



Land Use Rezoning Study

Planning Commission Committee of the Whole
April 13, 2023

Presenters:

Jason Wittenberg, Manager
Joe Bernard, Planning Project Manager
Janelle Widmeier, Principal Planner
Andrew Frenz, Principal Planner

Agenda

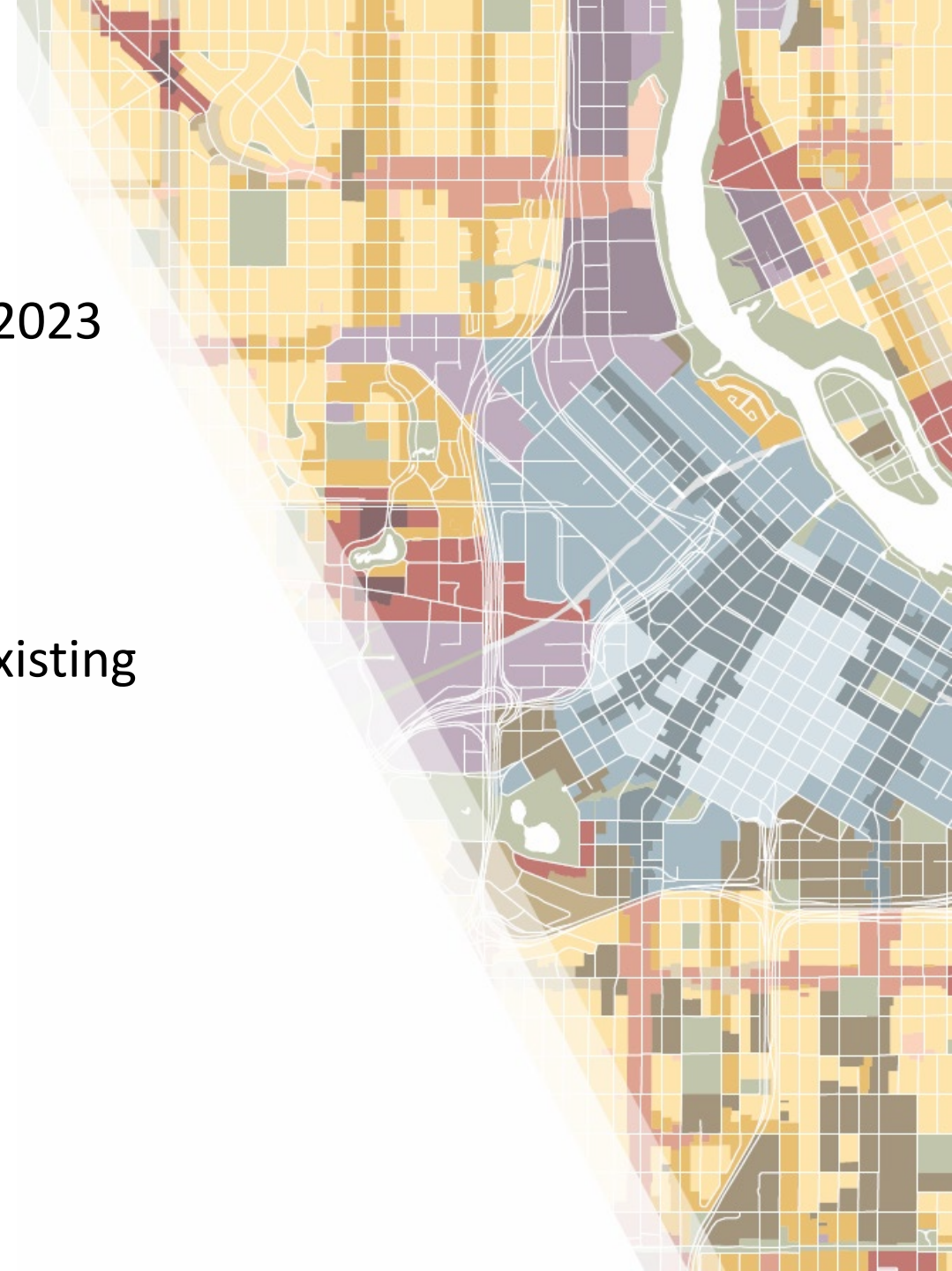
Project Updates

- Public hearing scheduled for April 24, 2023

Topic Updates

- Code text and map changes
- Nonconforming vs conditional when existing on the effective date of the ordinance

Potential CPC Amendments Discussion



Code Text and Map Changes

Changes Made List

- Attachment includes text changes made between January 12 and March 31
- Updates are still being made

