



ZONING AND LEGAL PROCEDURE REMINDERS

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WHAT IS FLOOR AREA RATIO?

Also known as FAR

FLOOR AREA RATIO

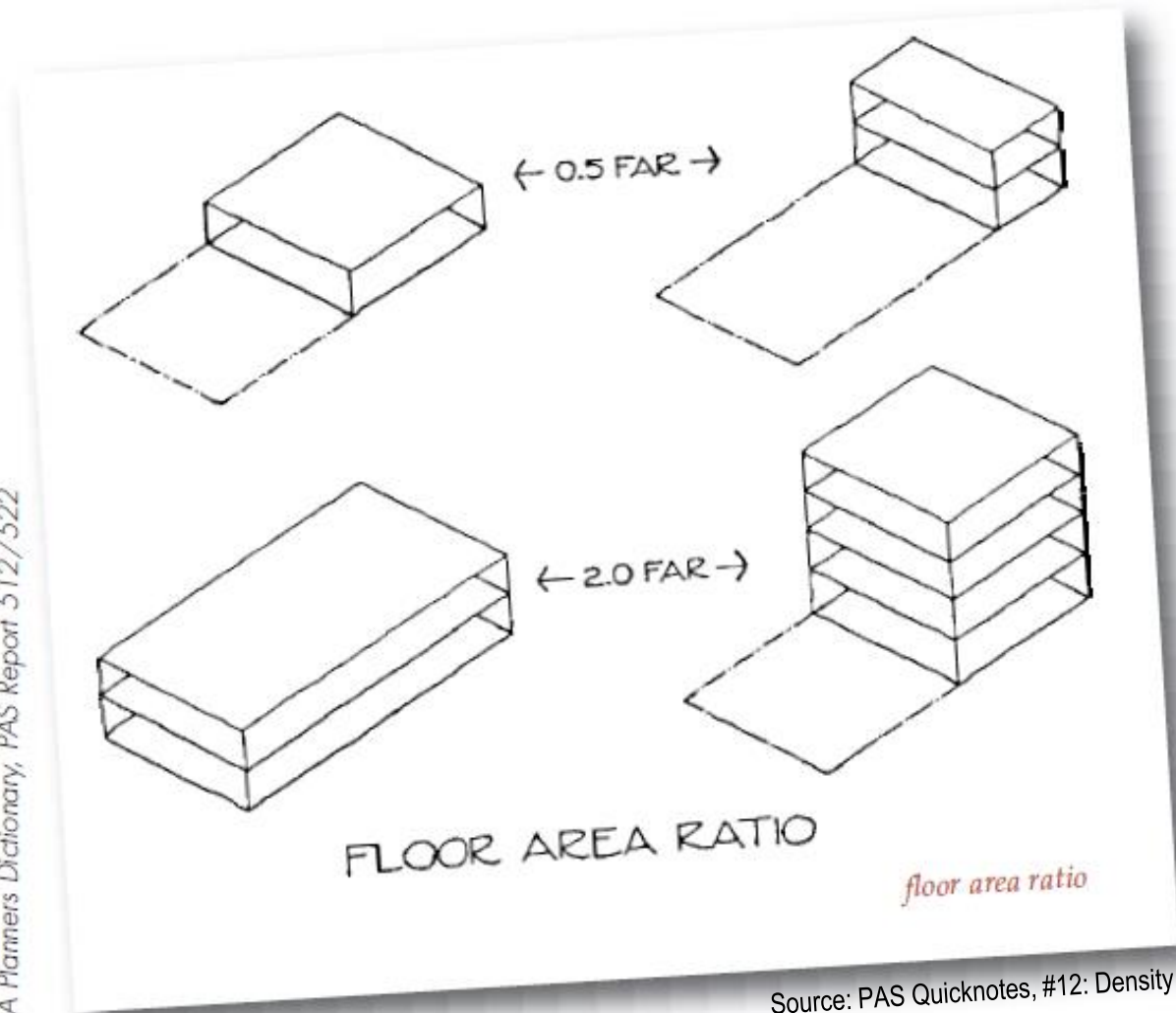
= building area / lot area

Or, the **total floor area of all buildings** or structures on a zoning lot **divided by** the **total square footage of said lot**.

