

## ZONING CODE TEXT AMENDMENT SUMMARY

|                           |  |
|---------------------------|--|
| <i>Initiator:</i>         | Council Member Bender  |
| <i>Introduction Date:</i> | May 1, 2015  |
| <i>Prepared By:</i>       | <u>Lisa Steiner</u> , City Planner, (612) 673-3950   |
| <i>Specific Site:</i>     | Citywide   |
| <i>Ward:</i>              | Citywide   |
| <i>Neighborhood:</i>      | Citywide   |
| <i>Intent:</i>            | To amend the regulations relating to conversion of existing buildings to single- and two-family homes in high density districts. |

## APPLICABLE SECTIONS OF THE ZONING CODE

- Chapter 546, Residence Districts
- Chapter 547, Office Residence Districts

The following chapters were also introduced: Chapter 531: Nonconforming Uses and Structures, Chapter 548: Commercial Districts, and Chapter 549: Downtown 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

On May 1, 2015, Council Member Bender introduced the subject matter of an ordinance amending the zoning code as it relates to the conversion of existing buildings to single- and two-family homes in high density districts.

Currently in the R5, R6, OR2, and OR3 districts, conversions of existing buildings to single- or two-family dwellings are not permitted unless the building was originally designed for single- or two-family use. Due to the wording of the use within the principal use tables for the residence and office residence districts, the ordinance has commonly been administered as though even those buildings that were originally designed for that use may not be converted back if located in the aforementioned districts.

## PURPOSE

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

The proposed amendment is intended to provide flexibility to allow existing buildings to be converted into single or two-family dwellings in the higher density districts. Currently, the construction of new single- or two-family dwellings is not permitted in the R5, R6, OR2, or OR3 districts. Additionally, they are only permitted in the C1 and C2 commercial districts, and are not permitted in any of the Downtown districts. (See summary table on the next page.)

**Current permitted relevant uses in the residence, office residence, commercial, and downtown districts.**

|  | R1 | RIA | R2 | R2B | R3 | R4 | R5 | R6 | OR1 | OR2 | OR3 | C1 | C2 | C3A | C3S | C4 | B4 | B4S | B4C | B4N |  |
|--|----|-----|----|-----|----|----|----|----|-----|-----|-----|----|----|-----|-----|----|----|-----|-----|-----|--|
| Single-family dwelling   | P  | P   | P  | P   | P  | P  |    |    | P   |     |     | P  | P  |     |     |    |    |     |     |     |  |
| Two-family dwelling  |    |     | P  | P   | P  | P  |    |    | P   |     |     | P  | P  |     |     |    |    |     |     |     |  |
| Single or two-family dwelling existing on the effective date of this ordinance |    |     |    |     |    |    | P  | P  |     | P   | P   |    |    | P   | P   | P  |    |     |     |     |  |

P= Permitted use

Based on the use tables for the zoning districts, it appears that only single- and two-family dwellings that existed in 1999, when the most recent zoning code was adopted, are permitted in those districts. However, the following definition in 520.160: Definitions section of the zoning code provides more flexibility for buildings that were originally designed for single- or two-family use:

*Single- or two-family dwelling existing on the effective date of this chapter.* Single- or two-family dwellings existing on November 20, 1999 and buildings originally designed as single- or two-family dwellings existing on November 20, 1999, which may be used for either single- or two-family dwelling purposes, provided all other requirements of this zoning ordinance are met.

This definition language was added as an early amendment to the 1999 Zoning Code and was adopted by City Council in November 2000. Despite this flexibility incorporated in the definitions section, the common policy has been to follow the use table more strictly and not permit existing buildings to convert back to single- or two- family dwellings despite the language in the definitions section.

The reason for amendment is to clarify the use table and incorporate additional flexibility for existing buildings to be converted to single- or two-family dwellings in the R5, R6, OR2, and OR3 districts. The amendment would allow other existing buildings that were not originally designed as single- or two-family dwellings to be converted to such. The construction of new single- and two-family dwellings in these high density residential and office residential districts would remain unpermitted.

