



**City of Minneapolis**  
**Community Planning & Economic Development**  
**Planning Division**  
**250 South 4<sup>th</sup> St. Room 300**  
**Minneapolis MN 55415-1316**  
**612-673-3552**  
**Fax 612-673-2169**

---

**MEMORANDUM**

---

DATE: April 26<sup>th</sup>, 2007

TO: City Planning Commission Committee of the Whole

FROM: Molly McCartney, Senior Planner

SUBJECT: Infill Housing Text Amendment

---

At the April 9<sup>th</sup>, 2007, City Planning Commission meeting, the infill housing text amendment was continued two cycles due to questions raised by the amendment creating nonconforming structures and issues surrounding context sensitive design. The issues raised by Commissioners included the impact of the changes on existing structures, creation of nonconforming structures (of both floor area ratio and height), context sensitive design practices, attached garages and alley access, housing quality issues, and clarification of administrative procedures.

The proposed ordinance does create some nonconforming structures in a few areas of Minneapolis with traditionally large homes and would also not allow homes to be built similarly in size to other large homes in large home areas. This memo addresses the areas of Minneapolis with traditionally large homes and proposed language that will allow for home remodels and new homes in these large home areas. Also discussed in this memo is the building permit processes for nonconforming structures. Context sensitive design will also be addressed, including the ramifications of implementing this type of design review.

**Nonconforming structures**

In the report for the infill housing text amendment, staff recognized that the proposed ordinance would create nonconforming structures, which means there would be some homes in Minneapolis that would not comply with the new bulk regulations for maximum size and height. Based on staff analysis the total number of single-family homes in Minneapolis that would be noncompliant is 727 or 0.9 percent of all single-family homes in Minneapolis. The attached Table 1 shows the locations and number of areas with a concentration of possible nonconforming structures. There are neighborhoods, such as East Isles, Lowry Hill, and Lowry Hill East that have a concentration of homes that exceed the proposed floor area ratio (FAR). This area of Minneapolis historically was an area that wealthy residents built large mansions during the late

19<sup>th</sup> Century and the early 20<sup>th</sup> Century. The intent of the ordinance is not to impose a hardship on homes like these, but to ensure that new infill construction is more compatible with existing homes.

The Zoning Code recognizes that nonconforming structures exist and have certain rights for maintenance and expansion. Chapter 531.50, Nonconforming Uses and Structures states that a legal nonconforming structure may be altered, provided that it does not become more nonconforming:

**531.50. Expansion or alteration of nonconforming uses and structures.** (a) Legal nonconforming structure containing a conforming use or a structure containing a use nonconforming as to parking only. Where a legal nonconforming structure contains a conforming use, or where a structure contains a use nonconforming as to parking only, such structure may be enlarged, altered or relocated so long as such enlargement, alteration or relocation does not increase its nonconformity.

The above section of the Zoning Code would allow additions to homes that exceed the proposed height requirement of 30 ft. For homes that currently exceed or would exceed the proposed 0.5 FAR for homes, a variance would be required for the expansion. However, because there are areas of Minneapolis with traditionally large homes, staff is introducing two alternatives to the Planning Commission that would allow exemption or greater allowance for properties adjacent to large homes. The proposed language that would take into account the adjacent home sizes in determining the size and height allowed for additions and new homes:

*Floor area ratio and height increase. The floor area ratio or height for a single or two-family dwelling may be increased when the established floor area ratio or height of a minimum of fifty (50) percent or more of the single or two-family dwellings on the same block face exceed the maximum floor area ratio or height. The floor area ratio shall not exceed the maximum floor area ratio of any single or two-family dwellings on that block face and the height shall not exceed thirty-five (35) feet.*

*Floor area ratio and height increase. The floor area ratio or height of a single or two-family dwelling may be increased when the established floor area ratio or height of both the adjacent single or two-family dwellings exceed the maximum floor area ratio or height. The floor area ratio shall not exceed the maximum floor area ratio of any single or two-family dwellings and the height shall not exceed thirty-five (35) feet.*

Both options would allow a larger FAR and height if the surrounding properties are larger. The first option considers the size of homes that are within a certain distance, or the block face, while the second option considers just the size and height of the adjacent structures. The first option may better capture the true context or size of homes in the area, while the second option would limit any size or height increase to the closest residential structures.

The Zoning Code currently recognizes that a nonconforming structures may be rebuilt to its pre-existing condition, providing that a building permit is obtained with 180 days of the damage

(531.40(2)(c)(1)). Staff typically asks for information about the home, including surveys, floor plans, and pictures to verify pre-existing conditions.

### **Context Sensitive Design**

At the April 9<sup>th</sup>, 2007, Planning Commission, context sensitive design was raised as an alternative or other option to the proposed infill housing text amendment. Context sensitive design is typically thought of design that takes into consideration the surrounding conditions. For residential development, the “context” is the surrounding homes and structures, and this type of review would consider items such as development patterns, bulk, and building features. An entirely context based review may include defined geographic boundaries for new context districts based on similarly designed dwellings, size, age of dwelling, and other building features.

