



Request for City Council Committee Action from the Department of Community Planning & Economic Development - Planning Division

Date: March 20, 2014

To: Council Member Lisa Bender, Chair, Zoning & Planning Committee and Members of the Committee

Subject: Interim ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, adding a new Chapter 590 providing for a moratorium on the demolition, new construction, or establishment of single and two-family residential dwellings in the R1, R1A, R2, and R2B zoning districts in neighborhoods of Linden Hills, Fulton, Armatage, Kenny, and Lynnhurst.

Recommendation: CPED staff recommends that the City Council adopt the interim ordinance and direct the department of Community Planning and Economic Development to conduct a study to inform future development of the area and to propose amendments to the city's official controls and other regulatory devices.

Previous Directives: On March 7, 2014, Council Member Palmisano introduced the interim ordinance noted above. The ordinance was unanimously approved by the City Council and authorized the department of Community Planning and Economic Development to conduct a study to inform future development of the area and to propose such amendments to the city's official controls and other regulatory devices. As authorized by section 529.40(a) of the zoning code, an interim ordinance is in effect upon introduction. The March 20th public hearing of the Zoning & Planning Committee provides an opportunity for public testimony and for the City Council to consider changes to the interim ordinance.

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Community Impact

- Neighborhood Notification: Notice of the public hearing was sent to the five affected neighborhood associations: Linden Hills, Fulton, Armatage, Kenny, and Lynnhurst.
- City Goals: See below
- Comprehensive Plan: See below
- Zoning Code: See below

Background/Supporting Information

On March 7, 2014, Council Member Palmisano introduced a moratorium affecting demolition and new construction of single- and two-family homes in the R1, R1A, R2, and R2B zoning districts in the neighborhoods of Linden Hills, Fulton, Armatage, Kenny, and Lynnhurst.

CPED staff has commenced a study to address the issues that have led to the adoption of the interim ordinance.

A great deal of recent residential demolition and construction activity has taken place within the study area. Sixty-five permits were granted for new single-family homes in the 13th Ward in 2013. Only one of these homes was constructed in a 13th Ward neighborhood located outside the boundaries of the interim ordinance. Permits were issued for 29 homes in the Linden Hills neighborhood, 23 in Fulton, five in Armatage, five in Kenny, and two in Lynnhurst. The interim ordinance represents a pause in this activity to provide an opportunity to develop clear expectations regarding construction practices and construction site management, refine the City's administrative and enforcement practices, and consider revisions to City ordinances.

The interim ordinance, as proposed, would temporarily stop the issuance of demolition permits and building permits for new single-family homes and duplexes in the lowest-density zoning districts within the study area. The ordinance would also affect building additions exceeding 1,500 square feet of above-grade floor area in the same districts. As outlined in section 529.40 of the zoning ordinance, "An interim ordinance shall not apply to any subdivision which has been given preliminary approval or to any application for establishment or expansion of any use, development or project filed prior to the effective date of the interim ordinance." The proposed interim ordinance provides additional exceptions. The moratorium would not include projects for which a complete application for a wrecking permit had been submitted prior to March 7, 2014. In such instances, the property owner or contractor may proceed with the demolition as well as new construction of an existing home on the property. Further, the interim ordinance would not stop any demolition necessary to abate a dangerous or hazardous condition as determined by the building official.

The rapid pace of demolition and construction of homes within the study area, combined with careless construction and site management practices, has led to a number of complaints from constituents in the affected area. These complaints have strained City resources and have led to questions about the City's ability to keep up with enforcement of violations. Complaints have included, but have not been limited to, vehicle idling, obstructions in public sidewalks and streets, placement of dumpsters and temporary restroom facilities, snow shoveling, construction outside of authorized hours, management of construction material and debris, excavation that has affected adjacent properties, and stormwater and groundwater management. Although construction management problems are not unique to Southwest Minneapolis, the rapid pace and concentration of new single-family homes is unique to this specific geographic area. The attached documents illustrate this geographic concentration of new homes.

The CPED-led study includes an examination of the adequacy of existing zoning regulations applicable to single-family homes and other residential buildings with fewer than five units. The City's site plan review standards for 1-4 unit residential buildings were adopted in 2005 and were developed during a North Side residential moratorium. CPED's work plan has included a re-examination of these standards. This interim ordinance brings additional urgency to this work. Further, this study will include an examination of the adequacy of the residential infill standards adopted in 2007. These standards were adopted largely in response to the height and scale of new residential development, particularly in Southwest Minneapolis.

Finally, the study that coincides with this interim ordinance includes an examination of a range of environmental issues such as building deconstruction, tree preservation, and stormwater and groundwater management. Much of the area in question includes a relatively high water table compared to other parts of the City.

The interim ordinance introduced on March 7th recommended a moratorium of up to one year. Specifically, the ordinance stated, "In anticipation of completion of the study prior to

the one (1) year expiration of the interim ordinance, the city council may elect to take action to conclude the interim ordinance prior to its scheduled expiration." At the time of the drafting of this Request for City Council Committee Action, a specific work plan was still being developed. CPED staff understands that all stakeholders have an interest in ensuring that this study concludes as quickly as possible.

The properties directly affected by this interim ordinance are primarily in areas designated as Urban Neighborhood on the City's Future Land Use Map. The following excerpt from *The Minneapolis Plan for Sustainable Growth* describes these areas as follows:

Land Use Feature

Urban neighborhood

Description

Predominantly residential area with a range of densities. May include other small-scale uses, including neighborhood serving commercial, an institutional and semipublic uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers.

Density Range (est.)

Varies, but predominantly low density (8-20 du/acre); not intended to accommodate significant new growth or density

The following excerpts are from the Urban Design chapter of the comprehensive plan:

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.

New housing development, or infill development, is an opportunity to reinforce the urban character of specific areas of the city. Low density residential redevelopment in Minneapolis can occur on a grand scale such as the Humboldt Greenway or Heritage Park redevelopments.

More often, redevelopment of single family homes and duplexes is a result of demolition of obsolete or dilapidated structures. Even when redevelopment happens on a small scale, the new home has great potential to impact the surrounding neighborhood.

The size, scale and materials of new housing are vital to compatibility with existing homes and neighborhoods. The desirability of Minneapolis neighborhoods is enhanced when new homes are incorporated with the design of their neighborhoods.

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.