



## CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #4  
February 23, 2015

### ZONING CODE TEXT AMENDMENT SUMMARY

<i>Initiator:</i>	Council Member Bender
<i>Introduction Date:</i>	October 31, 2014
<i>Prepared By:</i>	<a href="#">Kimberly Holien</a> , Senior Planner, (612) 673-2402
<i>Specific Site:</i>	N/A
<i>Ward:</i>	Citywide
<i>Neighborhood:</i>	Citywide
<i>Intent:</i>	To allow flexibility in regulations governing placement of containers for household refuse.

### APPLICABLE SECTION(S) OF THE ZONING CODE

- Chapter 535, Regulations of General Applicability

### BACKGROUND

An ordinance was introduced to the City Council on October 31, 2014, amending Chapter 535 related to Zoning Code: Regulations of General Applicability to allow flexibility in regulations governing placement of containers for household refuse. This ordinance was introduced by Council Member Bender.

Containers for the removal of household refuse are currently allowed as permitted encroachments in the required rear yard. Outside of the required rear yard, said containers are required to comply with all applicable setbacks. The Department of Public Works Division of Solid Waste and Recycling has made modifications to their residential waste collection program over the last few years to expand the services provided. The Solid Waste and Recycling program now includes garbage collection, single-sort recycling, yard waste collection and residential organics collection. The expanded program may result in four or more refuse storage containers for a residential use. To accommodate the space needed for these additional containers, the subject text amendment would allow refuse storage containers as a permitted encroachment in the interior side yard of residential uses. Containers in the interior side yard would need to be located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater.

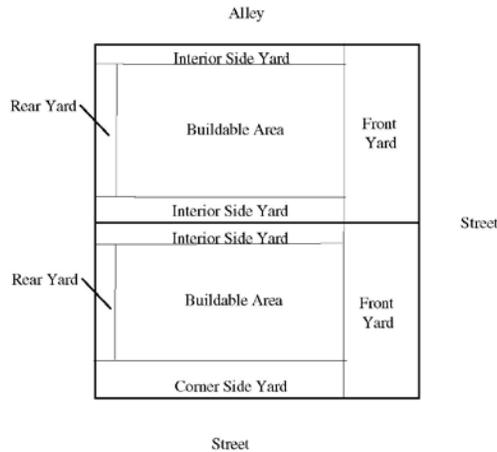
### PURPOSE

#### **What is the reason for the amendment?**

The purpose of the amendment is to allow flexibility in regulations governing placement of containers for household refuse.

**What problem is the amendment designed to solve?**

The City’s Solid Waste and Recycling program now includes garbage collection, single-sort recycling, yard waste collection and residential organics collection. As such, 1-4 unit residential properties that participate in all aspects of the program may have four or more refuse storage containers on-site. This number of refuse storage containers can be difficult to accommodate on a standard city lot without encroaching into required interior side yards, particularly because the interior side yards extend all the way to the rear property line, as illustrated below:



Allowing for such containers to be stored in the interior side yard in the rear 40 feet or rear 20 percent of the lot will provide additional space and make it easier for residents to participate in the expanded Solid Waste and Recycling services.

**What public purpose will be served by the amendment?**

The amendment is intended to allow flexibility in terms of permitted locations for refuse storage containers to coincide with an expanded Solid Waste and Recycling program citywide. Expanding potential locations for storage of refuse containers will make it easier for residents to take advantage of the expanded recycling and organics collection services.

**What problems might the amendment create?**

The amendment is not expected to create any problems. Refuse storage containers will only be allowed in the interior side yard in the rear 40 feet or rear 20 percent of the lot, whichever is greater. The proposed amendment will require that the refuse storage containers still maintain a minimum setback of 10 feet from the habitable portion of any dwelling on the adjoining lot. These performance standards are intended to minimize any potential impact on neighboring properties.

**TIMELINESS**

**Is the amendment timely?**

The amendment is timely given recent changes to the Solid Waste and Recycling Program. The City began single-sort recycling in the fall of 2012 that was implemented citywide by June 11, 2013. A pilot program for organics recycling began in 2008 and is currently offered in eight of the City’s neighborhoods. Organics recycling will soon be available citywide. Rollout of this service will take place in two phases by geographic area, with 25 percent of customers having organics recycling available in August 2015 and the rest in the spring of 2016. Amending the zoning ordinance in advance of the

citywide organics recycling program will allow for flexibility in placement of containers at the time residents enroll in this service.

