

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

Date: February 17, 2009

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: November 21, 2008

Ward: All

Planning Staff and Phone: Amanda Arnold, (612) 673-3242 and Paul Mogush (612) 673-2074

Intent of the Ordinance: The intent of this zoning code text amendment is to reduce the minimum lot area requirement for multiple family dwellings and congregate living uses in the R3, R4, R5, C1, C2, and C3S zoning districts and to increase the maximum floor area ratio in the C3S zoning district.

Appropriate Section(s) of the Zoning Code: Chapter 546 Residence Districts and Chapter 548 Commercial Districts (Chapter 547 Office Residence Districts and Chapter 551 Overlay Districts are being returned to the author)

Background: Lot controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the use of lots and lot area in order to provide adequate light, air, open space and separation of uses. The minimum lot area requirements limit the amount of density allowed on a zoning lot. Floor Area Ratio (FAR) is the ratio of the building size to the size of the site. FAR works in conjunction with density regulations to assure proper massing of a building on a site.

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?

In July of 2008 the Minneapolis City Council approved the City's Comprehensive Plan, titled *The Minneapolis Plan for Sustainable Growth*. This plan is the City's primary policy document that guides its planning and development decisions. This plan goes beyond the previous plan by assigning more specific residential density ranges to each of the land use features located in the city (Community and Commercial Corridors, Neighborhood Commercial Nodes, Activity Centers, Major Retail Centers and Growth Centers). The density ranges are divided into four categories: low, medium, high, and very high. It has also become standard practice for small area plans adopted by the Planning Commission and City Council to include this level of detail. The addition of density ranges in the comprehensive plan and small area plans provides more predictability and a better understanding of the expectations for future development. The purpose of this amendment is to better implement adopted policies in recent small area plans and the 2008 update to The Minneapolis Plan for Sustainable Growth. As staff has

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begun implementing the land use policies of several small area plans through rezoning studies, issues have arisen in trying to match existing zoning options with what is called for in the plans.

Staff is proposing to revise the allowable residential densities in several residence, office-residence and commercial zoning districts to better align with adopted policy. These changes would allow more dwelling units, but would not affect the existing regulations related to building height, bulk, or setbacks. Staff is not proposing to make any changes to single and two-family zoning districts.

Planning staff is also proposing a change to the maximum floor area ratio (the ratio of the building size to lot size) in one commercial district, C3S (there are only eight locations in the city with this zoning district and they are generally larger retail stores on major corridors). This change would allow greater building bulk on C3S parcels than is currently allowed, encouraging future development to be in keeping with the kind of built form envisioned for Major Retail Centers in the Comprehensive Plan.

It has become standard practice to follow the adoption of small area plans with rezoning studies aimed at implementing the plans' land use policies. The Planning Division is currently conducting several rezoning studies, most notably the Midtown Greenway Rezoning Study which incorporates the recommendations of five small area plans and covers a geographic area extending from the city's western border east to the Mississippi River. As staff has been conducting these analyses, several opportunities have emerged to better align the regulations of the zoning code with the policies of recently-adopted small area plans and the 2008 Minneapolis Plan for Sustainable Growth.

In addition, several secondary issues have come to light as staff has worked on the Midtown Greenway Rezoning Study. These are outlined below:

The Planning Commission often grants variances to decrease the minimum lot area per dwelling unit. Adjusting the requirements will help reduce the number of variance requests while allowing development that is consistent with adopted policy.

In the past, rezoning requests have been granted in order to gain the advantage of increased density in another zoning district. Such rezonings sometimes result in unintended consequences, such as allowing retail where it is not called for in adopted policy. The goal is to have a menu of options across the Residence, Office Residence, and Commercial districts within a given density range.

The proposed changes provide more options for medium density development (defined in the comprehensive plan as 20 to 50 units per acre) and have the potential to allow more density in a smaller-scale building.

