

MEMORANDUM

To: City Planning Commission, Committee of the Whole
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Date: August 22, 2019
Subject: Proposed Zoning Code Text Amendments: Regulations Related to Allow Up to Three-unit Buildings and Limiting Lot Combinations in Lower Intensity Districts

CPED staff is analyzing zoning code text amendments that would allow up to three-unit buildings and would limit lot combinations in lower intensity districts. The intent of these amendments is to implement policy guidance in *Minneapolis 2040* by allowing more housing options in low-density districts, but within the same building scale and building size allowed for single-family dwellings.

CPED staff is seeking the City Planning Commission's feedback regarding the proposed amendments. At this time, the amendments have been introduced by Council President Lisa Bender and Council Member Jeremy Schroeder and have been referred to staff. The amendments would impact the following chapters of the zoning code and subdivision ordinance:

- Chapter 520: Introductory Provisions
- Chapter 521: Zoning Districts and Zoning Maps Generally
- Chapter 525: Administration and Enforcement
- Chapter 531: Nonconforming Uses and Structures
- Chapter 535: Regulations of General Applicability
- Chapter 536: Specific Development Standards
- Chapter 537: Accessory Uses and Structures
- Chapter 541: Off-Street Parking and Loading
- Chapter 546: Residence Districts
- Chapter 547: Office Residence Districts
- Chapter 551: Overlay Districts
- Chapter 598: Land Subdivision Regulations

The proposed amendment will include the following:

- **Permit up to 3 units on a zoning lot in R1, R1A, R2 and R2B Districts**

Duplexes are first allowed in the R2 District and triplexes are first allowed in the R3 District. In the R1-R2B Districts, two and three-unit dwellings will be added as permitted uses where not already allowed.

No changes are proposed to the accessory dwelling unit standards, which allow an accessory dwelling unit (ADU) to only be accessory to a permitted or conditional single-family or two-family dwelling principal residential structure.

- **3 vs 4 units**

In general, the proposed amendment will make the built form of a 2- or 3-family dwelling appear no different than a single-family dwelling in the R1 to R2B districts. Currently, the rules that apply to 3- and

4-unit dwellings are somewhat different than 1- or 2-family requirements and 5+-family dwellings. The recommendation is to review and regulate 4-unit dwellings more like dwellings with 5 or more units. The primary difference is the applicable site plan review requirements.

- **Building bulk**

Two- and three-family dwellings will be subject to the same height and floor area ratio (FAR) requirements as a single-family dwelling in R1, R1A, R2 and R2B Districts. To increase the allowed height of a triplex in these districts, a variance will need to be requested versus a conditional use permit that is currently required. No changes are proposed in the other residential districts since triplexes are already allowed in those districts.

- **Yards**

Two- and three-family dwellings will be subject to the same yard requirements as a single-family dwelling in all residential and office residential districts. A provision for reducing front yard setback requirements, where consistent with existing context, is proposed. Additional limitations will apply to egress window wells and walkways as permitted obstructions in interior side yards.

- **Lot dimensions**

Two- and three-family dwellings in the R1-R2B Districts will be subject to the same lot size requirements as a single-family dwelling. To encourage innovative housing solutions, minimum lot area requirements for cluster developments will be reduced.

Minneapolis 2040 provides the following guidance on lot combinations:

- Interior 1 generally does not allow combinations;
- Interior 2 permits limited combinations;
- Interior 3 supports small and moderate-sized lots, including on combined lots

Maximum lot area requirements are proposed to limit lot combinations where single-family dwellings are allowed (R1-R4 and OR1 Districts) and will only apply to dwellings with 1 to 3 units. To prevent circumventing the intent of the ordinance, the maximum lot size requirement will apply to each principal structure in cluster developments in each district where the maximum will apply.

- **Nonconformities**

Regulations for nonconforming lots will be updated. Changes to allowed uses on lots of record nonconforming to minimum lot size are proposed. In R1-R4 and OR1, up to a 3-unit dwelling may be allowed. In R5-R6 and OR2-OR3, the minimum allowed use will change from a duplex (not generally a permitted use in these districts) to a triplex or 4-plex. A lower threshold will be applied for when common ownership lots need to be combined. Lots smaller than the proposed threshold generally require one or more variances to be developed.

The zoning ordinance already allows lots of record nonconforming to maximum lot size to be developed the same as a conforming lot but may not be enlarged.

The exceptions currently allowed for single and two-family dwellings allowing additions in side yards nonconforming to setbacks as well as extended time periods for reestablishing a damaged or destroyed structure will be expanded to include 3-unit buildings.

- **Site plan review**

Dwellings with 1 to 3 units are subject to administratively reviewed site plan review requirements. Revisions to the Chapter 530, Site Plan Review, design standards are not proposed at this time. Work is

underway related to missing middle housing with 2 to 20 units that will help inform any potential changes to the design standards in the future.

