

**Community Planning and Economic Development Planning Division Report**  
Zoning Code Text Amendment

**Date:** October 13, 2009

**Initiator of Amendment:** Council Member Schiff

**Date of Introduction at City Council:** May 16, 2008

**Specific Site:** Citywide

**Ward:** Citywide      **Neighborhood Organization:** Citywide

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Intent of the Ordinance:** To revise zoning code provisions to require outdoor children's play areas accessory to certain multiple-family residential uses.

**Appropriate Section(s) of the Zoning Code:** Chapter 536, Specific Development Standards and Chapter 546, Residence Districts.

**Background:** On May 16 2008, an ordinance amendment was introduced at the City Council to amend Chapter 520 Introductory Provisions, Chapter 535 Regulations of General Applicability, Chapter 536 Specific Development Standards and Chapter 546 Residence Districts of the Zoning Code to require children's play space in certain multi-family districts. The purpose of the amendment is to revise zoning code provisions to require outdoor children's play areas accessory to certain multiple-family residential uses. Upon researching these uses, staff has determined that amendments to Chapter 520 Introductory Provisions and Chapter 535 Regulations of General Applicability are not required at this time.

Outdoor children's play areas are not required in any of the zoning districts. A recent adoption of a text amendment of Chapter 527 Planned Unit Development (PUD) has authorized an amenity and five points to PUDs that provide an active, outdoor children's play area that complies with the following provision:

*An active, outdoor children's play area with a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms but not less than five hundred (500) square feet of play area to a maximum required area of five thousand (5,000) square feet. The play area shall be secure, shall be separated from parking and maneuvering areas, and shall be designed to facilitate adult supervision. The play area shall include play equipment, installed to the manufacturer's specifications, or natural features suitable for children in both preschool and elementary school. Play equipment shall not be located in a required yard and not more than twenty five (25) percent of the required square footage of the play area may be located in a required yard. Play areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.*

The proposed text amendment would add a specific development standard to multiple-family dwellings with a lot area of at least 20,000 square feet and at least five dwelling units in the R4, R5 and R6 Multiple Family Districts that would require outdoor, children's play area accessory to residential developments that are intended for families with children. Specifically, each dwelling with three or more bedrooms would provide a minimum of fifty (50) square feet of outdoor play area intended for children; the minimum area required would be three-hundred (300) square feet and the maximum required area would be two-thousand (2,000) square feet. The ordinance would exempt projects within the UA University Area Overlay District from this specific development standard. The recently adopted UA Overlay District encompasses the neighborhoods in and around the University of Minnesota, where the majority of new developments have multiple bedrooms that are often inhabited with students. This ordinance is not intended to discourage developers from providing outdoor children's play space in the UA Overlay; however it would not be mandated.

**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?**

The purpose of the amendment is to require outdoor, children's play area accessory to multiple family dwellings intended for children. The proposed text amendment would add a specific development standard to multiple-family dwellings of five units or more in the R4, R5 and R6 Multiple Family Districts. These districts allow multiple-family dwellings as conditional uses. The proposed amendment would require outdoor play area in these zoning districts citywide.

The City is concerned that multi-family residential development intended for families with children, would not provide sufficient open space or play area for children. This amendment would add a specific development standard to multiple-family dwellings with at least 20,000 square feet of lot area and at least five dwelling units in the R4, R5 and R6 Multiple Family Districts that would require outdoor, children's play area accessory to residential developments that are typically intended for families with children. Specifically, each dwelling with three or more bedrooms would provide a minimum of fifty (50) square feet of outdoor play area intended for children; the minimum area required would be three-hundred (300) square feet and the maximum required area would be two-thousand (2,000) square feet. This amendment would be applied citywide.

The purpose of the residence districts is to preserve and enhance quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the comprehensive plan, and to ensure adequate light, air, privacy and open space. Providing additional open space for children's play area may be appropriate for multiple family dwellings, intended for families in the R4, R5 and R6 Districts, which would increase the desirability and range of populations within the City of Minneapolis. Given the limited number of multiple family dwellings of five units or more with three or more bedrooms in the R3 District, staff does not believe it would be appropriate to require outdoor, children's play area in the R3 District at this time.

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In some cases, developers have voluntarily provided on-site play space accessory to new development. However, staff is concerned that the proposed amendment is similar in purpose and scope to the newly adopted regulations requiring a park dedication for projects that increase the net number of dwelling units on a site and will impose an additional practical and financial burden on residential development. The park dedication is required of any developer of land within the city that will result in a net increase in the number of development employees and/or a net increase in the number of residential dwelling units. Developers will have to either pay a fee or convey or dedicate to the public a reasonable portion of the land for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space. The effective date of the ordinance for the park dedication fee, if approved by the Minneapolis Park & Recreation Board, is January 1, 2011.

