Southeast Florida/ Caribbean

Density Nodes and Building Workforce Housing in West Palm Beach

ULI Leadership Institute, Team 1 | December 3rd, 2020

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Objective

The City requested the ULI Leadership Institute, Team 1 to explore the concept of allowing density increases at critical nodes that offer equity and empowerment for residents. The City requested that ULI identify these workforce housing opportunities citywide while also pairing them with best practices in incentives and code changes that will entice the private sector to build projects that further the City's workforce housing goals.

Executive Summary

To address a shortage of workforce housing in the City of West Palm Beach, Team 1 of the 2019/2020 ULI Leadership Institute completed the following:

- Summarized contributing factors leading to a scarcity of workforce housing in the City, including the escalating costs of land and labor, disparities between AMI definitions and realistic earnings and housing affordability, and wage stagnation.
- Gathered feedback from local developers on what it takes to "pencil out" development of workforce housing from the private sector, and why existing incentives offered by the City may not be enough to spur development of more affordable housing units.
- Researched nationwide trends in housing policy to determine justifications for allowing minor density increases—such as accessory dwelling units or duplexes—as a lost cost, market-driven solution to increase housing affordability.
- Outlined proposed density nodes where City can change zoning regulations to permit the addition of a secondary/tertiary dwelling unit in single-family neighborhoods best suited for additional development of workforce housing units.
- Provided alternative ideas the City can consider to ensure a multi-faceted approach is maintained and expanded to tackle the complex issue of housing affordability, including tax abatement, changes to workforce housing incentives, hiring an in house analyst, bonding out future dollars for current investment, and exploring federal funding and grants dedicated to combating workforce housing crisis.

Current Context

Workforce Housing Issues in West Palm Beach

The City of West Palm Beach (the "City") is experiencing a shortage in workforce housing due to a complex combination of factors including: the continued rising cost of land, the cost escalation of raw building materials at a rate greater than the average wage growth of its residents, and the inability to scale residential developments given the cities current zoning code. These problems are not unique to the City nor easy to solve. As a result of this workforce housing shortage, certain sectors of the job market (e.g. hospitality and tourism) may find it harder than usual to fill key positions. A time-intensive work commute for wages that do not sustain the cost of living within the area forces citizens and residents to re-evaluate what is important and what they can afford.

Although this issue of the housing affordability is experienced across the nation to varying degrees, the City does face unique challenges. The scarcity of City-owned land with favorable enough zoning for developers to see opportunities in building workforce housing is little to non-existent. Additionally, while the City does provide many incentives to affordable housing development, the existing offerings do not provide sufficient financial offset to developers in the form of cash flow that can be utilized to cover hard construction costs. Generally, while the current slate of offerings are reasonable, our research indicates that they are not sufficient in making the development of workforce housing in desired neighborhoods enticing to developers.

Wage stagnation is a significant contributing factor to this issue. Although the City allows developers to qualify for incentives upon meeting certain criteria, those criteria themselves are no longer capturing the population in need of housing. For example, one criterion is the ability to demonstrate a portion of the new units will be designated to 120% Area Median Income ("AMI"). The reality is that in most cases 120% AMI is now a market rate unit when it comes to rental standards. Market rate developments are continuing to be developed, attracting the upper level of the AMI Standards (120%). This, however, does not address those who fall in the most populated range which is between 60%-100%AMI. This subsection of City residents does not necessarily need the most help in affording housing, but they experience the greatest effect of wage stagnation.

While it is a laudable goal to speak to the issues of wanting to address the workforce housing issues and creating governmental incentive programs, it takes true political will to shepherd the change at a level significant enough to effectively combat this growing crisis. For example, our understanding is that the City was more willing and able to bond out their dollars for other needs (e.g. infrastructure upgrades) than to directly commit funds to major affordable housing development. In the long run, we believe that the issue of housing affordability will increasingly become a pressing priority for most residents. This crisis directly affects the working class-glue that holds the City together, including teachers, public servants, governmental employees, gig labor force, waiters, bartenders, housekeeping attendants and anyone else earning less than $55,000 per year.

Table 1. Rental Prices in West Palm Beach[1]

Rental Prices for projects approved under the Workforce Housing code adopted August 22, 2019						
Income Category			**1 BR**	**2 BR**	**3 BR**	**4 BR**
Low	60% to 70%	$47,460 – 55,370	$988 - 1,153	$1,186 - 1,384	$1,370 - 1,598	$1,528 - 1,783
	>70% to 80%	>$55,370 - 63,280	$1,153 - 1,318	$1,384 - 1,582	$1,598 - 1,827	$1,783 - 2,038
Mod 1	>80% to 90%	>$63,280 – 71,190	$1,183 - 1,483	$1,582 - 1,780	$1,827 - 2,056	$2,038 - 2,293
	>90% to 100%	>$71,190 - 79,100	$1,483 - 1,648	$1,780 - 1,978	$2,056 - 2,284	$2,293 - 2,248
Mod 2	>100% to 110%	>$79,100 – 87,010	$1,648 - 1,813	$1,978 - 2,176	$2,284 - 2,512	$2,548 - 2,803
	>110% to 120%	>$87,010 - 94,920	$1,813 - 1,977	$2,176 - 2,373	$2,512 - 2,740	$2,803 - 3,057
	>120% to 130%	>$94,920 – 102,830	$1,977 - 2,142	$2,373 - 2,571	$2,740 - 2,969	$3,057 - 3,312

[1] Palm Beach County Planning Division

Middle	>130% to 140%	>$102,830 - 110,740	$2,142 - 2,306	$2,571 - 2,768	$2,969 - 3,197	$3,312 - 3,566

The City's Downtown Master Plan

The City has a master plan in place for revitalization and redevelopment of its downtown district, known as the Downtown Master Plan ("DMP"), which does include a focus on housing affordability. The DMP is in line with current nationwide planning trends that aim to bring populations back to historic urban cores, to counteract the large numbers of residents that were lost in a decades-long "flight" to the suburbs. The DMP facilitates urban redevelopment and revitalization through the introduction of a "form-based" zoning code to the City. This type of zoning code is designed to incentivize development of vacant sites in the DMP based on building shape and massing, rather than separating the uses of land. Form-based regulations focus on public street-level experiences for pedestrians and the quality of life created through urban redevelopment activities.