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

The amendment is designed to solve a policy problem which creates confusion in administering the zoning code, as the definition provides significantly more flexibility than the use table would appear to offer. Additionally, the amendment would allow other existing buildings, not just those originally designed for single- or two-family residential use, to be converted to such in these specific districts. Currently, buildings such as commercial buildings or institutional buildings would already be allowed to convert to single- or two- family dwellings anywhere that use is permitted, such as the low density residential and office residence districts, and least intense commercial districts.

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

The amendment will both clarify an existing regulation and provide additional flexibility for conversions of more existing buildings to be utilized as single- and two-family dwellings in the higher density district. The purpose of the residence districts is to preserve and enhance quality of life in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the comprehensive plan, and to ensure adequate light, air, privacy and open space. The purpose of the office residence districts is to provide an environment of mixed residential,

office, institutional, and small scale retail sales and service uses designed to serve the immediate surroundings.

The amendment will also serve a public purpose by clearly allowing the reuse of existing buildings for their original purpose or the adaptive reuse of a different type of existing buildings. The reuse of existing buildings can help to maintain the character of neighborhoods as the city grows and evolves. The amendment would continue to restrict the construction of new single- or two-family dwellings in these high density districts and policy guidance would still support increased density where there are services to accommodate the density. The amendment provides additional flexibility for the adaptive reuse of existing buildings, which serves a public purpose.

### **What problems might the amendment create?**

Staff does not anticipate any issues with the proposed amendment. The existing regulations are intended to ensure that higher density zoning districts are reserved for higher density uses. This intent will still be implemented as the construction of new single- or two-family dwellings will continue to be unpermitted in these higher density districts. The amendment would only aim to provide existing buildings more flexibility in their reuse.

## **TIMELINESS**

### **Is the amendment timely?**

The amendment is timely because property owners occasionally inquire about converting properties to single- or two-family dwellings which were originally designed for such use but had since been converted, but the regulations were unclear and appeared to not permit this conversion. The flexibility to allow existing buildings that were not necessarily designed for such use is a timely amendment to adopt alongside this clarifying amendment.

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

Staff performed a code search to obtain information on the use regulations of other cities regarding single- and two-family dwellings in their higher density zoning districts. Larger cities reviewed were Portland, Seattle, and Denver. Cities with similar population size such as Saint Paul, Madison, Cleveland, Wichita, Oakland, Omaha, Miami, Raleigh, and Kansas City were also reviewed.

Staff has found that the City of Minneapolis is fairly restrictive in its approach to lower density residential uses in the higher density districts. Many of the peer cities reviewed allow single- and two-family dwellings in all of their residential districts. Cities have more varied approaches in their mixed use or downtown districts, but are generally fairly permissive regarding where single- and two-family dwellings can be located. The proposed amendment is consistent with practices in surrounding areas and peer cities.

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

If this amendment were denied, existing buildings in the R5, R6, OR2, and OR3 Districts would not be permitted to convert to single- or two-family dwellings. Because the definition provides flexibility for those existing buildings that were originally designed for single- or two-family use, this would continue to be permitted in those districts but the use table would not be clarified and the administration of the ordinance may continue to be unclear.

## 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.**

- 1.1.1 Ensure that the City's zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.

**Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.**

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.
- 1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.

**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.
- 3.6.4 Provide and maintain moderate and high-density residential areas, as well as areas that are predominantly developed with single and two family structures.

**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.

**Heritage Preservation Policy 8.8: Preserve neighborhood character by preserving the quality of the built environment.**

- 8.8.1 Preserve and maintain the character and quality of residential neighborhoods with regulatory tools such as the zoning code and housing maintenance code.

**Heritage Preservation Policy 8.10: Promote the benefits of preservation as an economic development tool and a method to achieve greater environmental sustainability and city vitality.**

- 8.10.1 Encourage rehabilitation of buildings and landscapes to stimulate economic activity in depressed areas.

