

**Department of Community Planning and Economic Development –
Planning Division
Zoning Code Text Amendment**

Date: September 28, 2009

Initiator Of Amendment: Council Member Goodman

Date of Introduction at City Council: February 6, 2009

Ward: All

Planning Staff And Phone: Becca Farrar, (612) 673-3594

Intent Of The Ordinance: The primary objective of the amendment is to require buildings to accommodate ground level active functions when facing a public street. Further, Staff proposes to require that parking garages, other than those in the downtown districts which are subject to more restrictive provisions, comply with the ground level active functions provision. Staff is also proposing to require that each individual non-residential ground level use that faces a public street, public sidewalk, public pathway, or on-site parking lot, be subject to the applicable window requirements.

Appropriate Section(s) of the Zoning Code:

- Amending Chapter 530 related to Zoning Code: *Site Plan Review*; and
- Amending Chapter 535 related to Zoning Code: *Regulations of General Applicability*.

Background: The rationale for the initial amendment stems primarily from past development proposals that have proposed parking as the principal use facing public streets within the ground level of both existing and proposed structures. Typically, this results in a structure that is not pedestrian friendly and does not meet the intent of many of the City's design standards as outlined in the comprehensive plan and Chapter 530 of the Zoning Code. In order to achieve the City's urban design and land use policies, Staff proposes to require that except for industrial uses outlined in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway. The requirement would supplement existing regulations related to minimum window area as well as restrictions on expansive blank walls.

The amendment also proposes to alter provisions dealing with the design of parking garages. A portion of the existing requirement would remain but the supplement would ensure that principal and accessory parking garages would also be required to comply with the active functions provision on the ground floor. As previously mentioned, in the downtown districts, the more restrictive parking garage provisions of chapter 549, Downtown Districts, would apply.

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Exceptions to these standards would be considered through the existing Alternative Compliance provisions in Chapter 530.

Staff also proposes to require that *each individual use* within a non-residential structure that faces a public street, public sidewalk, public pathway, or on-site parking lot, be subject to the applicable window requirements. The way that the standard is currently written, the window requirements apply to the entire building wall. This tends to result in developments where some tenants within multiple tenant buildings compensate for the window requirements of other tenants. It is Staff's belief that this is not consistent with the intent of the window provision and allows some tenants to circumvent the ordinance. Requiring each individual tenant space to comply with the window requirement ensures greater natural surveillance and visibility as well as reinforces the City urban design and Crime Prevention Through Environmental Design (CPTED) principles.

One last modification that is being proposed by Staff to Chapter 535 is a caveat pertaining to ground floor active functions, specifically in regard to maintaining compliance and potential non-conforming issues. Given that Chapter 530 applies primarily to new buildings, the proposed amendment to Chapter 535 is intended to ensure that existing building cannot be modified to incorporate parking, mechanical, or storage rooms at the ground level facing a public street. The provision as proposed states "Buildings shall maintain compliance with the ground floor active functions requirements of Chapter 530, Site Plan Review. A building nonconforming as to these requirements 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 with these requirements."

Purpose For The Amendment:

What is the reason for the amendment?

What problem is the amendment designed to solve?

What public purpose will be served by the amendment?

What problems might the amendment create?

The primary purpose of this text amendment is to require buildings to accommodate ground level active functions when facing a public street. Further, Staff proposes to require that parking garages, other than those in the downtown districts which are subject to more restrictive provisions, comply with the ground level active functions provision.

The amendment is intended to require that the ground floors of buildings predominantly incorporate active uses. The City has entertained developed proposals which do not incorporate active uses at the ground floor of both existing and proposed buildings when facing a public street. Typically, this is due to development proposals incorporating parking as the principal ground floor use. Staff acknowledges that underground parking can often times be cost prohibitive and depending on the circumstances a development site may have minimal off-street parking options. The tradeoff, however, comes at the cost of urban design that aligns with the City's policies.

The amendment would serve the public interest by requiring and promoting active uses within the ground level of buildings facing public streets instead of allowing uses that do not activate the street.

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This would be expected to result in building designs and interior layouts that maximize natural surveillance and visibility, illustrate various CPTED principles as well as potentially promote shared parking opportunities that would support underutilized parking facilities within the general area where the development is proposed.

Planning Staff does not anticipate that the amendment would result in any significant issues. The amendment would not entirely prohibit parking at the ground level of buildings. As the proposed text amendment language states, "...buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway". For new development, exceptions could be granted from this provision using Alternative Compliance in Chapter 530. Staff is concerned, however, that adopting more restrictive regulations than proposed may be impractical and would result in many requests for alternative compliance from the provision.