The enclosed parking requirement will change to an enclosed storage requirement for all dwellings with 1 to 3 units. The storage requirement is expected to typically be met by providing enclosed parking.

A minimum tree requirement will apply to complement the surrounding context, and enhance the built environment and ecological functions.

- **Design standards/mitigation of adverse effects of conversions**

General standards apply to all residential uses, including additions. Revisions will clarify which entrance and window standards apply to dwellings with 1 to 3 units versus dwellings with 4 or more units and how window area is calculated. Minimum dwelling width will be reduced to allow more flexibility in building design. New standards will apply to conversions of existing structures to 2- or 3-family dwellings with the intent to maintain existing single-family context and prevent adverse aesthetic effects of conversions. The new conversion standards include:

- Not allowing fire escapes, or exterior stairs that provide access to an upper level on walls facing a street.
- Not allowing mechanical equipment and utility boxes/panels on the front façade of the building.
- Requiring window and exterior material compatibility for additions.

- **Cluster development standards**

With the proposed reductions to the minimum lot area requirements for cluster developments, revisions to the development standards are proposed to ensure new construction is compatible with the low-intensity context in the R1-R2B Districts. Included in these revisions is clarification of which site plan review and general requirements apply to structures with 1 to 3 dwelling units and 4 or more units within cluster developments. The restriction on the stacking of units in the R1-R2B Districts will be eliminated, which may facilitate the retention of some existing dwellings.

- **Parking**

No changes are proposed to off-street parking requirements at this time. Note that residential uses are limited to no more than two vehicles parking outdoors on any lot. Further, parking areas of four or more spaces are required to be landscaped and screened to the standards of Chapter 530, Site Plan Review.

- **Other ordinances**

Several other ordinances will change to keep the regulations affecting dwellings with 1 to 3 units consistent. These ordinances apply to mechanical equipment screening, limited accessory structure size, and driveways.

Because a 3-unit building is a multiple-family dwelling, state statute requires a state licensed residential facility serving from 7 through 16 persons or a licensed day care facility serving from 13 through 16 persons to also be considered a permitted multifamily residential use and allowed where multiple-family uses are allowed. Therefore, a community residential facility serving 7 to 16 persons will be added as a conditional use in the R1, R1A, R2, and R2B Districts.

A small increase to the maximum impervious surface coverage for lots of record with no alley access will be allowed.

APPLICABLE POLICIES

Minneapolis 2040

Policy 1: Access to Housing: Increase the supply of housing and its diversity of location and types.

Applicable action steps

- d. In neighborhood interiors that contain a mix of housing types from single family homes to apartments, allow new housing within that existing range.
- e. In neighborhood interiors farthest from downtown that today contain primarily single-family homes, achieve greater housing supply and diversity by allowing small-scale residential structures with up to three dwelling units on an individual lot.

Policy 5: Visual Quality of New Development: Ensure a high-quality and distinctive physical environment in all parts of the city through building and site design requirements for both large and small projects.

Applicable action steps

- c. Ensure that exterior building materials are durable, sustainable, create a lasting addition to the built environment, and contribute positively to the public realm and reflect existing context.
- d. Require that the appearance and materials of the rear and side walls of new buildings are similar to and compatible with the front of the building.
- e. Require adequate distribution of windows and architectural features in order to create visual interest.
- f. Consider design approaches that encourage creative solution for transitions between varying intensities of building types and land uses.
- g. Apply design standards, guidance, and regulation consistently across the city regardless of market conditions or rent structure of development.
- i. Regulate the height and bulk of buildings as represented on the built form map.
- o. Regulate setbacks, orientation, pattern, materials, height and scale of small scale residential buildings to ensure consistency with built-form guidance and existing context.
- p. Encourage detached garages and discourage attached garages for small scale residential buildings, ensure that detached garages are accessory in size and use to the primary small scale residential building.
- q. Prohibit driveways for new small scale residential buildings on blocks that have alley access.
- s. Balance visual quality of new development, including articulation of buildings, with energy efficiency of new buildings.

Policy 13: Landscaping: Require landscaping in conjunction with new development that complements its surroundings and enhances the built environment.

- b. Encourage plant and tree types that complement the surrounding area, including a variety of species throughout the site, and seasonal interest. Species should be climate resilient, indigenous, or proven adaptable to the local climate and should not be invasive on native species.
- c. Promote landscaped areas that include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.

Policy 14: Tree Canopy and Urban Forest: Improve the tree canopy and urban forest.

- d. Explore incentives, programs, and requirements for new developments and additions to existing buildings to retain mature trees, replace lost trees, and plant more trees if none were there originally.

Policy 35: Innovative Housing Types: Pursue innovative housing types and creative housing programs to help meet existing and future housing needs.

- d. Allow Accessory Dwelling Units (ADUs) on both owner occupied and non-owner occupied property, develop a set of ADU templates that meet City codes to ease ADU construction and allow the use of tiny homes and other alternative housing as ADUs.