

**Department of Community Planning and Economic Development
Zoning Code and Subdivision Ordinance Text Amendment**

Date: November 12, 2013

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: August 16, 2013

Specific Site: Citywide

Ward: Citywide **Neighborhood Organization:** Citywide

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Intent of the Ordinance: Streamlining and housekeeping to improve customer service and reflect current staff practices and policies.

Appropriate Section(s) of the Zoning Code: Chapter 520, Introductory Provisions; Chapter 521, Zoning Districts and Maps Generally; Chapter 525, Administration and Enforcement; Chapter 527, Planned Unit Development, Chapter 530, Site Plan Review, Chapter 535, Regulations of General Applicability; Chapter 536, Specific Development Standards; Chapter 537, Accessory Uses and Structures; Chapter 541, Off-Street Parking and Loading; Chapter 543, On-Premise Signs; Chapter 546, Residence Districts; Chapter 547, Office-Residence Districts; Chapter 548, Commercial Districts; Chapter 549, Downtown Districts; Chapter 550, Industrial Districts; Chapter 551, Overlay Districts and Chapter 598, Land Subdivision.

Background: On August 16, 2013, Council Member Schiff gave notice of intent to introduce every chapter of the Zoning Code and Land Subdivision Regulations to comprehensively review and amend these ordinances for the purpose of improving customer service, implementing numerous technical changes and ensuring more effective alignment with policy objectives. The items that have been specifically identified for inclusion in this amendment are primarily streamlining and housekeeping items that will improve customer service and reflect current staff practices and policies. In addition to technical changes and eliminating typographical errors, the list of items that are included in this broad amendment are as follows:

Chapter 520, Introductory Provisions:

- Amending the definition of limited entertainment to more closely align with the Class C-1 License definition. The draft language will allow up to five amplified or non-amplified musicians, in lieu of three non-amplified musicians allowed under the current definition.
- Amending the definition of “primary building wall” to allow walls facing on-site parking lots to be considered primary building walls, regardless of whether or not they have an entrance on that wall.

Chapter 527, Planned Unit Development:

- The amendments to the planned unit development chapter address minor clarifications over processes that have arisen since the chapter's adoption in 2009. These include clarifying what constitutes ownership and control of property in a planned unit development, extending the time period for completion, revising points allowed for amenities proposed by the applicant or amenities that exceed standards, and clarifying which alternatives require the provision of an amenity.

Chapter 530, Site Plan Review:

- Eliminate the building placement exemption and parking location exemption for uses in the C3S, Community Shopping Center district. The site plan review standards require that building be setback not more than eight (8) feet from the front lot line in order to reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. The current standards also required that on-site accessory parking facilities shall be located to the rear or interior side of the site, within the principal building served, or entirely below grade. The C3S district is currently exempt from both of these standards and that exemption will be eliminated as part of the amendment.

Chapter 535, Regulations of General Applicability:

- Clarify that the minimum width of required interior side yards for all multiple-family dwellings only increases to 15 feet for a side-facing principal entrance.
- Amending the permitted obstructions in required yards table as follows:
 - The section for air conditioners will be simplified and modified to meet current industry standards.
 - Bicycle racks will be permitted obstructions in the required front or rear yard for all uses except 1-4 unit dwellings. Uses other than Public and Institutional uses will be limited to eight bike racks in a required yard.
 - Open porches will be allowed to project up to eight feet, an increase over the current allowance of six feet.
 - Rain barrels and cisterns will be permitted obstructions in required side and rear yards, with size limitations.
 - Permitted stair width in a required front or corner side yard will be increased to eight feet (currently six) with the maximum size of an entrance landing staying at 36 square feet. Permitted stair width for Public and Institutional uses will increase to 12 feet.
 - Permitted walkway width will be increasing from four feet to six feet. Permitted walkway width for Public and Institutional uses will increase to 12 feet
- Language will be added to Article VIII, Communications Towers, Antennas and Base Units to clarify review responsibilities based on our current departmental structure.
- Solar energy systems will have an additional performance standard for minimizing glare from the reflector.