Examples:

- 0.5 FAR could be a one-story building covering half the site, or a 2-story building covering 1/4 of the site
- 2.0 FAR could be a two-story building covering the entire site, or a 4-story building covering half the site

A Planners Dictionary, PAS Report 512/522



Source: PAS Quicknotes, #12: Density

An example of Floor Area Ratio

WHAT DOES THIS LOOK LIKE? WHAT ABOUT A DENSITY BONUS?

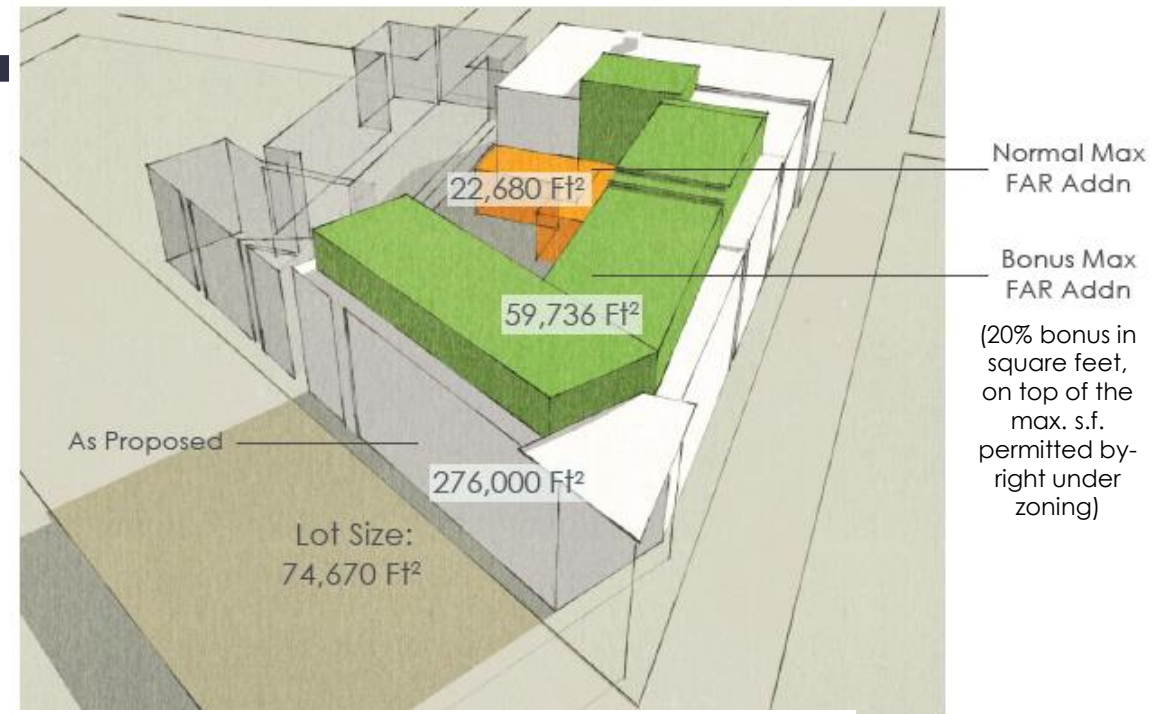
Example

- Assume a Lot area = 74,670 s.f. and a proposed building area = 276,000 s.f. (i.e. a developed FAR of **3.7**)
- Assume a **maximum FAR of 4.0** is permitted in the district.