Key Changes

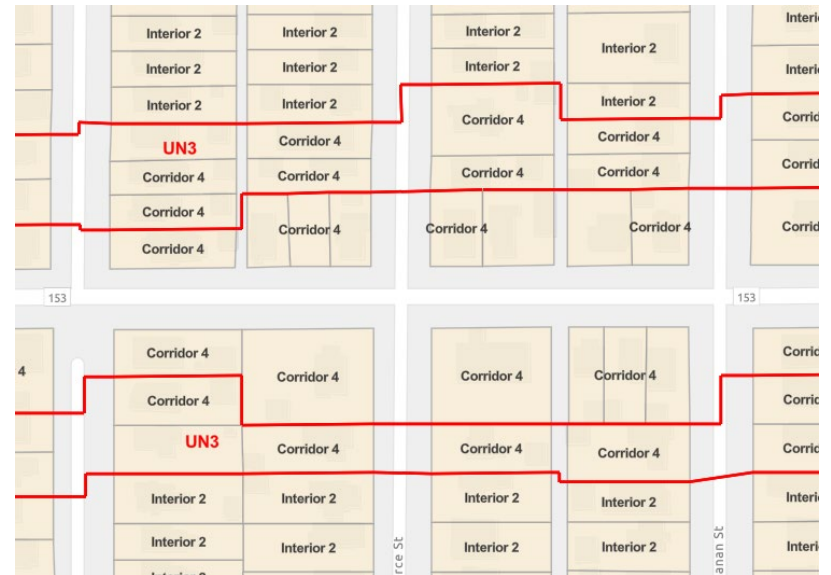
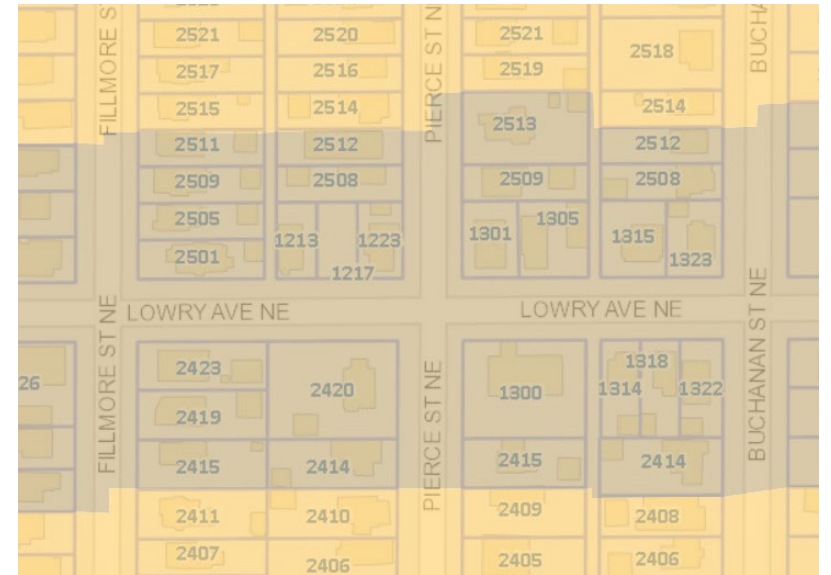
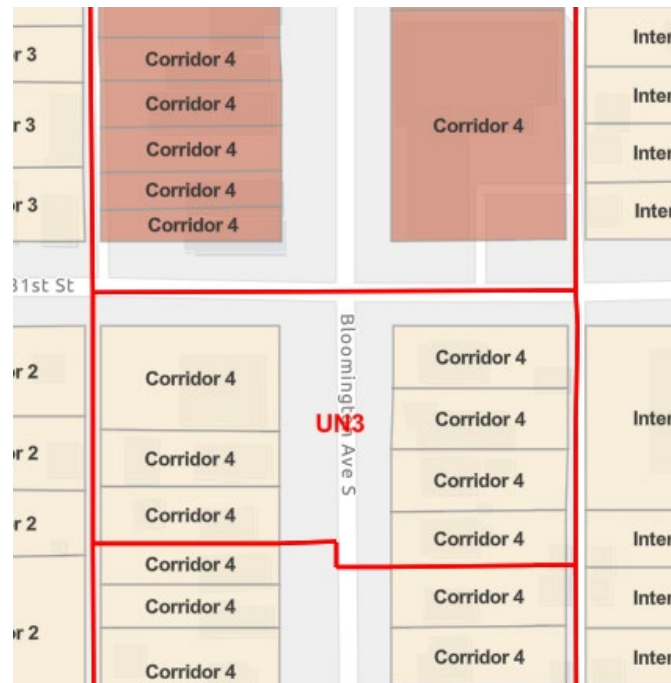
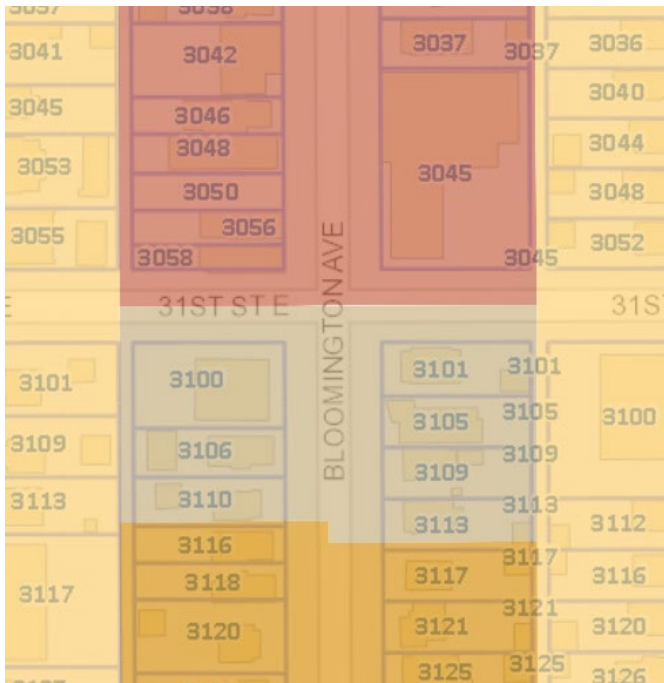
- Mapping of RM1 zoning
- Parks zoning and public parks
- Production uses
- Downtown districts
- Ground floor commercial requirements
- Food access uses



Mapping of RM1 Zoning

Policy

“Properties immediately adjacent to a Goods and Services Corridor may be considered for commercial activity...”