Chapter 537, Accessory Uses and Structures:

- Clarifying that surface parking must be setback a minimum of six feet from any habitable space within a dwelling. As it is currently written, surface parking also needs to be six feet from other uses within larger residential buildings, such as enclosed parking.

Chapter 541, Off-street Parking and Loading:

- The minimum and maximum parking requirements for K-12 schools without any students of driving age are currently the same. This amendment proposes to modify the maximum parking requirement from one space per classroom to two spaces per classroom plus 1 space per 3 students of legal driving age based on the maximum number of students attending classes at any one (1) time.
- A parking requirement has been added for art studios. This use was unintentionally left out of the parking table when the ordinance was last amended.
- The minimum driveway width for single- and two-family dwellings will be reduced from ten feet to eight feet.
- A “Food and Beverages” sub-heading is not included under commercial uses within Table 541-3 Bicycle Parking Requirements. Those uses are listed in the table, but they don’t have a sub-heading.
- A density bonus is awarded in the downtown districts for putting all required parking in underground or in an enclosed structure. However, we’ve eliminated parking requirements in the downtown districts. Thus, the amendment eliminates the word “required” from 549.110.

Chapter 546, Residence Districts:

- Child care centers will become a permitted use in all residential districts. This is currently a conditional use in the residence districts. The existing specific development standards will not change, including the requirement that the use must be located in an *existing* nonresidential structure when locating in the residence and OR1 Districts.
- For the “front yard increase” requirement, replace language regarding the “nearest front corners” to reflect current interpretation and practice:

“the required front yard shall be not less than that established by a line joining ~~the nearest front corners~~ those parts of both buildings nearest to the front lot line, not including any obstructions allowed by Table 535-1 Permitted Obstructions in Required Yards.”

Chapter 547, Office Residence Districts:

- Early childhood learning centers, preschools, development achievement centers, educational arts centers and child care centers will become permitted uses in the OR1 districts (currently conditional uses).
- Building bulk requirements will be added for medical and dental laboratories in the OR2 and OR3 districts and blood/plasma collection facilities in the OR3 districts.
- For the “front yard increase” requirement, replace language regarding the “nearest front corners” to reflect current interpretation and practice:

“the required front yard shall be not less than that established by a line joining ~~the nearest front corners~~ those parts of both buildings nearest to the front lot line, not including any obstructions allowed by Table 535-1 Permitted Obstructions in Required Yards.”

Chapter 548, Commercial Districts:

- Eliminate the maximum lot size of 20,000 square feet in the C1 district.

- Reduce the transitional front yard setback requirement from 40 feet to 25 feet where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes.
- Replace confusing language regarding side yard setbacks to clarify that “equal to...a conditional use on the abutting residential lot...” actually means $5+2(x)$.
- Development achievement centers will become a permitted use in the C1 district, in lieu of a conditional use. This use will continue to be regulated with specific development standards.

Chapter 549, Industrial Districts:

- Veterinary clinics will be added as permitted uses in I1, Light Industrial and I2, Medium Industrial districts.
- Reduce the transitional front yard setback requirement from 40 feet to 25 feet where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes.
- Replace confusing language regarding side yard setbacks to clarify that “equal to...a conditional use on the abutting residential lot...” actually means $5+2(x)$.

Chapter 550, Downtown Districts:

- Reduce the transitional front yard setback requirement from 40 feet to 25 feet where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes.
- Replace confusing language regarding side yard setbacks to clarify that “equal to...a conditional use on the abutting residential lot...” actually means $5+2(x)$.

Chapter 551, Overlay Districts:

- Clarifying that bike racks will be allowed in required yards for uses other than 1-4 unit dwellings, as allowed in Table 535-1, Permitted Obstructions in Required Yards.

