



CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #5
July 28, 2014

ZONING CODE TEXT AMENDMENT SUMMARY

Initiator: Council Member Palmisano
Introduction Date: June 27, 2014
Prepared By: [Jason Wittenberg](#), Planning Manager, (612) 673-2297
Specific Site: Citywide
Ward: Citywide
Neighborhood: Citywide
Intent: To amend regulations for 1-4 unit residential development.

APPLICABLE SECTION(S) OF THE ZONING CODE

- Chapter 520, Introductory Provisions
- Chapter 525, Administration and Enforcement
- Chapter 530, Site Plan Review
- Chapter 531, Nonconforming Uses and Structures
- Chapter 535, Regulations of General Applicability
- Chapter 541, Off-Street Parking and Loading
- Chapter 546, Residence Districts
- Chapter 547, Office Residence Districts
- Chapter 548, Commercial Districts

The following chapters were also introduced: Chapter 521, Zoning Districts and Maps Generally; Chapter 536, Specific Development Standards; Chapter 537, Accessory Uses and Structures; and Chapter 551, Overlay Districts. However, staff is not recommending changes to these chapters as part of this amendment and is therefore recommending returning them to the author.

BACKGROUND

The City Council adopted an interim ordinance on March 7, 2014, which affected demolition and construction of single and two-family dwellings in five Southwest Minneapolis neighborhoods: Linden Hills, Fulton, Armatage, Kenny, and Lynnhurst. These 13th Ward neighborhoods have experienced a particularly rapid rate of residential demolition and infill construction. In conjunction with the establishment of a citywide Construction Management Agreement, the City Council lifted the interim ordinance on April 11, 2014. The Construction Management Agreement addresses a number of construction site management and livability issues that had contributed to the need for the interim ordinance. An ordinance amendment was introduced by Council Member Palmisano on June 27, 2014, to revise regulations related to 1-4 unit residential development.

A cross-department team of City staff has been working to revise regulations that govern residential demolition and construction. The proposed revisions represent the third major zoning code text amendment affecting 1-4 unit residential development over the course of the last decade. The City Council adopted site plan review standards in 2005, which included the current system of design incentives. Two years later, in 2007, the City Council adopted regulations aimed at addressing the height and scale of new residential homes and additions. The standards proposed at this time are intended to further refine and amend previously-adopted changes.

City staff has conducted a thorough analysis of recent residential development in order to inform the proposed changes. In addition, staff has received valuable input from a variety of stakeholders during the study. The 13th Ward office convened a series of focus groups to help identify major concerns. Staff received excellent feedback from a group of residential architects that have designed many new Minneapolis homes. Staff discussed the general direction of the amendment at the City Planning Commission Committee of the Whole meeting on June 26, 2014. Finally, staff sought input from industry representatives and the general public at open houses on July 10th and July 16th.

The primary features of this amendment include the following:

- Retain existing floor area (FAR) limits. However, the following related changes are proposed:
 - Include all *attached* garage floor area toward the maximum, eliminating the current 250 sq. ft. exemption.
 - Create a stricter standard regarding how much basement area may extend above the natural grade before it is counted as floor area. Maintain the existing standard on lots that have a significant grade change.
- Lower the maximum permitted height of single and two-family dwellings from 30 feet to 28 feet, measured at the midpoint between the peak and the eave. Establish a new maximum height, measured to the peak of a gable, hip, or gambrel roof, of 33 feet.
- Increase minimum required interior side yard standards on lots with at least 42 feet of width, correlating these setbacks with the width of the lot in question. In other words, a greater side yard setback must be provided on a wider lot.
- Reduce the minimum width of a 1-4 unit building from 22 feet to 20 feet.
- Revise the standards of Chapter 530, Site Plan Review.
 - Eliminate the incentive to incorporate a roof pitch of 6/12 or greater.
 - Amend incentives related to tree planting/preservation and detached garages.
 - Add incentives encouraging contextual building height and stormwater management best practices.

