

---

## WAIVER OF RESTRICTIONS OF INTERIM ORDINANCE APPLICATION

---

**529.10. Purpose.** Interim ordinances are established to protect the planning process and the health, safety and welfare by regulating, restricting or prohibiting any use or development in all or a part of the city while the city 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 controls, including but not limited to zoning ordinances, subdivision regulations, site plan regulations, sanitary codes, building codes and official maps.

**529.20. Initiation of interim ordinance.** A city council member or the city planning commission may initiate an interim ordinance applicable to all or a part of the city.

**529.30. Hearing on interim ordinance.** The zoning and planning committee of the city council shall hold a public hearing on a proposed interim ordinance or extension of an interim ordinance. The city clerk shall publish notice of the time, place and purpose of the hearing at least once, not less than ten (10) days before the hearing, in a newspaper of general circulation. An interim ordinance not initiated by the city planning commission may be referred to the city planning commission for review and recommendation. Following the public hearing, the zoning and planning committee shall forward its recommendation to the full city council for final action. If the purpose of the hearing is the extension of the term of an interim ordinance, the hearing must be conducted at least fifteen (15) days but not more than thirty (30) days before the expiration of the interim ordinance.

**529.40. Restrictions.**

(a) *Effective date.* In order to protect the planning process and the city's legitimate planning goals, upon introduction of an interim ordinance to the city council, or from the date the zoning and planning committee recommends the introduction of an interim ordinance to the city council at its next meeting shall be the effective date of the interim ordinance. After the effective date of the interim ordinance no use, development, project or subdivision for which an application has not been filed prior to the effective date of the interim ordinance shall be established or expanded, nor shall any application for a building permit, administrative waiver, review or approval of any application, including an application for any zoning approval, which concerns the geographical area or subject matter of the interim ordinance filed after the effective date of the interim ordinance be granted or further processed, pending a final decision on the adoption of the interim ordinance. If the interim ordinance is adopted, no permits or other approvals of any kind which concern the geographical area or subject matter of the interim ordinance shall be processed or issued nor shall any use be established or expanded except in accordance with its terms. If the interim ordinance is not adopted, requests for permits and other necessary approvals shall be processed promptly in accordance with the procedures governing the request.

(b) *Scope of restrictions.* An interim ordinance may regulate, restrict or prohibit the establishment or expansion of any use, development, project or subdivision for a period not to exceed one (1) year from the date of final approval of the ordinance. The interim ordinance may be extended for the following conditions and durations not to exceed eighteen (18) months:

- (1) Up to an additional one hundred twenty (120) days following the receipt of the final approval or review by a federal, state, or metropolitan agency when the approval is required by law and the

For reasonable accommodations or alternative formats please contact 311 at 612-673-3000. People who are deaf or hard of hearing can use a relay service to call 311 at 612-673-3000. TTY users call 612-673-2157 or 612-673-2626. Para asistencia 612-673-2700 - Rau kev pab 612-673-2800 - Hadii aad Caawimaad u baahantahay 612-673-3500.

review or approval has not been completed and received by the municipality at least thirty (30) days before the expiration of the interim ordinance; or,

- (2) Up to an additional one hundred twenty (120) days following the completion of any other process required by a state statute, federal law, or court order, when the process is not completed at least thirty (30) days before the expiration of the interim ordinance.

An interim ordinance shall not apply to any subdivision which has been given preliminary approval or to any application for establishment or expansion of any use, development or project filed prior to the effective date of the interim ordinance.

**529.50. Waiver of restrictions.**

- (a) *In general.* In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of an interim ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions. 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.
- (b) *Application procedure.* An application for waiver shall be filed on a form approved by the zoning administrator. Application procedures shall be as specified in Chapter 525, Administration and Enforcement.
- (c) *Public hearing.* A complete application for waiver shall be forwarded to the planning director who shall prepare a report and recommendation and shall forward the request to the zoning and planning committee of the city council who shall conduct a public hearing on the request. Not less than ten (10) days before the public hearing, the zoning administrator shall mail notice of the time, place and purpose of the hearing to property owners within three hundred fifty (350) feet of the subject property and to the registered neighborhood group(s) for the neighborhood in which the subject property is located. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this subdivision has been made. Following the public hearing, the zoning and planning committee shall forward its recommendation to the full city council for final action.
- (d) *Conditions and guarantees.* The city council may impose such conditions and require such guarantees related to the grant of a waiver as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

**529.60. Expiration of interim ordinance.** An interim ordinance shall expire on the date or time specified in the ordinance, or upon completion of the study and adoption or amendment of the comprehensive plan or official controls affecting the geographic area or subject matter of the interim ordinance, whichever occurs first.