- 8.10.5 Prioritize the reuse of the city's historic buildings as a strategy for sustainable development.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt staff findings to amend Title 20 of the Minneapolis Code of Ordinances, as follows, and further recommends that Chapters 531, 548, and 549 be returned to the author:

**A. Text amendment to Chapter 546 and 547 related to Zoning Code: Residence Districts; and Office Residence Districts.**

Recommended motion: **Approve** the text amendment to amend regulations relating to conversions of existing buildings in high density zoning districts. **Return** chapters 531, 548, and 549.

## ATTACHMENTS

1. Ordinance amending Chapter 546, Residence Districts
2. Ordinance amending Chapter 547, Office Residence Districts.
3. Map of R5, R6, OR2, and OR3 districts.

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By Bender**

**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 546.30 of the above-entitled ordinance be amended to read as follows:

**546.30. Principal uses for the residence districts.** (a) *In general.* Table 546-1, Principal Uses in the Residence Districts, lists all permitted and conditional uses in the residence districts.

(b) *Permitted uses.* Uses specified with a "P" are permitted as of right in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish a permitted use shall obtain a zoning certificate for such use as specified in Chapter 525, Administration and Enforcement.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Chapter 525, Administration and Enforcement.

(d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the zoning administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district.

(e) *Specific development standards.* Permitted and conditional uses specified with an "✓" under the Specific Development Standards column shall be subject to the specific development standards of Chapter 536, Specific Development Standards.

Table 546-1 Principal Uses in Residence Districts

| Use   | R1 | R1A | R2 | R2B | R3 | R4 | R5 | R6 | Specific Development Standards |
|---|----|-----|----|-----|----|----|----|----|--------------------------------|
| <b>RESIDENTIAL USES</b>   |    |     |    |     |    |    |    |    |                                |
| <b>Dwellings</b>  |    |     |    |     |    |    |    |    |                                |
| Single-family dwelling  | P  | P   | P  | P   | P  | P  |    |    |                                |
| Two-family dwelling   |    |     | P  | P   | P  | P  |    |    |                                |
| Single or two-family dwelling existing on the effective date of this ordinance <u>or conversion of a building</u> |    |     |    |     |    |    | P  | P  |                                |

|  |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|
| <u>existing on the effective date of this ordinance to a single or two-family dwelling</u> |   |   |   |   |   |   |   |   |   |
| Cluster development  | C | C | C | C | C | C | C | C | ✓ |
| Multiple-family dwelling, three (3) and four (4) units                                     |   |   |   |   | P | P | P | P |   |
| Multiple-family dwelling, five (5) units or more   |   |   |   |   | P | P | P | P | ✓ |
| Planned Unit Development   |   |   |   |   | C | C | C | C | ✓ |
| <b>Congregate Living</b>   |   |   |   |   |   |   |   |   |   |
| Community residential facility serving six (6) or fewer persons                            | P | P | P | P | P | P | P | P | ✓ |
| Community residential facility serving seven (7) to sixteen (16) persons                   |   |   |   |   | C | C | C | C | ✓ |
| Community residential facility serving seventeen (17) to thirty-two (32) persons           |   |   |   |   |   | C | C | C | ✓ |
| Board and care home/ Nursing home/ Assisted living   |   |   |   |   |   | C | C | C | ✓ |
| Faculty house  |   |   |   |   |   | C | C | C | ✓ |
| Fraternity or sorority   |   |   |   |   |   | C | C | C | ✓ |
| Hospitality residence  |   |   |   |   |   | C | C | C | ✓ |
| Residential hospice  |   |   |   |   |   | C | C | C | ✓ |
| Supportive housing   |   |   |   |   |   | C | C | C | ✓ |
| <b>INSTITUTIONAL AND PUBLIC USES</b>   |   |   |   |   |   |   |   |   |   |
| <b>Educational Facilities</b>  |   |   |   |   |   |   |   |   |   |
| Early childhood learning center  | C | C | C | C | C | C | C | C | ✓ |
| Preschool  | C | C | C | C | C | C | C | C | ✓ |
| School, grades K—12  | C | C | C | C | C | C | C | C | ✓ |
| <b>Social, Cultural, Charitable and Recreational Facilities</b>                            |   |   |   |   |   |   |   |   |   |
| Athletic field   | C | C | C | C | C | C | C | C | ✓ |
| Cemetery   | C | C | C | C | C | C | C | C |   |
| Community garden   | P | P | P | P | P | P | P | P | ✓ |
| Developmental achievement center   | C | C | C | C | C | C | C | C | ✓ |
| Golf course  | C | C | C | C | C | C | C | C | ✓ |
| Library, public  | C | C | C | C | C | C | C | C |   |
| Park, public   | P | P | P | P | P | P | P | P |   |
| <b>Religious Institutions</b>  |   |   |   |   |   |   |   |   |   |