Parks Zoning and Public Parks

Parks Zoning and Public Parks

- Letter from Park Board staff
- Feedback from City Attorney and Planning staff

Mapping

- Removed the PK1 Parks and Open Space District on the maps
- Replacement districts determined by:
 - Adjacent future land use guidance

Code Text

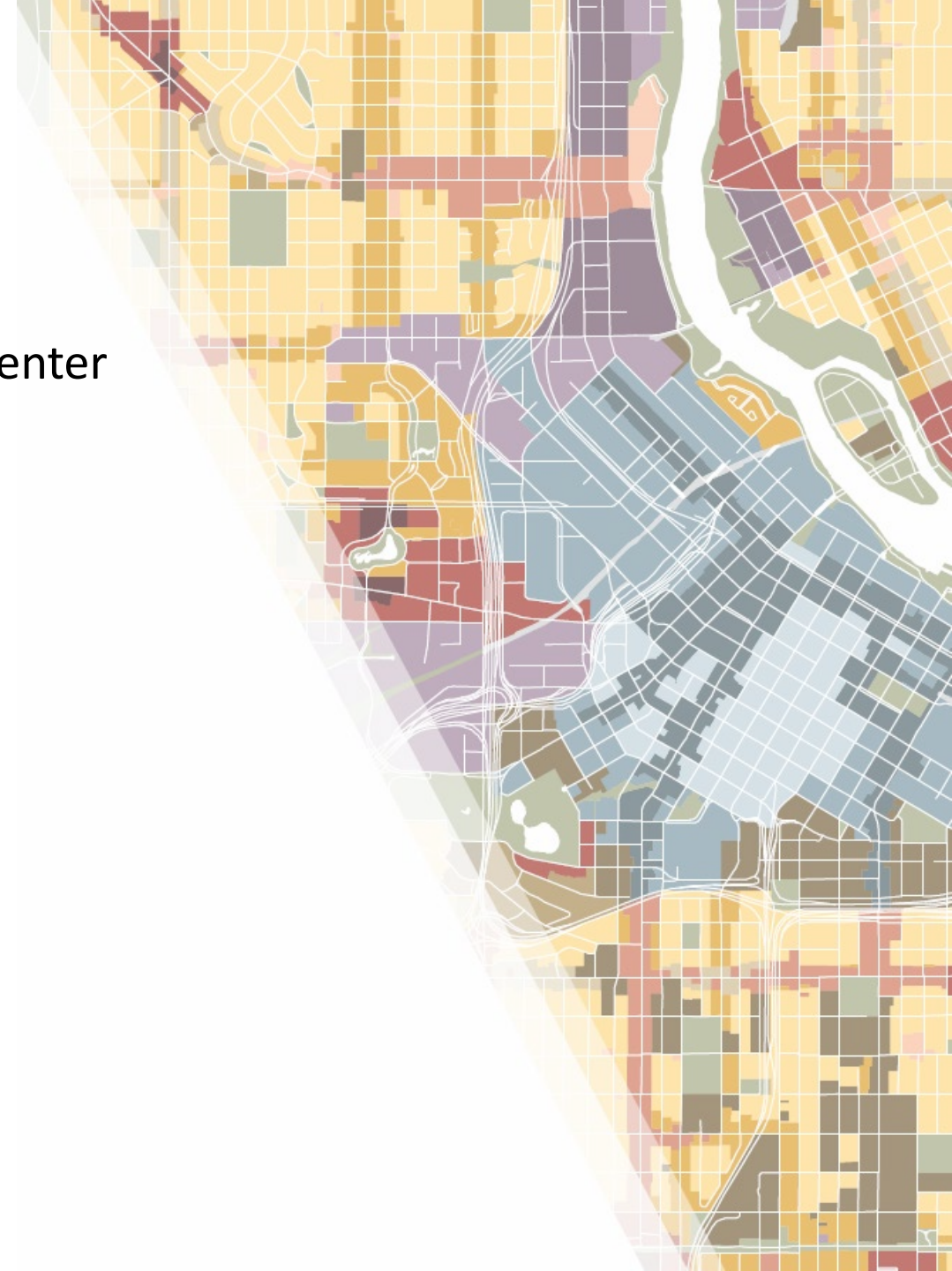
- PK1 District removed from Chapter 530
- Public parks use regulations
 - Remain allowed in all districts
 - Accessory uses intended to accommodate existing functions and potential future functions



Downtown Districts

Districts and Mapping

- Consolidated and renamed:
 - DS and DC combined into DT1 Downtown Center
 - DD changed to DT2 Downtown Destination



