



CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #5
July 28, 2014

ZONING CODE TEXT AMENDMENT SUMMARY

Initiator: Council Member Palmisano
Introduction Date: June 27, 2014
Prepared By: [Jason Wittenberg](#), Planning Manager, (612) 673-2297
Specific Site: Citywide
Ward: Citywide
Neighborhood: Citywide
Intent: To amend regulations for 1-4 unit residential development.

APPLICABLE SECTION(S) OF THE ZONING CODE

- Chapter 520, Introductory Provisions
- Chapter 525, Administration and Enforcement
- Chapter 530, Site Plan Review
- Chapter 531, Nonconforming Uses and Structures
- Chapter 535, Regulations of General Applicability
- Chapter 541, Off-Street Parking and Loading
- Chapter 546, Residence Districts
- Chapter 547, Office Residence Districts
- Chapter 548, Commercial Districts

The following chapters were also introduced: Chapter 521, Zoning Districts and Maps Generally; Chapter 536, Specific Development Standards; Chapter 537, Accessory Uses and Structures; and Chapter 551, Overlay Districts. However, staff is not recommending changes to these chapters as part of this amendment and is therefore recommending returning them to the author.

BACKGROUND

The City Council adopted an interim ordinance on March 7, 2014, which affected demolition and construction of single and two-family dwellings in five Southwest Minneapolis neighborhoods: Linden Hills, Fulton, Armatage, Kenny, and Lynnhurst. These 13th Ward neighborhoods have experienced a particularly rapid rate of residential demolition and infill construction. In conjunction with the establishment of a citywide Construction Management Agreement, the City Council lifted the interim ordinance on April 11, 2014. The Construction Management Agreement addresses a number of construction site management and livability issues that had contributed to the need for the interim ordinance. An ordinance amendment was introduced by Council Member Palmisano on June 27, 2014, to revise regulations related to 1-4 unit residential development.

A cross-department team of City staff has been working to revise regulations that govern residential demolition and construction. The proposed revisions represent the third major zoning code text amendment affecting 1-4 unit residential development over the course of the last decade. The City Council adopted site plan review standards in 2005, which included the current system of design incentives. Two years later, in 2007, the City Council adopted regulations aimed at addressing the height and scale of new residential homes and additions. The standards proposed at this time are intended to further refine and amend previously-adopted changes.

City staff has conducted a thorough analysis of recent residential development in order to inform the proposed changes. In addition, staff has received valuable input from a variety of stakeholders during the study. The 13th Ward office convened a series of focus groups to help identify major concerns. Staff received excellent feedback from a group of residential architects that have designed many new Minneapolis homes. Staff discussed the general direction of the amendment at the City Planning Commission Committee of the Whole meeting on June 26, 2014. Finally, staff sought input from industry representatives and the general public at open houses on July 10th and July 16th.

The primary features of this amendment include the following:

- Retain existing floor area (FAR) limits. However, the following related changes are proposed:
 - Include all *attached* garage floor area toward the maximum, eliminating the current 250 sq. ft. exemption.
 - Create a stricter standard regarding how much basement area may extend above the natural grade before it is counted as floor area. Maintain the existing standard on lots that have a significant grade change.
- Lower the maximum permitted height of single and two-family dwellings from 30 feet to 28 feet, measured at the midpoint between the peak and the eave. Establish a new maximum height, measured to the peak of a gable, hip, or gambrel roof, of 33 feet.
- Increase minimum required interior side yard standards on lots with at least 42 feet of width, correlating these setbacks with the width of the lot in question. In other words, a greater side yard setback must be provided on a wider lot.
- Reduce the minimum width of a 1-4 unit building from 22 feet to 20 feet.
- Revise the standards of Chapter 530, Site Plan Review.
 - Eliminate the incentive to incorporate a roof pitch of 6/12 or greater.
 - Amend incentives related to tree planting/preservation and detached garages.
 - Add incentives encouraging contextual building height and stormwater management best practices.

- Retain incentives related to high-quality building materials, windows, basements, and front porches.
- Incorporate an “alternative compliance” provision that would allow staff to consider proposed designs that do not obtain the minimum number of points required by Chapter 530. Notification of nearby property owners would be required when considering alternative compliance for a proposed design.
- In lower-density residence districts, reduce the amount of a lot that may be covered by buildings and impervious surfaces.
- Allow greater flexibility in calculating the front yard setback requirement for homes and additions built next to existing homes that maintain a much larger front yard than any other home on the block.
- Allow larger, ground-level patios in front yards.
- Revise the definition of “demolition.”
- Clarify that, once a structure is considered to be demolished, nonconforming rights related to minimum yard requirements are extinguished. In other words, following demolition of a home, the new construction must comply with current yard/setback standards regardless of the placement of the home being demolished.
- Require that basement-level, tuck-under garages facing the street are also subject to the standard that street-facing garages cannot cover more than 60% of the width of the front façade of the home.
- Prohibit residential curb cuts on the front lot line where alley access is present but continue to allow curb cuts on a corner side or reverse corner side lot line. Establish a new authorized variance for instances where this standard may cause practical difficulties.
- Amend the definition of “half story.”
- Clarify that the building official may refuse to issue a permit for homes where the basement does not maintain a sufficient separation from groundwater resources.
- Clarify the circumstances that allow for reduced side yards for garages located in the rear 40 feet or 20 percent of the lot.

Note that City staff is also working on codification of certain provisions found in the Construction Management Agreement. Staff also anticipates amending the definition of “demolition” in the City’s preservation regulations.

PURPOSE

What is the reason for the amendment?

The purpose of the amendment is to further refine the regulations governing lower-density residential development in Minneapolis. The amendment is intended to ensure that the rules governing this type of development produce outcomes that align with the policy objectives outlined in the City’s comprehensive plan.

What problem is the amendment designed to solve?

Changes adopted by the City Planning Commission and City Council within the past decade represented major steps forward in addressing incompatible residential development. The recommended changes would further refine previous zoning code amendments. In addition to more restrictive standards addressing the height and scale of 1-4 unit residential development, staff is recommending several changes intended address ordinance provisions that have proven to be barriers to sound development.

What public purpose will be served by the amendment?

The amendment will serve a public purpose by creating incentives and standards aimed at fulfilling key policy objectives related to 1-4 unit residential development. Staff's charge has been to draft reasonable standards that result in improved outcomes on a citywide basis and that balance the preferences and needs of existing Minneapolis residents with those of new homeowners. The proposed changes are intended to continue to allow critical investment in the City's neighborhoods while protecting the City's built character and natural environment.

What problems might the amendment create?

The amendment is not expected to create problems. Staff is confident that the proposed regulations can be consistently interpreted, administered, and enforced on a citywide basis. As noted above, staff has conducted substantial research into the characteristics of recent construction in the City and has proposed reasonable standards that will continue to facilitate growth and enhancement of the city's housing stock while ensuring that construction is compatible with the scale and pattern of the City's established neighborhoods. Existing code provisions will be retained that allow a home to exceed the maximum height and floor area standards if existing homes in the immediate area also exceed these standards. It's also important to note that staff is not proposing a discretionary design review process as part of this amendment—unless an applicant requests “alternative compliance” from the standards of Chapter 530, Site Plan Review. The amendment focuses on issues such as height, scale, setbacks, and traditional urban form intended to reinforce the predominant pattern of front, side and back yards with detached garages. City staff is concurrently working on complementary amendments that would facilitate the establishment of conservation districts and allow accessory dwelling units.

TIMELINESS

Is the amendment timely?

This amendment is timely. When the City Council lifted the interim ordinance noted above, staff was directed to work as quickly as possible to recommend changes to the City's regulatory framework to address concerns that lead to the establishment of the interim ordinance. Staff has also had discussions about additional sustainability measures related to residential development. While the proposed changes include standards and incentives related to impervious surfaces, stormwater, and trees, staff and Council Member Palmisano concluded that this particular amendment is not the appropriate place to address other sustainability issues such as green building incentives and building deconstruction. It's expected that these issues, among others, will be addressed in future amendments to other City ordinances.

Is the amendment consistent with practices in surrounding areas?

Zoning regulations affecting new residential construction vary substantially from one community to the next. As part of staff's research, regulations from peer cities have been reviewed and considered. In particular, staff reviewed residential zoning standards from cities that are also experiencing significant residential growth, including but not limited to Seattle, Portland, Denver, and Salt Lake City.

Are there consequences in denying this amendment?

Denial of the amendment would leave existing regulations in place, which have allowed residential construction that is incompatible with the scale and character of traditional neighborhood patterns in Minneapolis.

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.

- 1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.
- 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.

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.

Housing Policy 3.1: Grow by increasing the supply of housing.

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

Housing Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

- 3.6.1 Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time.
- 3.6.2 Promote housing development in all communities that meets the needs of households of different sizes and income levels.
- 3.6.5 Promote accessible housing designs to support persons with disabilities and the elderly.

Housing Policy 3.7: Maintain the quality, safety and unique character of the city's housing stock.

- 3.7.1 Promote and incentivize private investment in housing maintenance and renovation.
- 3.7.4 Utilize decision-making criteria when considering possible demolitions that recognize the value that the original housing stock typically has for surrounding properties and the community.
- 3.7.5 Promote the use of high quality materials in new housing construction to minimize long-term deterioration of the housing stock.
- 3.7.1.1 Ensure safety, livability and durability of the housing stock through enforcement of the Minnesota State Building Code.

Environment Policy 6.3: Encourage sustainable design practices in the planning, construction and operations of new developments, large additions and building renovations.

- 6.3.2 Ensure that developments use storm water BMPs (Best Management Practices).
- 6.3.5 Support the development of sustainable site and building standards on a citywide basis.

Environment Policy 6.8: Encourage a healthy thriving urban tree canopy and other desirable forms of vegetation.

- 6.8.2 Achieve, at a minimum, no net loss of the urban tree canopy by maintaining and preserving existing trees and planting new trees on public and private property.
- 6.8.6 Continue to recognize the functions and values of the urban forest and tree canopy which provide many economic and ecological benefits such as reducing storm water runoff and pollution, absorbing air pollutants, providing wildlife habitats, absorbing carbon dioxide, providing shade, stabilizing soils, increasing property values and increasing energy savings.

Environment Policy 6.9: Be a steward of clean water by protecting and enhancing its surface and groundwater systems.

- 6.9.7 Preserve and enhance the strategic placement of pervious surfaces within the city to decrease the rate and volume of stormwater runoff.

Environment Policy 6.14: Preserve and enhance the quality of the urban environment to promote sustainable lifestyles for its citizens.

