



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 587

Previous Directives: On August 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 587 providing for a moratorium on the establishment, reestablishment or expansion of principal parking facilities in the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east. (*Introduced by CM Schiff*). The matter was referred to the Zoning and Planning Committee for a public hearing to be held October 30, 2008.

Prepared by: Kimberly Holien, City Planner

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

Presenters in Committee: Kimberly Holien, City Planner

Community Impact:

- Neighborhood Notification - To be studied by staff
- Wards: 8 & 9
- 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 relating to *Interim Ordinances*: Adding a new Chapter 587 providing for a moratorium on the establishment, reestablishment or expansion of principal parking facilities in the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east.

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 587 to read as follow:

Chapter 587. Providing for a moratorium on the establishment, reestablishment or expansion of principal parking facilities in the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east.

587.10. 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.

587.20. Findings and purpose. The city council is concerned that the pedestrian-oriented character of the subject area may be compromised by the establishment or expansion of principal parking facilities and surface parking. The city council is concerned that converting parcels with existing structures to principal parking facilities could substantially alter the character and livability of the study area. The city council is interested in protecting the livability of the study area by examining potential regulatory changes to preserve the pedestrian-oriented character of the study area. As a result of the important land use and zoning issues cited above, the city, through its planning division, will conduct studies to consider possible amendments to the official zoning 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.

587.30. Zoning study. All parcels within the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east. The area including in entirety the above referenced parcels are hereby declared to be an interim zoning study area with respect to the establishment, reestablishment or expansion of principal parking facilities. 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 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.

587.40. 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 or expansion of principal parking facilities shall be allowed or granted by any city department for the study area consisting of parcels within the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east. 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.

587.50. 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.