



Request for City Council Committee Action from the Department of Community Planning and Economic Development - Planning Division

Date: August 9, 2007

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

Referral to: Zoning and Planning Committee

Subject: Interim Ordinance, Minneapolis Code of Ordinances Chapter 584

Previous Directives: On June 29, 2007, the City Council introduced the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, by adding a new Chapter 584 providing for a moratorium on establishment or change of retail sales and services within the area bounded by Lyndale Avenue North, 45th Avenue North, Upton Avenue North and 41st Avenue North (by Johnson). The matter was referred to the Zoning and Planning Committee for a public hearing to be held August 9, 2007.

Prepared by: Shanna Sether, City Planner

Approved by: Jason Wittenberg, Supervisor, Planning – Development Services

Presenters in Committee: Shanna Sether, City Planner

Community Impact

- Neighborhood Notification – July 27, 2007
- Ward – 4
- City Goals - To be studied by staff
Comprehensive Plan - To be studied by staff
Zoning Code - To be studied by staff

By Johnson

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 584 relating to *Interim Ordinances*: Providing for a moratorium on establishment or change of retail sales and services uses within the area bounded by Lyndale Ave North, 45th Ave North, Upton Ave North, and 41st Ave North.

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 584 to read as follow:

Chapter 584. Providing for a moratorium on establishment or change of retail sales and services uses within the area bounded by Lyndale Ave North, 45th Ave North, Upton Ave North, and 41st Ave North.

584.10. 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.

584.20. Findings and purpose. The city council is concerned about the number of foreclosed commercial properties within the study area and has enacted an interim ordinance in order to allow for the completion of a study to inform regulation of future uses in this area. The appropriate revisions to the city's official controls can ensure that the establishment or change of retail sales and services uses 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.

584.30. Zoning study. All parcels within the area bounded by Lyndale Avenue North, 45th Avenue North, Upton Avenue North and 41st Avenue North, are hereby declared to be an interim zoning study area with respect to the establishment or change of retail sales and services uses. 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 business licensing services division of regulatory services department, 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.

584.40. Restrictions. For a period of one (1) year from the date of introduction of this ordinance on June 29, 2008, no zoning approval, building permits, construction permits, demolition permits, licenses, or administrative waivers for building construction that allow for the establishment or change of retail sales and services uses by the zoning code shall be allowed or granted by any city department for the study area consisting of parcels within the area bounded by Lyndale Avenue North, 45th Avenue North, Upton Avenue North and 41st Avenue North. 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.

584.50. 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.