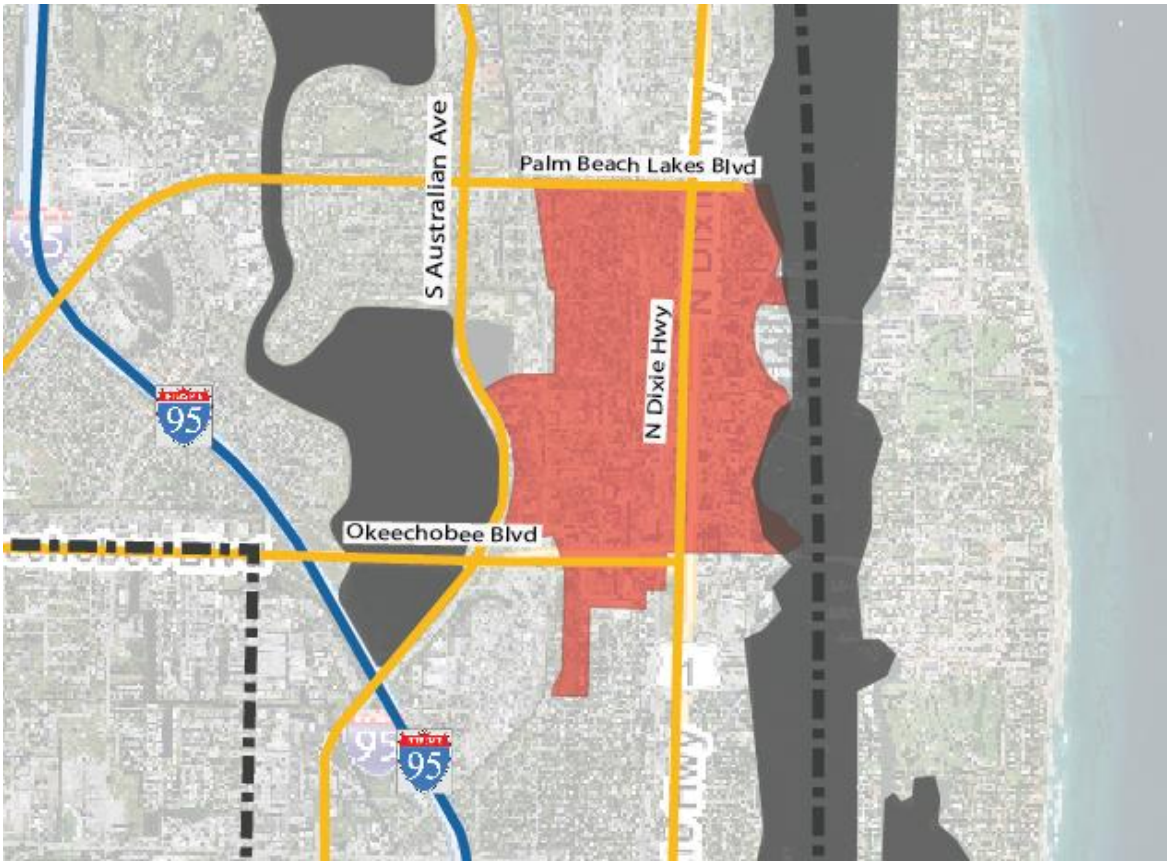


Figure 1. Downtown Master Plan Area

As part of these initiatives, the DMP facilitates increased affordable/workforce housing opportunities within downtown West Palm Beach neighborhoods to foster a 24/7 "live-work-play" urban environment. The City was directly involved with the development of destinations attractions (such as CityPlace) in downtown, anticipating that people would want to live near such amenities. Form-based zoning changes in the DMP allowed increased residential density. Under the zoning code, there are no numerical density maximums in the DMP, so long as the individual building configuration does not exceed allowable size. The DMP also allows smaller "micro" units as small as 350 square feet in size, and residential development with no on-site parking. In theory, these types of incentives allow for smaller and more densely built residential units that can be more affordable to the workforce community.

Status of Housing Development in DMP

To attract workforce housing development in the DMP, the City has offered a wide variety of incentives to developers and investors. Based on our research into various other comparable jurisdictions in South Florida and beyond, the menu of workforce housing incentives that the City offers through the DMP is quite similar to other cities and counties. Many local governments are incentivizing redevelopment of their historic urban cores (i.e. "downtown revitalization") through zoning regulations that encourage density and the provision of affordable/workforce housing. These incentives are typically on a case by case basis, but have included the following:

- Eliminating maximum density limits;
- Allowing construction of smaller unit sizes (i.e. micro-units);
- Increasing maximum height allowed on buildings;
- Increasing maximum intensity, such as floor area ratio (FAR);
- Permitting fee waivers or reductions;
- Art in public spaces requirements waiver;
- Expedited inspections and permitting timeframes;
- Roadway closure fee reductions; and
- Water/sewer fee reductions.