How much additional FAR is permitted in this example ?

$$4.0 = \frac{(276,000 + x)}{74,670} \rightarrow x = 298,680 - 276,000 = 22,680 \text{ s.f.}$$

- Assume a **density bonus** of 20% = Max density + 20% bonus, in square feet
 - E.g., in the case of B4-B5 districts, for items like additional setback from the street, or plaza space



Proposed FAR →

Total SF =	276,000 Ft ²
Lot SF =	74,670 Ft ²
FAR =	3.70

Potential Expansion: To maximize FAR
22,680 Ft²

Normal Max FAR →

Total SF =	298,680 Ft ²
Lot SF =	74,670 Ft ²
FAR =	4.0

LEGAL REMINDERS*

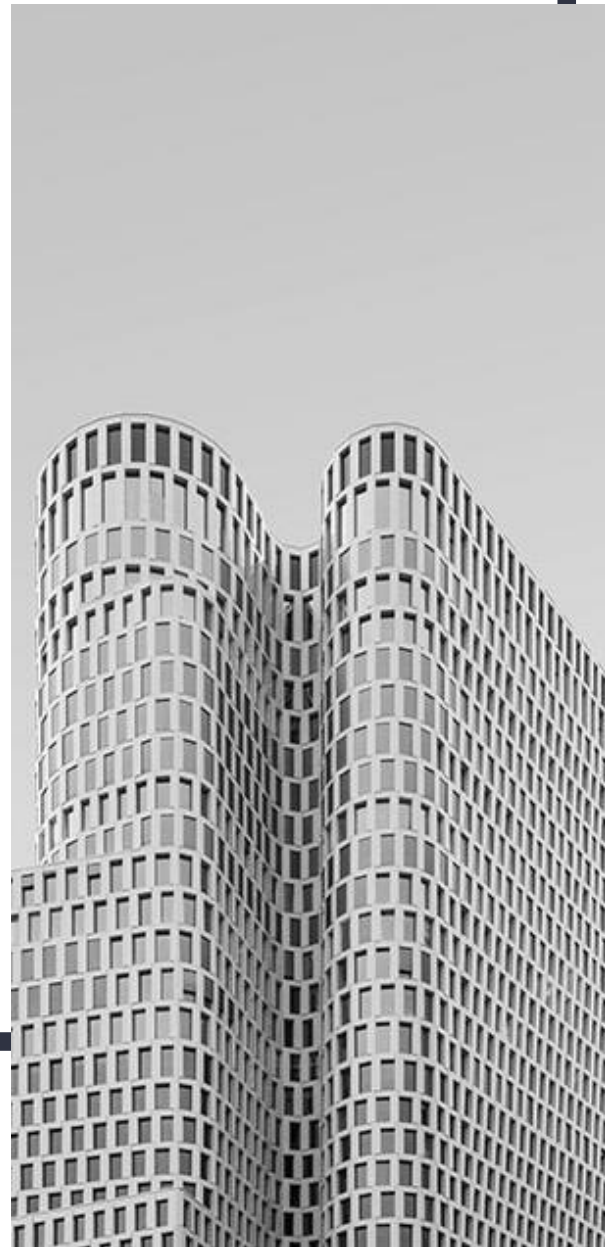
Quasi-judicial and
Legislative decisions

* Disclaimer: We are
not attorneys!

TYPES OF CASES

Legislative

- Rezoning of a property
- Zoning text amendments
- Master Plans/amendments
- Comprehensive Plans/amendments
- District plans
- Small area plans
- Transportation-related recommendations
- Heritage Preservation-related recommendations
- Anything that is **not** quasi-judicial



Quasi-judicial

- Conditional Use Permits
- Site Plans
- Variances
- Non-conforming Use Permits
- Determinations of Similar Use
- Appeals of Administrative decisions (e.g. Site Plans where staff approval is being appealed, etc.)