Chapter 598, Land Subdivision:

- Amendments to address minor clarifications over processes that have arisen since the chapter adoption in 1995. These include revising certain definitions to reflect practice and state statutes, revising the standards for platting outlots, updating the minor subdivision requirement and exemptions to reflect practice and state statutes, further defining the lot line adjustment and tax parcel split processes as have been historically practiced by staff, clarifying the application process for plats and registered land surveys, minor clarifications to the design standards for subdivisions, updating official and department names in the ordinance to reflect current department and position names, and revising the variance standard for subdivision variances.

Housekeeping throughout the ordinance:

- General housekeeping of all zoning code chapters to clarify confusing provisions, codify existing interpretations and correct typographical errors in the zoning ordinance.

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 update the zoning code in an effort to streamline and make the ordinances reflective of current staff practices, ensuring more effective alignment with policy objectives. There are also a number of housekeeping items that clarify confusing provisions, correct inconsistent phrasing, spelling and formatting, correct typographical errors and codify existing interpretations. The combined effort of all of these changes will improve customer service, eliminate some required applications and provide overall consistency in our ordinances.

The amendment is intended to address a number of consistency, clarity and technical issues in the zoning and subdivision ordinances. It will modify regulations in the zoning ordinance that result in variances that are nearly always approved. It will also eliminate some land use applications, such as conditional use permit for some uses, which are regulated by other provisions in the zoning code and will allow for more uses to be established administratively. Overall, the proposed changes will provide clarity to staff, the public, and policy makers.

The amendment will serve a public purpose by streamlining processes, making certain uses permitted administratively in lieu of requiring a public hearing, correcting typographical errors and confusing provisions and improving customer service. Overall the proposed changes provide clarity to staff, the public, and policy makers and will ensure more effective alignment with policy objectives.

Staff does not anticipate that the amendment will create significant problems. Uses that are currently conditional uses but would become permitted as part of this amendment will continue to be subject to specific development standards. Changes to the transitional yard requirements and permitted obstructions are proposed in a manner that would not have any detrimental impacts on neighboring property owners. The changes to Chapter 530, Site Plan Review, are consistent with urban design policies. The change to Chapter 520 regarding the definition of limited entertainment will match up with the current definition of the C-1 Liquor License. These types of uses will also continue to be regulated by existing noise ordinances and other licensing and zoning code requirements. Other changes are primarily housekeeping changes with no impacts.

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 will streamline processes, clarify regulations and improve customer service related to a number of zoning code and land subdivision regulations. In general, staff monitors and reviews issues with ordinances and will revise them to clarify practice and fix errors. This

broad amendment is providing staff with an opportunity to address a number of housekeeping items that are outstanding from recent amendments. Finally, this amendment is part of the continual process of updating the zoning and subdivision ordinances as well.

The streamlining and housekeeping changes that are proposed as part of this amendment are of the type that are not necessarily comparable to practices in other cities.

If the proposed amendment is denied, there will be a number of items in the zoning code and subdivision ordinance that remain ambiguous, inconsistent with current policies or other code provisions, or unnecessarily burdensome for citizens, developers and business owners. If the ordinance is denied there will be less clarity for staff, developers, and the public.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

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

Land Use 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.

- 1.1.1 Ensure that the City's zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.
- 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.

Staff comment: These policies are applicable to all of the changes proposed as part of this text broad amendment.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Staff comment: This policy is relevant to all of the changes proposed as part of this text amendment, but is especially applicable for the changes proposed to the transitional front yard and reverse corner yard setback requirement in commercial, industrial and downtown districts. Staff is proposing to reduce the transitional front yard and reverse corner yard setback requirement from 40 feet to 25 feet where a street frontage includes property zoned as a residence or office residence district and property zoned as a

commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes. This regulation is one that receives a significant number of variances requests that are consistently approved.

Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.

Staff comment: This policy is relevant for the proposed amendments to Chapter 535, Regulations of General Applicability, which will allow for greater sidewalk and stair widths in required yards and will allow for bike racks in required front and rear yards for all uses except for 1-4 unit residential structures.

Land Use Policy 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.