## WAIVER APPLICATION REQUIREMENTS CHECKLIST

**Staff will only accept applications that include all of the items listed below. If any of the items are missing at the time of submittal, staff will not accept the application.<sup>1</sup>**

|  |   |
|--|---|
|  | Electronic copy of the application submittal. Please see our instructions for electronic submittal: <a href="http://www.minneapolismn.gov/cped/planning/WCMS1P-106500">http://www.minneapolismn.gov/cped/planning/WCMS1P-106500</a> .   |
|  | Correct fees paid (checks payable to Minneapolis Finance Department).   |
|  | Statement of proposed use and description of the project.   |
|  | Letter stating hardship.  |
|  | Completed Application Worksheet and Declaration of Accuracy form.   |
|  | A list of property owners within 350 feet of the subject site and mailing labels. The 350-foot radius must be from the boundaries of the entire property in question. These must be purchased from Hennepin County Taxpayer Services Division, A-500 Government Center, 4 <sup>th</sup> Avenue S. Please contact Hennepin County in advance to request the list and labels (they are not available the same day they are requested). Phone: 612-348-5910. Submit <u>all</u> enclosures received from Hennepin County: <ol style="list-style-type: none"> <li>1. Map showing subject property, with highlighted 350 ft. circumference.</li> <li>2. Mailing labels.</li> <li>3. List of property owners.</li> </ol>   |
|  | A letter from the property owner of the sending site, if other than the applicant, stating support for the application.   |
|  | Copy of a letter or email, sent to the applicable neighborhood group(s) and city council office, explaining the proposed project. The letter must contain the following information: <ol style="list-style-type: none"> <li>1. Description of the project.</li> <li>2. Land use applications that the applicant is aware are needed for the project.</li> <li>3. Address of the property for which zoning approval is sought.</li> <li>4. Applicant's name, address, telephone number, and e-mail address, if available.</li> </ol> <p>Where the property for which zoning approval is sought is located on a public street that acts as a boundary between two neighborhoods, the above information shall also be provided to the neighborhood group(s) representing the adjacent area(s).</p> |
|  | Verification of historic status of property and submission of any required HPC application(s). <sup>2</sup>   |
|  | Photos of the property and existing structures.   |
|  | One copy (plus one 8 ½ x 11) of scaled and dimensioned elevations of each façade (for new construction).  |
|  | One copy (plus one 8 ½ x 11) of scaled and dimensioned floor plans showing all floors.  |
|  | One copy (plus one 8 ½ x 11) of scaled and dimensioned signs (locations, types and dimensions).   |

***Checklist continues on next page.***

<sup>1</sup> City staff will review the initial application submission and will notify the applicant of what, if any, additional information must be submitted for staff to evaluate the application for approval or denial. Please be aware that supplemental information may also be requested during the evaluation of the application.

<sup>2</sup> Demolition of an existing structure requires an additional review by CPED staff to determine if the property is an historic resource.

**Checklist continued.**

One copy (plus one 8 ½ x 11) of a scaled and dimensioned site plan.<sup>3</sup> Must include the following items:

- All property lines.
- Streets, sidewalks and alleys, include existing and proposed curb cuts. Indicate if public areas are to be vacated.
- Indicate traffic flow on streets, alleys and drive aisles.
- Adjacent uses (show location and identify).
- Building footprints (including garages and other accessory structures) and square footages.
- Other impervious surfaces (walkways, decks, patios, etc.) and square footages.
- Structure encroachments (including areaways, balconies, door swings, etc.) in the right-of-way.
- Dimensioned parking, including handicap accessible spaces, and loading spaces (all parking and loading areas serving the property). Indicate how the parking and loading areas will be designed (curbing, wheel stops, etc).
- Bicycle parking spaces.
- Landscaping plan showing existing and proposed shrubs and trees (location, type, number and overall amount).
- Indicate snow storage area or propose a snow removal plan.
- Walls, screens and fences (show location, type and height).
- Mechanical equipment (air conditioning units, electrical transformers, etc.)
- Fire hydrants, transit stops, public plazas, trash enclosures, trees in the public right-of-way.
- Proposed and existing lighting (location, type and size).
- Natural features and topography.
- Indicate the direction of water drainage from the site and building (downspouts, roof drains, etc.).
- Stormwater management plan for sites over one acre.
- Erosion control plan for sites where more than 5,000 square feet of dirt is disturbed.
- Indicate north arrow and date the plan was drawn.

**FEES**

| <b>APPLICATION TYPE</b>                     | <b>FEE (DOLLARS)</b> |
|---|----------------------|
| Waiver of Restrictions of Interim Ordinance | 365                  |

<sup>3</sup> The site plan must be prepared by a certified architect, landscape architect, engineer, or land surveyor that is licensed in the State of Minnesota. A license stamp, or registration number, whichever is applicable, together with the signature, shall be provided on the face of the site plan. Site plan information may be combined with the survey of the property. *The requirement that one of the above professionals prepare the site plan may be waived by the Zoning Administrator, Planning Director or their authorized representative where the application does not involve a new principal structure, provided the plan is accurately dimensioned and is drawn to an architectural or engineering scale. Applications will not be accepted and permits will not be issued for a new principal structure if a survey is not provided.* If the project is subject to Chapter 530, Site Plan Review, it is recommended that the applicant provide a copy of the site plan review ordinance to the registered professional prior to preparation of a site plan.

