

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

Date: August 14, 2006

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: March 31, 2006

Ward: All

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Intent of the Ordinance: The purpose of the amendment is to evaluate the current minimum width requirement for single and two-family dwellings and multiple-family dwellings of three and four units. This text amendment would authorize a variance to allow property owners to apply to reduce the width of proposed one to four unit dwellings or to reduce the amount of the dwelling that must meet the minimum width standard.

Appropriate Section(s) of the Zoning Code: Amending Chapter 525 related to Zoning Code: Administration and Enforcement.

Background: The minimum width for single and two-family dwellings and multiple family dwellings of three and four units is 22 feet. This minimum width must be maintained for at least 80 percent of the habitable floor area of the structure. There is currently no authorized variance of this requirement.

While current regulations require a minimum lot width of 40 feet for single through four unit dwellings, there are approximately 11,895 zoning lots that have a lot width of less than 40 feet located throughout the City of Minneapolis. In order to construct a new single-family dwelling in the R1 zoning district and meet the required 22-foot dwelling width requirement and the 6-foot interior side yard setback requirement the minimum lot width could not be less than 34 feet. Please note that the minimum lot width could be more or less than 34 feet depending on the zoning district and the setback requirement as determined by the type or height of the structure. It should also be noted that the International Building Code (IBC) requires a minimum setback of three feet from an interior property line before any opening, including windows, would be allowed.

Because there isn't an authorized variance of the minimum width requirement for single and two-family dwellings and multiple family dwellings of three (3) and four (4) units, property owners who have a narrow sized lot in the City of Minneapolis typically need to apply for a setback variance in order to locate the house they have designed on the property. In order to provide an alternative to reducing the interior side yard setbacks of a property the Planning Division is recommending that a variance of the minimum width for single and two-family dwellings and multiple family dwellings of three (3) and four (4) units be adopted.

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 requiring minimum dwelling widths for one to four unit buildings and minimum yard setbacks is to maintain the character of the various residential neighborhoods throughout the City of Minneapolis. These regulations are also intended to ensure the long-term livability of new construction throughout the city. Constructing a single or two-family dwelling or a multiple family dwelling of three (3) and four (4) units on a very narrow, substandard lot in the City of Minneapolis often requires an application to reduce the interior side yard setback. Reducing the interior side yards of a proposed structure decreases the separation between the proposed structure and its adjacent neighbor and ultimately reduces the amount of light, air and privacy between them. Instead of reducing the setbacks the Planning Division is recommending that a variance of the minimum width for single and two-family dwellings and multiple family dwellings of three and four units be adopted. By adopting this text amendment property owners of narrow lots would have a choice to apply to either decrease their setbacks or decrease the width of their structure, thus providing a greater separation between their proposed structure and their neighbors.

The amendment would serve the public interest by allowing greater flexibility when designing a new single or two-family dwelling or multiple-family dwelling of three (3) or four (4) units on a substandard lot. One could choose to maintain the required setbacks between their structure and their neighbors and instead reduce the width of their structure. It should be pointed out that as written, the proposed variance would only be authorized for properties that are less than 40 feet in width. This amendment is being written this way so property owners of currently conforming zoning lots do not subdivide their properties into smaller lots on which they would then construct narrow dwellings.

The Planning Division does not anticipate that the amendment would cause problems. The zoning code and the building code have regulations in place that are intended to address potential impacts on surrounding properties. It should be noted that the Planning Division does have some concern given that this amendment would provide an opportunity for property owners to request unreasonably narrow homes. However, the City would have substantial discretion to deny unreasonable variance requests. Authorizing the variance request only on existing lots that are less than 40 feet in width would help to ensure that the variance is used primarily where the current regulation causes hardship or practical difficulties. It is reasonable to expect continued conformance with the minimum dwelling width requirement on standard, conforming lots.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

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The amendment is timely in that there is an applicant interested in constructing a new single-family dwelling on a property within the City of Minneapolis that does not meet the current width requirements as required by the zoning code.

Municipal ordinances for the following cities were researched for this text amendment; Richfield, St. Louis Park and St. Paul, Minnesota, Denver, Colorado, Detroit, Michigan, Portland, Oregon and Madison, Wisconsin. There is no consistent minimum width required by the municipalities that were researched for this text amendment (please see table attached). In some instances there is no minimum width required and in other instances a greater width is required than in Minneapolis. However, in all cases where there is a minimum width required a variance of the requirement is authorized by the municipalities' zoning code and in all cases where there was an authorized variance there was no limit on the width to which the house could be varied.

The consequence of denying the amendment would be that newly constructed single and two-family dwellings and multiple family dwellings of three and four units would need to maintain a minimum width of 22 feet for 80 percent of the habitable floor area of the structure.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The amendment will implement the following policies of the comprehensive plan.

Policy 4.9. Minneapolis will grow by increasing its supply of housing.

Implementation Step for Policy 4.9. Support the development of infill housing on vacant lots.

Policy 9.8. Minneapolis will maintain and strengthen the character of the city's various residential areas.

Implementation Step for Policy 9.8. Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings.

The amendment is consistent with the comprehensive plan as it would allow greater flexibility when designing new single and two-family dwellings and multiple family dwellings of three (3) and four (4) units on infill lots throughout the City of Minneapolis. In areas of the city where existing dwellings are generally narrower than others one could design a new dwelling to be more architecturally compatible with its surroundings. Or in cases where the lot is less than 40 feet in width one could choose to reduce the width of the dwelling rather than the interior setbacks thus maintaining light and air for the adjacent properties.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the text amendment:

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the zoning code text amendment.

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City	Minimum Dwelling Width	Variance
Richfield, MN	R1, 22 feet in length and width for 50 percent of each distance R-1, 24 feet in length and width for 50 percent of each distance MR-1, 24 feet in length and width for 50 percent of each distance	May vary any standard of the zoning code except uses
St. Louis Park, MN	No minimum width for one to four unit dwellings	Not applicable
St. Paul, MN	22 feet, except for entryways or appurtenances that do not run the entire length of the building	Dimensional and numerical standards can be varied so long as the variance doesn't effectively become a use variance
Denver, CO	No minimum width for one to four unit dwellings	Not applicable
Detroit, MI	No minimum width for one to four unit dwellings Except townhomes must maintain a minimum width of either 18 or 20 feet depending on the zoning district in which they are constructed	May vary any standard of the zoning code except uses
Portland, OR	No minimum width for one to four unit dwellings	Not applicable
Madison, WI	No minimum width for one to four unit dwellings	Not applicable