**Is the amendment consistent with practices in surrounding areas?**

Surrounding cities vary in terms of how refuse storage containers are regulated. The City of Bloomington regulates the location of refuse storage containers on residential lots by prohibiting them in the setback area of a rear or side yard when the rear or side yard abuts a public street. Said containers are otherwise allowed in a required yard, provided they are screened from view. The City of St. Louis Park requires that refuse storage containers are not stored adjacent to the street and must be at least four feet from interior lot lines. The City of Richfield allows refuse storage containers to be stored in the side or rear of the property immediately adjacent to a principal or accessory structure or in an enclosed structure. Containers may not be stored in front of any part of the principal building on the property except on collection day.

**Are there consequences in denying this amendment?**

Some city residents have expressed that the configuration of their property makes it very challenging to comply with current regulations. If the amendment is denied it will be difficult for some residents to find suitable locations for the refuse storage containers and may discourage individuals from taking advantage of the expanded services offered by Solid Waste and Recycling.

**COMPREHENSIVE PLAN**

The amendment will implement the following applicable policies of [The Minneapolis Plan for Sustainable Growth](#):

**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.**

- 1.1.5 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.

**Environment Policy 6.10: Coordinate and operate waste management programs that focus on reducing, reusing and recycling solid waste prior to disposal.**

- 6.10.5 Strongly emphasize and promote reduction, reuse and recycling, including the purchase of recycled materials in residential, business and industrial and government operations and building practices.
- 6.10.9 Educate residents and property owners about the benefits of recycling, and of properly composting and reusing yard wastes and organic plant-based food waste.
- 6.10.10 Provide seasonal yard waste collection services from spring through fall.
- 6.10.12 Use landfilling as a last alternative for waste disposal.

This amendment will allow flexibility in the placement of refuse storage containers in the rear of residential lots to coincide with the expansion of the City’s Solid Waste and Recycling program for 1-4 unit dwellings, consistent with the above policies of the comprehensive plan.

## RECOMMENDATIONS

### **Recommendation of the Department of Community Planning and Economic Development:**

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, amending Chapter 535, Regulations of General Applicability.

## ATTACHMENTS

- I. Ordinance amending Chapter 536, Regulations of General Applicability.

2015-Or-\_\_\_\_

**AN ORDINANCE  
OF THE  
CITY OF MINNEAPOLIS**

By Bender

**Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.**

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

Section 1. That Section 535.80 of the above-titled ordinance be amended to read as follows:

**535.80. Screening of refuse and recycling storage containers.** Refuse, ~~and~~ recycling storage, and compost containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall not be governed by this provision.

Section 2. That Section 535.280, Table 535-1 of the above-titled ordinance be amended to read as follows:

**535.280. - Obstructions in required yards.**

(a) In general. All required yards shall remain open and unobstructed from ground level to the sky, except as otherwise provided below.

(b) Permitted obstructions. Accessory uses and structures and projections of the principal structure may be located in a required yard only as indicated by a "P" for permitted in Table 535-1 Permitted Obstructions in Required Yards.

(c) Additional limitations. In no case shall any permitted obstruction be located closer than one (1) foot from the property line, except for driveways, walkways, fences, detached accessory buildings, the storage of firewood and containers for the removal of household refuse, subject to the provisions of this section. In addition, notwithstanding Table 535-1 Permitted Obstructions in Required Yards, required interior side yards for nonresidential uses shall remain unobstructed from the ground level to the sky, except that fencing and retaining walls shall be allowed.

(d) Interior side yards for detached buildings accessory to dwellings. The interior side yard requirement for a detached accessory building may be reduced to one (1) foot when the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, provided that the accessory building shall be located not less than ten (10) feet from any habitable portion of a principal structure on the adjoining lot. Further, the required side yard for a detached accessory building may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40)

feet. Where the interior side yard is reduced, eaves, including gutters, shall not be less than six (6) inches from the property line, except where a common wall is allowed.