While these incentives are a great starting point for attracting development, these alone may not be enough to ensure the inclusion of workforce housing on development projects. We believe that the City is on the right path, but there may be some needs to adjust the DMP to ensure development will be attractive enough in the eyes of a developer to commit significant funding in building a large-scale urban redevelopment project.

After consulting a handful of reputable developers[2] in the region on the topic several themes emerged, leaving room for increased opportunities. The largest takeaway from our discussion with local developers is that "ROI must pencil out in order for developers to consider WFH". This means

[2] Developers interviewed include Matt Flowers (EVP at Related Group), Greg West (SVP at ZOM Living), and Jim Stine (President RAM Real Estate Advisors).

that even neutral calculations are seen as a “no-go” scenario due to the time and cost of labor previously discussed. Some suggestions presented include the following:

- Decrease upfront acquisitions costs;
- Increase density;
- Offer public land transfers;
- Increase height variance to allow for WFH loss of revenue/ROI;
- Tax abatement (please see ‘Other Proposed Solutions section below); and
- Fee waivers were welcomed but did not move the needle for ROI.

Based on our discussions with City staff, the City administration is not in favor of making significant changes to the maximum height and/or development intensity in the DMP at this time that would "move the needle" for these developers, which may continue to cause the private sector to look elsewhere to find more lucrative workforce housing opportunities. This is not to say that the City's position is unreasonable—in fact, we understand that the currently allowed "medium-scale" massing in the DMP fits neatly within the scale created for downtown West Palm Beach. However, there continue to be vacant lots available for urban infill development, demonstrating that the supply of development opportunities is already greater than the demand.

Opportunities in Other City Neighborhoods

Since there is less of an opportunity for significant zoning changes within the DMP to create more workforce housing, the City should look further afield to other residential neighborhoods where density is currently much more restricted. The City's zoning code includes a single-family home district known as "**SF-7"** that is the most restrictive zoning category in the City. Under City zoning regulations, SF-7 does not allow accessory dwelling units or duplexes unless the underlying SF-7 designation is overlaid with a historic district. Because these neighborhoods are the most restrictive in terms of allowable density, they quantitatively provide the most opportunities for creation of new workforce housing through changes to the City's development regulations.

Although we believe that significant opportunities exist for workforce housing in the City's residentially zoned neighborhoods, there are some parts of the City that we chose to prioritize over

others. First, our targeted study areas generally avoided those residential neighborhoods to the west of Interstate 95 south of downtown West Palm Beach, and those residential neighborhoods to the west of Australian Avenue and north of downtown. These areas of the City are car dependent, more difficult to access from downtown, and may present unique factors that make zoning changes more complex, such as planned unit developments and private/gated communities.

Outside of the DMP, the City has over a dozen other zoning overlays based on historic districts. Zoning regulations for these neighborhoods are intended to preserve historic conditions that define the character of each community. There is thus increased sensitivity to zoning changes in these districts that could alter the preferred urban character. Furthermore, many historic neighborhoods in this part of Florida traditionally included accessory dwelling units (e.g. carriage houses or in-law suites), higher densities, or had smaller lot sizes that are still allowed under current zoning. For these reasons, we believe that it would be more challenging to modify the zoning for historically designated neighborhoods in West Palm Beach, and historic residential neighborhoods are likely to already present greater opportunities for workforce housing. We are therefore not recommending any changes to the City's historic districts.

A Case For Change

Rethinking Single-Family Zoning

The preference for single-family home zoning in much of West Palm Beach is consistent with dominant city planning practices across the country for the latter half of the 20th century. Older urban building forms such as townhomes, duplexes and apartments were effectively banned in most of these "single-family" neighborhoods. As discussed in a recent *New York Times* report, "single-family zoning is practically gospel in America, embraced by homeowners and local governments to protect neighborhoods of tidy houses from denser development nearby." This report goes on to describe the far-reaching effects of this affinity for single-family zoning in much of the country, finding that "it is illegal on 75 percent of the residential land in many American cities to build anything other than a detached single-family home. That figure is even higher in many suburbs and newer Sun Belt cities." The full 2019 report is attached as **Exhibit 1.**

In the 21st century, nationwide planning trends have seen a significant shift—based on new policy priorities to improve quality of life by reducing urban sprawl, traffic, and pollution in cities. These objectives are also increasingly tied to governmental efforts to fight the adverse impacts of climate change. Urban planners are now arguing that higher residential density is a key part of the solution to have more walkable, transit-oriented development that can improve the quality of living in urban areas, but also make high-cost cities more affordable for the workforce.

Various policies are being put in place across the county to implement these new planning objectives, with the State of California often leading in trends to reduce sprawl and pollution, by incentivizing housing types such as accessory dwelling units in single-family neighborhoods. In the recent Democratic primary race for the 2020 presidential election, several of the candidates' platforms to address racial inequality proposed federal spending to incentive zoning changes at the local level, which could increase density and thereby improve housing affordability.

City officials will need to frame any zoning changes to single-family home neighborhoods in a way that builds popular support based on the actual benefits of increased density over generic political rhetoric. If the justification is simply to make housing more affordable for the workforce, the City will almost certainly face opposition from homeowners with the outdated belief that any more density will negatively impact their property values, exacerbate traffic, and "ruin" the residential character of the neighborhood. Instead, positive impacts on the community and higher property values are more likely to result from these changes and must be stressed.