An additional item is addressed within the proposed text amendment changes which pertains to multiple commercial uses within a structure and associated window requirements. Staff is proposing to require that each individual use within a non-residential structure that faces a public street, public sidewalk, public pathway, or on-site parking lot, be subject to the minimum window requirements. Staff believes that the original intent of the provision was to capture each ground level commercial use and subject the use to the applicable window requirements. The way that the standard is currently written, the window requirements apply to the entire building wall not to each individual commercial use. Much like the proposed provisions outlined above, Staff expects that the amendment would result in building designs and interior layouts that maximize natural surveillance and visibility as well as illustrate various CPTED principles which would serve the public interest. Planning Staff does not anticipate that the amendment would result in any significant issues. Note, however, that existing buildings that are not going through a site plan review process would not have the ability to request alternative compliance and there is no variance authorized from the provision.

The purpose of the addendum to the Chapter 535 standards is to ensure that buildings will remain in compliance with the active functions provision as well as stipulate that non-conforming buildings that are enlarged, altered or relocated cannot increase their non-conformity. Planning Staff does not anticipate that the amendment would result in any significant issues.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The amendments are timely as the primary purpose is to promote improved urban design. The amendments are compliant with numerous policies within the soon to be adopted comprehensive plan update, *The Minneapolis Plan for Sustainable Growth*.

It is standard practice among municipalities to ensure that zoning regulations are consistent with adopted land use policy. Planning Staff believes that this is an opportunity for the City of

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Minneapolis to continue to be a leader in urban design by adopting the proposed regulations. Some peer cities have adopted provisions requiring active uses in street-level spaces.

The primary consequence of denying this amendment would be that the Zoning Code would continue to be out of alignment with various policies of the update to the comprehensive plan and several adopted small area plans which encourage these urban design principles. Outside of the downtown districts, the City would continue to have little authority to prevent construction of buildings that incorporate parking, storage, or mechanical equipment along public streets.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The proposed amendments would allow CPED to continue to ensure that the goals and policies of the current comprehensive plan and soon to be adopted update to the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, are implemented.

The following policies of the current adopted comprehensive plan, *The Minneapolis Plan*, are relevant to the proposed amendments:

- Policy 9.16 of *The Minneapolis Plan* states that, “Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.
- Policy 9.17 of *The Minneapolis Plan* states that, “Minneapolis will build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.
- Policy 9.18 of *The Minneapolis Plan* states that, “Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan.” This policy includes the implementation step to “Ensure that the city’s zoning code revision corresponds adequately to policies outlined in *The Minneapolis Plan*.”
- Policy 9.23 of *The Minneapolis Plan* states that, “Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.”

Further, with the adoption of the update to the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, which is expected to transpire in October, the following policies are relevant to the proposed amendments:

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- Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “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..” This policy includes the following applicable implementation steps: (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”; (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 1.4 of *The Minneapolis Plan for Sustainable Growth* states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation step: (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level”.
- Urban Design Policy 10.2 of *The Minneapolis Plan for Sustainable Growth* states, “Integrate pedestrian scale design features into Downtown site and building designs and infrastructure improvements.” This policy includes the following applicable implementation steps: (10.2.1) “The ground floor of buildings should be occupied by active uses with direct connections to the sidewalk”; (10.2.2) The street level of buildings should have windows to allow for clear views into and out of the building”.
- Urban Design Policy 10.9 of *The Minneapolis Plan for Sustainable Growth* states, “Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development”.
- Urban Design Policy 10.10 of *The Minneapolis Plan for Sustainable Growth* states, “Support urban design standards that emphasize a traditional urban form in commercial areas.” This policy includes the following applicable implementation steps: (10.10.1) “Enhance the city’s commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure”; (10.10.6) “Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience”.
- Urban Design Policy 10.22 of *The Minneapolis Plan for Sustainable Growth* states, “Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land. This policy includes the following applicable implementation steps: (10.22.1) “Integrate “eyes on the street” into building design through the use of windows to foster safer and more successful commercial areas in the city”; (10.22.3)

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“Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.”

The proposed text amendments are in conformance with the above noted policies and implementation steps of both the adopted and soon to be adopted update to the comprehensive plan.

Recommendation of the Community Planning and Economic Development--Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending Chapters 530 and 535.