- 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.
- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Staff comment: These policies are relevant to the proposed amendments to Chapter 535, Regulations of General Applicability, which will allow for greater sidewalk and stair widths in required yards. It is also relevant for the proposed changes to Chapter 530, Site Plan Review, which will eliminate the building and parking placement exemptions for uses in the C3S, Community Shopping Center district. They are also applicable for the proposed change to the transitional front yard and reverse corner setback requirement, as noted above. Finally, these policies are relevant to the proposed elimination of the maximum lot size in the C1 district. The maximum lot size in the C1 district is currently limited to 20,000 square feet, with the possibility vary that up to 30 percent (26,000 square feet). This lot size maximum is one that sees a fair amount of variance requests. It also creates a difficult situation for larger sites that may be located on Community Corridors or in other areas that do not have the land use policies in place to support more intense commercial zoning.

Economic Development Policy 4.1: Support private sector growth to maintain a healthy, diverse economy.

- 4.1.5 Continue to streamline City development review, permitting and licensing to make it easier to develop property in the City of Minneapolis.

Staff comment: This policy is relevant to all of the changes proposed as part of this text amendment.

Urban Design Policy 10.8: Strengthen the character and desirability of the city's urban neighborhood residential areas while accommodating reinvestment through infill development.

10.8.8 Appropriate non-residential land uses, such as institutional, public and suitable commercial uses, should be integrated into low density residential areas through proper building location and design, landscaping, and other site improvements.

Staff comment: This policy most applicable to the proposed changes to the use tables in Chapter 546, Residence Districts and Chapter 547, Office-Residence Districts. Staff is proposing that child care centers be allowed as a permitted use in all residence districts, where they currently require a conditional use permit. Specific development standards will continue to regulate this use by requiring that they be in a non-residential building existing on the effective date of the ordinance, among other requirements. Allowing child care centers as permitted uses will allow for adaptive reuse of existing non-residential buildings in residential areas without the need for a public hearing. Staff is also proposing that a number of conditional uses in the OR1 district become permitted uses under this amendment. Those uses include early childhood learning centers, preschools, development achievement centers, educational arts centers and child care centers. Again, this proposed change will allow for adaptive reuse of buildings in the OR1 district without a public hearing and these uses will continue to be regulated by specific development standards.

Urban Design Policy 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.

10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Staff comment: This policy is relevant for the proposed amendments to Chapter 535, Regulations of General Applicability, which will allow for greater sidewalk and stair widths in required yards. It is also relevant for the proposed changes to Chapter 530, Site Plan Review, which will eliminate the building and parking placement exemptions for uses in the C3S, Community Shopping Center district.

Urban Design Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

10.10.4 Orient new buildings to the street to foster safe and successful commercial nodes and corridors.

Staff comment: This policy is relevant for the proposed amendments to Chapter 530, Site Plan Review, which will eliminate the building and parking placement exemptions for sites in the C3S, Community Shopping Center district. New development in this district will now be required to place buildings within 8 feet of the front lot line and parking will no longer be allowed between the building and the

street. These changes will support the above policy by emphasizing traditional urban form in all commercial areas. The Comprehensive Plan has additional language regarding big box retailers that encourages traditional urban design principles in the renovation and redevelopment of older, existing suburban-style shopping areas so that traditional big box retailers can gain a foothold in the urban market without imposing a suburban, car-dependent model.

Recommendation of the Department of Community Planning and Economic:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment to Chapters 520, 521, 525, 527, 530, 535, 537, 541, 543, 546, 547, 548, 549, 550 and 551. Staff further recommends that Chapters 529, 531, 536 and 544 be returned to author.

Recommendation of the Department of Community Planning and Economic:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the text amendment to Chapter 598, Land Subdivision.

Attachments:

1. Amendment to all applicable zoning code chapters except Chapter 527.
2. Amendment to Chapter 527 relating to Zoning Code: Planned Unit Development
3. Amendment to Chapter 598 relating to Land Subdivision
4. Correspondence