- 6.14.3 Work with builders and building managers to minimize nuisance conditions.

Urban Design Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

- 10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.
- 10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.
- 10.4.3 Advance the understanding of urban housing and retail design among members of the design and development community.

Urban Design Policy 10.7: Maintain and preserve the quality and unique character of the city's existing housing stock.

- 10.7.1 Rehabilitation of older and historic housing stock should be encouraged over demolition.
- 10.7.2 Encourage the use of high quality and durable materials for construction and historic preservation.
- 10.7.3 Encourage adaptive reuse, retrofit and renovation projects that make the city's housing stock competitive on the regional market.
- 10.7.4 Renovation of housing should reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- 10.7.5 Provide the flexibility in the city's ordinances to improve and maintain existing structures.

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

- 10.8.1 Infill development shall reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- 10.8.2 Infill development shall incorporate the traditional layout of residential development that includes a standard front and side yard setbacks, open space in the back yard, and detached garage along the alley or at back of lot.
- 10.8.3 Building features of infill development, such as windows and doors, height of floors, and exposed basements, shall reflect the scale of surrounding dwellings.
- 10.8.4 Detached garages are preferred over attached garages and should be accessory in size and use to the primary residential structure.
- 10.8.5 New driveways should be prohibited on blocks that have alley access and no existing driveways.
- 10.8.6 Traditional setbacks, orientations, pattern, height and scale of dwellings should be created in areas where no clear pattern exists.
- 10.8.7 Low density residential development proposals should be evaluated and compared to the form and density of the neighborhood.
- 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.

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 Chapters 520, 525, 535, 530, 531, 535, 541, 546, 547, and 548. Staff further recommends that Chapters 521, 536, 537, and 551 be **returned** to the author.

ATTACHMENTS

1. Public correspondence regarding draft regulations
2. Ordinance amending Chapter 520, Introductory Provisions
3. Ordinance amending Chapter 525, Administration and Enforcement
4. Ordinance amending Chapter 530, Site Plan Review
5. Ordinance amending Chapter 531, Nonconforming Uses and Structures
6. Ordinance amending Chapter 535, Regulations of General Applicability
7. Ordinance amending Chapter 541, Off-Street Parking and Loading
8. Ordinance amending Chapter 546, Residence Districts
9. Ordinance amending Chapter 547, Office Residence Districts
10. Ordinance amending Chapter 548, Commercial Districts

Wittenberg, Jason W.

From: Navid Pouladian <navid@passagescustomhomes.com>
Sent: Tuesday, July 15, 2014 7:08 AM
To: Wittenberg, Jason W.
Subject: Infill amendment comments

Jason

I am long time builder in Minneapolis, My main concern after reviewing the proposed infill amendment proposal is reducing "amount of basement that can extend above ground before it is counted as part of maximum floor area". This can become problematic in areas with high ground water levels and shallow sewer lines. I am not in favor of artificially raising basements to create daylight windows, however I think being able to raise the house higher to keep it out of ground water is good practice. Perhaps limiting height of basement to 8' if basement is higher than 2.5 ft above grade or some other compromise may be in everyone's interest. Also, how do we deal with home sites that existing grade has negative slope towered the foundation or build below street level. For example Many homes south of lake Calhoun on Xerxes have this issue.

Also, clarification my help, drawing on page 20 of July presentation is showing height of first floor and not necessary basement (top of foundation) . I think clarifying this will help both the city and applicant on what the intention of this portion of the proposal is.

Thank you

Navid Pouladian
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Wittenberg, Jason W.

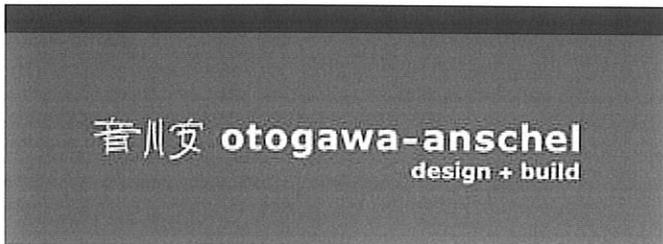
From: Michael Ansel <Michael@Otogawa-Ansel.com>
Sent: Thursday, July 17, 2014 10:02 AM
To: Wittenberg, Jason W.
Subject: Feedback
Attachments: Proposed 2014 Residential infill amendments.docx

Jason,

See attached thoughts and impressions on the amendments based on our meeting last week. I haven't reviewed the new proposal yet.

Michael

Michael Ansel
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Proposed 2014 Residential infill amendments

The proposed amendment makes a bunch of tiny changes to the current zoning rules in an attempt to influence the immediate and future building cycles and improve the impact of large remodels and development in Minneapolis as a whole.

The new guidelines would impact the entire city and as such are designed in such a way as to still allow for affordable housing to be built without incurring additional costs. I appreciate that they are taking a balanced approach to this.

So what is interesting about the new amendments? Three things stick out.

1. Basements that extend more than 2'-5" will be required to count that floor area in their FAR ratio. This is possibly the most valuable measure the city has devised to limit the monster house phenomenon. It is missing important language to address sloped sites that may have semi-split level, tuck under garages.
2. Setback changes:
 - a. Homes that are set way back on the property "alley homes" as they are commonly called, will no longer be used in determining front set backs. This has been a long standing thorn in our side and everyone was happy to see it removed.
 - b. Teardowns will have to meet new side setback requirements based on lot size. A standard mpls lot will go from 5' set side setbacks to 6' side setbacks. This sounds like a small thing, but it is a terrible idea. The city has homes that are fairly close together, and wider side yards doesn't match the existing aesthetic. More importantly, modern codes require that we have wider hallways, wider stairways, larger bathrooms, etc. losing 2' of width on an already narrow property hurts the design of the interior and forces the home to become longer and consume more of the backyard. There was strong opposition to this measure, and it was really the most revealing in terms of understanding what happens when a zoning department gets involved with aesthetics that only concern the exterior of a structure. They have little to no understanding of the interior design and code requirements and this measure made that abundantly clear. The proposed modification was that on oversized lots 52' wide, 60' wide... that in those instances a 6'/7' side setback was appropriate.
3. Garages. The city doesn't want attached garages. I get it. Garages on the front of homes are ugly. Garages dump pollutants into the homes. Garages can pose fire and health risks. Attached garages are a suburban aesthetic. We have alleys in the city and we have detached garages. Great, I get it. However, we have an aging population that wants to age in place, and we should be looking for solutions to keep them in the city. The new FAR (Floor Area Ratio) requirements

removes the 250sf allowance for an attached garage. Furthermore they want to prohibit curb cuts on the front of a residential property when it has alley access. Ultimately, I think the city is mostly right here, but rather than prohibit they should strongly dis-incent the front curb cut, re-structure their breezeway language to allow for conditioned connections to the garage but not have an attached garage penalty, and remove penalties for homes that have no alley and no other options for a garage.

The restriction for attached garages to extend no more than 5' from 1st floor living space is an awful idea. It forces the garage into the living space where it creates all kinds of health hazards. MN GreenStar, LEED, Health House... they all discourage attached garages and impose all kinds of additional material and ventilation requirements if they are attached or even worse, tucked into the home. Zoning can't modify the codes to make it safe, so they shouldn't be modifying the relationship of the garage to the home.

They also want to restrict the width of the front facing garage from 60% to 50% of total home width including basement level garages. This seems like an arbitrary measure that lacks any benefit other than to discourage front facing garages. If the language provided an exception for non-alley properties or double facing corner lots, and excluded rear-facing basement level garages, then it would be an ok measure, but as it is, it is problematic.

Those are the big problems with the amendment, but what is good?

Reducing maximum lot coverage from 50% to 45%

Reducing impervious surfaces from 65% to 60%

Eliminating the 'alley house' (see above)

Allow larger front patios (mpls loves patios on the front)

Amend requirement for impervious walkway connections to public sidewalk with 'hard surface' with the intent to drive permeable surfaces.

Lowering the maximum height of a home to 33' and the midpoint to 28'. They have exceptions built in that work, and this is ultimately a good measure for the time being. The only drawback is that it comes without considering the energy codes and the desire to have significantly more insulation in our roofs. If someone wants a very efficient home, they will need more space for insulation and this new regulation will force them into a shallow pitch roof.

Problems that have not been addressed.

Suburban developers will put brick or stucco on the face of a home and then switch to siding for the sides and back. It is unattractive and not in keeping with the city's housing aesthetic. The design

guidelines still fail to resolve this issue and until they do we will continue to see 'façade homes' appearing in our metro area.

Porches are cute and people like them. It is a community building element. Great. However there should be more guidance in terms of what the porch should look like to avoid the treated lumber 4x4 post with 2x4 floors and shed style roofs (no hips), otherwise we will continue to get ugly porches that don't build value, pride, care, or community.

Larger patios are good, but consideration for expanded pergolas on the West facing properties should also be considered to make those spaces functional.

The definition of teardown hasn't been addressed properly, and the city should be more accommodating. There is significant cost in trying to design around all of the requirements in order to preserve the ability to use an existing setback and a couple of critical components (non-conforming chimneys)

Overall, it is a step in the right direction. Interestingly it neither goes too far or far enough. It is a lot of compromise and mediocrity without defined vision for the sake of meeting a timeline and impacting a building cycle.

Wittenberg, Jason W.

From: Walter Pitt <walterpitt@hotmail.com>
Sent: Friday, July 18, 2014 1:16 PM
To: Wittenberg, Jason W.
Subject: INFILL AMENDMENTS

JUST SAW THIS! GREAT WORK! I FULLY SUPPORT THESE 2014 INFIL HOUSING AMENDMENTS!

If there is anything I can do to support Council Member Linea Palmisan and yourself in this!

Walter Pitt
Minneapolis Resident

<http://www.minneapolismn.gov/www/groups/public/@cped/documents/webcontent/wcms1p-128109.pdf>

Wittenberg, Jason W.

From: Susan Stehling <stehling@comcast.net>
Sent: Friday, July 18, 2014 3:12 PM
To: Wittenberg, Jason W.
Cc: Ziring, Emily
Subject: Comments on Residential Infill Construction Update
Attachments: photo-7.jpeg; ATT00001.txt

Hello:

Due to a work conflict, I was not able to attend the recent meeting, but I was told that written comments would also be considered. My comments are below. Thank you.

Susan Stehling
5140 Vincent Ave. S.
Minneapolis 55410
612-928-0729

I don't believe 5' is wide enough for an "interior side yard" in all cases. If the house next door also has at least a 5' interior side yard, it's probably OK, but many older homes do not - especially on the north side. Here's my story.

