

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Schiff

**Amending Title 20, Chapter 527 of the Minneapolis Code of Ordinances
relating to Zoning Code: Planned Unit Development.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 527.50 of the above-titled ordinance be amended to read as follows:

527.50. Ownership or control. All parcels proposed for planned unit development shall be under the ownership or control of the applicant at the time of application. Control may include a purchase agreement. Where amendments are necessary and the parcels are under different ownership or control than the original application, the application for an amendment may be made by the owner of the parcel on which the amendment will occur. Where the ownership of the parcel is part of a common interest community, the applicant shall obtain the permission of the association board for the parcel where the amendment will occur. The applicant shall notify in writing all other owners of parcels within the boundary of the original planned unit development, or in the case of a common interest community the association board, and shall submit evidence of such notification to the zoning administrator before any application shall be deemed complete.

Section 2. That Section 527.90 of the above-titled ordinance be amended to read as follows:

527.90. Changes in approved plan. (a) *Minor changes.* Notwithstanding section 527.80, the zoning administrator may authorize minor changes in the placement and size of improvements, or may authorize the substitution of a substantially similar amenity for an approved amenity, within an approved planned unit development if the changes are required because of conditions that were unknown at the time the development plan was approved, and the zoning administrator determines that the changes are consistent with the intent of this chapter and the findings made by the city planning commission in connection with the approval of the planned unit development.

(b) *Other changes.* Changes to the development plan affecting uses, bulk regulations, parking and loading, or components of the site other than minor changes in the placement and size of improvements shall require amendment to the planned unit development by the city planning commission. The elimination of any amenity, or substitution of any amenity that is not substantially similar to an approved amenity provided for an alternative to the zoning code, as allowed in section 527.120, shall

require an amendment to the planned unit development by the city planning commission. The requirements for application and approval of a planned unit development amendment shall be the same as the requirements for original approval. Where only one change to the development is made that is deemed an amendment to the planned unit development, including the addition of a use that is a conditional use permit in the zoning district in which the planned unit development is located, or revisions to the master sign plan, and where staff determines that the change will not require substantial staff time or reevaluation of the planned unit development, then the applicant may be charged the application fee for a conditional use permit, rather than the fee for a conditional use permit for planned unit developments, as listed in Table 525-1, Fees.

Section 3. That Section 527.100 of the above-titled ordinance be amended to read as follows:

527.100. Time of completion. (a) *In general.* All planned unit developments shall be completed within two (2) years of the effective date of the planned unit development approval, or such later date established by the city planning commission unless the building permit is obtained within such period and the erection or alteration of a building is substantially begun and proceeds on a continuous basis toward completion, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of such approval. The zoning administrator, upon written request, may for good cause shown grant up to a ~~one (1)~~ (2) two year extension to this time limit. If any one phase is deemed expired, then all successive phases not completed or under construction shall be deemed expired.

Section 4. That Section 527.120 of the above-titled ordinance be amended to read as follows:

527.120. Alternatives to zoning ordinance standards. The city planning commission may approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located, as authorized in this chapter and as listed in Table 527-2, Authorized Alternatives, where the planned unit development includes site amenities. Site amenities are listed in Table 527-1, Amenities, and are subject to the following standards:

(1) All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.

(2) For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives, except for revisions made to an already approved planned unit development as an amendment to the planned unit development.

(3) Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.

(4) In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.

(5) Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

Nothing in this chapter shall be construed to provide a property owner with any property right or other legal right to compel the city to grant alternatives to this zoning ordinance.

Table 527-1 Amenities

Points	Amenity	Standards
10	Active liner uses as part of a parking garage	Inclusion of housing, office, or other active uses around the perimeter of all floors of a parking garage that face a public street, sidewalk, or pathway. In any district where liner uses are already required on the first floor, points shall only be awarded for liner uses on all other floors above the first where parking is located. False or display windows shall not qualify.
10	Green roof	Installation of an extensive, intensive, semi-intensive, modular or integrated green roof system that covers a minimum of fifty (50) percent of the total roof area proposed for the development.
10	Historic preservation	Preservation, rehabilitation or restoration of designated historic landmarks as a part of the development, subject to the approval of the Minneapolis Heritage Preservation Commission.
10	Leadership in Energy and Environmental Design (LEED)	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the City, approved by a LEED Accredited Professional (LEED-AP), that shows that the project will comply with LEED Silver requirements.
10	Minnesota Sustainable Building Guidelines	The proposed development shall meet the minimum required and recommended MSBG standards that would equal a LEED silver certification. The developer must submit documentation to the City including the MSBG