## APPLICATION WORKSHEET

|   |  |  |
|---|--|--|
| <b>Property Owner/Applicant</b>   | Name   |  |
|   | Mailing Address<br>Including City, State<br>and Zip Code |  |
|   | Phone Number   |  |
|   | Fax  |  |
|   | Email  |  |
| <b>Applicant's Representative</b><br><i>This person will be the<br/>primary contact for staff and<br/>is the authorized agent in<br/>place of the property owner.</i> | Name   |  |
|   | Mailing Address<br>Including City, State<br>and Zip Code |  |
|   | Phone Number   |  |
|   | Fax  |  |
|   | Email  |  |
| <b>Neighborhood Group<br/>Contact</b> <i>Be sure to include a<br/>copy of the letter or e-mail<br/>that was sent</i>  | Name   |  |
|   | Phone Number   |  |
|   | Date letter/e-mail sent                                  |  |
| <b>Council Member Contact</b><br><i>Be sure to include a copy of<br/>the letter or e-mail that was<br/>sent</i>   | Name   |  |
|   | Ward   |  |
|   | Phone Number   |  |
|   | Date letter/e-mail sent                                  |  |
| <b>Property Information</b>   | Address(es)  |  |
|   | Identification Number                                    |  |
|   | Legal Description  |  |
|   | Lot Area   |  |
|   | Zoning Classification(s)                                 |  |
| <b>Name of Proposed Project</b><br><i>If applicable</i>   |  |  |

|  |   |                                       |  |
|--|---|---------------------------------------|--|
| <b>Property History</b>  | Name of current business:                   | Beginning/end dates:                  | Type of business/use:                                      |
|  | Name of current business:                   | Beginning/end dates:                  | Type of business/use:                                      |
|  | Name of current business:                   | Beginning/end dates:                  | Type of business/use:                                      |
| <b>Building Data</b><br><i>Fill in existing &amp; proposed even when no change is proposed</i> | Gross Floor Area                            | Existing to remain:                   | Proposed new:  |
|  | Building footprint area                     | Existing to remain:                   | Proposed new:  |
|  | Building height                             | Existing stories & feet:              | Proposed stories & feet:                                   |
|  | Dwelling units                              | Existing:                             | Proposed:  |
| <b>Specific Uses</b><br><i>As applicable</i>   | Car Repair                                  | Number of service bays:               | Gross floor area excluding service bays (square feet):     |
|  | Nightclub                                   | Seating and lobby area (square feet): |  |
|  | Place of Assembly or Reception/Meeting Hall | Auditorium area (square feet):        |  |
|  | School                                      | Number of classrooms:                 | Number of students of legal driving age (full attendance): |
| <b>Parking Data</b>  | Number of standard spaces                   | Existing:                             | Proposed:  |
|  | Number of compact spaces                    | Existing:                             | Proposed:  |
|  | Number of handicap spaces                   | Existing:                             | Proposed:  |
|  | Total spaces                                | Existing:                             | Proposed:  |
|  | Number of bicycle spaces                    | Existing:                             | Proposed:  |
|  | Number of loading spaces                    | Existing:                             | Proposed:  |
| <b>Landscaping Data</b>  | Landscaped area (square feet)               | Existing:                             | Proposed:  |

|  |  |  |   |
|--|--|--|---|
| <b>Sign Data</b>                                   | Number of signs                                    | Existing:  | Proposed:   |
|  | First sign (circle one):<br><br>Existing/Proposed  | Type of sign (circle one):<br>Freestanding/Mounted | Length x width (feet):                                |
|  |  | If lit, how?                                       | Area (square feet):<br><br>Height above grade (feet): |
|  | Second sign (circle one):<br><br>Existing/Proposed | Type of sign (circle one):<br>Freestanding/Mounted | Length x width (feet):                                |
|  |  | If lit, how?                                       | Area (square feet):<br><br>Height above grade (feet): |
|  | <b>Fence Data</b>                                  | First fence (circle one):<br><br>Existing/Proposed | Type/material (i.e. wood,<br>chain-link):             |
| Height (feet):                                     |  |  |   |
| First fence (circle one):<br><br>Existing/Proposed |  | Type/material (i.e. wood,<br>chain-link):          | Length (feet):  |
|  |  |  | Height (feet):  |

**ACCURACY DECLARATION**

My signature attests to the fact that the attached application is complete and accurate to the best of my knowledge. I understand that the staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay review of my application or may result in denial of my request.

Property owner's signature (if different from applicant): \_\_\_\_\_

Applicant's name (please print): \_\_\_\_\_

Applicant's signature: \_\_\_\_\_