The outside wall of my neighbor's newer home (build before 2007 code amendments) is 5' from our shared lot line, but the huge and deep (at least 8') basement window well openings are 2' from our lot and the edge of the window well cement is 8" (yes, inches) from our lot. This makes it difficult to walk safely (especially for kids) between our homes.

In addition, our home (built in 1929) was sited toward the north side of the lot (about 2' from the edge of the lot), as were most homes built then - to provide a little space on the south side for a garden. I'm guessing the intent is to have at least 10' between houses - 5' on either side of the lot line. And - in our case, because our old home was close to the lot line, it really would've made a lot more sense to require the neighbors to build 10' from the edge of our building, which in this case would've meant 8' in from the lot line on their side. Here's a picture to illustrate the situation. New home on left (north); our home on right (south).

Our most frequently used door in on the north side of our home. And, every time my husband is out there on a ladder trying to clean gutters, I'm sure he'll be hurt.

These are the types of situations that may require someone to look at a site drawing in relationship to what is around it and say, "Yes, that follows all the 'rules,' but it still doesn't make sense in this case. Here's what we can do instead."

It's too bad, but in my experience the housing inspectors don't really fit the bill as critical thinkers... When the window wells (pictured) were poured, the inspector OK'd them until we found the code online and pointed out that they exceeded the allowed size. She then had the builder return and build walls down the middle, so they were "smaller."

Another "special case" involves alley garages. Space is tight and many garages were traditionally built so that neighbors shared paved areas to pull cars in and out of garages. There were not easements (in any cases that I know of) — you just didn't build your garage so a neighbor couldn't get into his or her garage. When the new larger garages go up now, there is no thought given to the surroundings. If it blocks a neighbor's entry to their garage, "Oh well." In some cases, the garage could've been moved a foot or two in one direction and it would've worked fine for everyone, but it's as if the builders think it's just their house in a bubble somewhere. "Neighbors, neighboring buildings, huh?"

Wittenberg, Jason W.

From: David Aquilina <davidaquilina@q.com>
Sent: Saturday, July 19, 2014 3:38 PM
To: lineapalmisano@gmail.com; Palmisano, Linea; Wittenberg, Jason W.
Cc: Dahler, Ken; Ziring, Emily
Subject: Proposed 2104 Residential Infill Amendments

As a homeowner in Fulton since 1987, I don't think the proposed changes go far enough. But, I suspect they are likely about as good as we're going to get.

The residential projects getting approved in Southwest have an average FAR of .427. That is less than the proposed .500 (minus 250 sq feet for an attached garage and minus perimeters of basements extending more than 2.5 ft above ground). So, it seems like a lot of big houses would not be affected. I would like to know how many projects approved in Linden Hills and Fulton in 2012-2014 would not have been approved based on the proposed FAR standards. Otherwise, it'd be difficult to gauge how meaningful this part of the proposal will be.

I am concerned that retaining the ways (that is, loopholes) to increase size and height unchanged from 2007 will lead to over-sized projects continuing to be built. Will the exemptions undermine the rules?

Reducing permitted lot coverage and maximum impervious surfaces by 5 percentage points each is positive. So is permitting permeable walkways from entrances to sidewalks. But I don't think these changes go far enough to address the stormwater impact of the housing being built in our neighborhoods. Given the low cost of stormwater fees (I pay less than \$12 a month), the stormwater credit incentives for stormwater BMPs are not very significant for homeowners. If someone wants to build a larger home, and if they play by the new rules, fine... BUT, they should not be able to impose the externality of increased runoff and diminished water quality in the lakes on their neighbors. And, it's inevitable that runoff will increase if you increase the size of a house on a lot. I would favor a requirement of no net increase in runoff. That would have a stronger impact on getting stormwater BMPs into projects than the current weak financial incentives of the credit.

David Aquilina
4817 Vincent Ave S
Minneapolis, MN 55410
(612) 922-5551



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5124 Vincent Ave. S.
Minneapolis, MN 55410
July 20, 2014

Mr. Jason Wittenberg
Manager of Land Use, Design and Preservation
City of Minneapolis
Department of Community Planning and Economic Development
Public Service Center
250 South Fourth Street (Room 300)
Minneapolis, MN 55415

Re: Proposed 2014 Residential Infill Text Amendments

Dear Mr. Wittenberg:

We are writing to convey our comments regarding the proposed 2014 residential infill text amendments that you and Councilmember Palmisano presented at the Public Open House July 16 at City Hall.

We are residents of Fulton neighborhood, in the 13th Ward. We own a home that is next door to a large infill house nearing completion (5120 Vincent), down the street from another infill (5136 Vincent), across the street from a major expansion that just started a couple months ago (5115 Vincent) and kitty-corner from three other major expansions (5137 Vincent, 5133 Washburn, 5153 Washburn). There are many other infill houses and major expansions in the immediate vicinity. We recognize that infill houses are beneficial to the City's tax base, can be beneficial to the neighborhood when they replace distressed properties, and provide homes that meet current suburban standards of size and space, but we are also very concerned about the many negative impacts on existing homeowners.

Overall, we strongly support the proposed amendments to the Zoning Code and Site Plan Design Standards presented at the Public Open House. Specifically, we believe that the following provisions are important steps to reduce the impact of infill construction on existing homeowners:

- **Eliminating the 250 sq. ft. allowance for an attached garage.** The allowance encourages people to put attached garages near the back of the lot, increasing lot coverage and changing the character of the neighborhood. The infill house at 5136 Vincent has an attached garage near the back of the lot, and the only thing the neighbors see in that direction is a blank wall (see photo below).



- Reducing the maximum height at the midpoint between the peak and eave by two feet to 28 ft. and adding a second criterion that sets the maximum height at the ridge line at 33 ft. The extent to which infill houses loom over adjacent houses is one of the greatest negative impacts of infill construction (see photos below), and anything that can be done to truly reduce this will benefit existing homeowners.



5117 & 5124 York



5312 & 5316 Zenith



5304 & 5308 Zenith



5336 & 5340 Abbott



5048 & 5042 Upton



4901 & 4905 Beard



5027 & 5031 Drew



5031 & 5033 Drew



5105 & 5109 Drew



5245 & 5249 Drew



5248 & 5252 Chowen



5252 & 5256 Chowen



5301 & 5305 Chowen



5328 & 5332 Chowen



5340 & 5344 Beard



5048 & 5052 Abbott

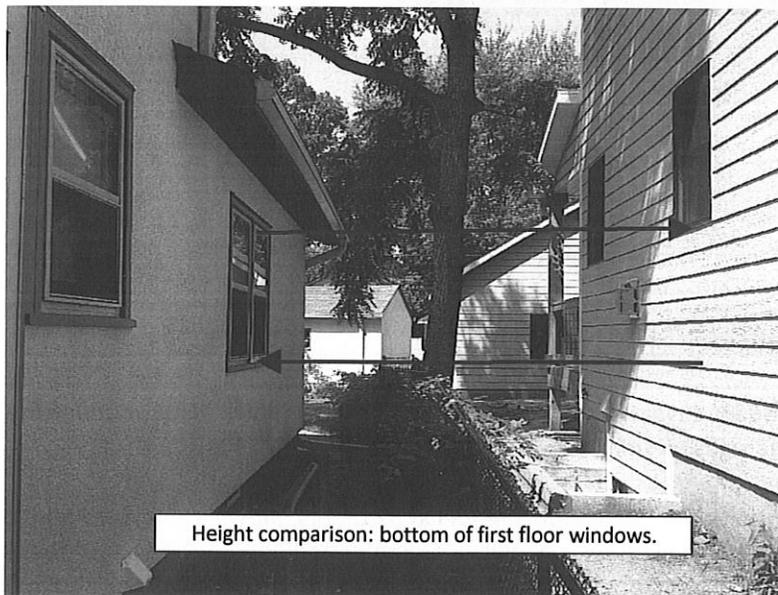


5243 & 5247 Washburn

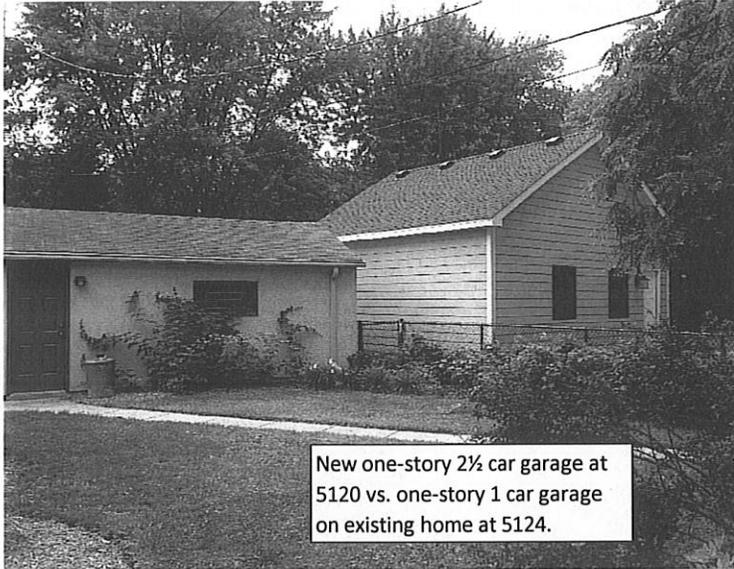


5247 & 5249 Washburn

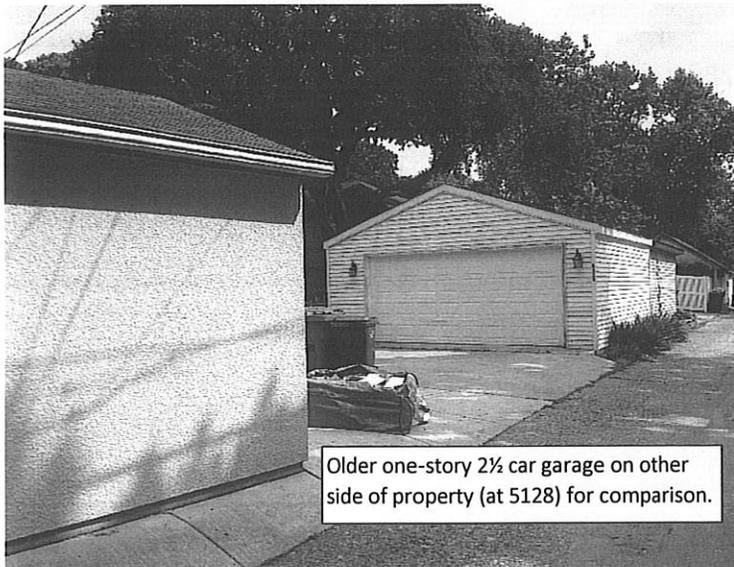
- **Reducing from 4 ft. to 2.5 ft. the amount of basement that can extend above ground without being counted as part of the floor area ratio.** Basements that extend considerably further above grade than those of neighbors contribute to the sense of infill houses looming over their neighbors. They also result in first and second floor windows that are much higher than neighbors' windows, reducing privacy. (See photos below.)