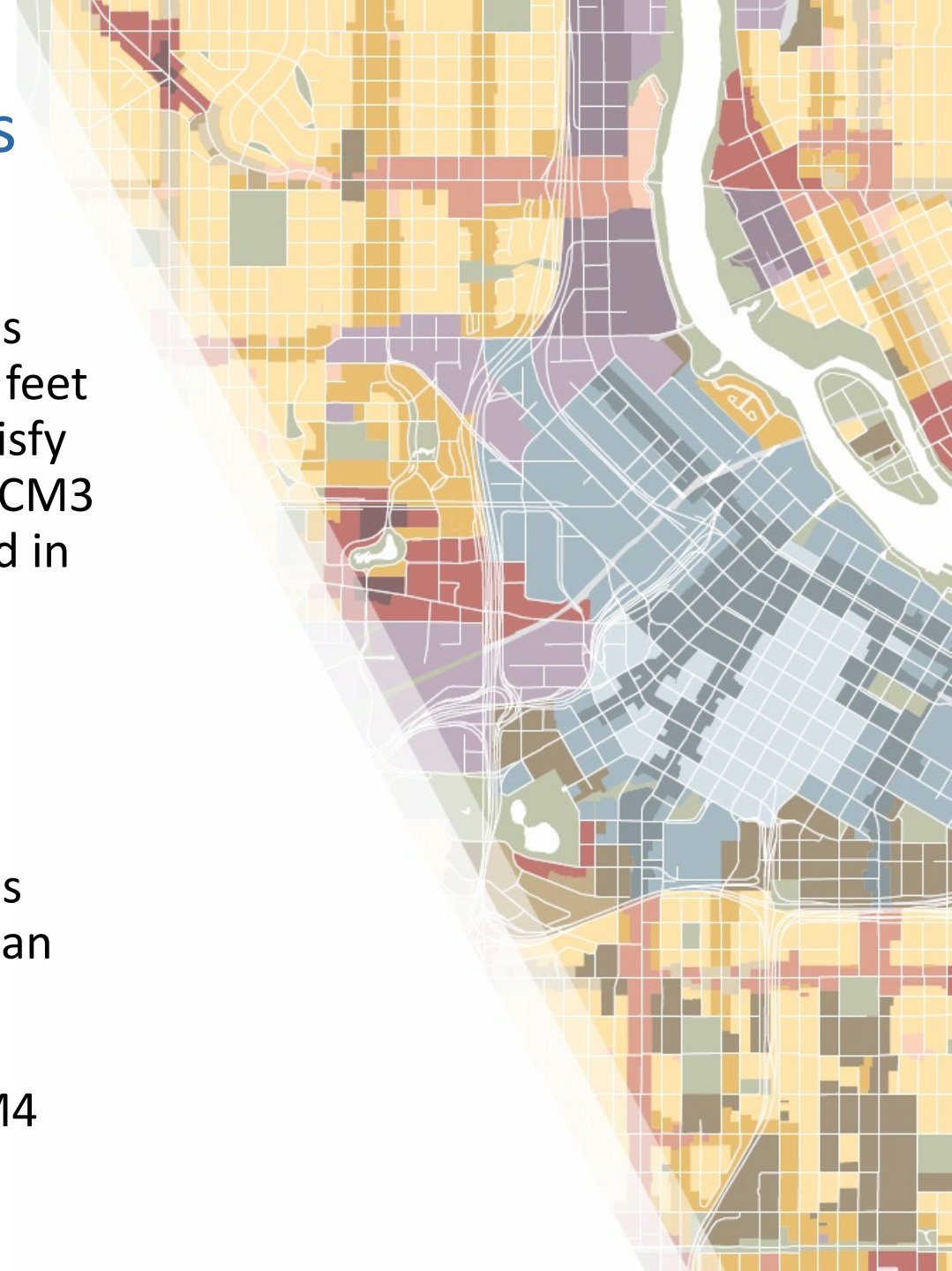
Ground Floor Commercial Requirements

Changes to CM3 Requirement

- Decreased the maximum square footage requirement for property off Goods and Services Corridors in CM3 to no more than 2,000 square feet
- Amended the eligible list of uses that would satisfy the ground floor nonresidential requirement in CM3 to include almost all nonresidential uses allowed in CM3. You'll see entire use groups eligible now instead of individual uses/categories.

Changes to CM4 and DT2 Districts

- Decreased the maximum square footage requirement for property off Goods and Services Corridors in CM4 and DD districts to no more than 5,000 square feet
- Added a few more uses that would satisfy the ground floor commercial requirement in the CM4 and DD districts



