

ORDINANCE

By Gordon and Palmisano

Amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code.

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

Section 1. That Section 525.520 contained in Chapter 525, Administration and Enforcement, be amended to read as follows:

525.520. Authorized variances. Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment, city planning commission, or city council only in accordance with the requirements of section 525.500, and may be granted only in the following instances, and in no others:

(1) To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.

(2) To vary the lot area or lot width requirements up to thirty (30) percent, except for the following uses, where the maximum variance of thirty (30) percent shall not apply.

a. To vary the lot area or lot width requirements up to fifty (50) percent for schools, grades K-12, located in the OR2, OR3 and commercial districts.

b. To vary the lot area or lot width requirements up to fifty-five (55) percent for newly constructed two-family dwellings located in the R2B District, provided the surrounding properties are primarily two-family dwellings developed on lots similar in size to the proposed development.

(3) To vary the gross floor area, floor area ratio and seating requirements of a structure or use.

(4) Unless otherwise controlled by conditional use permit, to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded, and provided further that the maximum height of any accessory structure shall not exceed sixteen (16) feet or sixty (60) percent of the height of the structure to which it is accessory, whichever is greater. The maximum height of a detached accessory dwelling unit may be varied, provided that the height of the detached accessory dwelling unit shall not exceed the height of the principal structure.

(5) To permit an increase in the maximum height of a fence.

(6) To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces.

(7) To increase the percentage of required parking spaces that may be satisfied by providing compact spaces.

(8) To permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading.

(9) To increase by not more than five hundred (500) feet the maximum distance that required parking spaces are permitted to be located from the use served, and where off-site parking is prohibited, to allow off-site parking up to five hundred (500) feet away.

(10) To vary the location of off-site parking, as specified in Table 541-5 Location of Off-Site Parking, provided such off-site parking is not located in a residence or office residence district.

(11) To increase the maximum number of vehicles permitted to be parked outdoors.

(12) To vary the minimum width of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units provided the dwelling is located on a zoning lot existing on the effective date of this ordinance that is forty (40) feet or less in width.

(13) To increase the maximum allowed length of a recreational vehicle, or to permit the parking of such vehicle outside the rear forty (40) feet of the lot, as regulated in Chapter 541, Off-Street Parking and Loading. In no case shall the variance allow such vehicle to exceed thirty-five (35) feet in length.

(14) To reduce the minimum required width of parking aisles or to increase the maximum width of driveways in any zoning district, as regulated in Chapter 541, Off-Street Parking and Loading, or to reduce the minimum required width of driveways in the residence and OR1 Districts from ten (10) feet to eight (8) feet, provided there is no alley or alternative public access to the lot.

(15) To vary the maximum lot coverage and impervious surface coverage requirements.

(16) To vary the surfacing requirements of Chapter 541, Off-Street Parking and Loading. Factors to be considered in varying the surfacing requirements for the industrial districts shall include but not be limited to the following: The yard and parking uses are in the same area; use of heavy equipment will cause excessive hard surface breakup; parking movements are infrequent; the area is distant from other nonindustrial zone uses; or water infiltration is ecologically desirable.

(17) To permit development in the SH Shoreland Overlay District on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff.

(18) To permit development in the SH Shoreland Overlay District within fifty (50) feet of a protected water.

(19) To permit alternative forms of flood protection for uses and structures located in the FP Floodplain Overlay District, provided no variance shall permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area or permit standards lower than those required by state law. In areas designated as AO zones on the flood insurance rate map, a variance may be granted to the requirement that buildings be elevated to one (1) foot above the elevation of the ground surface prior to construction next to the proposed walls of the building, provided the application includes a detailed hydraulic analysis that supports such variance as sound floodplain management and a letter of map revision from the Federal Emergency Management Agency.

(20) To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District.

(21) To vary the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs.

(22) To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures, except that specific minimum distance and spacing requirements may be varied only to allow for the relocation of an existing use where the relocation will increase the spacing between such use and any use from which it is nonconforming as to spacing, or will increase the distance between such use and any protected boundary or use from which it is nonconforming as to distance. Further, the owner occupancy requirement for accessory dwelling units shall not be varied.

(23) To vary the limit of one (1) principal residential structure per zoning lot for structures located in the R2 District existing on the effective date of this ordinance, provided at least one (1) of the structures shall have a minimum of six thousand (6,000) square feet of floor area.