- **Eliminating Site Plan Design Standard points for roof pitch higher than 6/12.** As shown in the photos on pages 2-4, lower pitched roofs can be completely in character with the neighborhood. Steeply pitched roofs make buildings taller, all other things equal. Moreover, builders like to match the garage pitch to the house pitch, and steeply pitched garage roofs contribute to the feeling that new garages loom over adjacent yards (see photos below).



New one-story 2½ car garage at 5120 vs. one-story 1 car garage on existing home at 5124.



Older one-story 2½ car garage on other side of property (at 5128) for comparison.

- **Reducing the maximum permitted lot coverage from 50% to 45%.** This again will help to reduce the massive size of new houses and garages on small lots.
- **Tightening the definition of “demolition.”** The major remodel at 5115 Vincent will remove a half-story second floor and replace it with a full second floor, and will put a major addition on the back of the house. It will not demolish 60% of the structure, but substantially more than 60% of the finished house will be new. Such massive remodels should have to meet more of the criteria for new construction.
- **Modifying the Site Plan Design Standards point system to encourage preservation of existing trees,** by requiring 2 inches, measured a breast height, per 1000 square feet of total lot area or fraction thereof, in order to get any points. When the infill house at 5120 Vincent was built, a mature black walnut tree almost on the south property line was removed simply because the garage was placed on the south side of the lot instead of the north side. A mature hackberry tree on the north property line had its roots damaged more than necessary -- likely to an extent that will lead to its death -- by placing one of the

basement egress windows directly adjacent to it that could have served the same room if moved a few feet along the north wall or moved to the west wall. A large river birch in the front yard was also removed to make way for the larger house. The loss of these trees is of particular concern since our entire block was reforested with boulevard ash trees a couple of decades ago. These trees, which are just reaching a mature size, will all be removed over the next few years due to emerald ash borer.

We strongly believe that the City should adopt amendments and standards at least as stringent as presented at the meeting. (We also support other proposed changes such as reducing the permitted impervious surfaces and the percent of front façade that is allowed to be garage, although these have not impacted us directly).

While we believe that the proposed changes would reduce the impact of infill construction on existing homeowners, we question whether some of the provisions go far enough:

- **Height reduction:**

- The City's review of 256 recently approved single family homes found only 7% had height at the midpoint of the roof over 28 ft., and only 8.75% had height at the ridgeline over 33 feet. Presumably these two criteria mostly overlap. Thus the proposed new provisions would only result in about 7 to 9% of future infill houses being shorter than they are today. To assess the impact in our area, it would be helpful to know how many of the new homes that were in Southwest exceeded the new criteria. In our area it certainly appears that many, if not most, infill houses are egregiously tall relative to their neighbors and should be built to lower heights. We do not have ready access to recent plans and we're not experts in new construction, but with the top of the foundation wall 2.5 ft. above grade, two floors 9 ft. tall, first and second floor trusses 1.75 ft. tall, roof trusses 1 ft. tall to allow for insulation, and a 6/12 roof with a 30 ft. span, one reaches only $2.5+9+9+1.75+1.75+1+(30/2)*6/12=32.5$ ft. In other words, the proposed new provisions would not require the designer to reduce any dimensions below the sample numbers we've stated above in order to pass. It appears to us that this may very well give builders leeway to continue to build houses of the same height they have been building in Southwest, with little improvement in the situation for existing homeowners.
- Floor trusses appear to be a major factor in the excessive height of infill houses. Our house was built with 2x8 floor joists, as were many period homes. Current construction uses trusses instead, and owners want no bearing walls in the middle of the basement of first floor. Bridging a 30 ft. span (40 ft. lot minus 5 ft. setback on each side) may require trusses 22" deep if they are placed 16" on center, but only 18" deep if they are placed 12" on center (<http://www.selecttrusses.com/span-chart/>). In other words, there are ways to reduce this dead space that is not used by the new homeowner but contributes to the height burden on existing homeowners.
- A possibly minor point concerns the eaves. If eaves extend well beyond the walls, as is typical of homes in Fulton, they also extend below the top of the wall. If the eave on a 6/12 roof extends 1 ft. beyond the wall, it is also 6" lower than the top of the wall. A steeper roof brings the eave even lower. Should not the 28 ft. height be measured to the midpoint between the peak of the roof and the top of the wall?

- **Height of basement above grade for inclusion in FAR:**

- The exact definition of the height of the basement will be critical in terms of impact on neighbors. In the photos shown above, the house at 5120 has only 2.5 ft. of its concrete foundation wall above grade. However, because of the height of today's commonly used floor trusses, the top of the front steps is 45 inches above ground level, compared with 27" above ground level at 5124. Moreover, while the lots used to be at the same grade, the ground was

built up at 5120 and is now probably a foot higher than at 5124. Taking both of these factors together, the first floor at 5120 is about 2.5 feet higher than that at 5124. This definitely contributes to the feeling that the infill house is looming over its neighbors, and it results in first floor windows that are much higher than those at 5124, so that our shades that can be drawn up part way from the bottom no longer provide any privacy unless they are completely closed. Note that these houses are not in the part of Southwest that has basement groundwater conflict issues. The implications of these observations are:

- Height of the basement should be measured from the ORIGINAL grade. I'm not sure if that's the same as the natural grade in all situations. In the case of 5120, the new grade may (?) match the grade of 5116 but is considerably higher than the original grade, which was the same as 5124.
 - Height of the basement should INCLUDE the first floor truss height. Tall trusses contribute to the "looming" effect just as much as tall concrete walls, and truss height can be reduced even with today's building materials by using shorter trusses spaced more closely on center.
- **Side yard setback:**
 - The presentation given to industry professionals included a 6 ft. setback for the very common 40 ft. lot width. The presentation given 6 days later to the public had reduced this back to a 5 ft. setback. It was noted at the meeting that houses in Fulton originally had an 8 ft. setback on one side and a 3 ft. setback on the other side, giving an 11 ft. separation. Current practice reduces the separation to 10 ft. while making the houses much taller than they were when originally built. This is definitely changing the character of the neighborhood as a whole, as well as the experience of immediate neighbors. We would strongly prefer to see the 6 ft. setback proposed in the original presentation, or at least 5.5 ft., which would match the original 11 ft. separation.
 - With the 5 ft. setback and the minimum required space of 36" for an egress window well the inside of the window well is 2 ft. from the property line. When the window well is built of 6 x 6 timbers, the outside of the window well is only 1.5 ft. from the property line. If there is no fence, this makes it easy for neighboring children or possibly even elderly people to fall into the window well. When there is a fence, as is our case, we anticipate fence damage due to the need to get lawn mowers and snow blowers from the back yard to the front yard.
 - **Preservation of existing trees:**
 - In the new point system it appears to be easy to get to 17 points without making any effort to preserve trees. In Southwest, most infill houses use the approved materials (5 points), are within ½ story of the predominant height (4 points), meet the public street and rear/interior window requirements (3+2 points), have a basement (3 points) have a front porch (1 point) and have now or likely will have a detached garage with the new FAR provision (3 points). This totals to 21 points without considering trees at all. Too many of the builders are used to building homes in third ring suburbs or exurbs and consider trees a nuisance during construction, or don't want to modify their standard plans even slightly (moving garage to opposite side of yard, moving egress window along the wall or to a different wall) in order to preserve trees. Either more total points must be required (as suggested at the meeting) or trees specifically must be given more points in order to increase the likelihood of mature trees being preserved.
 - The City needs to consider how it will determine that the new construction will not or did not damage a tree to the point that it will die within a few years. For example, how much undisturbed ground must be left around trees of various sizes for it to count in reaching the 2 inches per 1000 sq. ft. of total lot area? The Forestry Department (Park Board?) may be able to help with this.

We greatly appreciate all the steps the City has taken to respond to existing residents' great concerns about infill construction. We hope that the zoning code and site plan design standard changes as eventually adopted will in fact meet the goal of striking a fair balance between the preferences and needs of existing residents and those of new homeowners.

Sincerely,

/signed/

Martha J. Hewett

/signed/

Linda Varvel

Wittenberg, Jason W.

From: James Vagle <james@batc.org>
Sent: Monday, July 21, 2014 4:19 PM
To: Kress, Doug S.; Wittenberg, Jason W.
Cc: Shawn Nelson; David Siegel; Palmisano, Linea; Ziring, Emily
Subject: Infill Development Feedback from BATC

Doug & Jason – Thanks for taking time to consider BATC’s perspective on the infill amendments. As I stated via message and discussion, there are two areas which have been identified by BATC’s members reviewing these changes.

- I. **Water Table Minimum Threshold** - The first relates to the 3’ minimum requirement for basements above the water table. BATC agrees wholeheartedly with the intent to protect water resources. The question raised relates to embedding an engineering process within this requirement to study alternative means and methods to comply with the intent of the rule when there are circumstances which limit achieving the 3’ minimum.

In addition to our request for a compliance pathway, we’ve had questions regarding how the base table is established. As you are aware the water table is currently at historical highs, whereas in draught scenarios the reverse effect on the water table would be present. Is it possible and practical to establish an average water table based on historic data? We utilize this concept in developing stormwater regulations by looking at precipitation patterns over a long period (100 years), evening out the high and low points of any given shorter time period. We are interested in learning if this type of water table benchmark can be established as part of the regulation.

- II. **Effective Date.** As discussed, effective dates of regulatory changes are important as they often directly impact project cost and feasibility. Using the building code as an example, the state established a six-month implementation period between the final notice of code changes and their implementation/enforcement date. For these changes BATC suggests an effective date of January 1, 2015 to allow for preparation and implementation of the changes.

Thanks again for your consideration of this feedback. We look forward to continuing to work with you on changes to the Infill Development Amendments.

Best regards,
James

James Vagle
Public Policy Director
Builders Association of the Twin Cities
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(m) 612.600.6001
james@batc.org



**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Palmisano

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

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

Section 1. That Section 520.160 of the above-entitled ordinance be amended by adding and amending following definitions in alphabetical sequence to read as follows:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. Additional definitions may be found within specific chapters of this zoning ordinance. All words and phrases not defined shall have their common meaning.