The Minneapolis Plan for Sustainable Growth identifies areas called "Major Retail Centers" which are described by the following: "Although these sites may be more oriented to the automobile, they can be designed for pedestrians and other modes of transportation to increase their compatibility with urban form and character." Almost all existing C3S zoning is in designated Major Retail Centers. The current maximum FAR of 1.7 in the C3S district limits opportunities for introducing traditional urban form to Major Retail Centers as outlined by Policy 1.16 of the Minneapolis Plan for Sustainable Growth. Furthermore, where the C3S district is accompanied by a Transit Station Area Pedestrian Oriented

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Overlay District, the range of allowable FAR is quite small – from 1.0 to 1.7. Changing the maximum FAR in C3S to 2.7 would align the FAR standards in C3S with those of C3A.

The amendment will provide better tools for implementing goals and policies found in several adopted small area plans and the Minneapolis Plan for Sustainable Growth. The table below details the variety of density ranges outlined in the comprehensive plan along with the associated land use features.

Residential Density Range	Land Use Features
Medium Density (20-50 DU/Acre)	<ul style="list-style-type: none"> Community Corridors Neighborhood Commercial Nodes Transition areas immediately adjacent to Neighborhood Commercial Nodes, Commercial Corridors, and Activity Centers
High Density (50-120 DU/Acre)	<ul style="list-style-type: none"> Neighborhood Commercial Nodes Commercial Corridors Activity Centers Transit Station Areas Growth Centers
Very High Density (>120 DU/Acre)	<ul style="list-style-type: none"> Downtown Growth Centers Activity Centers

The following tables show how the proposed amendment will better align the multi-family and commercial districts with the density ranges above.

**Proposed Changes to Minimum Lot Area per Dwelling Unit
in Zoning Districts Allowing Multiple-Family Dwellings (Outside Downtown)**

EXISTING

		Low Density (0-20 DU/Acre)	Medium Density (20-50 DU/Acre)		High Density (50-120 DU/Acre)			Very High Density (>120 DU/Acre)
	Min. Lot Area Per DU	2,500	1,500	1,250	900	700	400	300
	DU/Acre	17	29	35	48	62	109	145
Residence Districts		R3	R4		R5		R6	
Office Residence Districts			OR1			OR2		OR3
Commercial Districts					C1 C2 C3S C4		C3A	
Overlay Districts					ILOD			

PROPOSED
(**Bold** = Change)

		Low Density (0-20 DU/Acre)	Medium Density (20-50 DU/Acre)		High Density (50-120 DU/Acre)			Very High Density (>120 DU/Acre)
Min. Lot Area Per DU		2,500	1,500	1,250	900	700	400	300
DU/Acre		17	29	35	48	62	109	145
Residence Districts			R3	R4		R5	R6	
Office Residence Districts			OR1			OR2		OR3
Commercial Districts					C4	C1 C2	C3A C3S	
Overlay Districts					ILOD			

Another purpose of the proposed text amendment is to disentangle the many regulations associated with each zoning district. Each district regulates allowed uses, residential density, building bulk and height, hours of operation, and so on. When staff is conducting a rezoning study or a developer asks for a particular zoning district simply on the basis of the allowed residential density, there are other consequences of making that choice. For example, developers often gravitate to the OR2 district for residential-only or mixed-use project because it is the only zoning district that offers a density of 62 dwelling units per acre. In many of these cases, a Commercial or Residential zoning district may be more appropriate because of the mix of uses allowed. Thus, the proposed amendment offers a greater variety of zoning category choices in the middle to higher levels of the high density range. It should also be noted that existing density bonuses would allow of additional density above and beyond what is shown above.

Staff does not anticipate any problems with adopting this text amendment.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The amendment is timely. As staff has begun implementing the land use policies of several small area plans through rezoning studies, issues have arisen in trying to match existing zoning options with what is called for in the plans. The purpose of this amendment is to better implement adopted policies in recent small area plans and the 2008 update to The Minneapolis Plan for Sustainable Growth.

It is standard practice among municipalities to ensure that zoning regulations are consistent with land use policy, including those related to residential density. However, there is no standard that municipalities use to determine minimum lot area per dwelling unit.