(24) To permit development on a zoning lot existing on the effective date of this ordinance that cannot comply with the requirement of frontage on a public street, where it is determined that there is sufficient access to the property without such frontage.

(25) To vary the screening and landscaping requirements of this zoning ordinance.

(26) To vary the enclosed building requirements of this zoning ordinance.

(27) To vary the minimum sign spacing standards and nonconforming sign area credits requirements of Chapter 544, Off-Premise Advertising Signs and Billboards, to allow the relocation of an existing off-premise advertising sign of the same or less square footage, where removal of the sign is necessary to allow a development that includes not less than thirty (30) housing units that meet the definition of affordable housing, or to allow a mixed-income development of not less than thirty (30) housing units that receives city financial assistance, or to allow a capital improvement project of a governmental agency. An existing off-premise advertising sign shall include but not be limited to a sign existing on June 17, 2002.

(28) To vary the width and location restrictions on attached garages facing the front lot line for residential uses.

(29) To vary the development standards of Chapter 535, Plazas and Skyways.

(30) To vary the requirement for enclosed off-street parking for new single- and two-family dwellings established after November 1, 2009.

(31) To permit curb cut access to the street for properties with an alley that serves a single- and two-family dwelling or multiple-family dwelling having three (3) or four (4) units.

Section 2. That Chapter 535, Regulations of General Applicability, of the Minneapolis Code of Ordinances be amended by adding thereto a new Article XIII, including Sections 535.880 through 535.920, to read as follows.

ARTICLE XIII. SKYWAYS

535.880. Purpose. Regulations governing new skyways are established to provide for appropriate location for skyways and to ensure the design of skyways contribute to the built and natural environment.

535.890. Definitions. As used in this article, the following words shall mean:

Bird-safe glazing. Bird-safe glazing includes one of the following:

(1) Façade materials with a Leadership in Energy and Environmental Design (LEED) Material Threat Factor less than or equal to twenty-five (25); or

(2) Physical structures or glass patterns that are visible from the outside and the resulting pattern creates spaces no wider than four (4) inches horizontally or two (2) inches high vertically, also known as the “2x4 rule”; or

(3) A glass pattern that is white to medium gray, visible from the outside, and shall meet at least one (1) of the specific standards below:

a. Horizontal line patterns shall be one-eighth (1/8) inch wide with two (2) inch on-center spacing; or,

b. Vertical line patterns shall be one-eighth (1/8) inch wide with four (4) inches on-center spacing; or,

c. Dot patterns with dots one-quarter (1/4) inch wide with two (2) inch on-center spacing each way; or,

d. Dot patterns with dots three-eighths (3/8) inch wide arranged in horizontal lines with two (2) inch on-center spacing or vertical lines with four (4) inch on-center spacing.

Skyway. An enclosed, elevated pedestrian bridge extending from building face to building face that spans a public street, public alley, or is located within private property.

535.900. Permitted uses subject to administrative review and approval. Skyways shall be subject to administrative review and approval by the zoning administrator, as specified in section 535.910, and shall comply with the standards of section 535.920.

535.910. Administrative review process. (a) *In general.* The zoning administrator shall approve or deny such application prior to the issuance of an encroachment permit. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan. If proposed as part of a project that includes a separate land use application, a skyway shall be reviewed concurrently with said application.

(b) Submittal requirements. The applicant shall comply with the general application requirements of Chapter 525, Administration and Enforcement.

(c) Appeals. Notwithstanding the provisions of Chapter 525, Administration and Enforcement, decisions of the zoning administrator regarding the administrative review of permitted skyways shall be subject to appeal to the city planning commission.

535.920. Development standards for all permitted skyways. New skyways shall comply with the following standards and all other applicable regulations of this zoning ordinance:

(1) All skyways.

a. At least eighty (80) percent of the exterior sidewalls of the skyway shall be glazing that allows views into and out of the skyway. Glazing shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.

b. At least eighty-five (85) percent of the glazing area of the exterior sidewalls of a skyway shall meet the bird-safe glazing definition.