	(B3-MSBG)	checklist and a letter, signed by the owner or a licensed design professional, that shows that the project will comply with MSBG required and recommended standards equivalent to a LEED Silver certification. The recommended standards utilized should be those that most closely align with City sustainability goals.
10	Public right-of-way dedication	Dedication of land and construction of a public road, alley, pathway, or greenway that is part of an approved City plan or that restores the city's traditional grid subject to the approval of the applicable agencies or departments. Right-of-way improvements should be designed in accordance with Chapter 598, Land Subdivision Regulations. Points shall not be awarded for the reconstruction or relocation of an alley to facilitate an alley vacation.
10	Underground parking	All parking shall be located underground. Where the grade of the site slopes significantly, all parking shall be enclosed in a floor level of the building that does not meet the definition of a story. Further, exterior parking garage walls adjacent to the public street shall not extend more than three (3) feet above the adjacent grade measured from the finished floor of the first level.
5	Conservation of the built environment	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
5	Garden(s) or on-site food production	Permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory at a minimum of sixty (60) square feet per dwelling unit to a maximum required area of five thousand (5,000) square feet, which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment.
5	On-site renewable energy	Use of a photovoltaic or wind electrical system, solar thermal system and/or a geothermal heating and cooling system for at least seven (7) percent of the annual energy costs in new and existing buildings. Geothermal systems shall not use vapor compression systems. The applicant must demonstrate that the quantity of energy generated by the renewable energy system(s) meets the required percentage through a whole building energy simulation.
5	Outdoor open space	Contiguous ground level outdoor open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs. Rain gardens, where appropriate, are encouraged. Walkways and pathways shall be surfaced with pervious pavers, pervious concrete,

		decorative pavers, stamped concrete, colored concrete, brick or other decorative and durable materials. A minimum of thirty (30) percent of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty (50) percent of the provided open space shall be contiguous. The open space must be immediately accessible from the principal structure. 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.
5	Outdoor children's play area	An active, outdoor children's play area with a minimum of fifty (50) square feet for each unit containing three 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.
5	Plaza	Plazas shall have a minimum area equivalent to ten (10) percent of the site not occupied by buildings, but not less than two thousand (2,000) square feet and shall comply with all provisions in Chapter 535, Regulations of General Applicability. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
3	Art feature	Provision of art that shall strive to promote quality design, enhance a sense of place, contribute to a sense of vitality, show value for artist and artistic processes, and use resources wisely. The art shall be maintained in good order for the life of the principal structure. The art shall be located where it is highly visible to the public. If located indoors, such space shall be clearly visible and easily accessible from adjacent sidewalks or streets. The art shall be valued at not less than one-fourth (.25) of one (1)

		percent of the capital cost of the principal structure.
3	Decorative or pervious surface for on-site parking and loading areas, drives, driveways and walkways.	Provide decorative pavers, pervious pavers, stamped concrete, colored concrete, pervious concrete, brick or other decorative or durable materials for a minimum of seventy five (75) percent of surface parking and/or loading areas, drives aisles, driveways and walkways that comply with the Americans with Disabilities Act accessibility requirements.
3	Energy efficiency	Utilization of energy design assistance programs or commissioning to ensure that building systems are designed to operate efficiently and exceed the Minnesota State Energy Code by at least thirty (30) percent of the annual energy costs. The developer must submit documentation to the City including a letter signed by the owner or a licensed design professional, that shows the project will comply with this standard.
3	Living wall system	Provide a living wall system on at least one building elevation. The living wall shall be composed of panels that total a minimum of sixty (60) percent of the wall area on the building elevation, or five hundred (500) square feet, whichever is greater. Window area is included in the calculation of the wall area, but in no case shall the living wall cover windows. A portion of the plantings shall provide greenery year round.
3	Natural features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment.
3	Pedestrian improvements	A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements of Chapter 530, Site Plan Review. The improvements shall use a combination of landscaping, decorative materials, access control and lighting to create a safe, clear and aesthetically pleasing access through and/or around the site that complies with the Americans with Disabilities Act accessibility requirements.
3	Reflective Roof	Utilize roofing materials for seventy five (75) percent or more of the total roof surface having a Solar Reflectance Index (SRI) equal to or greater than the values as required by the US Green Building Council (USGBC) for low-sloped and steep-sloped roofs.
3	Shared bicycles	Public access to shared bicycles available for short-term use as defined in section 541.180. Applies to mixed-use and non-residential uses only. A minimum of ten (10) shared bicycles per one (1) commercial use must be