Recent Housing Policy Changes

With this mindset, policymakers have proposed legislation at the state and local levels in several different jurisdictions to relax restrictions on single-family only zoning. Some measures have already been adopted. Notably, in November 2019 Oregon passed *House Bill 2001*, which effectively ended single-family zoning in all urban areas across the state. The law strikes down local bans on duplexes for every low-density residential lot with more than 10,000 residents. In cities of more than 25,000 and within Portland, *House Bill 2001* further legalizes triplexes, fourplexes, attached townhomes, and cottage clusters on certain lots in all areas where only single-detached houses were previously allowed. The Oregon housing law is attached as **Exhibit 2.**

Other statewide legislation is on the floor, but not yet officially adopted. In Virginia, the proposed *House Bill 152* was introduced in early 2020. This legislation would require Virginia's local zoning ordinances to allow two-family homes on all land currently zoned to permit only single-family homes (while explicitly stating that single-family homes are still allowed). Local jurisdictions would also be banned from requiring that new duplexes obtain "special use" zoning permits or to meet other conditions that are not required for single-family homes. *House Bill 152* also retains the right for cities to determine setback, design, and environmental standards for new housing—it merely affects permitted density. The proposed Virginia housing bill is attached as **Exhibit 3.**

Even the State of Florida has seen legislation proposed to address the topic of housing density. In the 2020 session, the original version of *Senate Bill 998* related to regulations on affordable housing. The bill proposed amendments to the Florida Statutes that would include a provision requiring all local governments to allow accessory dwelling units in any neighborhood zoned as single-family residential, and a statement that this is an important public purpose. The version of *Senate Bill 998* that was eventually adopted removed the provision on accessory dwelling units but could certainly come back in future legislative sessions. The proposed Florida housing bill with the accessory dwelling unit requirement is attached as **Exhibit 4.**

At the local level, municipalities are making their own changes to zoning codes that allow increases in residential density. In December 2018, the Minneapolis City Council voted to end single-family only zoning throughout its entire municipal jurisdiction. This new policy will affect 70% of the city's residentially zoned land, and 53% of all land in Minneapolis. Under the Minneapolis legislation, the density increases are not extreme. The main difference is that duplexes and triplexes will now be allowed citywide on residential lots. The Minneapolis zoning ordinance related to these changes in housing policy is attached as **Exhibit 5.**

According to the *New York Times report*, if just 5% of single-family lots in Minneapolis over 5,000 square feet converted to triplexes under the new zoning legislation, it would create about 6,200 new units of housing in the city. For another example, if just 10% of similarly sized lots in San Jose, California added a second unit (i.e. duplexes), that city would gain 15,000 new homes. West Palm Beach can use this same targeted approach to help address housing affordability.

Justifications for New Density Nodes

It is important to reiterate zoning changes to allow minor density increases on residential lots are less restrictive on property rights and more market driven. This is because single-family only is the most restrictive zoning category that exists (i.e. everything else is banned). By simply adding an option for each individual owner to voluntarily add a second or potentially third housing unit, it increases each owner's flexibility with their property. **We are not suggesting mandatory density increases, but rather letting individual owners and the market dictate change.**

This is different and in contrast to major "up-zonings" for large residential towers on individual lots which are done piecemeal and have much greater impacts on surrounding neighborhoods. Those large developments also usually require more government resources and remain uncertain whether developers will actually move forward (such as the case with vacant redevelopment sites in the DMP).

The type of density nodes we are suggesting are minor density increases to allow 1 or 2 more dwelling units on single-family home lots. The City already permits this in certain residential zoning districts, such as SF-14.[3] Note also that accessory dwelling units are already permitted in historic single-family neighbors, where those types of units were popular with housing designs from the early 20th century. This is common in older cities in South Florida, such as Coral Gables, which has a proliferation of accessory buildings that can be used as a second dwelling unit. By expanding this type of policy to the SF-7 zoning district, we are only suggesting increasing the opportunities where adding a second or perhaps third housing unit on the property is permitted at the option of the landowner. Older building typologies for housing can become new again.

[3] Pursuant to Section 94-74(A)(5)(a) of the City's zoning code, accessory garage apartments are permitted in the SF-14 zoning district but are not a permitted use in SF-7.

Figure 2. Coral Gables, officially known as the "City Beautiful," is one example of a city in South Florida where accessory dwelling units are permitted and accompany many single-family homes in historic neighborhoods. Above is an aerial view of a typical resident

The goal of our proposed density node strategy is to decrease the percentage of the City where property development is restricted to a maximum of one dwelling unit. To do this, we are only recommending density increases of a few units per acre. According to the City's existing zoning code, the single-family low-density residential districts (SF-7) currently allow for 7.26 units per acre and a maximum building height of 30 feet. For reference, the residential districts schedule of zoning regulations is attached as **Exhibit 6.**

Final Density Node Recommendations

In assessing best opportunities for workforce housing development, we have identified two areas within the City where an increase in density is appropriate. These areas are generally located to the north and south of Downtown, between I-95 Highway and the Intracoastal Waterway and can

be regulated by establishing Overlay Workforce Housing Districts. The City shall establish incentives and zoning regulations, including but not limited to increases in height and/or density to promote workforce housing. The two proposed Overlay Workforce Housing Districts are the following:

- **North Neighborhood Overlay District**

  The parcels zoned SF-7 between 59th Street and 26th Street, from Greenwood Avenue to Intracoastal Waterway, except along Greenwood Avenue, where it extends west to SW 3rd Street, as shown in the map below.

- **South Neighborhood Overlay District**

  The parcels zoned SF-7 between Belvedere Road and West Palm Beach Canal, from I-95 Highway to Intracoastal Waterway, as shown in the map below.