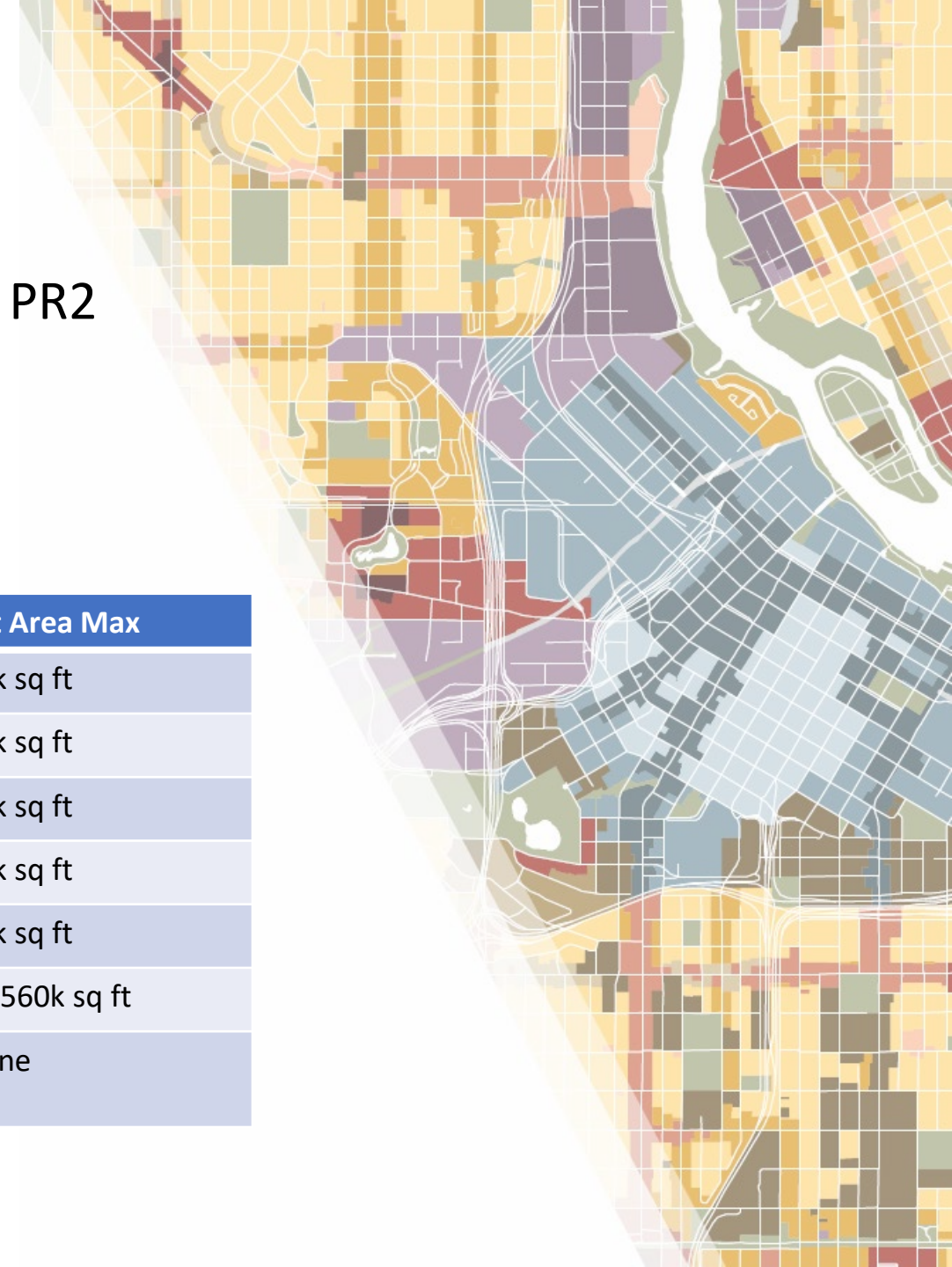
Food Access Uses

Grocery Stores

- Added Grocery Stores as a permitted use in PR2
- Amended Gross Floor Area Maximums for Grocery Stores

| District | GFA Max |
|----------|-----------|
| RM1 | 10k sq ft |
| RM2 | 10k sq ft |
| RM3 | 15k sq ft |
| CM1 | 10k sq ft |
| CM2 | None |
| CM3 | None |
| CM4 | None |
| DT1 | None |
| DT2 | None |
| PR1 | 40k sq ft |
| PR2 | 40k sq ft |

| District | Lot Area Max |
|--|---------------|
| Interior 1 | 14k sq ft |
| Interior 2 | 14k sq ft |
| Interior 3 | 18k sq ft |
| Corridor 3 | 28k sq ft |
| Corridor 4 | 28k sq ft |
| Corridor 6 | 43,560k sq ft |
| All other built form overlay districts | None |



Food Access Uses

Urban Agriculture

Changes to allow year-round growing for community gardens

- Amended definition of greenhouse to accommodate deep winter grow houses
- Added greenhouses as an allowed accessory structure
 - A greenhouse is allowed to be up 1,600 sq. ft. on a lot of at least 10,000 sq. ft. provided total accessory structure floor area does not exceed 20% of the lot area
- Allowed hoophouses to stay up longer than 180 days when a building permit is obtained