Demolition. The act of moving or razing a building, including the removal, substantial removal, or relocation of sixty (60) percent or more of the building's exterior. The building's roof shall constitute twenty (20) percent of the total exterior above the finished floor of the first story. The remainder shall be a calculation of the percent change to the perimeter of the building, measured per story, in linear feet. For the purpose of this definition, removal shall include any adjustment to fenestration or wall location from the finished floor to the surface of the floor above.

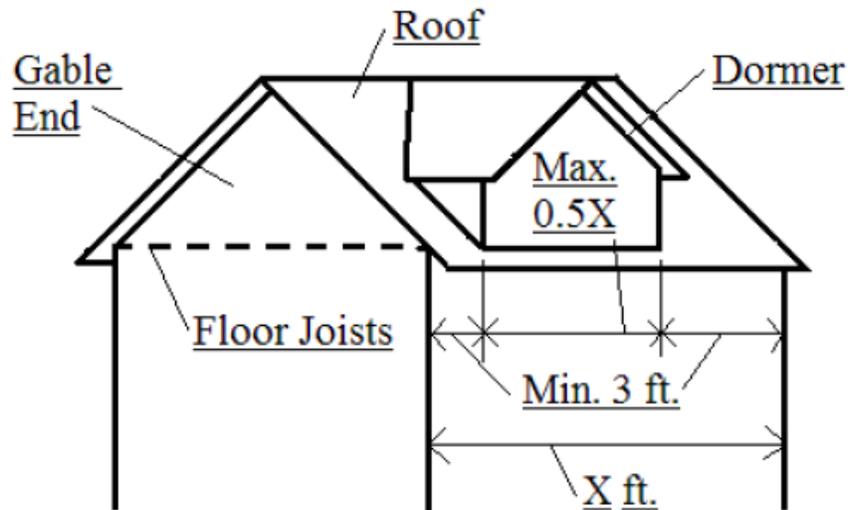
Floor area, gross (GFA). The gross floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the centerline of walls separating two (2) buildings. The gross floor area of a building shall include basement floor area when one-half ($\frac{1}{2}$) or more of the basement height is above natural grade for more than fifty (50) percent of the total perimeter. The gross floor area shall also include elevator shafts and stairwells to each floor, penthouses, attic space having headroom clearances that meet building code minimum ceiling heights, interior balconies and mezzanines, enclosed porches, floor area devoted to accessory uses, and floor space used for mechanical equipment, except equipment located on the roof, unless otherwise specified in this chapter. The gross floor area of structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet, assuming one (1) floor for each fourteen (14) feet in height. In determining the gross floor area of an individual use within a multiple tenant building, the gross floor area is the sum of the gross horizontal areas measured from the interior faces of the interior walls of the space occupied by the use. Except for garages attached to single and two-family dwellings, Gross gross floor area shall not include space

devoted to accessory off-street parking or loading facilities, including aisles, ramps and maneuvering space.

Story, half. A partial story that meets the following criteria:

- ~~(1) The half story will be located on a principal residential structure with a maximum district or use height of two and one-half (2.5) stories. A partial story located in any other district or on any other use shall be considered a full story.~~
- ~~(2) (1) Gross floor area of the half story will be Habitable space located under a gable or hip roof and all of the roof rafters shall ~~abut~~ be located within two (2) feet of the floor joists, except at gable ends or where dormers are allowed.~~
- ~~(3) (2) Dormers on the half story will meet the following standards.~~
 - a. The total width of all dormers on any façade will not exceed fifty (50) percent of the width of the wall of the floor below the half story roof.
 - b. Dormers will be located no closer than three (3) feet from any end-of-house corner of the floor below and any gable end wall.
 - c. Dormers will not extend beyond the wall below and will not interrupt the eave edge of the hip or gable roof.

(Note: delete graphic)



**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Palmisano

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

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

Section 1. That section 525.520 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:

(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.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Palmisano

Amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to Zoning Code: Site Plan Review.

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

Section 1. That section 530.280 of the above-entitled ordinance be amended to read as follows:

530.280. Design standards. New single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Chapter 535, Regulations of General Applicability, related to front entrance, window area, and walkway requirements, and limitations on attached garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of ~~fifteen (15)~~ seventeen (17) points from Table 530-2, Single and two-family dwellings and multiple-family dwellings having three or four dwelling units. ~~Standards used to meet the minimum requirement must remain in place for a period of not less than fifteen (15) years from the date of approval.~~

Section 2. That Table 530-2 of the above-entitled ordinance be and is here by repealed.

~~Table 530-2 Standards for single and two-family dwellings and multiple-family dwellings having three or four dwelling units~~

| <i>Points</i> | <i>Design Standard</i> |
|---------------|--|
| 5 | Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure |
| 5 | The structure includes a basement as defined by the building code |
| 4 | The primary exterior building materials are masonry, brick, stone, stucco, wood, cement-based siding, and/or glass |
| 3 | Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows |
| 3 | Not less than ten (10) percent of the walls on each floor that face a rear or interior side lot line, not including walls on half stories, are windows |
| 2 | The pitch of the primary roof line is 6/12 or steeper. However, the points shall be awarded for a building with a flat roof where there is at least one existing building with a flat roof or a hip roof with a primary roof line of less |

| | |
|---|---|
| | than 6/12 where there is at least one existing building with a hip roof with a similar pitch within one hundred (100) feet of the site. |
| 4 | The structure includes an open, covered front porch of at least seventy (70) square feet that is not enclosed with windows, screens, or walls, provided there is at least one existing open front porch within one hundred (100) feet of the site. The porch 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 front porch. |
| 4 | The development includes at least one (1) deciduous tree in the front yard |

Section 3. That Chapter 530 of the Minneapolis Code of Ordinance be amended by adding thereto a new Table 530-2 to read as follows:

Table 530-2 Standards for Single and Two-family Dwellings and Multiple-Family Dwellings Having Three or Four Dwelling Units

| <u>Points</u> | <u>Design Standard</u> |
|---------------|---|
| <u>6</u> | <u>The exterior building materials are masonry, brick, stone, stucco, wood, cement-based siding, and/or glass</u> |
| <u>4</u> | <u>The height of the structure is within one-half story of the predominant height of residential buildings within one hundred (100) feet of the site</u> |
| <u>4</u> | <u>The total diameter of trees retained or planted equals not less than three (3) inches per one thousand (1,000) square feet of total lot area, or fraction thereof. Tree diameter shall be measured at four and one-half (4.5) feet above grade.</u> |
| <u>3</u> | <u>Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows</u> |
| <u>3</u> | <u>Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure and is located entirely in the rear forty (40) feet or twenty (20) percent of the lot, whichever is greater, and the accessory structure is not less than twenty (20) feet from any habitable portion of the principal structure</u> |
| <u>3</u> | <u>The structure includes a basement as defined by the building code</u> |
| <u>2</u> | <u>Not less than ten (10) percent of the walls on each floor that face a rear or interior side lot line, not including walls on half stories, are windows</u> |
| <u>1</u> | <u>The development qualifies for and, following construction, provides proof of receipt of a City of Minneapolis Stormwater Quality Credit</u> |
| <u>1</u> | <u>The structure includes an open, covered front porch of at least seventy (70) square feet that is not enclosed with windows, screens, or walls, provided there is at least one (1) existing open front porch within one hundred (100) feet of the site. The porch may include guardrails not more than three (3) feet in height and not more than fifty (50) percent</u> |

| | |
|--|---|
| | <u>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 front porch.</u> |
|--|---|

Section 4. That section 530.310 of the above-entitled ordinance be amended to read as follows:

530.310. Alternative compliance. (a) *In general.* Notwithstanding any other provision to the contrary, the zoning administrator may grant alternatives to the standards of this article shall not be eligible for alternative compliance. by allowing a new structure to obtain fewer than the minimum number of points from Table 530-2, Single and Two-family Dwellings and Multiple-family Dwellings Having Three or Four Dwelling Units, upon finding each of the following:

(1) The structure is consistent with the predominant scale of existing residential structures in the same zoning district in the immediate area. In comparing the scale of the proposed structure to existing structures, the zoning administrator shall consider floor area, building height, façade width, and consistency with an established pattern of front, side, and rear yards in the vicinity.

(2) The structure achieves at least one (1) of the following:

- a. The design incorporates traditional features and proportions found in the immediate area, which may include but shall not be limited to an examination of features such as windows, doors, roof lines, trim, gables, dormers, porches, or entry canopies; or
- b. The design demonstrates exceptional creativity and incorporates high-quality, durable exterior materials.

(3) On sloped sites, the design responds to the topography of the site by following existing patterns in the vicinity and minimizing the apparent mass of the structure when viewed from lower elevations.

(4) The proposal is consistent with the applicable urban design policies of the comprehensive plan.

(b) *Notification.* In conducting the review of requests for alternative compliance from this article, the zoning administrator shall mail notice of the request to property owners within one hundred (100) feet of the property and shall allow a public comment period of not less than ten (10) calendar days between the date of notification and the final decision. The zoning administrator's decision may be appealed in accordance with the standards of Chapter 525, Administration and Enforcement.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Palmisano

Amending Title 20, Chapter 531 of the Minneapolis Code of Ordinances relating to Zoning Code: Nonconforming Uses and Structures.

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

Section 1. That section 531.30 be amended to read as follows:

531.30. Establishment of nonconforming rights; certificate of nonconforming use.

Any person having a legal or equitable interest in a nonconforming property may apply for a certificate of nonconforming use by complying with the procedure set forth in this section. Upon issuance, a certificate of nonconforming use shall be evidence that the use or structure designated therein is a legal nonconforming use or structure at that time.

- (1) *Application.* Any person having a legal or equitable interest in land may file an application for a certificate of nonconforming use on a form approved by the zoning administrator. Application procedures for certificates of nonconforming use shall be as specified in Chapter 525, Administration and Enforcement.
- (2) *Nonconforming structures.* Where an application seeks a nonconforming use certificate to establish the legal nonconforming status of a structure only, or a use nonconforming as to parking only, and not to establish the legal nonconforming status of any use, the zoning administrator may issue or deny such certificate upon review of a certified survey, building permits, or other documentation deemed necessary or sufficient by the zoning administrator.
 - a. *Single and two-family dwellings nonconforming as to side and rear yards only.* A single or two-family dwelling nonconforming as to side and rear yards only shall have all the rights of a conforming structure, provided the structure is located not closer than three (3) feet from the side and rear lot line, and provided further that the structure shall not be enlarged, altered or relocated in such a way as to increase its nonconformity. For the purposes of this section, the extension of a single or two-family dwelling along the existing setback or the addition of a second story or half-story shall not be considered as increasing its nonconformity, provided the portion of the structure within the required side or rear yard comprises at least sixty (60) percent of the length of the entire structure, and provided further that the structure shall not be enlarged, altered or relocated within the required front yard and all other requirements of this zoning ordinance are met. If substantial alteration of a single or two-family dwelling results in demolition of the structure, the entire structure shall be subject to the yard requirements applicable to a new structure, except as authorized by section 531.40 related to buildings that are damaged or destroyed.