**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By Bender**

**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 547.30 of the above-entitled ordinance be amended to read as follows:

**547.30. Principal uses for the office residence districts.** (a) *In general.* Table 547-1 Principal Uses in the Office Residence Districts, lists all permitted and conditional uses in the office residence districts.

(b) *Permitted uses.* Uses specified with a "P" are permitted as of right in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish a permitted use shall obtain a zoning certificate for such use as specified in Chapter 525, Administration and Enforcement.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Chapter 525, Administration and Enforcement.

(d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the zoning administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district.

(e) *Specific development standards.* Permitted and conditional uses specified with an " / " under the Specific Development Standards column shall be subject to the specific development standards of Chapter 536, Specific Development Standards.

(f) *Neighborhood serving retail sales and services.* Neighborhood serving retail sales and services include activities that serve the surrounding neighborhood by offering basic goods and services often needed on a day to day basis. The limited nature and scale of the uses minimizes their impact on surrounding properties. Neighborhood serving retail sales and services shall be subject to the following standards:

(1) Neighborhood serving retail sales and services shall be limited to the following uses:

- a. Barber shop/beauty salon.
- b. Bookstore, new or used.
- c. Coffee shop, with limited entertainment, maximum thirty (30) seats.

- d. Drug store.
- e. Dry cleaning pickup station.
- f. Florist.
- g. Grocery store.
- h. Hardware store.
- i. Performing, visual or martial arts school.
- j. Restaurant, sit down or delicatessen, with limited entertainment, provided no alcoholic beverages, maximum thirty (30) seats.
- k. Self service laundry.
- l. Sports and health facility.

(2) The maximum size of neighborhood serving retail sales and services uses shall be two thousand (2,000) square feet of gross floor area.

(3) All neighborhood serving retail sales and services shall be located on the ground floor of a mixed use building of at least two (2) stories, with no more than two (2) such retail sales and services uses on a single zoning lot.

(4) Drive-through facilities shall be prohibited.

(5) Wholesale and off-premise sales shall be prohibited.

(6) The minimum floor area of the structure in which the neighborhood serving retail sales and service use is located shall be twenty thousand (20,000) square feet.