(2) Skyways that cross a public street or a public alley.

a. Skyways will only be considered for uses in downtown zoning districts; or hospital, college, or university uses outside of downtown zoning districts, subject to the standards of this article.

b. Skyways shall only be allowed on the second floor of a building.

c. Skyways shall run perpendicular to the public street or public alley that they cross.

d. Skyways shall be designed to be horizontally level with the street. Changes in grade shall be accommodated so that the skyway appears level from the exterior.

e. Skyways shall not be allowed within fifteen (15) feet of a street intersection. Skyways are encouraged to cross public streets and alleys in the middle portion of the block.

f. Skyways shall be a single story.

g. The bottom of skyways shall be a minimum of sixteen (16) feet six (6) inches above the public street or public alley.

h. Skyways shall comply with the requirements of subsections (1) and (3) of this section as applicable.

(3) Skyways within the downtown skyway system.

a. Skyway width shall be carefully considered in relation to each skyway's relative location within the system and the projected intensity of use for that skyway and shall be subject to the following conditions:

1. Skyways and connecting corridors shall have a minimum interior clear width of twelve (12) feet between handrails.

2. The exterior width of skyways shall be no wider than thirty (30) feet.

3. Skyways and connecting corridors within the core of the downtown skyway system are encouraged to have a minimum interior clear width of eighteen (18) feet.

b. Access to skyways shall be facilitated between street and skyway levels. Such access shall be subject to the following conditions:

1. A public entrance that is clearly defined and emphasized through the use of architectural features, such as an awning, glazing, or other details, shall provide street access to the skyway.

2. Exterior signage shall be provided at the street-level entrance noting the skyway entrance location.

3. Elevators, stairs and escalators linking the street and skyway level shall be clearly identified with directional signage. For new buildings, elevators, stairs and escalators linking the street and skyway level shall also be conveniently located.

4. Interior signage shall be provided at the skyway level, noting access to public streets.

c. Skyways shall remain open to the public Monday through Friday, from 6:30 a.m. to 10:00 p.m., Saturday, from 9:30 a.m. to 8:00 p.m., and Sunday, from 12:00 p.m. to 6:00 p.m. Property owners are encouraged to keep their skyways, connecting corridors, and vertical circulation elements open beyond standard hours of operation.

d. Skyway bridges shall be used exclusively for pedestrian movement. Other uses such as retailing, permanent seating, vending, and display shall be confined to spaces off the skyway bridge.

e. Skyways shall comply with the requirements of subsections (1) and (2) of this section as applicable.

Section 3. That Section 549.220 contained in Chapter 549, Downtown Districts, be amended to read as follows:

549.220. Floor area ratio premiums. The following floor area ratio premiums shall be available as specified in Table 549-4, Maximum Floor Area Ratio Premiums in the Downtown Districts, subject to the provisions of this article, provided all other requirements of this zoning ordinance are met:

(1) Urban open space, outdoor, subject to the following standards:

a. Outdoor open space shall comprise at least fifty (50) feet of street frontage. Small outdoor open space shall contain not less than five thousand (5,000) contiguous square feet. Large outdoor open space shall contain not less ~~then~~ than seven thousand five hundred (7,500) contiguous square feet.

b. Outdoor open space shall be easily accessible from the adjacent sidewalk and shall contain lighting for nighttime illumination.

c. Outdoor open space shall be located near building entrances. Not less than forty (40) percent of the first floor façade facing the outdoor open space shall include windows of clear or lightly tinted glass that allow views into and out of the building at eye level.

d. Outdoor open space shall be paved with materials that exceed city standards for sidewalk finishes and shall be landscaped with not less than one (1) permanent canopy tree and not less than five (5) shrubs for each one thousand (1,000) square feet of open space. All landscaping shall comply with the plant material and installation standards as specified in Chapter 530, Site Plan Review. Outdoor open space may include additional sidewalk area where the existing sidewalk is less ~~then~~ than fifteen (15) feet wide. The remainder of the area shall be covered with turf grass, native grasses or other perennial flowering plants.

e. Outdoor open space shall be open to the sky and located to maximize the access of sunlight, except that up to thirty (30) percent of the space may include a covered arcade with a minimum height of twenty-eight (28) feet.

f. Outdoor open space shall be designed to encourage use by the general public through the provision of facilities and features including convenient and comfortable seating at a rate of not less than one (1) seat per two hundred (200) square feet of open space, tables, trash receptacles, plants, water features, and areas for public entertainment or public display of art or cultural exhibits.

g. Outdoor open space may contain tables and facilities for food service, but a majority of the space shall be available for general public use without charge.

h. The outdoor open space shall be open to the general public at least during the normal business hours of the surrounding area.

i. The outdoor open space shall be maintained in good order for the life of the principal structure.

