



Community Planning & Economic Development
 Planning Division
 250 South 4th St. Room 300
 Minneapolis MN 55415-1316
 612-673-5836
 Fax 612-673-2169

APPLICATION FORM FOR WAIVER OF ZONING STUDY MORATORIUM

DATE: _____

TO THE ZONING ADMINISTRATOR:

_____ is hereby requesting
 a waiver of the _____ Zoning Study Moratorium.

SUBJECT PROPERTY ADDRESS: _____ WARD: _____

APPLICANT: _____

ADDRESS: _____

CITY, STATE, ZIP CODE: _____

PHONE (Area Code/Number): _____

APPLICANT'S STATUS _____ Owner _____ Purchaser _____ Renter _____ Other: _____

COUNCIL MEMBER: _____ ZONING: _____

REQUIRED MATERIALS

Staff will accept only complete applications that include all of the items listed below. If any of the items are missing at the time of submittal the application will be deemed incomplete and staff will not accept the application:

1. Letter from applicant stating hardship. (Why are you aggrieved by the requirements of this Ordinance?)
2. Statement explaining proposed use and description of the project. (Provide information such as what activities will occur at the proposed site, days and hours of operation, workforce size, etc.)
3. Copy of a letter or email, sent to the applicable neighborhood group(s) and city council offices, explaining the proposed project. (Did you meet with the local neighborhood group regarding the waiver request? If so, what were their comments.)
4. Property owners list. Property owners within 350 feet of the subject property. 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-603 Government Center, 4th Avenue South & 6th Street South, Phone: 612/348-5910.** Bring all enclosures: 1) Map showing subject property with highlighted 350 foot circumference. 2) Mailing labels. 3) List of property owners.
5. Fees: Waiver of restrictions of interim ordinances.....\$150
 Postage..... .37 x number of labels
 Publication.....\$25

CHECKLIST

APPLICANT'S NAME: _____

BY: _____

APPLICANT'S ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE NUMBER: _____

PROPERTY ADDRESS: _____

WAIVER

1. _____ Request for Application
 - a. _____ Address of property
 - b. _____ Legal description
 - c. _____ Applicant's Name
 - d. _____ Applicant's complete address
 - e. _____ Applicant's telephone
 - f. _____ Name and address of owner if other than applicant

2. _____ Letter from owner, if other than applicant, stating support for application.
3. _____ List of property owners and mailing labels within 350 feet.

**Obtained from: Hennepin County Taxpayer Services Division
A-603 Government Center
4th Avenue South & 6th Street South
612/348-5910**

4. _____ Written statement from applicant stating the hardship and why a waiver should be granted.
5. _____ Statement of proposed use and description of the project.
6. _____ Written indication that Council Member has been contacted.
7. _____ Acknowledgement from affected registered neighborhood organization that they have reviewed the project. For registered neighborhood group address and contact person call 612/673-2491.
8. _____ One 8-1/2" x 11" scaled and dimensioned site plan.
9. _____ HPC Designation (Historic District Designation) 612/673-2422 or 612/673-2439
350 South 5th Street, City Hall – Room 210
10. _____ Other:

DATE REQUIRED INFORMATION RECEIVED _____ **STAFF** _____

CHAPTER 529. INTERIM ORDINANCES

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.

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, no use, development, project or subdivision shall be established or expanded, nor shall any 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 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 such additional periods as the city may deem appropriate and necessary to protect the planning process, not exceeding a total additional period of eighteen (18) months. An interim ordinance shall not apply to any subdivision which has been given preliminary approval and for which any applicable appeal period has expired 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 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.