The primary consequence of denying this amendment would be that the zoning code would continue to be out of alignment with the residential density policies of the comprehensive plan and several adopted small area plans.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The following Land Use policies of The Minneapolis Plan for Sustainable Growth apply:

- 1.4 Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.**

Applicable Implementation Steps

- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.
- 1.4.3 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.

- 1.5 Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.**

Applicable Implementation Steps

- 1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

- 1.9 Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.**

Applicable Implementation Steps

- 1.9.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.
- 1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.
- 1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

1.10 Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

Applicable Implementation Steps

- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.
- 1.10.5 Encourage the development of high-density housing on Commercial Corridors.
- 1.10.6 Encourage the development of medium-density housing on properties adjacent to properties on Commercial Corridors.

1.11 Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

Applicable Implementation Steps

- 1.11.5 Encourage the development of medium- to high-density housing where appropriate within the boundaries of Neighborhood Commercial Nodes, preferably in mixed use buildings with commercial uses on the ground floor.
- 1.11.6 Encourage the development of medium-density housing immediately adjacent to Neighborhood Commercial Nodes to serve as a transition to surrounding low-density residential areas.

1.12 Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

Applicable Implementation Steps

1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.

1.12.7 Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.

1.13 Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

Applicable Implementation Steps

1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

1.15 Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.

Applicable Implementation Steps

1.15.1 Encourage the development of high- to very high-density housing within Growth Centers.

The following Housing policies of The Minneapolis Plan for Sustainable Growth apply:

3.1 Grow by increasing the supply of housing.

Applicable Implementation Steps

3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

3.1.2 Use planning processes and other opportunities for community engagement to build community understanding of the important role that urban density plays in stabilizing and strengthening the city.

3.2 Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

Applicable Implementation Steps

3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

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3.2.2 Engage in dialogue with communities about appropriate locations for housing density, and ways to make new development compatible with existing structures and uses.

Staff comment: In order to inform the public about this text amendment, staff created a website describing the changes (http://www.ci.minneapolis.mn.us/cped/density_amendment.asp) and sent letters to all of the city’s neighborhood groups and business associations notifying them of the proposed changes. No formal comments were received from any neighborhood associations or individuals.

Representatives from the architectural community offered a proposal (attached) that would further reduce the Minimum Lot Area, and expressed their view that the regulatory changes need to go further to better address market demands and grow the city.

ARCHITECTURAL COMMUNITY PROPOSAL

	Low Density (0-20 DU/Acre)	Medium Density (20-50 DU/Acre)	High Density (50-120 DU/Acre)						Very High Density (>120 DU/Acre)			
Min. Lot Area Per DU	2,500	1,500	1,250	900	750	700	450	400	350	300	200	150
DU/Acre	17	29	35	48	58	62	97	109	124	145	218	290
Residence Districts	R3	R4					R5				R6	
Office Residence Districts					OR1				OR2			OR3
Commercial Districts				C3S C4	C1		C2				C3A	
Overlay Districts				ILOD								

Staff analyzed these recommendations and found a number of inconsistencies between this proposal and the original intent of the text amendment:

- The above proposal puts the OR2, R6, and C3A districts into the Very High Density category. With few exceptions, the Very High Density category is intended only for downtown, which has its own set of zoning districts. The B4 (downtown) districts do not regulate residential density. There may in fact be a gap in the zoning toolbox for those portions of downtown where a B4 district would not be appropriate, but where policy supports development of a higher intensity than allowed by non-downtown zoning districts. This is an issue worthy of exploration separate from this text amendment.
- The above proposal does not achieve the goal of providing a menu of options within each density range. This leaves entangled the many regulations of the zoning code that the staff proposal is intended to partly unravel.

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- It is important to keep in mind that these proposed changes affect not only zoning districts applied going forward, but also where they currently exist on the map. The above proposal would allow densities in some places that are far higher than the future land use map of the comprehensive plan would support.

Recommendation of the Community Planning and Economic Development--Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending chapters 546 and 548. Staff further recommends that Chapters 547 and 551 **be returned** to the author.