

Department of Community Planning and Economic Development – Planning Division
Zoning Code Text Amendment

Date: November 28, 3005

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: October 21, 2005

Ward: All

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Intent of the Ordinance: To comprehensively examine and revise which uses are permitted or conditional in all zoning districts. The amendments may include revisions to definitions of selected uses as well as specific development standards for selected uses.

Appropriate Section(s) of the Zoning Code: Chapter 520 Introductory Provisions; Chapter 536 Specific Development Standards; Chapter 546 Residence Districts; Chapter 547 Office Residence Districts; Chapter 548 Commercial Districts; Chapter 549 Downtown Districts; Chapter 550 Industrial Districts; Chapter 551 Overlay Districts.

Background: The amendment is expected to do two things. First, it is intended that the amendment will reduce the number of conditional use permits reviewed by staff and the City Planning Commission by making certain uses permitted rather than conditional. Second, it is intended that the amendment will allow certain uses that are currently not allowed at all to be allowed either as permitted or conditional uses in various zoning districts.

Purpose for the Amendment:

What is the reason for the amendment?

What problem is the amendment designed to solve?

What public purpose will be served by the amendment?

What problems might the amendment create?

There are certain uses in the zoning code that are required to obtain a conditional use permit that may have a minimal impact on surrounding properties. In many cases, the conditional use permit process is not needed in order to protect the public interest and may be an unnecessary burden on applicants attempting to establish particular uses. The Planning Division has been asked to evaluate all of the use tables in the zoning code with the intention of reducing the number of uses that are required to obtain a conditional use permit. In addition, there are certain uses in the zoning code that Policy Makers believe could be allowed in zoning districts where they are currently not allowed. The Planning Division has been asked to evaluate all of the use tables in the zoning code with the intention of allowing uses to locate in certain zoning districts where they would have a minimal impact on surrounding uses.

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The amendment is expected to do two things. First, it is intended that the amendment will reduce the number of conditional use permits reviewed by staff and the City Planning Commission by making certain uses permitted, which will allow the City to focus staff resources on more substantive issues in the development review process. From 1999 through September 19, 2005, a total of 1,042 conditional use permit applications were reviewed by the City. Note that in some cases the conditional use permit process sets up a false expectation that the City has broad authority to deny conditional use permits for certain uses that many in a community may find undesirable but where there may be no factual basis for denial of the uses in question. Second, it is intended that the amendment will allow certain uses that are currently not allowed at all to be allowed either as permitted or conditional uses in various zoning districts. Although it may seem that the second part of the amendment would increase the number of conditional use permits that are reviewed on a yearly basis, the Planning Division believes that overall the number of conditional use permit applications reviewed will ultimately be reduced.

The amendment would serve the public interest by allowing some types of businesses to begin operating without having to go through a public hearing process before the City Planning Commission. This will ease the regulatory burden on new business owners and existing business owners wanting to relocate within the City. The amendment would also benefit applicants by eliminating the costs associated with application fees. The amendment will also allow a small number of uses to locate in zoning districts where they are currently not allowed either as a permitted or a conditional use.

Planning staff does not anticipate that the amendment would cause problems. In many cases, any potential impacts that are associated with certain uses are addressed through general standards of the zoning code, including regulations related to the built form, landscaping and screening, and the Specific Development Standards of Chapter 536. In some cases, business licenses are intended to address potential impacts associated with certain uses.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The amendment is intended to reduce the number of conditional use permits reviewed by staff and the City Planning Commission by making certain uses permitted. The amendment is timely in that staff will have the ability to focus on more substantive issues in the development review process. In addition, the amendment will allow certain uses to locate in zoning districts where they are currently not allowed. In recent months certain uses, for example, a small live theater and a tattoo parlor, have applied to rezone property in the City in order to relocate an existing business and have been met with opposition because of the zoning classifications that were being requested. Under the proposed amendment, neither use would have been required to rezone to the C2 District. The amendment is timely in that certain uses that are thought to have minimal impact on surrounding properties will be able to locate in zoning districts where they are currently not allowed.

There is no standard that municipalities use to determine which uses should be listed as permitted or conditional in their zoning ordinances. However, Minneapolis seems to have relied more heavily on the

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conditional use permit process than many other municipalities. In general, there has been a movement in many places nationwide toward focusing somewhat less on individual uses and instead focusing more on mitigating impacts through regulations related to the built form. Note that almost all new construction in Minneapolis is now subject to site plan review.

The consequences of denying the amendment would be that the zoning code would continue to require conditional use permits for those uses that currently require one and that other uses would not be permitted in certain zoning district without first obtaining a rezoning.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The amendment will implement the following policies of the comprehensive plan.

Policy 4.1. Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.

Policy 4.4. Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

The amendment is consistent with the comprehensive plan as it expands the number of uses that would be allowed in certain zoning districts and it also allows owners of certain uses to open without having to go through a formal review process with the City Planning Commission. Both parts of this amendment encourage investment or reinvestment throughout the City and promote employment opportunities by making it easier for certain business owners to establish themselves in the City.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the zoning code text amendment.