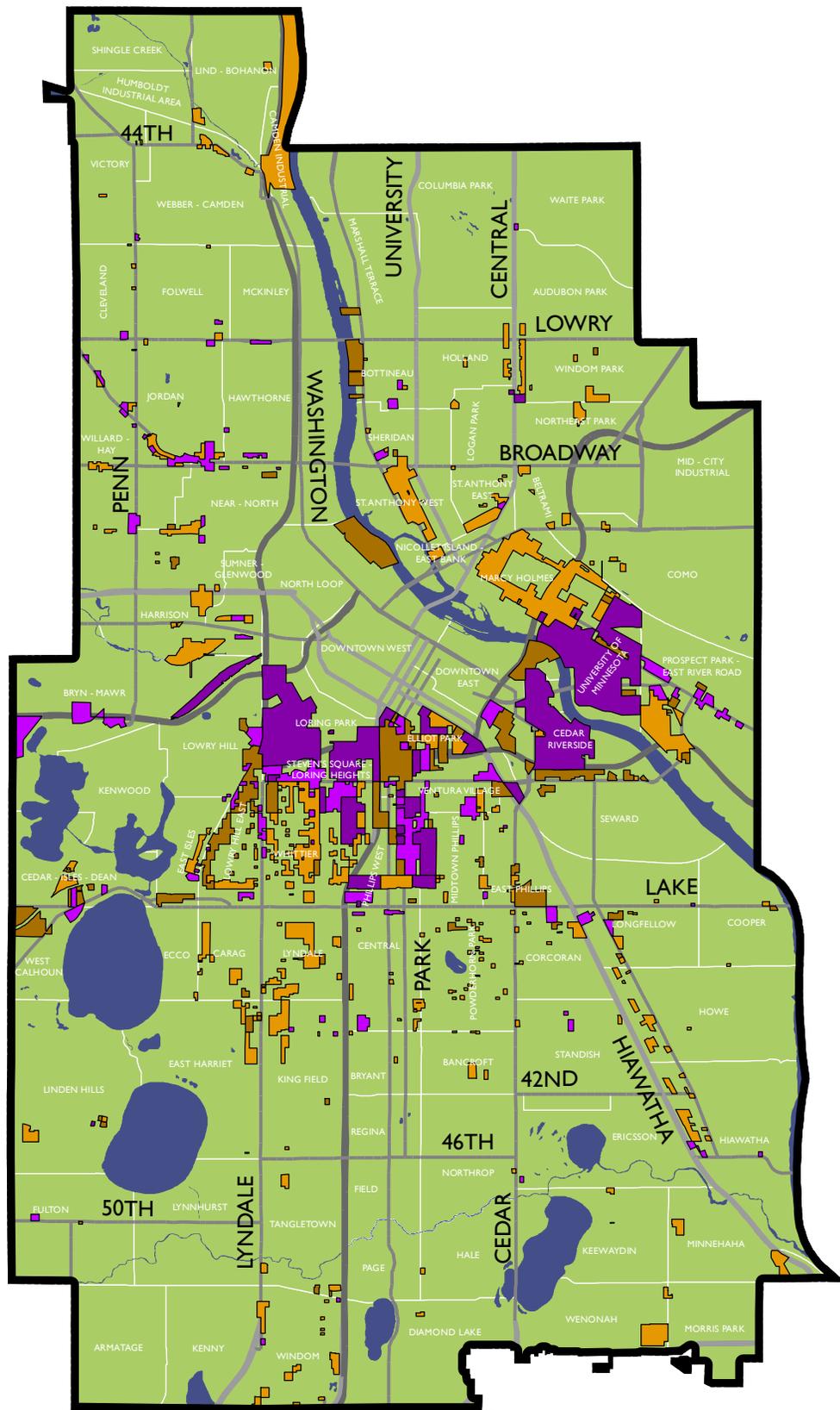
Table 547-1 Principal Uses in the Office Residence Districts

| Use  | OR1 | OR2 | OR3 | Specific Dev. Standards |
|--|-----|-----|-----|-------------------------|
| <b>RESIDENTIAL USES</b>  |     |     |     |                         |
| <b>Dwellings</b>   |     |     |     |                         |
| Single or two-family dwelling  | P   |     |     |                         |
| Single or two-family dwelling existing on the effective date of this ordinance or conversion of a building existing on the effective date of this ordinance to a single or two-family dwelling |     | P   | P   |                         |
| Cluster development  | C   | C   | C   | ✓                       |
| One (1) to four (4) dwelling units, as part of a mixed use building  | P   | P   | P   |                         |
| Multiple-family dwelling, three (3) and four (4) units   | P   | P   | P   |                         |
| Multiple-family dwelling, five (5) units or more   | P   | P   | P   |                         |