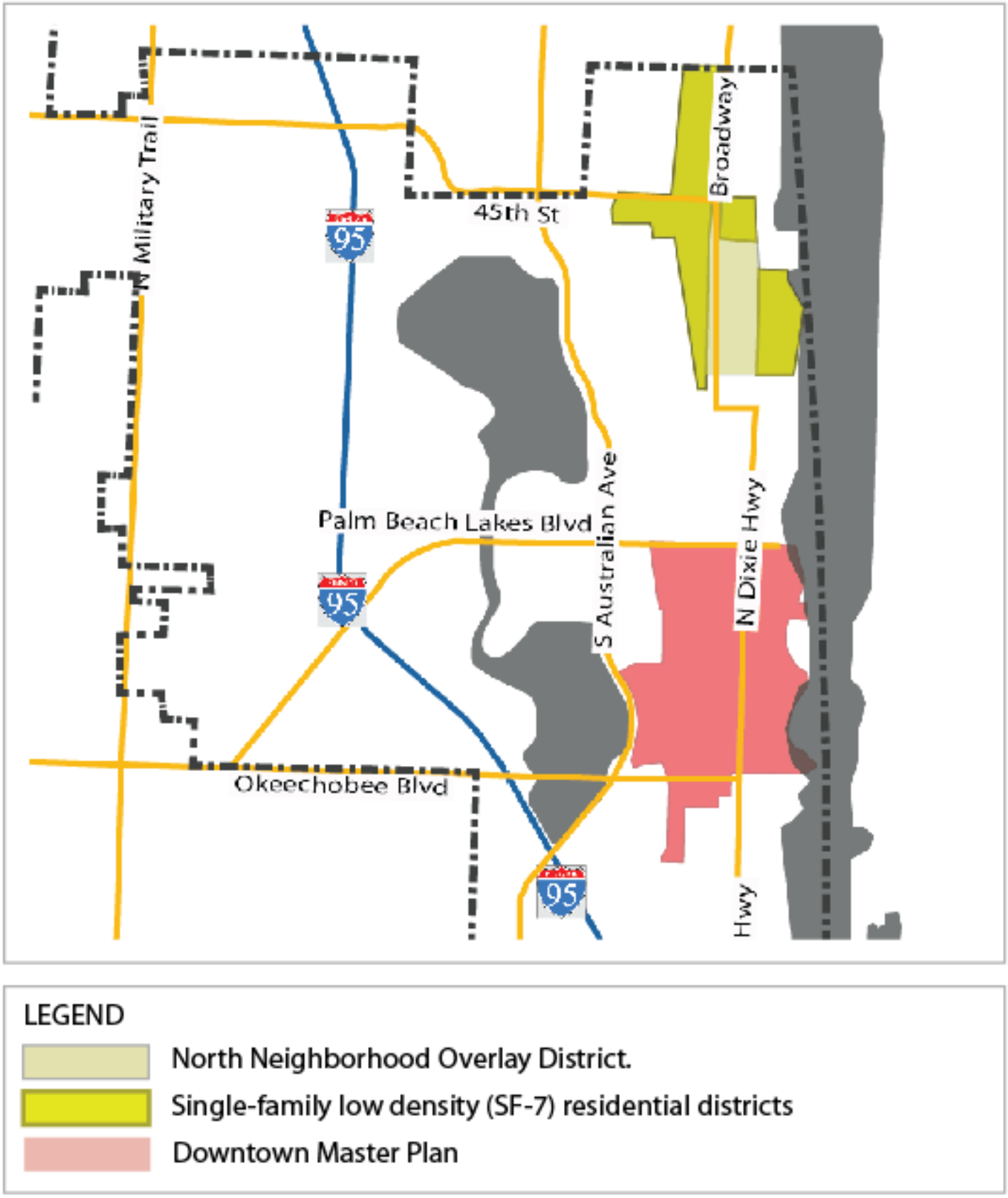


Figure 3. North Neighborhood Overlay District

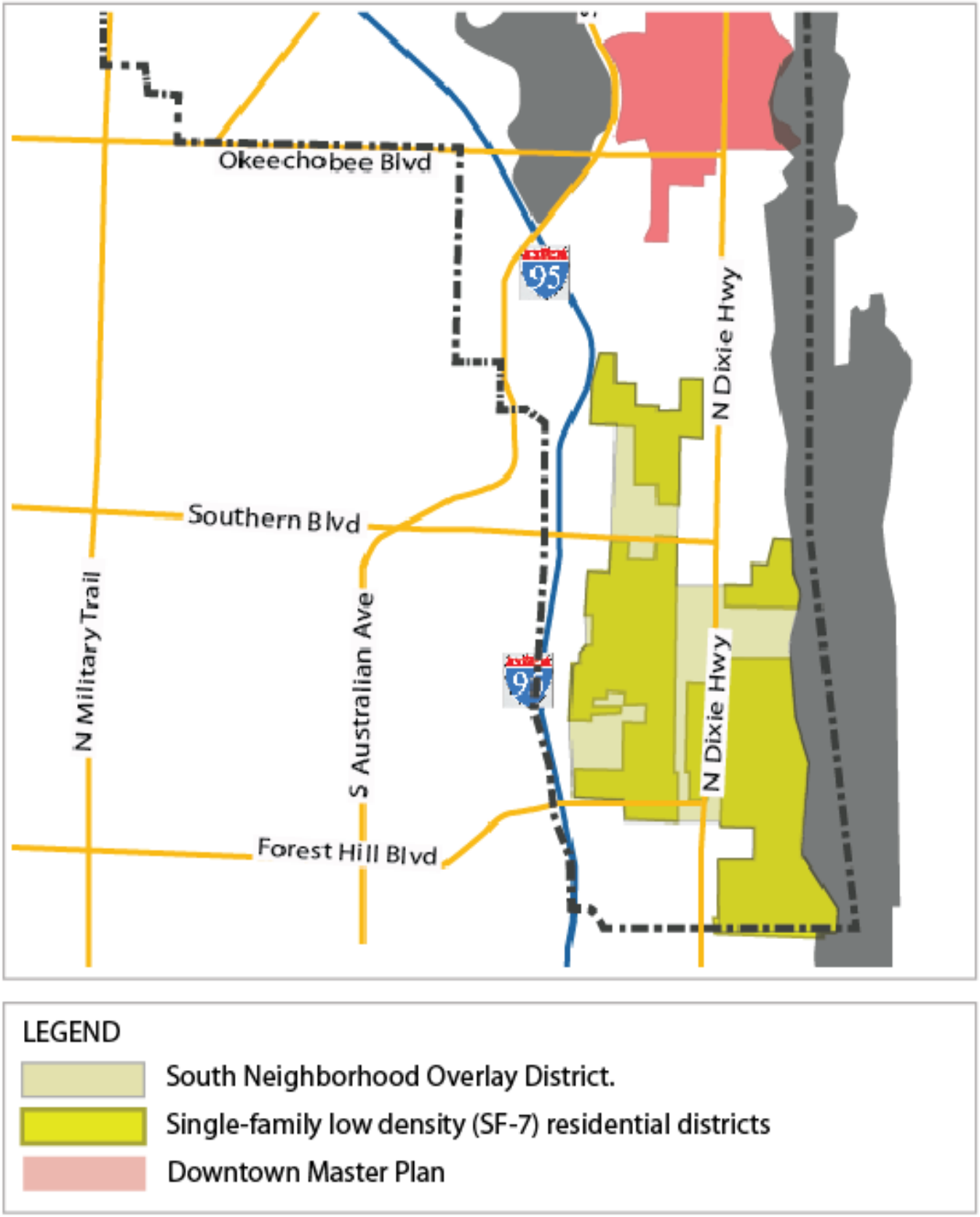


Figure 4. South Neighborhood Overlay District

The factors considered in establishing the boundaries of the proposed Overlay Workforce Housing Districts, as shown in the map below, are the following:

- **Properties that are zoned SF-7**
  This zoning district allows for greater opportunities for increased density and height, subject to restrictions and design standards to maintain the character of the low scale residential neighborhood.
- **Properties outside of Historic Preservation Districts**
  The Historic Preservation Design guidelines are intended to preserve historic conditions that define the character of each community. Therefore, there is increased sensitivity to zoning changes in these districts that could alter the preferred urban character.
- **Proximity to public transportation**
  The areas selected are located in the vicinity of bus routes, FEC and Tri-Rail to provide workforce housing residents with alternative modes of transportation.
- **Proximity to Downtown**
  Allows for a shorter commute to work and entertainment destinations.
- **Walkability**
  Properties located east of I-95 and N Australian Avenue are situated within already denser neighborhoods that allow for increased walkability.

