



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

**Date:** October 30, 2008

**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 586

**Previous Directives:** On September 26, 2008, 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 586 providing for a moratorium for first reading and referral to the Zoning & Planning Committee; providing for a moratorium on the on the establishment, re-establishment or expansion of reception, banquet, rental and/or meeting halls outside of the B4, B4S and B4C zoning districts. The matter was referred to the Zoning and Planning Committee for a public hearing to be held October 30, 2008.

Prepared by: Jim Voll, Principal Planner

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

Presenters in Committee: Jim Voll, Principal Planner

### Community Impact:

- Neighborhood Notification - To be studied by staff
- Ward - Citywide
- City Goals - To be studied by staff
- Comprehensive Plan - To be studied by staff
- Zoning Code - To be studied by staff
- End of 60/120-day decision period - Not applicable
- Other - Not applicable

**By Schiff**

**Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 586 relating to *Interim Ordinances*:** providing for a moratorium on the on the establishment, re-establishment, intensification or expansion of reception, banquet, rental and/or meeting halls outside of the B4, B4S and B4C zoning districts.

**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 586 to read as follows:

**Chapter 586.** Providing for a moratorium on the on the establishment, re-establishment, intensification or expansion of reception, banquet, rental and/or meeting halls outside of the B4, B4S and B4C zoning districts.

**586.10. 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.

**586.20. Findings and purpose.** The city council is concerned about the possible impacts of reception, banquet, rental, and/or meeting halls outside of the downtown, including, but not limited to noise, traffic, parking, public safety and hours of operation. The city council is concerned that that these impacts may have a negative impact on neighborhood livability. The city council is concerned about possible lack of alignment between zoning and licensing standards, regulations and definitions for these uses. The city council is interested in protecting the livability of the study area by examining issues such as parking and hours of operation and whether the existing zoning and licensing regulations are consistent with one another and with the policies of the comprehensive plan. As a result of the important land use, licensing and zoning issues cited above, the city, through its planning division in cooperation with regulatory services, will conduct studies to consider possible amendments to the official zoning and licensing controls. The city council finds that the interim ordinance should be adopted to protect the planning process and the public health, safety, aesthetics, economic viability, and general welfare of the city.

**586.30. Zoning study.** All parcels within the City of Minneapolis outside of the B4, B4S and B4C zoning districts are hereby declared to be an interim zoning study area with respect to the establishment, re-establishment, intensification or expansion of reception, banquet, rental and/or meeting halls. 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 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.

**586.40. Restrictions.** For a period of one (1) year from the date of introduction of this ordinance on September 26, 2008, no zoning approval, building permits, construction permits, licenses, or administrative waivers for building construction that allow for the establishment, reestablishment, intensification or expansion of reception, banquet, rental and/or meeting halls outside of the B4, B4S and B4C zoning districts by the zoning code shall be allowed or granted by any city department in the study area. 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.

**586.50. 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.