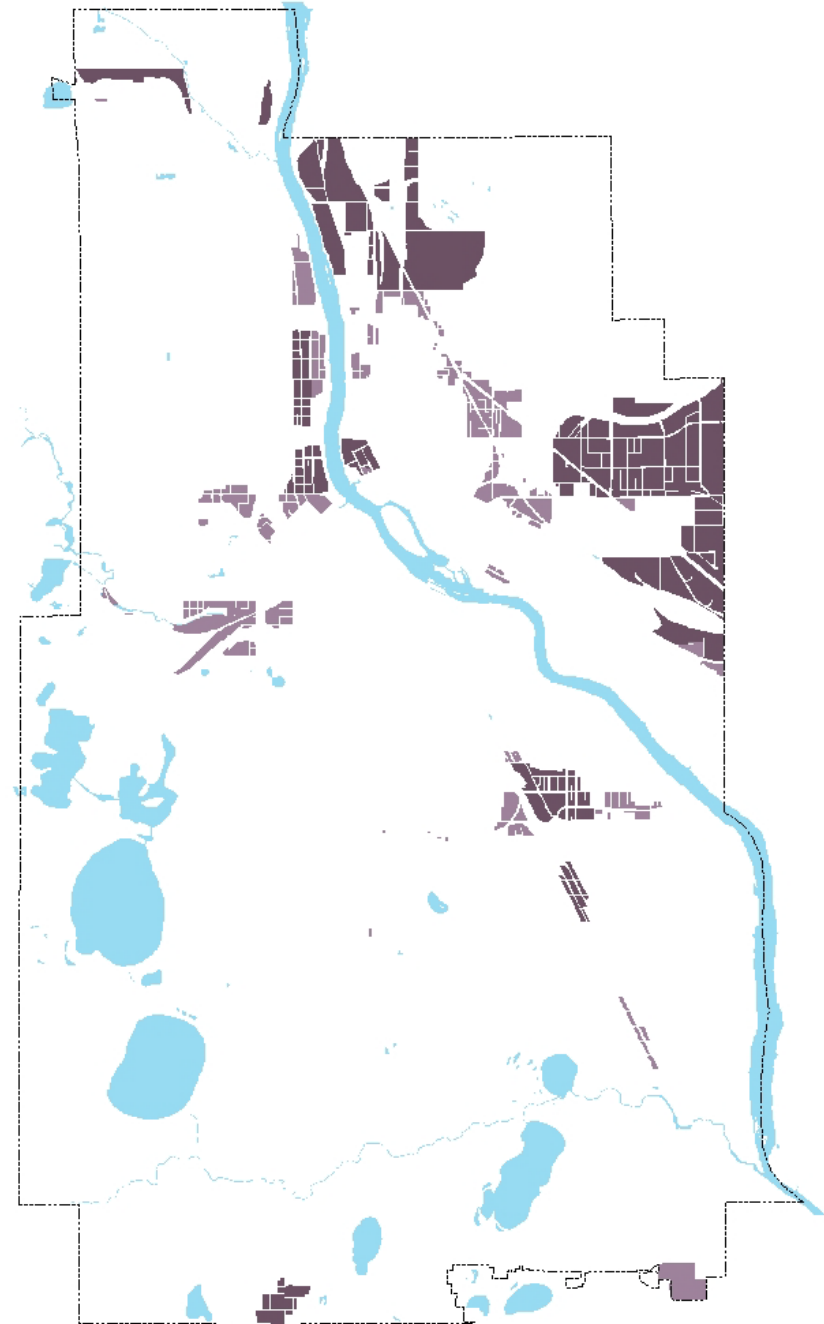
Regulation of Production Uses

Highlighted Changes

- Prohibited forge and foundry outside of art studios
 - New specific use standards for industrial processes as part of art studios
- Moved metal plating from moderate-impact to high-impact
- Split recycling into two uses based on intensity
- Modified spacing to a quarter-mile from any district other than UN2 and TR1

No Change

- Moderate-impact production and processing in PR2



Nonconforming Uses versus Conditional Uses Existing on the Effective Date of the Ordinance

| <i>Factor(s)</i> | <i>Nonconforming Use</i> | <i>Conditional Use Existing on the Effective Date of the Ordinance</i> |
|---|---|---|
| Allowed use | No | Yes, but the use must have been legally established |
| Included in Table 545-1 Uses Allowed | No, prohibited uses are not listed in the use table | Yes |
| Applicable use standards | Yes, general development and specific use standards can apply | Yes, general development and specific use standards can apply |
| Expansions or alterations | Facilities may be expanded if an expansion of nonconforming application is approved, but the use cannot be expanded beyond the boundaries of its zoning lot | Facilities may be expanded if a conditional use permit application is approved, but the use cannot be expanded beyond the boundaries of its zoning lot. This option would generally allow more flexibility with proposed expansions within the boundaries of the existing property. |
| Public hearing required for an expansion | Yes | Yes |
| Required findings for expansions | See expansion of nonconforming use findings below | See conditional use permit findings below |

Nonconforming Uses versus Conditional Uses Existing on the Effective Date of the Ordinance

| <i>Factor(s)</i> | <i>Nonconforming Use</i> | <i>Conditional Use Existing on the Effective Date of the Ordinance</i> |
|---|---|--|
| Alterations that do not require a public hearing | Limited equipment replacement, maintenance, and repair (see sections 545.860 and 545.880 below) | Minor changes in the placement and size of improvements |
| Discontinuance/loss of rights | Nonconforming rights are lost if the use is discontinued for more than a year | Conditional use permit becomes null and void if discontinued for more than a year or changed to an allowed use |
| Change of use | Changing to another nonconforming use may be authorized by the planning commission (see sections 545.870 and 525.310) | Can only be changed to an allowed use (or the same/similar use operated by a different owner) |

Nonconforming Uses versus Conditional Uses Existing on the Effective Date of the Ordinance

Related changes to the use table

Removed the following from the use table (made them nonconforming/prohibited in all districts):

- Electricity generation plant, natural gas, existing on the effective date of this ordinance
- Municipal waste to energy plant, existing on the effective date of this ordinance

Amendment Process

Goals

- Effective/efficient public hearing process
- Clarity for staff, commissioners, elected officials, and stakeholders about proposed amendments

Resources

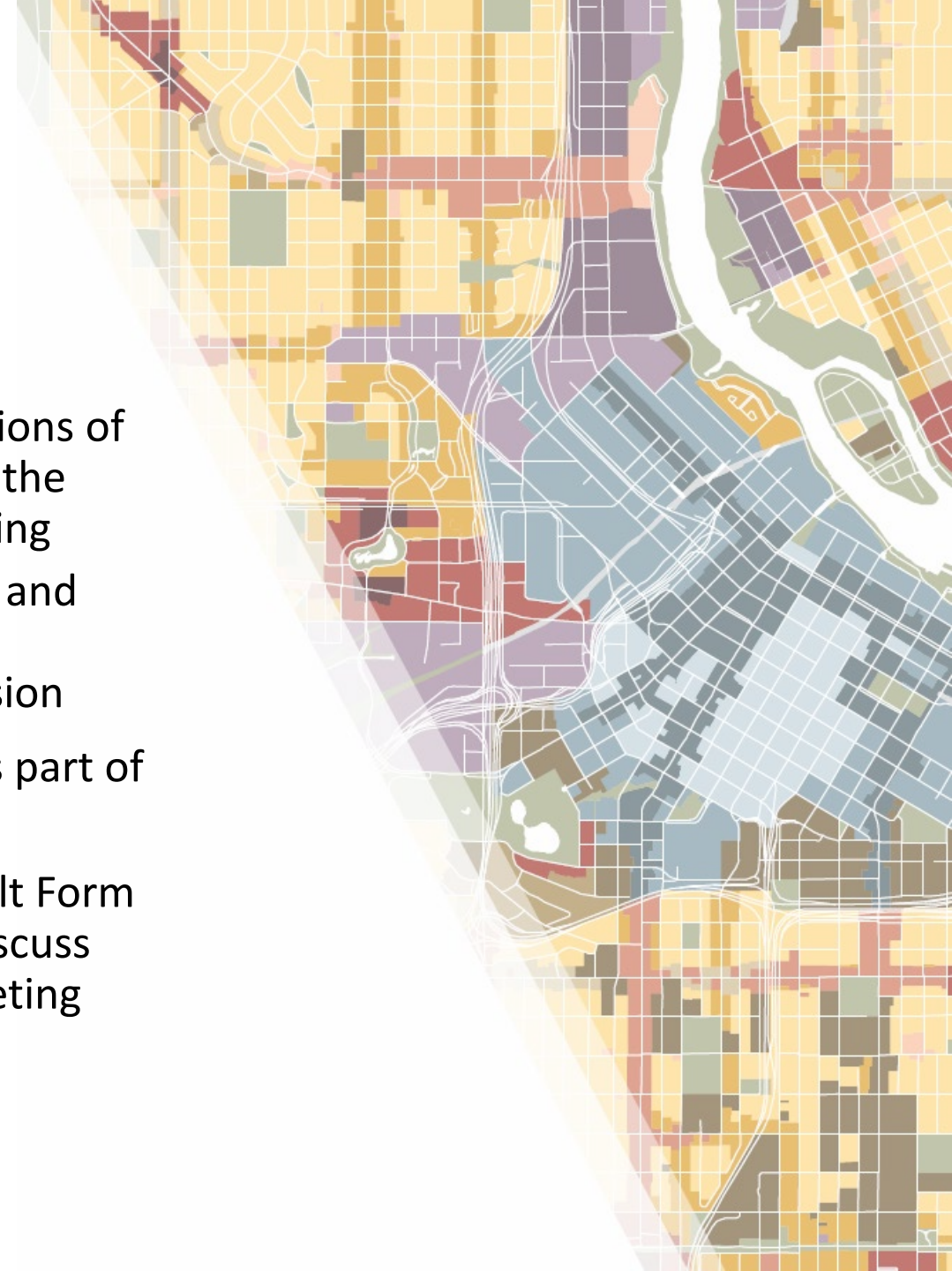
- Work from draft materials on the project website
- Published staff report will include a summary of all changes made during the public review period to the draft materials



