

Minneapolis City Planning Department Report

Zoning Code Text Amendment Establishing Boundaries of the Accessory Dwelling (AD) Overlay

Date: September 9, 2002

Initiator of Amendment: Council Member Zimmerman

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Intent of the Ordinance: The intent of this ordinance is to amend Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code: Chapter 521, Zoning Districts and Maps Generally, relating to establishing the boundaries of the Accessory Dwelling (AD) Overlay District.

The AD Accessory Dwelling Overlay District is established to promote home ownership and to allow a variety of housing types, costs and arrangements that may not meet the regulations of the primary zoning district, including the limit of one principal residential structure per zoning lot.

Appropriate Section(s) of the Zoning Code: Chapter 550, Overlay Districts, Article XIV, Accessory Dwelling Overlay District.

History: An overlay district was created in May 2001 titled the North Phillips (NP) Overlay District. Council Member Niland initiated the text amendment based on a request from stakeholders within the North Phillips neighborhood. The NP Overlay is only available in the area bound by I-35W, I-94, East 24th Street and Hiawatha Avenue. Citizens and stakeholders associated with North Phillips, now called Ventura Village, had spent a number of years analyzing this specific type of development and have been working hard to try to accomplish their goal. These stakeholders believe they are addressing the issues of their neighborhood by utilizing accessory dwellings as part of the solution. According to public testimony, there are a number of people that will build these accessory dwellings. The group has targeted \$640,000 of NRP money for this type of development, granting money to lottery winners. In addition to the Ventura Village stakeholders, it appears that citizens throughout the city are becoming increasingly interested in this type of development for their neighborhood.

Background: Since the inception of the NP Overlay, Planning staff has received only one application for an accessory dwelling. Ventura Village has worked with Council Member Zimmerman to discuss the possibility of mapping the Ventura Village neighborhood with the overlay. If this neighborhood is mapped with the overlay, a rezoning petition to add the overlay to each individual parcel is no longer necessary. A conditional use permit is still required.

The City Council took action on July 12, 2002 to refer the ordinance to staff to develop language. This item was introduced at the Planning Commission meeting on August 5, 2002, with the intent to receive public testimony. The Planning Department provided notice of the public hearings to all property owners within the proposed established boundaries and all registered neighborhood groups.

PURPOSE FOR THE AMENDMENT

What is the reason for the amendment?

Purpose of Proposed Amendment as Presented in 2002:

The purpose of mapping the Accessory Dwelling (AD) Overlay district is based on two circumstances. First, the political environment has changed. The 2002 City Council includes some newly elected Council Members. In addition, the city has a newly elected Mayor. Each entity is focused on new housing strategies and policies. Second, the Planning Department is aware of an increase in the number of stakeholders interested in the concept of accessory dwellings. Planning staff attended two neighborhood group meetings in the month of July and continues to receive requests for attendance at additional meetings, while some Council Members receive input from interested constituents.

The Ventura Village neighborhood group seems to have built consensus with the interested stakeholders to map the neighborhood with the overlay. In their opinion, only having to apply for the conditional use permit, without the petition to rezone, will streamline the process, be less time consuming and reduce the costs associated with this type of development.

What problem is the Amendment designed to solve?

Because the Ventura Village neighborhood group seems to have built consensus with the interested stakeholders to map the neighborhood with the overlay, only a conditional use permit would be necessary to construct an accessory dwelling. This could streamline the process, be less time consuming and reduce the costs associated for project approval. A conditional use permit will require a public hearing, however action by Planning Commission will be final unless an appeal to Planning Commission's decision is filed.

Planning staff could not find a factual basis for the purpose of this overlay to create affordable housing. Instead, Planning staff found the accessory dwelling could have benefits as they relate to the following:

1. Promote home ownership.
2. Allow a variety of housing types, costs and arrangements including older homeowners, students, artists, single parents, young homebuyers and disabled persons.
3. Assist with implementing Crime Prevention through Environmental Design (CPTED) principles.

What public purpose will be served by the amendment?

One policy of *The Minneapolis Plan* found in Chapter 4, Marketplaces: Neighborhoods, states that "Minneapolis will reasonably accommodate the housing needs of all of its citizens." Another policy of this chapter states "Minneapolis will improve the range of housing options for those with few or constrained choices." This amendment would address these policies.

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What problems might the amendment create?

At this time, Planning staff does not foresee problems with mapping the area bound by I-35w, I-94, East 24th Street and Hiawatha Avenue with the AD Overlay. It is important for Planning staff and Planning Commission to invite affected stakeholders to voice their opinion regarding this mapping issue. The August 5, 2002 Planning Commission meeting was open for a public hearing on the matter. All property owners within the proposed established boundaries were notified. At the meeting there was no opposition from the public. Further, at the time this report was written, Planning staff did not receive unfavorable input regarding the mapping of this overlay.

TIMELINESS

Is the amendment timely?

The Planning Department does believe that this amendment is timely. Although only one accessory dwelling application has been submitted and analyzed, staff recognizes changes that are desired.

That being said, there are other alternatives to accomplish the accessory dwelling unit concept. Through the Planned Unit Development (PUD) and Cluster Development provisions, the City authorizes developments of more than one dwelling unit on a zoning lot. Cluster developments require a minimum of three dwelling units and PUDs require a minimum lot area of two acres. One vision of success that the Planning Department has for accessory dwelling units is multiple units built on one single block. This type development may be more successful in terms of design compatibility, putting “eyes on the alley” and making the alley a more desirable space. An example of this design could compare to Milwaukee Avenue. The appropriate tools for this type of development would be a PUD or a cluster.

The *Minneapolis Plan* is filled with numerous policies regarding housing. When reviewing a land use application, the Planning Department is asked to make a finding regarding the application’s compatibility with the policies of the comprehensive plan.

Some of the applicable policies relating to land use are as follows:

1. Design new scattered site or multi-unit housing to match the characteristics and housing types of the community in which it is located.
2. Emphasize recycling of existing housing stock through renovation and rehabilitation.
3. Encourage infill housing.
4. Reduce the number of boarded buildings.
5. Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings.

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Are there consequences in denying this amendment?

As stated above, Planning staff could not find a factual basis for the purpose of this overlay to create affordable housing. Instead, Planning staff found the accessory dwelling could have benefits as they relate to the following:

1. Promote home ownership.
2. Allow a variety of housing types, costs and arrangements including older homeowners, single parents, young homebuyers and disabled persons.
3. Assist with implementing Crime Prevention through Environmental Design (CPTED) principles.

Citizens and stakeholders associated with Ventura Village have spent a number of years analyzing this specific development and have been working hard to try to accomplish their goal. These stakeholders believe they are addressing the issues of their neighborhood by utilizing accessory dwellings as part of the solution. According to public testimony, there are a number of people that will build these accessory dwellings. The group has targeted \$640,000 of NRP money for this type of development, granting \$10,000 to lottery winners. In addition to the Ventura Village stakeholders, it appears that citizens throughout the city are becoming increasingly interested in this type of development for their neighborhood.

COMPREHENSIVE PLAN

How will this amendment implement the Comprehensive Plan?

One policy of *The Minneapolis Plan* found in Chapter 4, Marketplaces: Neighborhoods, states that “Minneapolis will reasonably accommodate the housing needs of all of its citizens.” Another policy of this chapter states “Minneapolis will improve the range of housing options for those with few or constrained choices.” Based on these policies this amendment would be implementing the comprehensive plan.

Recommendation Of The City Planning Department:

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and that the Planning Department has **no recommendation**.