

1ST READING: 11/22/96
REFERRED TO (NAME OF) COMMITTEE: Z&P
PUBLIC HEARING: 12/17/96
2ND READING AND FINAL PASSAGE: 12-27-96

96-Or- 134

# AN ORDINANCE of the CITY OF MINNEAPOLIS

Scott

presents the following ordinance:

**Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 586 relating to Interim Ordinances: Moratorium on the issuance of on-sale wine licenses pursuant to Charter Amendment No. 144.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Title 21 of the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 586 to read as follows:

**Chapter 586. Providing for a moratorium on the issuance of on-sale wine licenses pursuant to Charter Amendment No. 144.**

**586.10. 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.

**586.20. Findings and purpose.** The City of Minneapolis is conducting a major revision of its comprehensive plan, zoning code and commercial zoning district regulations. One of the major goals of the revision is to minimize land use conflicts between residential and non-residential uses.

Charter Amendment No. 144 removes the minimum seven (7) acre zoned area requirement for the issuance of an on-sale wine license to a restaurant with at least seventy (70) percent gross receipts attributable to the sale of food. An on-sale wine license also may include the sale of intoxicating malt beverages to be consumed on the premises. Amendment No. 144 expands the locations eligible for a wine license to include many areas in close proximity to residential neighborhoods.

The city council is concerned about the possible effects of the charter amendment on neighborhoods surrounding areas newly eligible for on-sale wine licenses because of later operating hours and the impact of traffic, parking and noise.

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The city council is concerned about the relationship between the charter amendment and the revision of the city's zoning regulations and zoning map. Some areas newly eligible for an on-sale wine license may be rezoned to a residence or office-residence classification in the future, thereby possibly resulting in the creation of nonconforming licensed uses.

The city council is concerned about the relationship between the charter amendment and inconsistencies between the current zoning and licensing regulations, especially those regulations governing hours of operation and parking for restaurants with an on-sale wine license.

The city council is concerned about the increased demand on city staff and resources to administer and enforce on-sale wine licensing regulations as a result of the charter amendment.

As a result of the important land use, zoning and licensing issues cited above, the city, through its planning department and licenses and consumer services division, will conduct studies for the purpose of consideration of possible amendments to the comprehensive plan, official zoning controls, or licensing regulations to address the issues concerning the issuance of on-sale wine licenses in newly eligible areas. The city finds that this interim ordinance should be adopted to protect the planning process and the health, safety and welfare of the citizens.

**586.30. Interim study area.** All areas newly eligible for an on-sale wine license pursuant to Charter Amendment No. 144, and as shown on the map contained in Petition Number 262348 on file in the office of the city clerk, are hereby declared to be an interim study area with respect to the issuance of on-sale wine licenses. The planning department and licenses and consumer services division are directed to commence a study of the effects of the issuance of on-sale wine licenses within the study area and to propose such amendments to the comprehensive plan, official zoning controls or license regulations deemed necessary.

**586.40. Restrictions.** For a period of ninety (90) days from the date of final approval of this chapter, no on-sale wine license shall be allowed or granted within the interim study area. The city specifically reserves the right to extend this chapter for such additional periods as are necessary to complete the study, not exceeding a total additional period of twenty-seven (27) months.

**586.50. 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 for 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 planning process or the purposes for which the interim ordinance is enacted.

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Dziedzic		X					Thurber				X		
Campbell	X						McDonald	X					
Biernat	X						Mead	X					
Rainville	X						Schulstad				X		
Niland	X						Minn		X				
Scott	X						President				X		
Herron	X						Cherryhomes						

PASSED DEC 27 1996  
DATE

APPROVED - NOT APPROVED - VETOED

JAN 02 1997  
DATE

VICE MAYOR

*[Signature]*  
VICE MAYOR

*[Signature]*  
MAYOR

ATTEST

*[Signature]*  
CITY CLERK