STATING THE REASONS FOR DENIAL

Guidance from City Attorney's Office

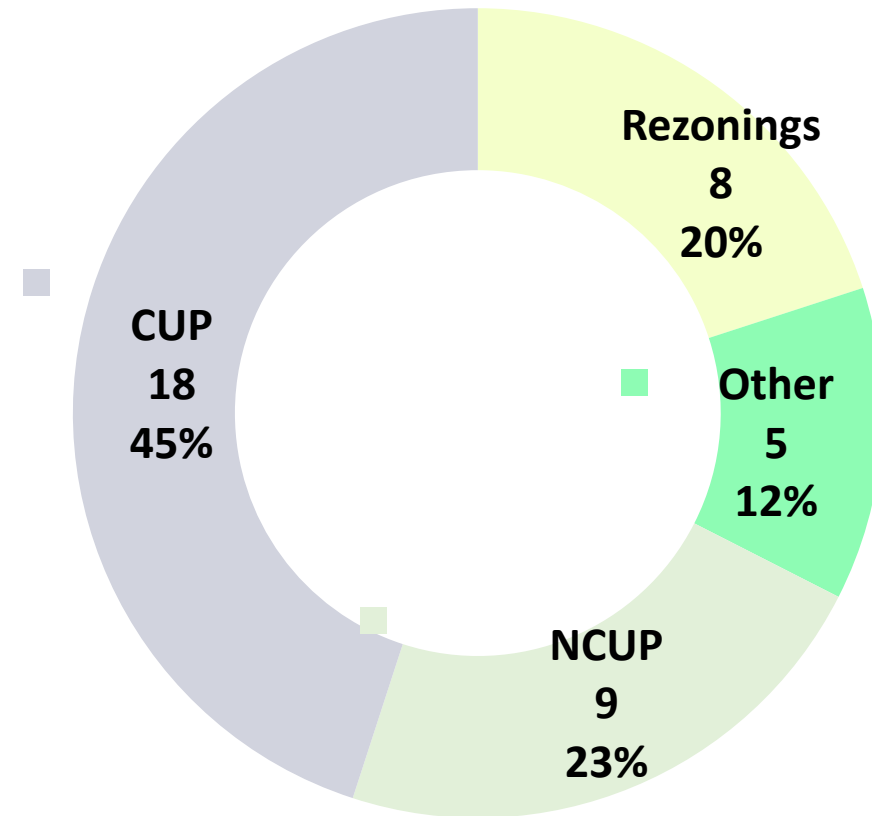
- **ALWAYS state the reasons for denial** of a zoning application when staff or the Zoning Committee recommends approval (or denial) –
 - it does **not matter** if the matter is quasi-judicial (e.g. a variance, CUP) vs. legislative (e.g. a rezoning)
- Rationale: “...Minn. Stat. § 15.99 forms the basis of my legal advice. The relevant section of that statute that addresses zoning requests that are denied **makes no distinction between zoning decisions that are deemed quasi-judicial or legislative....** Minn. Stat. § 15.99, Subd.2(b) simply reads in relevant part to say that “when a vote on a resolution or properly made **motion to approve a request fails for any reason**, the failure shall constitute a **denial** of the request provided that **those voting against the motion state on the record the reasons why the oppose the request.**” (italics and bold added)

TYPE OF CASE ON ZONING STAFF REPORT?

Quasi-judicial or Legislative

- The Zoning Committee staff report has line 3, **TYPE OF APPLICATION**, that states what type of application it is
- Redundant – An application that requests an amendment to the Legislative Code to change zoning is a **legislative decision**
- Also redundant to say that an application that does not request an amendment to the Legislative Code is not a legislative decision, and is therefore a **quasi-judicial decision**

Types of Zoning Cases - 2019



How to deal with information received about Zoning Cases outside of a public hearing

- **Legislative decisions**
 - it is permissible to talk to persons and received information outside of a public hearing
 - You can share information with your fellow commissioners
- **Quasi-judicial decisions**
 - **Minnesota Opening Meeting law** applies – it prohibits you from talking about or receiving information from a person outside of the formal hearing process
 - Politely decline to talk about the matter outside of the committee or Commission meetings
 - Invite those who want to talk about it to appear before the City Council (if past the public hearing at Zoning Committee)
 - Send any new information received to City staff (staff can give to City Council as part of the public record)



THANK YOU

And questions?