T3 and T4 traditional neighborhood districts with a maximum floor area of 15,000 square feet; larger uses require a conditional use permit. The City of Saint Louis Park, MN allows studios, which include audio and television recording, as a permitted use in all commercial districts, including the C1 Neighborhood Commercial District, provided that the use is not audible from any property located in a residential zoning district. The City of Chicago, IL allows film, video and audio production in all commercial districts, including the C1, Neighborhood Commercial district.

If the proposed amendment is denied, film, video and audio production uses would not be allowed in the C1 or C3S Districts, would require a conditional use permit in all other commercial districts and may limit opportunities for the City to attract new and/or relocate existing film, video and audio production uses. In spite of the fact that film, video and audio production uses may have few impacts, such uses would only be allowed with an approved conditional use permit beginning in the C2 District if this amendment is not approved.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The following general land use policies of the *Minneapolis Plan for Sustainable Growth* apply:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

1.1.7 Invest in targeted place-making strategies to build upon and enhance existing community assets and encourage private sector development.

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to

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desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

- 1.4.3 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.

Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

- 1.6.1 Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact

The proposed amendment is consistent with these policies of the comprehensive plan.

Recommendation of the Community Planning and Economic Development--Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending chapters 536 and 548.

Attachments:

1. Ordinance amending Chapter 536, making a housekeeping change to Chapter 536 to make the nomenclature for film, video and audio production uses consistent throughout the zoning code.
2. Ordinance amending Chapter 548, making film, video and audio production a permitted use in all commercial zoning districts