(e) Rear yards for detached buildings accessory to dwellings. The rear yard requirement for a detached accessory building may be reduced to one (1) foot, except where vehicle access doors face the rear lot line, in which case no reduction of the required yard is permitted. Further, where a rear yard abuts a required side yard no reduction of the required yard is permitted unless the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and is located behind the rear wall of the principal structure on the adjacent property to the rear. The required yard along such adjacent property may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet of both properties. Where the rear yard is reduced, eaves, including gutters, shall not be less than six (6) inches from the property line, except where a common wall is allowed.

(f) Accessory buildings on reverse corner lots. An accessory building shall be no closer to the side lot line adjacent to the street than a distance equal to two-thirds (2/3) of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Further, an accessory building shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence or office residence district. However, where the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and is located not less than ten (10) feet from any habitable portion of a principal dwelling on the adjacent property, only one (1) foot shall be required along such adjacent property line, except as otherwise prohibited by this zoning ordinance. Further, the required yard along such adjacent property may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet.

(g) Interior side yards for driveways accessory to dwellings. The yard requirement for a driveway may be eliminated where adjoining property owners share a common driveway.

(h) Rear yards. For purposes of Table 535-1 Permitted Obstructions in Required Yards, a rear yard abutting a required side yard shall be considered an interior side yard and shall be subject to the permitted obstructions regulations for such interior side yard.

**Table 535-1 Permitted Obstructions in Required Yards**

Type of Obstruction	Front or Corner Side Yard	Interior Side Yard	Rear Yard
Accessory buildings, subject to the provisions of <a href="#">Chapter 537</a> and <a href="#">section 535.280(d)</a> , (e) and (f)		P	P
Air conditioning window units projecting not more than eighteen (18) inches into the required yard	P	P	P
Air conditioning systems, heating, ventilating, and filtering equipment, not to exceed five (5) feet in height. Such equipment shall not be located closer than two (2) feet from an interior side property line. Such equipment may project into a corner side yard, provided such equipment		P	P

is located no closer than three (3) feet from the corner side lot line			
Arbors, or other growing support structures that are not a fence, trellis or pergola, not exceeding twenty (20) square feet in area, including eaves, and not more than eight (8) feet in height. Both the sides and the roof must be at least fifty (50) percent open, or, if latticework is used, shall be less than sixty (60) percent opaque. Such structures shall not be constructed of electrically charged wire, razor wire, chain link, chicken wire, railroad ties, utility poles, plywood or any other similar materials.	P		P
Awnings and canopies, projecting not more than two and one-half (2½) feet into front or side yards	P	P	P
Balconies, decks and ground level patios not exceeding fifty (50) square feet in area and projecting not more than four (4) feet into the required yard. Such balcony, deck or ground level patio may project into a required interior side yard of a multiple-family dwelling of four (4) or more stories, provided such balcony, deck or ground level patio shall be located no closer than ten (10) feet from the interior side lot line. Ground-level patios up to one hundred (100) square feet, constructed of decorative concrete, pavers or stone, may extend more than four (4) feet into the required front yard accessory to single- and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units provided the patio is located not less than ten (10) feet from a public sidewalk and shall be designed in a manner that would prevent the patio from being used for off-street parking.	P		P
Bay windows not exceeding fifty (50) square feet in area and projecting not more than five (5) feet into the required yard	P		
Bicycle racks accessory to multiple-family dwellings of five (5) units or more and non-residential uses. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures and shall permit the locking of the bicycle frame and one (1) wheel to the rack and support a bicycle in a stable position without damage to the wheels, frame or components. Except for Institutional and Public Uses, no more than eight (8) bicycle parking spaces may be located in each required yard.	P		P
Chimneys projecting not more than two (2) feet into the required yard	P	P	P
Compost containers, subject to the provisions of <a href="#">Chapter 244</a> , Housing Maintenance Code, and not closer than twenty (20) feet from any adjacent dwelling			P
Containers for the removal of household refuse, subject to the provisions of <a href="#">Chapter 244</a> , Housing Maintenance Code. <u>In a required interior side yard, such containers shall be located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and shall be located a minimum of ten (10) feet from the habitable portion of any dwelling on the adjoining lot.</u>		<u>P</u>	P
Driveways, subject to the provisions of <a href="#">Chapter 541</a> , Off-Street Parking and Loading, <a href="#">Chapter 537</a> , Accessory Uses and Structures, and <a href="#">section 535.280(g)</a>	P	P	P
Eaves, including gutters, projecting not more than three (3) feet from the building in the required front, rear or corner side yard and not more than two (2) feet from the building in the required interior side yard	P	P	P

