



Request for City Council Committee Action from the Department of Community Planning and Economic Development

Date: August 19, 2014

To: Council Member Lisa Goodman, Chair
Community Development and Regulatory Services Committee

Referral to: None

Subject: Codification of Construction Management Agreement provisions

Recommendation: That the Community Development and Regulatory Services Committee approve amending Chapter 87 of the Minneapolis Code of Ordinances related to the codification of certain provisions of the Construction Management Agreement required for the wrecking, demolition, and new construction of single-family and two-family dwellings.

Chapters 93 and 117 of the Code of Ordinances were introduced, but not amended, and may be returned to author.

Previous Directives: Subject matter introduction occurred at the June 27, 2014, meeting of the City Council.

Department Information

Prepared by: Doug Kress, Director Development Services
Approved by:
Presenters in Committee: Doug Kress, Director of Development Services

Reviews

- Permanent Review Committee (PRC): Approval ___ Date _____
- Civil Rights Approval Approval ___ Date _____
- Policy Review Group (PRG): Approval ___ Date _____

Financial Impact *(delete all lines not applicable to your request)*

- No financial impact

Community Impact

- Neighborhood Notification
- City Goals
- Comprehensive Plan

Supporting Information

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. Several of the provisions in the Construction Management Agreement are not currently codified. The proposed amendment to Chapter 87 now seeks to place these requirements into the Code of Ordinances.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Palmisano

Amending Title 5, Chapter 87 of the Minneapolis Code of Ordinances relating to Building Code: Administration and Enforcement.

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

Section 1. That Chapter 87 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article IV, including new Sections 87.340-87.350, to read as follows:

ARTICLE IV. RESIDENTIAL CONSTRUCTION, DEMOLITION, AND WRECKING OF SINGLE-FAMILY AND TWO-FAMILY DWELLINGS

87.340. Purpose. The wrecking, demolition, and new construction of single-family and two-family residential dwellings can disrupt the quietude of the neighborhood, damage adjacent public and private property, create stormwater and erosion problems, and result in littering and other nuisances. The purpose of this article is to prevent problems associated with the wrecking, demolition, and new construction of single-family and two-family dwellings.

87.350. Permit requirements and standards. In addition to all other applicable requirements of this Code, the state building code, and state statutes, the following are required for the wrecking, demolition, and new construction of single-family and two-family residential dwellings:

(a) *Construction contact information.* Prior to any work being done on the permit site, a sign must be posted identifying the nature of the construction activity, the permit holder, a contact name and phone number, the site address, and a contact phone number at the city to report problems. The sign shall be twenty-four (24) inches by thirty-six (36) inches in size with readable lettering as viewed from the street. All information must remain current and the sign must be posted without obstruction in the front yard until completion of the work.

(b) *Neighbor notification.* At least fifteen (15) calendar days before any work begins on the permit site, the permit holder shall provide mailed notice to all property owners within three hundred (300) feet of the permit site inviting them to a neighborhood informational meeting. The meeting shall be held at least five (5) days before any work commences. Topics discussed must include the construction plans, hours of operation, work schedule, estimated completion date, erosion and sediment control, dumpster location, noise mitigation, dust control, portable bathroom location, debris removal schedule, and site placement for building materials and equipment. The permit holder shall maintain a copy of the written meeting notice, the agenda, and a confirmed attendance list, which shall be available for review by the city.

(c) *Complaint log.* The permit holder shall maintain a log of all concerns and complaints that it receives during the duration of the permitted activity. The permit holder shall document the resolution to each complaint. The log shall be furnished for immediate review by the city upon request.

(d) *Site and surrounding maintenance.* The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, the permit holder must remove empty cans, paper, plastic and other material that is not needed for construction from the site or deposit them in a dumpster. The permit holder must keep streets, sidewalks, boulevard areas and adjacent properties clean from waste, materials or refuse resulting from

operations on the site. Inoperable equipment and equipment not being used on the site must be removed within twenty-four (24) hours after it becomes inoperable or is no longer in use. Where work on any project lies within areas of pedestrian traffic or vehicular traffic, the project area must be cleaned and swept and all materials related to the project must be stockpiled in appropriate areas. Debris must be contained on the project site. No material may be deposited or stockpiled on the public streets, boulevards, sidewalks or adjacent property.

(e) *Dumpster placement.* Dumpsters shall be located entirely on the permit site and not on a sidewalk. If street placement is required, the permit holder must obtain a street use permit from the city that shall be attached to the exterior of the dumpster with a copy retained with the on-site construction plans. Dumpsters must be covered during all non-work hours.

(f) *Portable restroom placement.* Portable toilets shall be located to the rear of the project site and not within fifteen (15) feet of an adjacent property. No portable toilets shall be placed on a public street, sidewalk, or boulevard area without obtaining the proper permit from the city. The permit holder is responsible for the security and maintenance of the portable toilet.

(g) *Dust control.* Dust control is the responsibility of the permit holder. The permit holder must address dust problems immediately upon receiving notice from the building official.

(h) *Drive entrance.* A drive entrance pad or its equivalent shall consist of an all-weather, large aggregate material capable of minimizing the tracking of dirt from the permit site. The location of the construction drive entrance shall be approved by the building official and noted in the on-site construction plans.

(i) *Tree protection.* The building official may order the installation of protective fencing around boulevard trees and trees that will not be removed during construction. The building official may also require the submission of a tree preservation plan.

(j) *Damage to public property.* The permit holder must repair any damage to public property, streets, and sidewalks. The permit holder shall furnish photographs of the existing condition of the property, curbs, sidewalks, streets, boulevard, and trees adjacent to the permit site prior to commencing any work. If damage occurs to the foregoing, it must be repaired within three (3) working days after the damage occurs, unless the permit holder has received written permission from the building official to delay repairs to a later specified date. The building official may require the submission of a soils investigation report and/or shoring plan.

(k) *Protection of adjoining property.* Adjoining property shall be protected from damage during any construction work on the permit site. Excavations for any purpose shall not remove lateral support from any footing or foundation without first protecting the footing or foundation against settlement or lateral translation. The building official may require the submission of a soils investigation report and/or shoring plan.

(l) *Surface drainage.* The permit holder shall protect all storm drain inlets with sediment capture devices prior to soil disruption during the project when soil disturbing activities may result in sediment-laden stormwater runoff entering the inlet. The permit holder shall provide effective storm drain inlet protection during the duration of the project until all surfaces with the potential for discharging sediment to an inlet have been stabilized.

(m) *Survey requirement.* Prior to any construction activity, an as-built survey and topographic survey must be submitted as part of the site plan review and is required to note the front and side yard setbacks on directly contiguous properties on the sides of the home. For properties on corner lots, contiguous properties must be included in the survey. As-built surveys are required to be submitted during the course of construction as follows:

- (1) An as-built survey indicating the floor level of the existing home at the main entry must be submitted with an application for a demolition permit.
- (2) An as-built survey indicating the top of foundation and structure setbacks must be submitted prior to foundation inspection.
- (3) An as-built survey indicating actual site conditions, including all structures and contours must be submitted prior to issuance of a certificate of occupancy.