- b. *All other residential buildings nonconforming as to yards only.* A residential building nonconforming as to yards only shall have all the rights of a conforming building, except that said building shall not be enlarged, altered, or relocated in such a way as to increase its nonconformity.
- (3) *Nonconforming uses; notice and hearing.* The board of adjustment shall hold a public hearing on each complete application for a certificate of nonconforming use as specified in Chapter 525, Administration and Enforcement. All findings and decisions of the board of adjustment concerning certificates of nonconforming use shall be final, subject to appeal to the city council as specified in Chapter 525, Administration and Enforcement.
- (4) *Determination by board of adjustment.* Following the public hearing, the board of adjustment shall determine whether the use or structure is a legal nonconforming use or structure. The burden of proof shall be on the applicant to establish the lawful nonconforming status of the use or structure and the lack of abandonment, change of use or loss under section 531.40. If the applicant does not establish the required facts, no certificate shall be issued. If the board of adjustment determines that the use or structure is a legal nonconforming use or structure, it shall direct the zoning administrator to issue a certificate of nonconforming use. The certificate shall state with particularity the type and intensity of specific use which is found to be legal. The decision of the board of adjustment may be appealed by any affected person as specified in Chapter 525, Administration and Enforcement.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Palmisano

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 535.90 be amended to read as follows:

535.90. ~~Minimum size and width, principal entrance and windows, and location of attached garage requirements~~ General standards for residential uses.

(a) *Size and width.* The minimum gross floor area of a dwelling unit, except efficiency units, shall be five hundred (500) square feet. The minimum gross floor area of efficiency units shall be three hundred fifty (350) square feet. Not less than eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall have a minimum width of ~~twenty-two (22)~~ twenty (20) feet.

(b) *Principal entrance.* Single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall include a principal entrance facing the front lot line. Subject to Table 535-1, Permitted Obstructions in Required Yards, the principal entrance shall be connected to the public sidewalk by an ~~impervious~~ hard-surfaced walkway not less than three (3) feet wide and shall include stairs where needed. Where no public sidewalk exists, the walkway shall extend to the public street. The principal entrance may face a side lot line when part of a front vestibule or extended portion of the front façade, provided the entrance is located no further than eight (8) feet from the façade closest to the street.

(c) *Windows.* Not less than fifteen (15) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a public street shall be windows. Not less than five (5) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a rear or interior side lot line shall be windows. Half stories shall not be subject to the minimum window requirement.

(d) *Attached garage facing the front lot line.* Attached accessory uses designed or intended for the parking of vehicles accessory to single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall extend no more than five (5) feet closer to the front lot line than the façade of a habitable portion of the first story of the dwelling when the garage door or doors face the front lot line. In addition, the width of the garage wall facing the front lot line, including basement-level garages, shall not exceed sixty (60) percent of the width of the entire structure.

Section 2. That section 535.280 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 ~~has its rear wall at least forty (40) feet from the rear lot line~~. 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 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 ~~behind the rear wall of the~~ 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.

Section 3. That Table 535-1 of the above-entitled ordinance be amended to read as follows:

Table 535-1 Permitted Obstructions in Required Yards

| <i>Type of Obstruction</i> | <i>Front or Corner Side Yard</i> | <i>Interior Side Yard</i> | <i>Rear Yard</i> |
|---|----------------------------------|---------------------------|------------------|
| 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. <u>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.</u> | P | | P |

Section 4. That Chapter 535 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 535.315, to Article IV, Protection of Natural Features, to read as follows:

535.315. Groundwater management. All development shall comply with all applicable regulations governing groundwater. Single and two-family dwellings shall be designed and constructed in a manner that does not rely on permanent groundwater discharge. The building official may request evidence, including soil testing, demonstrating that development will not extend into groundwater resources and may deny any application for a permit where an applicant has failed to demonstrate that subsurface development would maintain a sufficient separation from groundwater.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Palmisano

Amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Street Parking and Loading.

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

Section 1. That section 541.230 be amended to read as follows:

541.230. Required plan approval. Plans for any use requiring movement of vehicles across public walks or access through a public alley or street shall be referred to the city engineer for review before any permits are issued. The city engineer shall consider, but not be limited to, the following factors when determining whether to approve the proposed plan:

- (1) The consolidation of curb cuts shall be encouraged, and new curb cuts shall be discouraged whenever appropriate, considering safe traffic flow, the objectives of this ordinance, and access points needed for the proper functioning of the use.
- (2) Where a residential use is served by an alley, direct access to the street through a curb cut shall be discouraged, except where such curb cut extends into a corner side yard. Direct access to the street through a curb cut shall not be allowed where an alley serves a single and two-family dwelling or multiple-family dwelling having three (3) or four (4) dwelling units, except where such curb cut extends into a corner side yard or reverse corner side yard.
- (3) The use shall not substantially increase congestion of the public streets or impede pedestrian traffic.
- (4) The space allocated to the use shall be adequate to keep vehicles clear of sidewalks, alleys and similar areas.
- (5) The location of driveways relative to other existing uses is such that street traffic shall not be seriously disrupted and no unnecessary hazards shall be established for pedestrians. In no instance shall a driveway be allowed on a limited access roadway ramp or combined limited access roadway ramp frontage road.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Palmisano

Amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to Zoning Code: Residence Districts.

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

Section 1. That section 541.140 be amended to read as follows:

546.140. Maximum lot coverage. Principal and accessory structures shall not cover more than ~~fifty (50)~~ forty-five (45) percent of any zoning lot located in the R1—R3 Districts. Principal and accessory structures shall not cover more than seventy (70) percent of any zoning lot located in the R4—R6 Districts.

Section 2. That section 541.150 be amended to read as follows:

546.150. Impervious surface coverage. Impervious surfaces shall not cover more than ~~sixty-five (65)~~ sixty (60) percent of any zoning lot located in the R1—R3 Districts. Impervious surfaces shall not cover more than eighty-five (85) percent of any zoning lot located in the R4—R6 Districts. The remainder of the zoning lot shall be covered with turf grass, native grasses, perennial flowering plants, shrubs, trees or similar landscape material sufficient to prevent soil erosion, minimize off-site stormwater runoff, and encourage natural filtration function.

Section 3. That section 541.160 be amended to read as follows:

546.160. Yard requirements. (a) *In general.* The minimum yard requirements for uses located in the residence districts shall be as set forth in each residence district, and in Chapter 535, Regulations of General Applicability, except as provided below. Required yards shall be unobstructed from the ground level to the sky, except as provided as a permitted obstruction in Chapter 535, Regulations of General Applicability.

(b) *Front yard increased.* The required front yard shall be increased where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. In such case, the required front yard shall be not less than such established front yard, provided that where there are principal buildings originally designed for residential purposes on both sides of the property, the required front yard shall be not less than that established by a line joining 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. In determining an increase in the required front yard, one of the nearest principal residential structures may be

removed from consideration where such structure exceeds the established front yard of any other such building on the same block face by twenty-five (25) feet or more and there are no fewer than four (4) principal residential structures on the block face, including the proposed structure. In such instance, the next-nearest principal building originally designed for residential purposes shall be incorporated in determining the increased front yard. Nothing in this provision shall authorize a front yard less than that required by the zoning district.

(c) *Corner side yard.* Where a corner side yard is required, it shall not exceed the applicable front yard requirement.

Section 4. That Table 546-2 of the above-entitled ordinance be amended to read as follows:

Table 546-2 R1 Yard Requirements

| <i>Yards</i> | <i>Required Yards for Single-family Dwellings and Permitted Community Residential Facilities (Feet)</i> | <i>Required Yards for All Other Uses (Feet)</i> |
|---|--|--|
| Front, <u>subject to section 546.160(b)</u> | 25 | 25 |
| <u>Rear</u> | <u>6</u> | <u>6+2X</u> |
| Rear and Interior Side | 6 <u>Lot width less than 42 ft.: 5</u> <u>Lot width 42 ft. – 51.99 ft.: 6</u> <u>Lot width 52 ft. – 61.99 ft.: 7</u> <u>Lot width 62 ft. or greater: 8</u> | 6+2X |
| Corner Side | 40 <u>8</u> | 40 <u>8+2X</u> |

X = Number of stories above the first floor

Section 5. That section 546.240 be amended to read as follows:

546.240. Building bulk requirements. (a) *In general.* The maximum height for all principal structures, except for single and two-family dwellings, located in the R1 District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height for all single or two-family dwellings located in the R1 District shall be two and one-half (2.5) stories or ~~thirty (30)~~ twenty-eight (28) feet, whichever is

less. The highest point of the roof of a single or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet. The maximum floor area ratio shall be as specified in Table 546-3, R1 Lot Dimension and Building Bulk Requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (1) Detached accessory structures.
- ~~(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.~~
- ~~(3)~~(2) Open porches.
- ~~(4)~~(3) The basement floor area if the finished floor of the first story is ~~four (4) feet~~ thirty (30) inches or less from natural grade for more than fifty (50) percent of the total perimeter. On a property with a change in natural grade of four (4) feet or more on that part of the property located outside of the required front yard, basement floor area shall not be included if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the perimeter.
- ~~(5)~~(4) Half story floor area.

(c) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

- (1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.
- (2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of the roof shall not exceed forty (40) feet.

Section 6. That Table 546-4 of the above-entitled ordinance be amended to read as follows:

Table 546-4 R1A Yard Requirements

| Yards | <i>Required Yards for Single-family Dwellings and Permitted Community</i> | <i>Required Yards for All Other Uses</i> |
|--------------|--|---|
|--------------|--|---|

| | Residential Facilities (Feet) | (Feet) |
|---|--|---------------|
| <u>Front, subject to section 546.160(b)</u> | 20 | 20 |
| <u>Rear</u> | <u>5</u> | <u>5+2X</u> |
| <u>Rear and Interior Side</u> | 5 <u>Lot width less than 42 ft.: 5</u> <u>Lot width 42 ft. – 51.99 ft.: 6</u> <u>Lot width 52 ft. – 61.99 ft.: 7</u> <u>Lot width 62 ft. or greater: 8</u> | 5+2X |
| <u>Corner Side</u> | 8 | 8+2X |

X = Number of stories above the first floor

Section 7. That section 546.300 be amended to read as follows:

546.300. Building bulk requirements. (a) *In general.* The maximum height for all principal structures, except for single and two-family dwellings, located in the R1A District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height for all single or two-family dwellings located in the R1A District shall be two and one-half (2.5) stories or ~~thirty (30)~~ twenty-eight (28) feet, whichever is less. The highest point of the roof of a single or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet. The maximum floor area ratio shall be as specified in Table 546-5, R1A Lot Dimension and Building Bulk Requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

~~(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.~~

~~(3)~~(2) Open porches.