- Retain incentives related to high-quality building materials, windows, basements, and front porches.
- Incorporate an “alternative compliance” provision that would allow staff to consider proposed designs that do not obtain the minimum number of points required by Chapter 530. Notification of nearby property owners would be required when considering alternative compliance for a proposed design.
- In lower-density residence districts, reduce the amount of a lot that may be covered by buildings and impervious surfaces.
- Allow greater flexibility in calculating the front yard setback requirement for homes and additions built next to existing homes that maintain a much larger front yard than any other home on the block.
- Allow larger, ground-level patios in front yards.
- Revise the definition of “demolition.”
- Clarify that, once a structure is considered to be demolished, nonconforming rights related to minimum yard requirements are extinguished. In other words, following demolition of a home, the new construction must comply with current yard/setback standards regardless of the placement of the home being demolished.
- Require that basement-level, tuck-under garages facing the street are also subject to the standard that street-facing garages cannot cover more than 60% of the width of the front façade of the home.
- Prohibit residential curb cuts on the front lot line where alley access is present but continue to allow curb cuts on a corner side or reverse corner side lot line. Establish a new authorized variance for instances where this standard may cause practical difficulties.
- Amend the definition of “half story.”
- Clarify that the building official may refuse to issue a permit for homes where the basement does not maintain a sufficient separation from groundwater resources.
- Clarify the circumstances that allow for reduced side yards for garages located in the rear 40 feet or 20 percent of the lot.

Note that City staff is also working on codification of certain provisions found in the Construction Management Agreement. Staff also anticipates amending the definition of “demolition” in the City’s preservation regulations.

PURPOSE

What is the reason for the amendment?

The purpose of the amendment is to further refine the regulations governing lower-density residential development in Minneapolis. The amendment is intended to ensure that the rules governing this type of development produce outcomes that align with the policy objectives outlined in the City’s comprehensive plan.

What problem is the amendment designed to solve?

Changes adopted by the City Planning Commission and City Council within the past decade represented major steps forward in addressing incompatible residential development. The recommended changes would further refine previous zoning code amendments. In addition to more restrictive standards addressing the height and scale of 1-4 unit residential development, staff is recommending several changes intended address ordinance provisions that have proven to be barriers to sound development.

What public purpose will be served by the amendment?

The amendment will serve a public purpose by creating incentives and standards aimed at fulfilling key policy objectives related to 1-4 unit residential development. Staff's charge has been to draft reasonable standards that result in improved outcomes on a citywide basis and that balance the preferences and needs of existing Minneapolis residents with those of new homeowners. The proposed changes are intended to continue to allow critical investment in the City's neighborhoods while protecting the City's built character and natural environment.

What problems might the amendment create?

The amendment is not expected to create problems. Staff is confident that the proposed regulations can be consistently interpreted, administered, and enforced on a citywide basis. As noted above, staff has conducted substantial research into the characteristics of recent construction in the City and has proposed reasonable standards that will continue to facilitate growth and enhancement of the city's housing stock while ensuring that construction is compatible with the scale and pattern of the City's established neighborhoods. Existing code provisions will be retained that allow a home to exceed the maximum height and floor area standards if existing homes in the immediate area also exceed these standards. It's also important to note that staff is not proposing a discretionary design review process as part of this amendment—unless an applicant requests “alternative compliance” from the standards of Chapter 530, Site Plan Review. The amendment focuses on issues such as height, scale, setbacks, and traditional urban form intended to reinforce the predominant pattern of front, side and back yards with detached garages. City staff is concurrently working on complementary amendments that would facilitate the establishment of conservation districts and allow accessory dwelling units.

TIMELINESS

Is the amendment timely?

This amendment is timely. When the City Council lifted the interim ordinance noted above, staff was directed to work as quickly as possible to recommend changes to the City's regulatory framework to address concerns that lead to the establishment of the interim ordinance. Staff has also had discussions about additional sustainability measures related to residential development. While the proposed changes include standards and incentives related to impervious surfaces, stormwater, and trees, staff and Council Member Palmisano concluded that this particular amendment is not the appropriate place to address other sustainability issues such as green building incentives and building deconstruction. It's expected that these issues, among others, will be addressed in future amendments to other City ordinances.

Is the amendment consistent with practices in surrounding areas?

Zoning regulations affecting new residential construction vary substantially from one community to the next. As part of staff's research, regulations from peer cities have been reviewed and considered. In particular, staff reviewed residential zoning standards from cities that are also experiencing significant residential growth, including but not limited to Seattle, Portland, Denver, and Salt Lake City.

Are there consequences in denying this amendment?

Denial of the amendment would leave existing regulations in place, which have allowed residential construction that is incompatible with the scale and character of traditional neighborhood patterns in Minneapolis.

COMPREHENSIVE PLAN

The amendment will implement the following applicable policies of [The Minneapolis Plan for Sustainable Growth](#):

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.
- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Housing Policy 3.1: Grow by increasing the supply of housing.

- 3.1.3 Continue to streamline city development review, permitting, and licensing to make it easier to develop property in the City of Minneapolis.

