

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

Date: March 28, 2005

Initiator Of Amendment: Council Member Schiff

Date of Introduction at City Council:

December 15, 2003 (Chapter 530)

February 25, 2005 (Chapters 525 & 535)

Ward: All

Planning Staff And Phone: Jason Wittenberg, (612) 673-2297

Intent Of The Ordinance: The intent of the amendment is to revise the scope and standards of site plan review; to amend fees to reflect changes to the scope and administration of site plan review; and to establish and amend the standards for dwellings with one to four units as well as certain buildings or uses that may not be subject to site plan review.

Appropriate Section(s) of the Zoning Code: Chapters 525, 530, and 535

Background: The proposed revisions to Chapter 530, Site Plan Review, as well as related revisions to chapters 525 and 535, result from lessons learned during the past five years of implementing site plan review regulations that were adopted in November 1999 as part of the comprehensive revision to the city's zoning code. In addition, the attached amendments attempt to address the City Council's concern regarding effects of the design of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units. The design of some newly constructed housing has negatively affected neighborhood livability and has discouraged home ownership as well as maintenance and investment in surrounding properties. As a result, on June 18, 2004, the City Council approved a moratorium on new housing of one to four dwelling units in North Minneapolis, the part of the city that had been particularly inundated with poorly designed housing in recent years. CPED staff has conducted study that has contributed to the attached amendments.

On March 14, 2005, CPED staff held a neighborhood informational meeting on the proposed ordinance changes. All official neighborhood groups were invited by letter to the meeting. CPED is still considering what changes might be made to our recommendation to the City Planning Commission based on the neighborhood input. Further revisions may be forthcoming.

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?

The purpose of the amendment is essentially threefold: 1) To revise the scope of site plan review in order to emphasize review of new construction and building additions rather than reviews triggered by tenant changes in existing buildings. 2) To simplify and strengthen the standards of the site plan review chapter. And, 3) To address concerns related to the quality and compatibility of new single and two-family dwellings and multiple-family dwellings having three or four dwelling units. Land use application fees would be revised to reflect expected changes to the amount of staff time and resources that would be expended on these reviews.

We are proposing to shift our focus away from tenant changes in existing buildings and toward evaluating all new construction for conformance with site plan review standards. The current ordinance has resulted in significant new construction projects that have not been subject to thorough standards while a great deal of time and energy has gone into review of sites where no new construction is proposed. (Note that existing ordinance provisions would still provide the authority to require property owners to comply with landscaping and screening requirements for existing principal and accessory parking lots.) The proposed amendments, including changes to Chapter 535, would help to protect the long term livability of residential neighborhoods by increasing minimum standards for new buildings with between one and four dwelling units. Proposed standards for buildings with fewer than five dwelling units are objective and non-discretionary and are intended to ensure that new housing would be compatible with the wide variety of residential settings found in Minneapolis. City staff currently reviews one- to four-unit buildings administratively for compliance with standards related to height, setbacks, maximum lot coverage and impervious surface coverage, minimum house width, the front entrance and front walkway requirement, minimum window area on first floor front façade, restrictions on attached garages facing front lot line, fence height rules, parking requirements, and parking location restrictions. *In addition to these standards*, staff proposes a new type of review that would offer a menu of options for incorporating minimum design-related qualities including but not limited to high quality siding and window area in excess of minimum requirements. See proposed Table 530-2.

The public purpose served by the amendment would be to attempt to ensure that all new construction in the city meets standards related to compatibility, functionality, and public safety. In addition, the proposed amendments should ensure that review of new development is predictable and takes place in a timely manner, particularly in cases where a development proposal meets the standards of the zoning code without requests for variances, rezonings, or conditional use permits. The regulations currently include major site plan review (a public hearing process) and minor site plan review (an administrative process) as well as other kinds of administrative permit reviews. CPED is recommending a site plan review process (a public hearing process) and an administrative site plan review. Certain projects that would meet non-discretionary criteria would be reviewed administratively. One criterion would be that the applicant is not requesting a variance, rezoning, conditional use permit, or any other land use application for the project. Another criterion would be that the proposed project is under a certain size threshold. Some buildings and uses would always require a public hearing process.

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Staff does not anticipate that significant problems would result from adoption of this amendment. Some complexities inevitably arise when transitioning to new regulations. CPED's intent would be to evaluate the effectiveness of the new regulations and report back in approximately one year.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The amendment is particularly timely given that the moratorium noted above will expire on April 30, 2005.

Practices in surrounding areas and cities similar to Minneapolis vary widely in terms of the scope and standards for new construction. Cities similar to Minneapolis have incorporated a variety of mechanisms to address issues of compatibility.

Denial of the amendment would result in a continued use-based focus in the administration of the site plan review regulations and would prevent the City from reviewing all new development against the site plan review standards.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The proposed revisions would implement numerous goals and policies stated in the *Minneapolis Plan*. In particular, the revisions would bring the zoning ordinance more into alignment with the policies of Chapter 4, Marketplaces: Neighborhoods, and Chapter 9, City Form. The following policies are most relevant to the proposed changes:

Policy 4.2. Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Policy 4.3. Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

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.

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Policy 4.7. Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Policy 4.14. Minneapolis will maintain the quality and unique character of the city's housing stock, thus maintaining the character of the vast majority of residential blocks in the city.

Policy 4.19. Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Policy 9.5. Minneapolis will support the development of residential dwellings of appropriate form and density.

Policy 9.6. Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

Policy 9.8. Minneapolis will maintain and strengthen the character of the city's various residential areas.

Policy 9.11. Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Policy 9.12. Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Policy 9.15. Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions.

Policy 9.18. Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan.

Policy 9.21. Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulate structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.

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

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