		provided to qualify as an amenity. Bicycle parking spaces and racks shall be located in an area that is convenient and visible from the principal entrance of the building.
3	Shared vehicles	Access to a shared passenger automobile available for short-term use. For residential uses, a minimum of one (1) car per one hundred (100) dwelling units is required.
1	Decorative fencing	Install high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway. The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site. In no case shall chain-link fencing be considered decorative fencing.
1	Enhanced exterior lighting	Lighting plan that highlights significant areas of the site or architectural features of the building(s), subject to the standards of Chapter 535, Regulations of General Applicability.
1	Enhanced landscaping	A landscaping plan of exceptional design that has a variety of native tree, shrub, and plant types that provide seasonal interest and that exceed the requirements of Chapter 530, Site Plan Review. The landscaped areas shall have a resource efficient irrigation system. The landscaping plan shall be prepared by a licensed landscape architect.
1	Enhanced stormwater management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include for long-term maintenance of the design. The design shall conform to requirements of the stormwater management plan approved by public works.
1	Heated drives or sidewalks	Heated drives or sidewalks that are designed to provide snow and ice free surfaces.
1	Pet Exercise Area	A pet exercise area shall have a minimum dimension of twelve (12) feet by sixty (60) feet. It shall be enclosed with decorative fencing, include lighting in compliance with Chapter 535, Regulations of General Applicability and provide accommodations for proper disposal of animal waste. The pet exercise area shall not be located in a required yard.
1	Recycling storage area	Provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building.
1	Tree islands	The inclusion of additional or larger tree islands in the interior of parking lots that exceed the requirements of

		Chapter 530, Site Plan Review. Larger tree islands shall have a minimum width of ten (10) feet in any direction and shall provide shrubs, plant materials, and/or rain garden plantings in addition to the trees.
1	Water feature	A water feature, including but not limited to a reflecting pond, a children’s play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.
As determined by CUP.	Amenities proposed by the applicant or others	The city planning commission may consider other amenities not listed in Table 527-1, Amenities, that are proportionally related to the alternative requested. The commission may assign one (1), <u>three (3),</u> five (5), or ten (10) points based on the proportionality.
As determined by CUP.	Amenities that significantly exceed standards	The <u>city planning</u> commission may consider <u>up to an additional five (5) additional</u> points to the point value listed for any amenity in Table 527-1, Amenities, where the commission finds the proposed amenity substantially exceeds the standards required in Table 527-1, Amenities, for the amenity.

Section 5. That Section 527.130 of the above-titled ordinance be amended to read as follows:

527.130. Placement and number Number of principal residential structures. More than one principal residential structure may be placed on one platted or recorded lot in a planned unit development. The appearance and compatibility of individual buildings to other site elements and to surrounding development shall be given primary consideration in reviewing and approving the placement and spacing of structures. ~~The city planning commission may also consider alternatives to the building placement requirements of the PO Pedestrian Oriented Overlay District, except where the alternative is to allow parking between the principal structure and a front or corner side lot line.~~ The city planning commission may consider this alternative without the addition of amenities beyond those required for a planned unit development in section 527.120(1).

Section 6. That Section 527.150 of the above-titled ordinance be amended to read as follows:

527.150. Lot area requirements. (a) *In general.* The city planning commission may authorize reductions in the area of individual lots within a planned unit development from the required lot area for the zoning district, provided any such reductions shall be compensated for by an equivalent amount of lot area elsewhere in the planned unit development for the purpose of promoting an integrated project that provides additional site amenities. Lot area shall not include areas designated as public or private streets.

Section 7. That Section 527.100 of the above-titled ordinance be amended by adding thereto a new Section 527.165, to read as follows:

527.165. Building placement. The city planning commission may authorize alternatives to the building placement requirements of the PO Pedestrian Oriented Overlay District, except where the alternative is to allow parking between the principal structure and a front or corner side lot line. The city planning commission may consider these alternatives for the purpose of promoting an integrated project that provides additional site amenities.