~~(4)~~(3) The basement floor area if the finished floor of the first story is ~~four (4) feet~~ thirty (30) inches or less from natural grade for more than fifty (50) percent of the total perimeter. On a property with a change in natural grade of four (4) feet or more on that part of the property located outside of the required front yard, basement floor

area shall not be included if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the perimeter.

~~(5)~~(4) Half story floor area.

(c) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of the roof shall not exceed forty (40) feet.

Section 8. That Table 546-6 of the above-entitled ordinance be amended to read as follows:

Table 546-6 R2 Yard Requirements

| <i>Yards</i> | <i>Required Yards for Single and Two-family Dwellings and Permitted Community Residential Facilities (Feet)</i> | <i>Required Yards for All Other Uses (Feet)</i> |
|---|--|--|
| Front, <u>subject to section 546.160(b)</u> | 20 | 20 |
| <u>Rear</u> | <u>5</u> | <u>5+2X</u> |
| Rear and Interior Side | <u>5</u> <u>Lot width less than 42 ft.: 5</u> <u>Lot width 42 ft. – 51.99 ft.: 6</u> <u>Lot width 52 ft. – 61.99 ft.: 7</u> | 5+2X |

| | | |
|-------------|---------------------------------------|------|
| | <u>Lot width 62 ft. or greater: 8</u> | |
| Corner Side | 8 | 8+2X |

X = Number of stories above the first floor

Section 9. That section 546.360 be amended to read as follows:

546.360. Building bulk requirements. (a) *In general.* The maximum height for all principal structures, except for single and two-family dwellings, located in the R2 District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height for all single or two-family dwellings located in the R2 District shall be two and one-half (2.5) stories or ~~thirty (30)~~ twenty-eight (28) feet, whichever is less. The highest point of the roof of a single or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet. The maximum floor area ratio shall be as specified in Table 546-5, R1A Lot Dimension and Building Bulk Requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

~~(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.~~

~~(3)~~(2) Open porches.

~~(4)~~(3) The basement floor area if the finished floor of the first story is ~~four (4) feet~~ thirty (30) inches or less from natural grade for more than fifty (50) percent of the total perimeter. On a property with a change in natural grade of four (4) feet or more on that part of the property located outside of the required front yard, basement floor area shall not be included if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the perimeter.

~~(5)~~(4) Half story floor area.

(c) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to

exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of the roof shall not exceed forty (40) feet.

Section 10. That Table 546-8 of the above-entitled ordinance be amended to read as follows:

Table 546-8 R2B Yard Requirements

| <i>Yards</i> | <i>Required Yards for Single and Two-family Dwellings and Permitted Community Residential Facilities (Feet)</i> | <i>Required Yards for All Other Uses (Feet)</i> |
|---|--|---|
| <u>Front, subject to section 546.160(b)</u> | 20 | 20 |
| <u>Rear</u> | <u>5</u> | <u>5+2X</u> |
| <u>Rear and Interior Side</u> | 5 <u>Lot width less than 42 ft.: 5</u> <u>Lot width 42 ft. – 51.99 ft.: 6</u> <u>Lot width 52 ft. – 61.99 ft.: 7</u> <u>Lot width 62 ft. or greater: 8</u> | 5+2X |
| <u>Corner Side</u> | 8 | 8+2X |

X = Number of stories above the first floor

Section 11. That section 546.420 be amended to read as follows:

546.420. Building bulk requirements. (a) *In general.* The maximum height of all principal structures, except for single and two-family dwellings, located in the R2B District shall be two and one-half (2.5) stories or thirty-five (35) feet in height, whichever is less. The maximum height for all single or two-family dwellings located in the R2B District shall be two and one-half (2.5) stories or ~~thirty (30)~~ twenty-eight (28) feet, whichever is less. The highest point of the roof of a single or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet. The maximum

floor area ratio shall be as specified in Table 546-9, R2B Lot Dimension and Building Bulk Requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

~~(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.~~

~~(3)~~(2) Open porches.

~~(4)~~(3) The basement floor area if the finished floor of the first story is ~~four (4) feet~~ thirty (30) inches or less from natural grade for more than fifty (50) percent of the total perimeter. On a property with a change in natural grade of four (4) feet or more on that part of the property located outside of the required front yard, basement floor area shall not be included if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the perimeter.

~~(5)~~(4) Half story floor area.

(c) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of the roof shall not exceed forty (40) feet.

Section 12. That Table 546-10 of the above-entitled ordinance be amended to read as follows:

Table 546-10 R3 Yard Requirements

| Yards | Required Yards for Single and Two-family Dwellings and Permitted Community Residential Facilities (Feet) | Required Yards for All Other Uses (Feet) |
|---|--|---|
| Front, subject to <u>section 546.160(b)</u> | 20 | 20 |
| <u>Rear</u> | <u>5</u> | <u>5+2X</u> |
| Rear and Interior Side | 5 <u>Lot width less than 42 ft.: 5</u> <u>Lot width 42 ft. – 51.99 ft.: 6</u> <u>Lot width 52 ft. – 61.99 ft.: 7</u> <u>Lot width 62 ft. or greater: 8</u> | 5+2X |
| Corner Side | 8 | 8+2X |

X = Number of stories above the first floor

Section 13. That section 546.480 be amended to read as follows:

546.480. Building bulk requirements. (a) *In general.* The maximum height of all principal structures, except for single and two-family dwellings, located in the R3 District shall be two and one-half (2.5) stories or thirty-five (35) feet in height, whichever is less. The maximum height for all single or two-family dwellings located in the R3 District shall be two and one-half (2.5) stories or ~~thirty (30)~~ twenty-eight (28) feet, whichever is less. The highest point of the roof of a single or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet. The maximum floor area ratio shall be as specified in Table 546-11, R3 Lot Dimension and Building Bulk Requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

~~(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.~~

~~(3)~~(2) Open porches.

~~(4)~~(3) The basement floor area if the finished floor of the first story is ~~four (4) feet~~ thirty (30) inches or less from natural grade for more than fifty (50) percent of the total

perimeter. On a property with a change in natural grade of four (4) feet or more on that part of the property located outside of the required front yard, basement floor area shall not be included if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the perimeter.

~~(5)~~(4) Half story floor area.

(c) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of the roof shall not exceed forty (40) feet.

Section 14. That Table 546-12 of the above-entitled ordinance be amended to read as follows:

Table 546-12 R4 Yard Requirements

| <i>Yards</i> | <i>Required Yards for Single and Two-family Dwellings and Permitted Community Residential Facilities (Feet)</i> | <i>Required Yards for All Other Uses (Feet)</i> |
|---|--|--|
| <u>Front, subject to section 546.160(b)</u> | 15 | 15 |
| <u>Rear</u> | <u>5</u> | <u>5+2X</u> |
| <u>Rear and Interior Side</u> | 5 <u>Lot width less than 42 ft.: 5</u> | 5+2X |

| | | |
|-------------|--|------|
| | <u>Lot width 42 ft. – 51.99 ft.: 6</u> <u>Lot width 52 -61.99 ft.: 7</u> <u>Lot width 62 ft. or greater: 8</u> | |
| Corner Side | 8 | 8+2X |

X = Number of stories above the first floor

Section 15. That section 546.530 be amended to read as follows:

546.530. Building bulk requirements. (a) *In general.* The maximum height and the maximum floor area ratio of all principal structures located in the R4 District shall be as specified in Table 546-13, R4 Lot Dimension and Building Bulk Requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

~~(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.~~

~~(3)~~(2) Open porches.

~~(4)~~(3) The basement floor area if the finished floor of the first story is ~~four (4) feet~~ thirty (30) inches or less from natural grade for more than fifty (50) percent of the total perimeter. On a property with a change in natural grade of four (4) feet or more on that part of the property located outside of the required front yard, basement floor area shall not be included if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the perimeter.

~~(5)~~(4) Half story floor area.

(c) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of the roof shall not exceed forty (40) feet.

Section 16. That Table 546-13 of the above-entitled ordinance be amended to read as follows:

Table 546-13 R4 Lot Dimension and Building Bulk Requirements

| <i>Uses</i> | <i>Minimum Lot Area (Square Feet)</i> | <i>Minimum Lot Width (Feet)</i> | <i>Maximum Floor Area Ratio (Multiplier)</i> | <i>Maximum Height</i> |
|-------------------------------|---------------------------------------|---------------------------------|--|---|
| RESIDENTIAL USES | | | | |
| Dwellings | | | | |
| Single or two-family dwelling | 5,000 | 40 | 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater | 2.5 stories, not to exceed 30 <u>28</u> ft. <u>The highest point of the roof of a single or two-family dwelling with a gable, hip, or gambrel roof shall not exceed 33 feet.</u> |

Section 17. That Table 546-14 of the above-entitled ordinance be amended to read as follows:

Table 546-14 R5 District Yard Requirements

| <i>Yards</i> | <i>Required Yards for Single and Two-family Dwellings and Permitted Community Residential Facilities (Feet)</i> | <i>Required Yards for All Other Uses (Feet)</i> |
|---|---|---|
| Front, <u>subject to section 546.160(b)</u> | 15 | 15 |
| <u>Rear</u> | <u>5</u> | <u>5+2X</u> |
| Rear and Interior | 5 | 5+2X |

| | | |
|-------------|---|------|
| Side | <u>Lot width less than 42 ft.: 5</u> <u>Lot width 42 ft. – 51.99 ft.: 6</u> <u>Lot width 52 ft. – 61.99 ft.: 7</u> <u>Lot width 62 ft. or greater: 8</u> | |
| Corner Side | 8 | 8+2X |

X = Number of stories above the first floor

Section 18. That section 546.530 be amended to read as follows:

546.580. Building bulk requirements. (a) *In general.* The maximum height and the maximum floor area ratio of all principal structures located in the R5 District shall be as specified in Table 546-15, R5 Lot Dimension and Building Bulk Requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

~~(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.~~

~~(3)~~(2) Open porches.