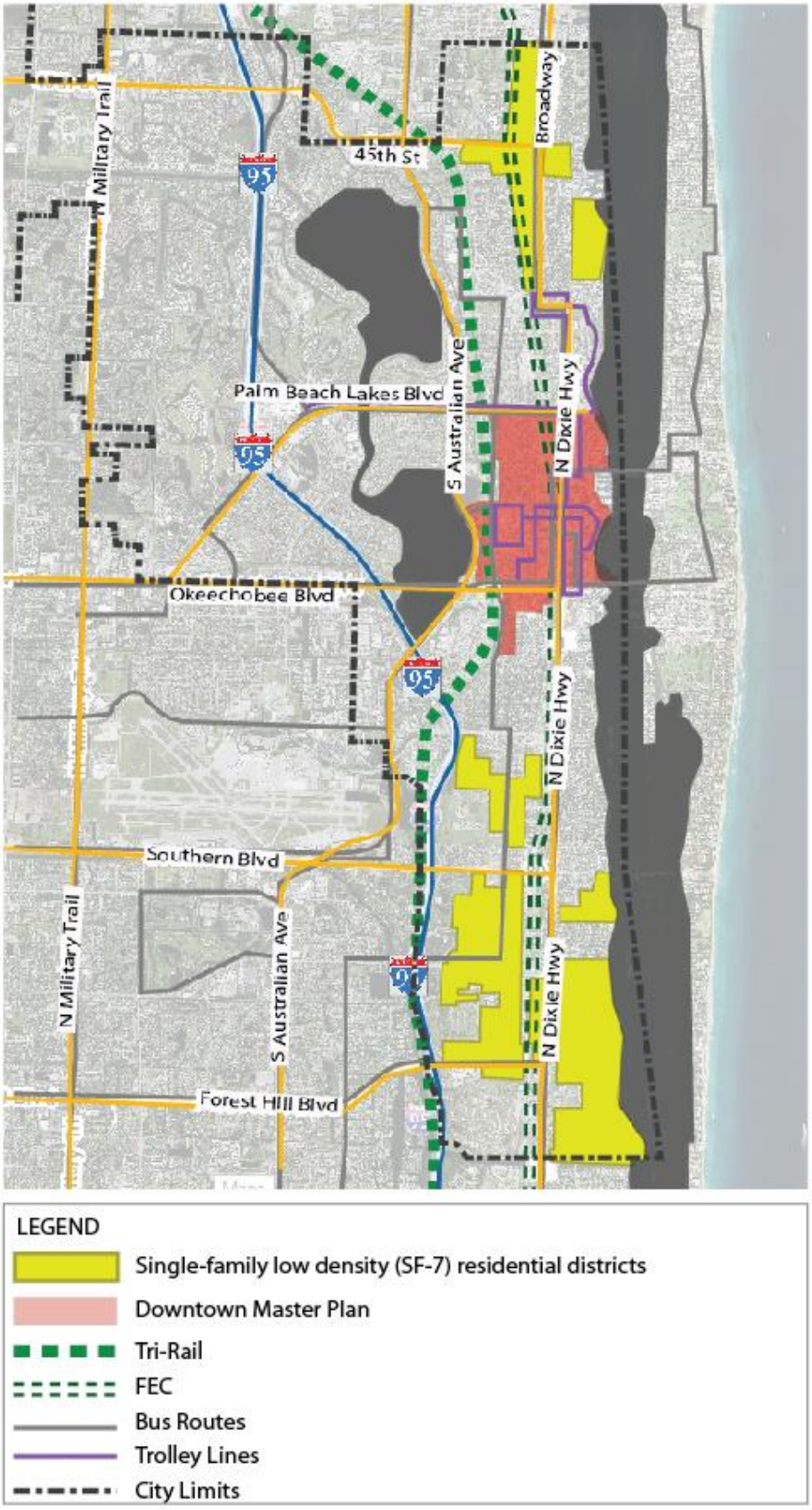


Figure 5. Overlay Workforce Housing Districts

Other Proposed Solutions

In addition to our primary recommendation of proposing additional density nodes, our research has led us to a few other suggestions that could be incorporated to approach the workforce housing issue from many different angles. These suggestions are presented below:

- **Tax abatement**
  See tax abatement section below for more detail.
- **In- house analyst**
  Hiring an in-house real estate and development analyst to identify deals, study their viability and then put an RFP for the ideal Public Private Partnership.
- **Bond out future dollars for current investment**
  Current bond dollars are used to offset other cost whereas identifying a tranche of dollars that can be used to offset hard construction cost will make deals more attractive and increase participation in the desirability of the projects.
- **2.5 to 1 (2.5 units increase for every additional 1 workforce housing unit)**
  Current modeling shows that doing a 1 to 1 or 1 to 1.5 or 1 to 2 unit swap does not do enough to offset cost and lost revenue. For every additional unit of workforce/affordable housing granted the developer can build an additional 2.5 units. Utilizing this methodology, the City can hold developers to 100% A.M.I and below.
- **Federal Funding and Private Grants**
  Encourage local government to apply for federal funding and private grants. Finding a way to attract dollars that can be utilized for a great cause without impacting the City's coffers is an avenue worth exploring. See federal funding and private grants section below for areas to explore.

Tax Abatement

One of the leading discussions related to increasing ROI or reducing expense of developers is the reduction / elimination of taxes through tax abatement.[4] Developers see this as a material

[4] HousingPolicy.org, Freezing Real Estate Tax Assessments.

impact to their ROI and our recommendation is to proactively sponsor and even promote tax abatements directly to developers in order to bring Workforce Housing discussions and development forward. Below we discuss various case studies portraying the success of tax abatement in cities throughout the country.

Oregon

The Oregon Single Family New Construction Limited Tax Abatement (LTA) program, authorized by state law in 1990, allows cities to abate property taxes on the improvement value of newly constructed homes in targeted neighborhoods purchased by income-eligible homebuyers. Taxes on the assessed value of the improvements are abated for a period of ten years, but the owner must still pay taxes on the land. The LTA program enables cities to promote homeownership without a reduction in tax revenue or a direct general fund allocation. The tax abatement programs provide an incentive for buyers to purchase in targeted neighborhoods, in distressed markets.

The City of Portland offers a 10-year limited tax property abatement for any increase in assessment value that results from the rehabilitation of, or conversion to, qualifying rental units. The property owner must enter into an affordability agreement and designate a certain percentage of the units affordable (depending on the size of the property) to tenants with a household income of 60% of median family income or less. The property owner does not pay taxes on the increase in assessed value due to rehabilitation work for 10-years; however, the owner will continue to pay taxes on the current assessed value of the land.[5]

Illinois

In 2002, Illinois created a special real estate tax classification in order to preserve the availability of rental homes made affordable through Section 8 contracts. The Class S incentive permits a lower real estate tax assessment rate to the owners of multifamily rental properties who renew project-based Section 8 contracts through HUD's Mark Up to Market Program. Eligible units are taxed at only 16 percent of market value, in exchange for an agreement to participate in the

[5] Portland Development Commission, HousingPolicy.org, "Stimulate Construction and Rehabilitation through Tax Abatements."

Section 8 program for a five- year period. This constitutes a 52 percent reduction in the real estate tax assessment level ordinarily applied to multifamily residential real estate when the legislation was passed.[6]

New York City, New York

The J51 Tax Incentive Program in New York City includes two benefits: a tax exemption benefit and a tax abatement benefit. Under the exemption benefit, property owners who have rehabilitated their multi- unit buildings or converted their property to multi-unit housing receive a 34-year (30-years full + 4-year phase out) or 14-year (10-years full + 4-year phase out) exemption from the increase in real estate taxes resulting from the renovation. Affordable housing projects generally get the 34-year exemption while other projects get the 14-year exemption. The abatement benefit reduces existing taxes by a percentage of the Certified Reasonable Cost (CRC) of the work performed for up to 20 years. Most eligible projects receive both benefits.