Section 8. That Section 527.170(b) of the above-titled ordinance be amended to read as follows:

(b) *Alternatives.* The city planning commission may authorize alternatives to the sign standards for the purpose of promoting an integrated master sign plan provided the required amenities are provided and a master sign plan meets the following criteria:

Section 9. That Section 527.180 of the above-titled ordinance be amended to read as follows:

527.180. Off-street parking and loading. (a) *In general.* The required amount of off-street parking and loading and bicycle parking for the planned unit development shall be determined by the city planning commission and shall comply with the requirements of Chapter 541, Off-Street Parking and Loading, except as otherwise allowed by this chapter. In determining the minimum and maximum number of off-street parking and loading spaces and bicycle parking required, the city planning commission shall consider, but not be limited to, the parking and loading and bicycle parking requirements for the individual uses within the planned unit development as specified in Chapter 541, Off-Street Parking and Loading, the nature of the uses and population served, documentation supplied by the applicant regarding the actual parking and loading demand for the proposed use, the potential for shared parking and loading, and the use of alternative forms of transportation. The city planning commission may consider this alternative without the addition of amenities beyond those required for a planned unit development in section 527.120(1).

(b) *Other standards.* The city planning commission may consider alternatives to the minimum width of parking aisles and the minimum and maximum width of driveways where it is demonstrated that the parking area, aisles, and driveways will still allow for reasonable, functional, and safe vehicular access to and within the site. Where the alternative is to allow an increase in driveway width, the city planning commission shall also consider, but not be limited to, turning templates or other similar documentation demonstrating the need for the increase. The city planning commission may consider this alternative without the addition of amenities beyond those required for a planned unit development in section 527.120(1).

Section 10. That Section Table 527-2 of the above-titled ordinance be amended to read as follows:

Table 527-2 Authorized Alternatives

Zoning code standard	Authorized Alternative	<u>Amenity required</u>
Section 527.130. Placement and number <u>Number</u> of principal residential structures.	1) To allow more than one principal residential structure to be placed on one platted or recorded lot. 2) To allow alternatives to the building placement requirements in the PO Pedestrian Oriented Overlay District, except where to allow parking between the principal structure and the front or corner side lot line.	<u>No</u>
Section 527.140. Bulk regulations.	1) To increase the maximum gross floor area ratio by not more than twenty (20) percent. 2) To increase the maximum height of structures.	<u>Yes</u> <u>Yes</u>
Section 527.150. Lot area requirements.	1) To allow reductions in the area of individual lots within the planned unit development from the required lot area of the zoning district. 2) To allow a density bonus to increase the maximum number of dwelling units by not more than twenty (20) percent in districts that limit the number of allowed dwelling units.	<u>Yes</u> <u>Yes</u>
Section 527.160. Yards.	1) To allow a reduction or elimination of required yards within the planned unit development. 2) To allow a reduction or elimination of required yards along the periphery of the planned unit development, except along property lines	<u>Yes</u> <u>Yes</u>

	abutting a side or rear lot line of a residential district or property lines abutting a side or rear lot line of a structure used for permitted or conditional residential purposes.	
<u>Section 527.165. Building placement,</u>	<u>1) To allow alternatives to the building placement requirements in the PO Pedestrian Oriented Overlay District, except where to allow parking between the principal structure and the front or corner side lot line.</u>	<u>Yes</u>
Section 527.170. On-premise signs.	To allow alternatives to the sign standards.	<u>Yes</u>
Section 527.180. Off-street parking and loading.	To allow alternatives to the following: 1) Minimum and maximum amount of required off-street parking and loading. 2) Minimum amount of required bicycle parking. 3) Minimum width of parking aisles. 4) Minimum and maximum width of driveways.	<u>No</u> <u>No</u> <u>No</u> <u>No</u>

Section 11. That Section 527.210 of the above-titled ordinance be amended to read as follows:

527.210. Additional Use Standards. The city planning commission may authorize additional uses, as provided in ~~S~~ection 527.200, subject to the following standards:

Section 12. That Section 527.220 of the above-titled ordinance be amended to read as follows:

527.220. Conditional Uses. (a) *In general.* Any conditional use allowed in the zoning district in which the planned unit development is located may be included within a planned unit development, upon making each of the required findings for conditional use permits in Chapter 525, Administration and Enforcement.

(b) *Dwelling units.* Dwelling units that require a conditional use permit in the zoning district in which the planned unit development is located shall not be required to submit a separate conditional use permit and shall be considered as a part of the findings and ~~approval~~ review of the planned unit development.

(c) *Nonresidential uses.* Nonresidential uses that require a conditional use permit in the zoning district in which the planned unit development is located, shall submit a separate conditional use permit application and findings as a part of the planned unit development ~~approval~~ review.

(d) *Signs.* Signs that require a conditional use permit in the zoning district in which the planned unit development is located shall not be required to submit a separate conditional use permit and shall be considered as a part of the findings and review of the planned unit development.