~~(4)~~(3) The basement floor area if the finished floor of the first story is ~~four (4) feet~~ thirty (30) inches or less from natural grade for more than fifty (50) percent of the total perimeter. On a property with a change in natural grade of four (4) feet or more on that part of the property located outside of the required front yard, basement floor area shall not be included if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the perimeter.

~~(5)~~(4) Half story floor area.

(c) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to

exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of the roof shall not exceed forty (40) feet.

Section 19. That Table 546-15 of the above-entitled ordinance be amended to read as follows:

Table 546-15 R5 Lot Dimension and Building Bulk Requirements

| Uses | Minimum Lot Area (Square Feet) | Minimum Lot Width (Feet) | Maximum Floor Area Ratio (Multiplier) | Maximum Height |
|--|---------------------------------------|---------------------------------|--|---|
| RESIDENTIAL USES | | | | |
| Dwellings | | | | |
| Single or two-family dwelling existing on the effective date of this ordinance | 5,000 | 40 | 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater | 2.5 stories, not to exceed 30 <u>28</u> ft. <u>The highest point of the roof of a single or two-family dwelling with a gable, hip, or gambrel roof shall not exceed 33 feet.</u> |

Section 20. That Table 546-16 of the above-entitled ordinance be amended to read as follows:

Table 546-16 R6 Yard Requirements

| Yards | Required Yards for Single and Two-family Dwellings and Permitted Community Residential Facilities (Feet) | Required Yards for All Other Uses (Feet) |
|--------------------------|---|---|
| Front, <u>subject to</u> | 15 | 15 |

| | | |
|-------------------------------|---|-------------|
| <u>section 546.160(b)</u> | | |
| <u>Rear</u> | <u>5</u> | <u>5+2X</u> |
| <u>Rear and Interior Side</u> | <u>5</u> <u>Lot width less than 42 ft.: 5</u> <u>Lot width 42 ft. – 51.99 ft.: 6</u> <u>Lot width 52 – 61.99 ft.: 7</u> <u>Lot width 62 ft. or greater: 8</u> | <u>5+2X</u> |
| <u>Corner Side</u> | <u>8</u> | <u>8+2X</u> |

X = Number of stories above the first floor

Section 21. That section 546.630 be amended to read as follows:

546.630. Building bulk requirements. (a) *In general.* The maximum height and the maximum floor area ratio of all principal structures located in the R6 District shall be as specified in Table 546-17, R6 Lot Dimension and Building Bulk Requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

~~(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.~~

~~(3)~~(2) Open porches.

~~(4)~~(3) The basement floor area if the finished floor of the first story is ~~four (4) feet~~ thirty (30) inches or less from natural grade for more than fifty (50) percent of the total perimeter. On a property with a change in natural grade of four (4) feet or more on that part of the property located outside of the required front yard, basement floor area shall not be included if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the perimeter.

~~(5)~~(4) Half story floor area.

(c) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed

the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of the roof shall not exceed forty (40) feet.

Section 22. That Table 546-17 of the above-entitled ordinance be amended to read as follows:

Table 546-17 R6 Lot Dimension and Building Bulk Requirements

| Uses | Minimum Lot Area (Square Feet) | Minimum Lot Width (Feet) | Maximum Floor Area Ratio (Multiplier) | Maximum Height |
|--|---------------------------------------|---------------------------------|--|--|
| RESIDENTIAL USES | | | | |
| Dwellings | | | | |
| Single or two-family dwelling existing on the effective date of this ordinance | 5,000 | 40 | 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater | 2.5 stories, not to exceed 30 <u>28</u> ft. <u>The highest point of the roof of a single or two-family dwelling shall not exceed 35 ft.</u> |

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Palmisano

Amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to Zoning Code: Office Residence Districts.

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

Section 1. That section 547.160 be amended to read as follows:

547.160. Yard requirements. (a) *In general.* The minimum yard requirements for uses located in the office residence districts shall be as specified in Table 547-2, Office Residence District Yard Requirements, and in Chapter 535, Regulations of General Applicability, except as provided below. Required yards shall be unobstructed from the ground level to the sky, except as provided as a permitted obstruction in Chapter 535, Regulations of General Applicability.

(b) *Front yard increased.* The required front yard shall be increased where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. In such case, the required front yard shall be not less than such established front yard, provided that where there are principal buildings originally designed for residential purposes on both sides of the property, the required front yard shall be not less than that established by a line joining 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. In determining an increase in the required front yard, one of the nearest principal residential structures may be removed from consideration where such structure exceeds the established front yard of all other such building on the same block face by twenty-five (25) feet or more and there are no fewer than four (4) principal residential structures on the block face, including the proposed structure. In such instance, the next-nearest principal building originally designed for residential purposes shall be incorporated in determining the increased front yard. Nothing in this provision shall authorize a front yard less than that required by the zoning district.

(c) *Corner side yard.* Where a corner side yard is required, it shall not exceed the applicable front yard requirement.

Section 2. That Table 547-2 of the above-entitled ordinance be amended to read as follows:

Table 547-2 Office Residence District Yard Requirements

| Yards | Required Yards for Single- and Two-Family Dwellings and Permitted Community Residential Facilities (Feet) | Required Yards for All Other Uses (Feet) |
|---|--|---|
| Front, <u>subject to section 547.160(b)</u> | 15 | 15 |
| <u>Rear</u> | <u>5</u> | <u>5+2X</u> |
| Rear and Interior Side | 5 <u>Lot width less than 42 ft.: 5</u> <u>Lot width 42 ft. – 51.99 ft.: 6</u> <u>Lot width 52 ft. – 61.99 ft.: 7</u> <u>Lot width 62 ft. or greater: 8</u> | 5+2X |
| Corner Side | 8 | 8+2X |

X = Number of stories above the first floor

Section 3. That section 547.240 be amended to read as follows:

547.240. Building bulk requirements. (a) *In general.* The maximum height of all principal buildings, except for single and two-family dwellings, located in the OR1 District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height for all single or two-family dwellings located in the OR1 District shall be two and one-half (2.5) stories or ~~thirty (30)~~ twenty-eight (28) feet, whichever is less. The highest point of the roof of a single or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet. The maximum floor area ratio shall be as specified in Table 547-3, Lot Dimension and Building Bulk Requirements in the OR1 District.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (1) Detached accessory structures.
- ~~(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.~~
- ~~(3)~~(2) Open porches.

~~(4)~~(3) The basement floor area if the finished floor of the first story is ~~four (4) feet~~ thirty (30) inches or less from natural grade for more than fifty (50) percent of the total perimeter. On a property with a change in natural grade of four (4) feet or more on that part of the property located outside of the required front yard, basement floor area shall not be included if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the perimeter.

~~(5)~~(4) Half story floor area.

(c) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of the roof shall not exceed forty (40) feet.

Section 4. That section 547.310 be amended to read as follows:

547.310. Building bulk requirements. (a) *In general.* The maximum height and floor area ratio of buildings located in the OR2 District shall be as specified in Table 547-4, Lot Dimension and Building Bulk Requirements in the OR2 District.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

~~(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.~~

~~(3)~~(2) Open porches.

~~(4)~~(3) The basement floor area if the finished floor of the first story is ~~four (4) feet~~ thirty (30) inches or less from natural grade for more than fifty (50) percent of the total perimeter. On a property with a change in natural grade of four (4) feet or more on

that part of the property located outside of the required front yard, basement floor area shall not be included if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the perimeter.

~~(5)~~(4) Half story floor area.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty-five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of the roof shall not exceed forty (40) feet.

Section 5. That Table 547-4 of the above-entitled ordinance be amended to read as follows:

Table 547-4 Lot Dimension and Building Bulk Requirements in the OR2 District

| <i>Uses</i> | <i>Minimum Lot Area (Square Feet)</i> | <i>Maximum Height</i> | <i>Maximum Floor Area Ratio (Multiplier)</i> |
|-------------------------------|---------------------------------------|--|--|
| RESIDENTIAL USES | | | |
| Dwellings | | | |
| Single or two-family dwelling | 5,000 | 2.5 stories, not to exceed 30 <u>28</u> ft. <u>The highest point of the roof of a single or two-family dwelling shall not exceed 35 feet.</u> | 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater |

Section 6. That section 547.350 be amended to read as follows:

547.350. Building bulk requirements. (a) *In general.* The maximum height and floor area ratio of buildings located in the OR3 District shall be as specified in Table 547-5, Lot Dimension and Building Bulk Requirements in the OR3 District.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (1) Detached accessory structures.

~~(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.~~

~~(3)(2)~~ Open porches.

~~(4)(3)~~ The basement floor area if the finished floor of the first story is ~~four (4) feet~~ thirty (30) inches or less from natural grade for more than fifty (50) percent of the total perimeter. On a property with a change in natural grade of four (4) feet or more on that part of the property located outside of the required front yard, basement floor area shall not be included if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the perimeter.

~~(5)(4)~~ Half story floor area.

(c) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of the roof shall not exceed forty (40) feet.

Section 7. That Table 547-5 of the above-entitled ordinance be amended to read as follows:

Table 547-5 Lot Dimension and Building Bulk Requirements in the OR3 District

| Uses | Minimum Lot Area (Square Feet) | Maximum Height | Maximum Floor Area Ratio (Multiplier) |
|-------------------------|---------------------------------------|-----------------------|--|
| RESIDENTIAL USES | | | |

Dwellings

Single or two-family dwelling

5,000

2.5 stories, not to exceed ~~30~~ 28 ft.
The highest point of the roof of a single or two-family dwelling shall not exceed 35 feet.

0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Palmisano

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.

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

Section 1. That Table 548-3 of the above-entitled ordinance be amended to read as follows:

Table 548-3 Residential and Hotel Yard Requirements

| <i>Yards</i> | <i>Required Yards for Single and Two-family Dwellings and Permitted Community Residential Facilities (Feet)</i> | <i>Required Yards for All Other Residential Uses and Hotels Where the Use Contains Windows Facing an Interior Side Yard or Rear Yard (Feet)</i> |
|---------------------|---|--|
| Front | 15 | 0 |
| Rear | 5 | 5+2X provided that this section (c) shall not require a minimum rear yard greater than fifteen (15) feet. |
| Interior Side | 5 <u>Lot width less than 42 ft.: 5</u> <u>Lot width 42 ft. – 51.99 ft.: 6</u> <u>Lot width 52 ft. -61.99 ft.: 7</u> <u>Lot width 62 ft. or greater: 8</u> | 5+2X provided that this section (c) shall not require a minimum interior side yard greater than fifteen (15) feet. |
| Corner Side | 8 | 0 |

X = Number of stories above the first floor