(2) Urban open space, indoor, subject to the following standards:

a. Indoor open space shall be located at street level and shall be not more than three (3) feet above or below the level of the sidewalk. Small indoor open space shall contain not less than five thousand (5,000) contiguous square feet. Large indoor open space shall contain not less ~~then~~ than seven thousand five hundred (7,500) contiguous square feet.

b. Indoor open space shall be clearly visible and easily accessible from adjacent sidewalks or streets. Walls of an indoor open space area facing sidewalks or an outdoor open space area shall provide a clear view between interior and exterior space.

c. Indoor open space shall include an average height not less than thirty-five (35) feet and a minimum height of twenty (20) feet, and shall include natural light through a glazed roof or windows at a level sufficient to sustain a variety of plants and trees.

d. Indoor open space shall be designed to encourage use by the general public through the provision of facilities and features including convenient and comfortable seating at a rate of not less than one (1) seat per two hundred (200) square feet of open space, tables, trash receptacles, plants and trees, water features, drinking fountains and toilet facilities, and areas for public entertainment or public display of

art or cultural exhibits. Not less than twenty (20) percent of the open space shall consist of landscaping or landscaping and water features.

e. Indoor open space may contain tables and facilities for food service, but a majority of the space shall be available for general public use without charge. Food preparation areas shall not qualify as required space.

f. The indoor open space shall be open to the general public at least during the normal business hours of the surrounding area.

g. The indoor open space shall be maintained in good order for the life of the principal structure.

(3) Interior through-block connection, subject to the following standards:

a. The connection shall connect two public streets on opposite sides of the block, or shall connect a public street to an urban open space on the opposite side of the block, or shall connect two urban open spaces on opposite sides of the block, or shall connect to another interior through-block connection. In addition, on developments involving less than one-half block, the interior through-block connection may connect two public streets on opposite sides of the block in combination with corridors in one (1) or more buildings.

b. The connection shall be located not more than three (3) feet above or below the level of the sidewalk, shall have a minimum interior clear width of twelve (12) feet and a minimum height of twelve (12) feet. The maximum interior through-block connection premium shall be increased by one (1) where the interior through-block connection has a minimum interior clear width of sixteen (16) feet.

c. The connection shall be open to the general public at least during the normal business hours of the surrounding area.

d. The connection entrances shall be clearly visible from adjacent sidewalks or streets.

e. The connection shall be maintained in good order for the life of the principal structure.

(4) Skyway connection, subject to the standards of Chapter 535, Regulations of General Applicability, and the following standards:

a. The skyway shall connect two blocks on opposite sides of the street.

~~b. The bottom of the skyway shall be a minimum of sixteen (16) feet six (6) inches above the street. If street lights are removed, street lighting shall be provided at the bottom of the skyway.~~

b. The maximum skyway premium shall be increased by one (1) where the skyway and connecting corridor have a minimum interior clear width of sixteen (16) feet.

~~c. Skyways and connecting corridors shall have a minimum interior clear width of twelve (12) feet. Skyways shall be no wider than thirty (30) feet.~~

~~d. Skyways shall be single story and designed to be horizontally level with the street. Changes in grade~~

~~shall be accommodated so that the skyway appears level from the exterior.~~

~~e. c.~~ Except where crossing streets and alleys, skyways shall be located within private property.

~~f.~~ At least eighty (80) percent of the vertical enclosure of the skyway shall be glazing windows of clear or lightly tinted glass that allow views into and out of the skyway.

~~g.~~ Skyways in new buildings shall be designed to facilitate access between street and skyway levels with a public entrance on the exterior of the building or access lobby. Elevators, stairs and escalators linking the street and skyway levels shall be conveniently located with clear directional signs.

~~h. d.~~ Skyways shall be heated to a minimum of fifty-five (55) degrees in winter and ventilated to not exceed outdoor temperatures in the summer.

~~i.~~ The skyway shall be open to the general public at least during the hours recommended by the skyway advisory board and approved by the city council.

e. Skyways that are part of the downtown skyway system shall remain open to the public Monday through Friday, from 6:30 a.m. to 10:00 p.m., Saturday, from 9:30 a.m. to 8:00 p.m., and Sunday, from 12:00 p.m. to 6:00 p.m.

~~j. f.~~ The skyway shall be maintained in good order for the life of the principal structure.