Amendment Process

Timing

- Staff intends to complete staff recommended versions of code text by the end of March, necessary to allow the City Clerk time to review the materials for formatting
 - Staff will continue to monitor public feedback and makes changes to code text to this date – this includes feedback from the Planning Commission
- Most changes to text after March 31st will occur as part of the public hearing and approval process
- For previous large projects (Minneapolis 2040, Built Form Rezoning Study), the commission has chosen to discuss possible amendment ideas at a separate CoW meeting ahead of the public hearing



Amendment Process

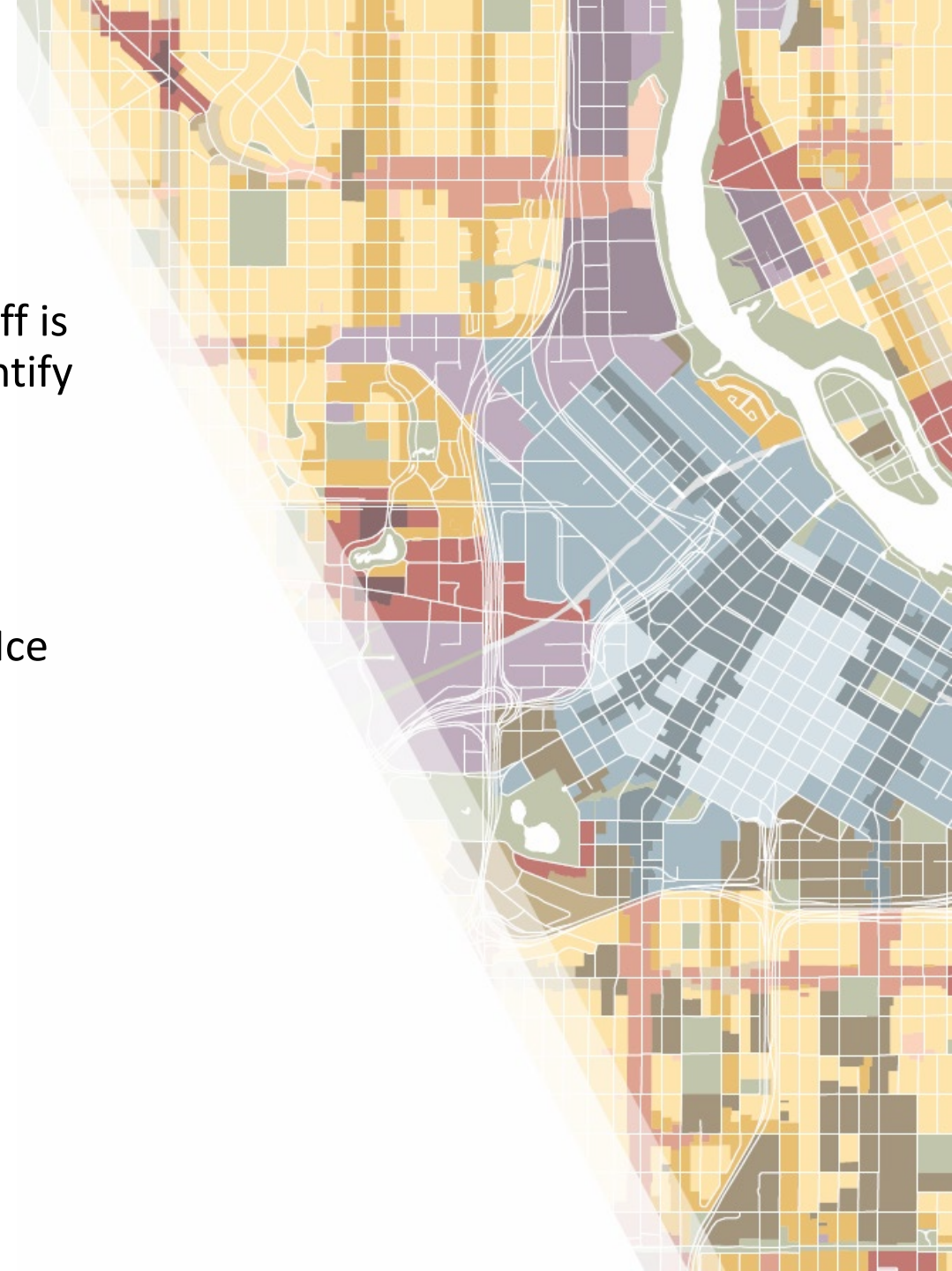
Staff support

As commissioners identify potential amendments, staff is able to provide support on specific language, and identify related issues to help guide the commission's work

Example 1:

“Staff, I'd like you to draft an amendment that allows Ice Cream Parlors in all zoning districts citywide.”