On relatively small lots, staff anticipates that there may be challenges associated with providing play space, the required landscaping, and the required number of off-street parking spaces. Thus, staff recommends that the amendment be limited to development projects on sites greater than 20,000 square feet in area. In addition, in some cases a development with five or more dwelling units, including units with three or more bedrooms, may not be intended for families with young children. However, the zoning code authorizes a variance to the specific development standards of Chapter 536, where strict adherence would cause undue hardship because of conditions or circumstances unique to an individual property.

**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 given that it supports the goals of the *Minneapolis Plan for Sustainable Growth*, which states that development and design of new open spaces should respond to the changing demographics and an ever-changing built environment. This amendment is part of the continual process of updating the zoning ordinance, as well.

Staff performed a code search to obtain information on how other area cities address on-site children's play area. The City of Vancouver, British Columbia has a series of standards for locating multiple-family dwellings intended for families within proximity to schools with play equipment, day care centers, after school facilities, community centers, grocery stores, playgrounds and public transit. Further, they have specific guidelines for children in different age groups including pre-school, elementary, pre-teens, and teenagers. The State of MN has standards for outdoor play space accessory to child care facilities requiring outdoor play space of at least 50 square feet per child in attendance, adjacent to the residence, for regular use, or a park, playground, or play space within 1,500 feet of the residence. Finally, Lincoln, NE has design standards for recreational facilities that regulate equipment types, safety standards and lighting.

Staff reviewed existing developments within the City of Minneapolis that have provided outdoor, children's play area accessory to multi-family residential structures. In addition, staff reviewed three

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projects that have been recently reviewed and approved that would meet the criteria established in the proposed amendment.

- 1) Groveland Terrace (48, 50 and 52 Groveland Terrace)  
3 dwelling units with 3 or more bedrooms; under the proposed ordinance, 300 square feet of outdoor, children's play area would be required.
- 2) Karmel Village (2848 Pleasant Avenue and 2825 Grand Avenue)  
51 dwelling units with 3 or more bedrooms; under the proposed ordinance, 2,000 square feet of outdoor, children's play area would be required.
- 3) Lake Calhoun City Apartments (3046 West Lake Street)  
10 dwelling units with 3 or more bedrooms; under the proposed ordinance, 500 square feet of outdoor, children's play area would be required.

If the proposed amendment is denied, outdoor, children's play area would not be mandated in the R4, R5 and R6 Districts, limiting the attractiveness of multiple family dwellings intended for families and increase the relative burden upon existing park resources. This may limit opportunities for the City to attract families that support the city's goals.

**Comprehensive Plan:**

**How will this amendment implement the Comprehensive Plan?**

The following policies of the *Minneapolis Plan* apply:

- 9.18 Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan.

The following general land use policies of the *Minneapolis Plan for Sustainable Growth* apply:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

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- Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.
- 3.6.1 Promote the development of housing suitable for people and households of all life stages that can be adapted to accommodate changing housing needs over time.
- Policy 7.1: Promote the physical and mental health of residents and visitors by recognizing that safe outdoor amenities and spaces support exercise, play, relaxation and socializing.
- 7.1.1 Ensure that adjacent land uses contribute to the safety and ambiance of parks and open spaces.
  - 7.1.2 Ensure safety in open spaces by encouraging Crime Prevention through Environmental Design strategies.
  - 7.1.4 Ensure open spaces provide peaceful, meditative, and relaxing areas as well as social, recreational, and exercise opportunities.
  - 7.1.5 Provide equipment, programming, and other resources when possible that promote the physical and mental health of citizens.
- Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.
- 10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

*Providing new types of outdoor amenities will allow the city to continue to transform into a sustainable and functional environment. The development and design of new open spaces should respond to the changing demographics and an ever-changing built environment. Future possibilities exist to give the city the equivalent of a central square; provide green infrastructure such as green roofs, bioswales, and rain gardens; develop high quality open space as part of new developments; and to better preserve the city's existing open spaces.*

**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 536 and 546. Staff further recommends that chapters 520 and 535 be returned to author.

**Attachments**

1. Ordinance amending Chapter 536 Specific Development Standards, adding standards for outdoor, children's play area to *Multiple-family dwellings, five (5) units or more.*

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2. Ordinance amending Chapter 546 Residence Districts, adding specific development standards to Table 546-1 for *Multiple-family dwellings, five (5) units or more*.
3. Photographs of existing outdoor, children's play area in the City of Minneapolis.