|  |   |   |   |   |
|--|---|---|---|---|
| Planned Unit Development   | C | C | C | ✓ |
| <b>Congregate Living</b>   |   |   |   |   |
| Community residential facility serving six (6) or fewer persons                  | P | P | P | ✓ |
| Community residential facility serving seven (7) to sixteen (16) persons         | C | C | C | ✓ |
| Community residential facility serving seventeen (17) to thirty-two (32) persons |   | C | C | ✓ |
| Board and care home/ Nursing home/ Assisted living                               |   | C | C | ✓ |
| Dormitory  |   | C | C | ✓ |
| Faculty house  |   | C | C | ✓ |
| Fraternity or sorority   |   | C | C | ✓ |
| Hospitality residence  |   | C | C | ✓ |
| Residential hospice  |   | C | C | ✓ |
| Supportive housing   |   | C | C | ✓ |
| <b>INSTITUTIONAL AND PUBLIC USES</b>   |   |   |   |   |
| <b>Educational Facilities</b>  |   |   |   |   |
| College or university  |   |   | C | ✓ |
| Early childhood learning center  | P | P | P | ✓ |
| Preschool  | P | P | P | ✓ |
| School, grades K—12  | C | P | P | ✓ |
| School, vocational or business   |   | P | P | ✓ |
| <b>Social, Cultural, Charitable and Recreational Facilities</b>                  |   |   |   |   |
| Athletic field   | C | C | C | ✓ |
| Cemetery   | C | C | C |   |
| Club or lodge, with limited entertainment  |   | C | C | ✓ |
| Community center   |   | P | P | ✓ |
| Community garden   | P | P | P | ✓ |
| Developmental achievement center   | P | P | P | ✓ |
| Educational arts center  | P | P | P | ✓ |
| Library  | C | P | P |   |
| Museum   |   | P | P |   |
| Park, public   | P | P | P |   |
| Theater, indoor, live performances only  | P | P | P | ✓ |

| <b>Religious Institutions</b>                                   |   |   |   |   |
|---|---|---|---|---|
| Convent, monastery or religious retreat center                  |   | P | P | ✓ |
| Place of assembly   | P | P | P |   |
| <b>Medical Facilities</b>                                       |   |   |   |   |
| Birth center  | C | P | P | ✓ |
| Blood/plasma collection facility                                |   |   | P | ✓ |
| Hospital  |   |   | C | ✓ |
| Laboratory, medical or dental                                   |   | P | P |   |
| <b>COMMERCIAL USES</b>  |   |   |   |   |
| Office  | P | P | P |   |
| Bed and breakfast home  | C | C | C | ✓ |
| Child care center   | P | P | P | ✓ |
| Clinic, medical or dental                                       | C | P | P |   |
| Farmers' market   |   | P | P | ✓ |
| Funeral home  |   | C | C | ✓ |
| Market garden, with a planting area of 10,000 sq. ft. or less   | P | P | P | ✓ |
| Market garden, with a planting area greater than 10,000 sq. ft. | C | P | P | ✓ |
| Neighborhood serving retail sales and services                  |   | P | P |   |
| Planned Unit Development  | C | C | C | ✓ |
| <b>PARKING FACILITIES</b>                                       |   |   |   |   |
| Parking facility  |   | C | C |   |
| Parking lot, serving institutional and public uses              | C | C | C |   |
| Parking lot, serving multiple-family dwellings                  | C | C | C |   |
| <b>PUBLIC SERVICES AND UTILITIES</b>                            |   |   |   |   |
| Bus turnaround  | C | C | C |   |
| Communication exchange  | C | C | C |   |
| Electric or gas substation                                      | C | C | C |   |
| Fire station  | C | C | C |   |
| Heating or cooling facility                                     |   | C | C |   |
| Passenger transit station                                       | C | C | C |   |
| Police station  | C | C | C |   |
| Post office   |   | C | C |   |

|                                       |   |   |   |  |
|---------------------------------------|---|---|---|--|
| Railroad right-of-way                 | C | C | C |  |
| Stormwater retention pond             | C | C | C |  |
| Water pumping and filtration facility | C | C | C |  |



**Legend**

-  R5
-  R6
-  OR2
-  OR3

  
 0 0.25 0.5  
 Miles

# R5, R6, OR2 & OR3 ZONING

City of Minneapolis  
 Created on: July 9, 2015

Data compiled from best available sources. The City of Minneapolis assumes no legal responsibility for the accuracy of this map. For illustrative purposes only.