This is clear and easy for staff to act on.



Amendment Process

Staff support

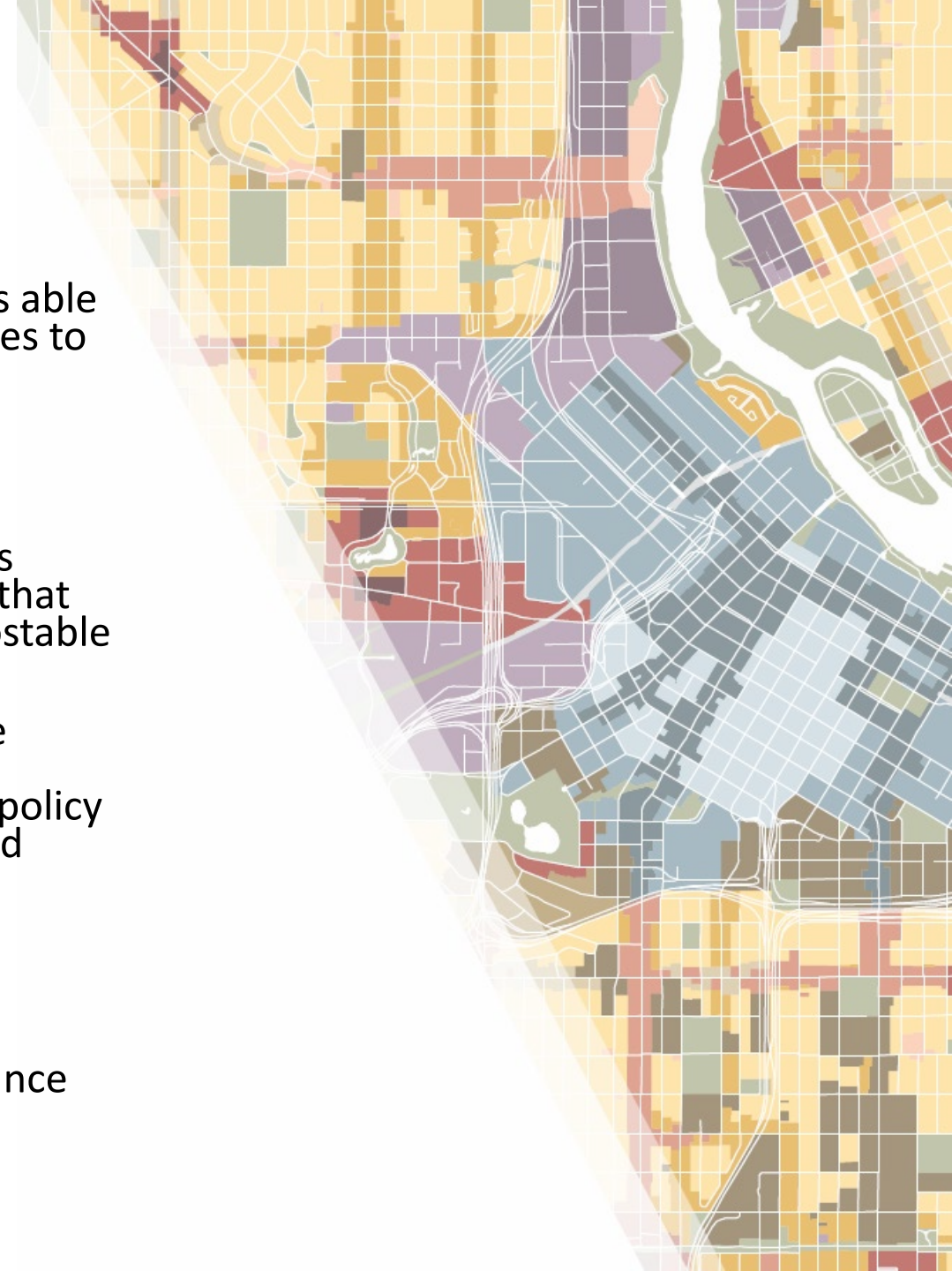
As commissioners identify potential amendments, staff is able to support on specific language, and identify related issues to help guide the commission's work

Example 2:

"Staff, I am proposing use standards for Ice Cream Parlors citywide to require 20% of the flavors be vegan options, that serving of waffle cones is not permitted, and that compostable spoons are required."*

This is great. Staff can turn this into the appropriate code language pretty easily. It's possible that staff will make additional suggestions or requests in order to align with policy goals, ensure that the regulation can be administered and enforced, and is actually within the City's authority, but individual commissioners will ultimately "own" these recommendations.

*we cannot regulate waffle cones with the zoning ordinance



Amendment Process

Forwarding amendments to the City Council

- The Planning Commission will vote on whether to forward the staff recommendation as a whole to the City Council
- Votes will be taken on individual amendments as well.
- While the version that will formally be in front of the City Council will be the staff-recommended draft of the code text, the City Council will also receive the City Planning Commission's recommendations and will consider whether to accept or reject changes recommended by the Commission





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