In addition, a context sensitive design review may limit the size of new homes and additions to the design features and context of an area that has smaller homes. This may limit portions of Minneapolis from achieving a more diverse housing stock as well as providing lifecycle housing for residents. Neighborhoods that can support expanding families by adding larger homes may have an impact on schools, libraries, parks, and other publicly funded infrastructure.

### **Practicalities of implementation**

The intent of the infill housing text amendment is to ensure that new infill housing and additions are compatible with the bulk and volume of existing homes, while allowing for continued investment in Minneapolis homes. As identified in the staff report, the consequences of denying the text amendment is that large, out of context homes will continue to be built in areas of Minneapolis. New homes will continue to impact light, privacy and views of existing residential areas, potentially leading to a loss of neighborhood desirability.

Staff has introduced the above provisions to the proposed text amendment that would allow for new homes and addition to exceed the FAR and height if the adjacent properties exceed these bulk requirements. These provisions take into consideration the adjacent homes as context for the new construction or addition. A new home or addition would be able to match the FAR of adjacent homes or height, up to 35 ft., if both of the adjacent homes exceed these bulk requirements. Staff would rely on City of Minneapolis Assessor’s data along with data provided by the applicant to determine what the FAR and height

Planning staff has great concern about the practicalities behind adopting ordinance changes that only deal with one-percent or fewer homes citywide. While a entirely context based review system may result in new homes and additions that look more like the adjacent homes, the costs associated with this type of review may be prohibited due to staff resources. The staff review period under a context based system will become a time consuming process that will add a level of complexity for staff to gather relevant information, communicate with homeowners and developers, and make sound decisions in a timely manner. There may be concerns also with the balance between a swift review process and accurately reviewed building plans. Similarly, it is important to note the Assessor’s data is collected based on the needs for that process, which is not exactly synonymous with the needs of this planning review process.

April 26<sup>th</sup>, 2007, City Planning Commission Committee of the Whole

Attachments:

Map 1. FAR of Single family homes

Table 1. Possible FAR Nonconforming Minneapolis Single Family Homes

4/26/07 CPC - COW Discussion

Table 1. Possible floor area ratio (FAR) nonconforming Minneapolis Single Family Homes

|                            | <i>Lots 5000 sq ft or greater</i> |              |           | <i>Lots less than 5000 sqft</i>   |                |             | <i>Total single family dwelling lots</i> |                   |             |
|----------------------------|-----------------------------------|--------------|-----------|-----------------------------------|----------------|-------------|--|-------------------|-------------|
|                            | Number of single family dwellings | With FAR >.5 | %         | Number of single family dwellings | With GFA >2500 | %           | Number of single family dwellings        | Nonconforming FAR | %           |
| <b>City of Minneapolis</b> | <b>70583</b>                      | <b>531</b>   | <b>1%</b> | <b>13526</b>                      | <b>196</b>     | <b>1.4%</b> | <b>84109</b>                             | <b>727</b>        | <b>0.9%</b> |
| Neighborhood               |                                   |              |           |                                   |                |             |  |                   |             |
| Lowry Hill                 | 626                               | 99           | 15.8%     | 23                                | 2              | 8.7%        | 649                                      | 101               | 15.6%       |
| Lowry Hill East            | 267                               | 31           | 11.6%     | 69                                | 1              | 1.4%        | 336                                      | 32                | 9.5%        |
| East Isles                 | 393                               | 37           | 9.4%      | 34                                | 7              | 20.6%       | 437                                      | 44                | 10.1%       |
| Whittier                   | 279                               | 26           | 9.3%      | 188                               | 8              | 4.3%        | 467                                      | 34                | 7.3%        |
| Kenwood                    | 570                               | 30           | 5.3%      | 36                                | 8              | 22.2%       | 606                                      | 38                | 6.3%        |
| Cedar Isles Dean           | 537                               | 10           | 1.9%      | 36                                | 3              | 8.3%        | 573                                      | 13                | 2.3%        |
| CARAG                      | 487                               | 6            | 1.2%      | 129                               | 4              | 3.1%        | 616                                      | 10                | 1.6%        |
| Linden Hills               | 2461                              | 16           | 0.7%      | 196                               | 4              | 2.0%        | 2657                                     | 20                | 0.8%        |
| Lynnhurst                  | 2323                              | 6            | 0.3%      | 81                                | 3              | 3.7%        | 2404                                     | 9                 | 0.4%        |
| Fulton                     | 2578                              | 6            | 0.2%      | 129                               | 2              | 1.6%        | 2707                                     | 8                 | 0.3%        |

4/26/07 CPC

COW Discussion

# City of Minneapolis Floor Area Ratio of Single Family Homes

Floor Area Ratio of Single Family Homes  
on Lots 5,000 Square Feet or Greater

4/26/07 CPC - COW Discussion