Housing Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

- 3.6.1 Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time.
- 3.6.2 Promote housing development in all communities that meets the needs of households of different sizes and income levels.
- 3.6.5 Promote accessible housing designs to support persons with disabilities and the elderly.

Housing Policy 3.7: Maintain the quality, safety and unique character of the city's housing stock.

- 3.7.1 Promote and incentivize private investment in housing maintenance and renovation.
- 3.7.4 Utilize decision-making criteria when considering possible demolitions that recognize the value that the original housing stock typically has for surrounding properties and the community.
- 3.7.5 Promote the use of high quality materials in new housing construction to minimize long-term deterioration of the housing stock.
- 3.7.1.1 Ensure safety, livability and durability of the housing stock through enforcement of the Minnesota State Building Code.

Environment Policy 6.3: Encourage sustainable design practices in the planning, construction and operations of new developments, large additions and building renovations.

- 6.3.2 Ensure that developments use storm water BMPs (Best Management Practices).
- 6.3.5 Support the development of sustainable site and building standards on a citywide basis.

Environment Policy 6.8: Encourage a healthy thriving urban tree canopy and other desirable forms of vegetation.

- 6.8.2 Achieve, at a minimum, no net loss of the urban tree canopy by maintaining and preserving existing trees and planting new trees on public and private property.
- 6.8.6 Continue to recognize the functions and values of the urban forest and tree canopy which provide many economic and ecological benefits such as reducing storm water runoff and pollution, absorbing air pollutants, providing wildlife habitats, absorbing carbon dioxide, providing shade, stabilizing soils, increasing property values and increasing energy savings.

Environment Policy 6.9: Be a steward of clean water by protecting and enhancing its surface and groundwater systems.

- 6.9.7 Preserve and enhance the strategic placement of pervious surfaces within the city to decrease the rate and volume of stormwater runoff.

Environment Policy 6.14: Preserve and enhance the quality of the urban environment to promote sustainable lifestyles for its citizens.

- 6.14.3 Work with builders and building managers to minimize nuisance conditions.

Urban Design Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

- 10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.
- 10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.
- 10.4.3 Advance the understanding of urban housing and retail design among members of the design and development community.

Urban Design Policy 10.7: Maintain and preserve the quality and unique character of the city's existing housing stock.

- 10.7.1 Rehabilitation of older and historic housing stock should be encouraged over demolition.
- 10.7.2 Encourage the use of high quality and durable materials for construction and historic preservation.
- 10.7.3 Encourage adaptive reuse, retrofit and renovation projects that make the city's housing stock competitive on the regional market.
- 10.7.4 Renovation of housing should reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- 10.7.5 Provide the flexibility in the city's ordinances to improve and maintain existing structures.

Urban Design Policy 10.8: Strengthen the character and desirability of the city's urban neighborhood residential areas while accommodating reinvestment through infill development.

- 10.8.1 Infill development shall reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- 10.8.2 Infill development shall incorporate the traditional layout of residential development that includes a standard front and side yard setbacks, open space in the back yard, and detached garage along the alley or at back of lot.
- 10.8.3 Building features of infill development, such as windows and doors, height of floors, and exposed basements, shall reflect the scale of surrounding dwellings.
- 10.8.4 Detached garages are preferred over attached garages and should be accessory in size and use to the primary residential structure.
- 10.8.5 New driveways should be prohibited on blocks that have alley access and no existing driveways.
- 10.8.6 Traditional setbacks, orientations, pattern, height and scale of dwellings should be created in areas where no clear pattern exists.
- 10.8.7 Low density residential development proposals should be evaluated and compared to the form and density of the neighborhood.
- 10.8.8 Appropriate non-residential land uses, such as institutional, public and suitable commercial uses, should be integrated into low density residential areas through proper building location and design, landscaping, and other site improvements.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending Chapters 520, 525, 535, 530, 531, 535, 541, 546, 547, and 548. Staff further recommends that Chapters 521, 536, 537, and 551 be **returned** to the author.

ATTACHMENTS

1. Public correspondence regarding draft regulations
2. Ordinance amending Chapter 520, Introductory Provisions
3. Ordinance amending Chapter 525, Administration and Enforcement
4. Ordinance amending Chapter 530, Site Plan Review
5. Ordinance amending Chapter 531, Nonconforming Uses and Structures
6. Ordinance amending Chapter 535, Regulations of General Applicability
7. Ordinance amending Chapter 541, Off-Street Parking and Loading
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