Egress window wells not exceeding sixteen (16) square feet in area. Such window wells shall not be located closer than two (2) feet from an interior side property line	P	P	P
Fences including trellises, subject to Article VI of this chapter	P	P	P
Flagpoles, subject to <a href="#">section 535.110</a>	P	P	P
Handicap entrance landing not exceeding thirty-six (36) square feet in area and not more than the height of the level of the first floor or four (4) feet above the average level of the adjoining natural grade whichever is less, and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque, not including permanently roofed porches	P	P	P
Handicap ramp not exceeding four (4) feet in width leading to an entrance landing and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque.	P	P	P
Lighting fixtures and lampposts, subject to <a href="#">section 535.110</a>	P		P
Open porches, projecting not more than eight (8) feet from the building. The porch shall be covered and may extend the width of the dwelling, provided it shall be no closer than three (3) feet from an interior side lot line and no closer than six (6) feet from a dwelling on an adjacent property. Such porch shall be no closer than ten (10) feet from the front lot line and no closer than five (5) feet from the corner side lot line. The porch shall not be enclosed with windows, screens or walls, but may include handrails not more than three (3) feet in height and not more than fifty (50) percent opaque. The finish of the porch shall match the finish of the dwelling or the trim on the dwelling. For the purpose of this section, raw or unfinished lumber shall not be permitted on an open porch.	P		
Parking areas, subject to the provisions of <a href="#">Chapter 541</a> , Off-Street Parking and Loading, <a href="#">Chapter 537</a> Accessory Uses and Structures, and <a href="#">section 535.280</a> (d), (e) and (f)		P	P
Pergolas, subject to the provisions of <a href="#">Chapter 537</a> , Accessory Uses and Structures, and <a href="#">section 535.280</a> (d), (e) and (f). In a front or corner side yard pergolas shall not exceed twenty (20) square feet in area, including eaves, and not more than eight (8) feet in height.	P	P	P
Rain barrels and cisterns accessory to single- and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall be limited to a maximum height of four (4) feet and a maximum width of two and one-half (2.5) feet. Rain barrels and cisterns accessory to multiple-family dwellings of five (5) units or more and non-residential uses shall be limited to a maximum height of six (6) feet and a maximum width of three (3) feet. No more than two (2) rain barrels or cisterns may be located in each required yard.		P	P
Raised planting beds, not exceeding three (3) feet in height. In a front or corner side yard raised planting beds shall not be closer than five (5) feet to a front or corner side property line. Raised planting beds shall be constructed of wood, brick, masonry, landscape timbers, metal, ceramic, or synthetic lumber and shall be compatible with the principal structure and adjacent residential properties. Raised planting beds constructed of wood shall be structurally sound and free of rot. In addition, prefabricated raised planting beds shall be permitted. Raised planting beds shall not be constructed of wire, chicken wire, rope, cable, railroad ties, utility poles,	P		P

tires, plumbing fixtures or any other similar materials.			
Recreational playground equipment			P
Retaining walls, where natural grade is retained	P	P	P
Signs, subject to the provisions of <a href="#">Chapter 543</a> , On Premises Signs	P		
Stairs not exceeding four (4) feet in width, and entrance landings not exceeding sixteen (16) square feet in area and not more than the height of the level of the first floor or four (4) feet above the average level of the adjoining natural grade whichever is less, and handrails for such stairs not more than three (3) feet in height and not more than fifty (50) percent opaque, not including permanently roofed porches. In a front or corner side yard stairs shall not exceed eight (8) feet in width and entrance landings shall not exceed thirty-six (36) square feet in area. Stairs for Institutional and Public Uses shall not exceed twelve (12) feet in width and entrance landings shall not exceed ninety-six (96) square feet.	P	P	P
Storage of firewood, subject to the provisions of <a href="#">Chapter 244</a> , Maintenance Code		P	P
Utility meters projecting not more than two (2) feet into the required yard	P	P	P
Vestibules not exceeding fifty (50) square feet in area and projecting not more than five (5) feet into the required yard	P		
Walkways, not exceeding six (6) feet in width. Walkways for Institutional and Public Uses shall not exceed twelve (12) feet in width. Except for public recreational walkways and bicycle trails, walkways in required yards shall not be constructed of asphalt.	P	P	P