All rental units rehabilitated or converted as a result of the J51 tax abatement become subject to rent stabilization or rent control for the duration of the benefits. The property owner must also waive 50% of the rent increase that would otherwise be allowed under rent stabilization as a result of the work. [7]

In House Analyst

One of the key learnings and recommendations for the City of WPB is to begin an active search for a Real Estate and Development Analyst. This full-time person should have experience specifically in analyzing project profitability, acquisition, disposition and knowledge of government processes and policies. The objectives would include identifying site locations for incentives, disposition of properties work with developers in an ongoing capacity to create a mutually beneficial model per project to align and enhance the City of WPB desired development outcomes.

[6] Rental Rehabilitation Tax Abatement Program Guidelines.
[7] New York City Department of Housing, Preservation, and Development, J51 Tax Incentive Program.

Federal Funding and Grants

Several Federal and State programs are designed specifically to help local municipalities to apply for funds and grants that can help the growth of Workforce Housing in needed areas. See examples below for further exploration:

U.S. Department of Housing and Urban Development: Community Development

Includes links to several HUD funding programs, including Community Development Block Grants, the Neighborhood Stabilization Program, and the Section 108 Loan Guarantee Program, to address locally identified community needs.

U.S. Department of Housing and Urban Development: Home Investment Partnerships Program (HOME)

Formula-based block grant program to build, buy, and/or rehabilitate affordable housing for rental or homeownership or provide direct rental assistance to low-income people.

U.S. Department of the Treasury: Community Development Financial Institutions Fund

Provides small infusions of capital to institutions that serve distressed communities and low-income individuals.

Exhibits

Exhibit 1 : New York Times Article “Cities Start to Question an American Ideal: A Hous with a Yard on Every Lot”

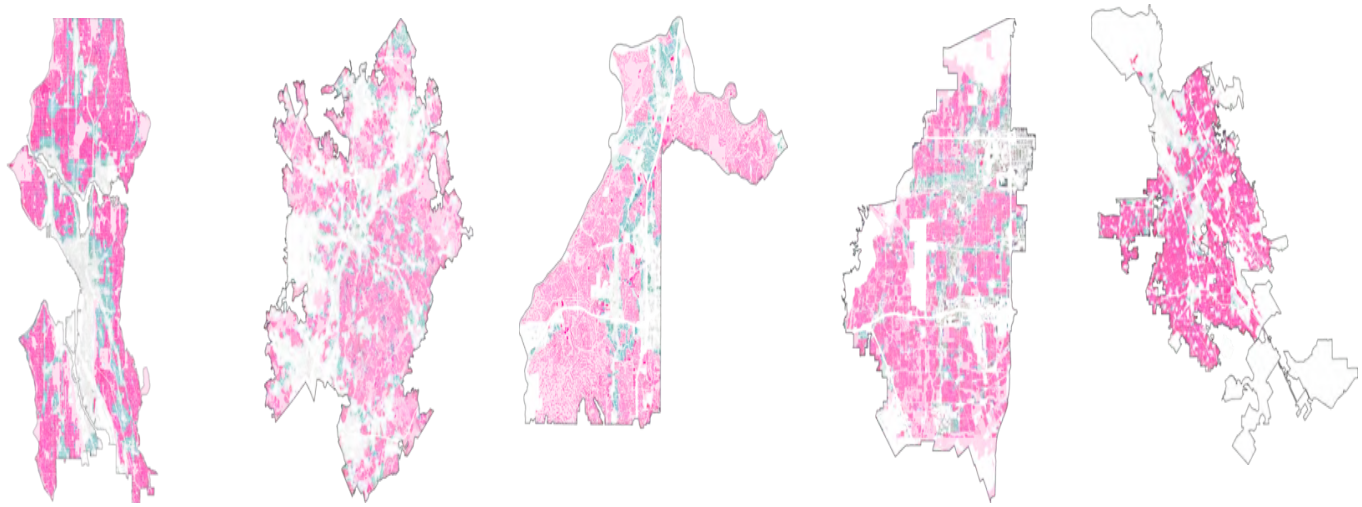
Cities Start to Question an American Ideal: A House With a Yard on Every Lot

By EMILY BADGER and QUOCTRUNG BUI JUNE 18, 2019

Townhomes, duplexes and apartments are effectively banned in many neighborhoods. Now some communities regret it.

Residential land zoned for: detached single-family homes other housing

New York **15%** Washington **36%** Minneapolis **70%** Los Angeles **75%** Portland, Ore. **77%**



Seattle **81%** Charlotte, N.C. **84%** Sandy Springs, Ga. **85%** Arlington, Tex. **89%** San Jose, Calif. **94%**

Cities not shown to scale. Source: Zoning data for individual cities from UrbanFootprint

Single-family zoning is practically gospel in America, embraced by homeowners and local governments to protect neighborhoods of tidy houses from denser development nearby.

But a number of officials across the country are starting to make seemingly heretical moves. The Oregon legislature this month will consider a law that would end zoning exclusively for single-family homes in most of the state. California lawmakers have drafted a bill that would effectively do the same. In December, the Minneapolis City Council voted to end single-family zoning citywide. The Democratic presidential candidates Elizabeth Warren, Cory Booker and Julián Castro have taken up the cause, too.

A reckoning with single-family zoning is necessary, they say, amid mounting crises over housing affordability, racial inequality and climate change. But take these laws away, many homeowners fear, and their property values and quality of life will suffer. The changes, opponents in Minneapolis have warned, amount to nothing less than an effort to "bulldoze" their neighborhoods.

Today the effect of single-family zoning is far-reaching: It is illegal on 75 percent of the residential land in many American cities to build anything other than a detached single-family home.

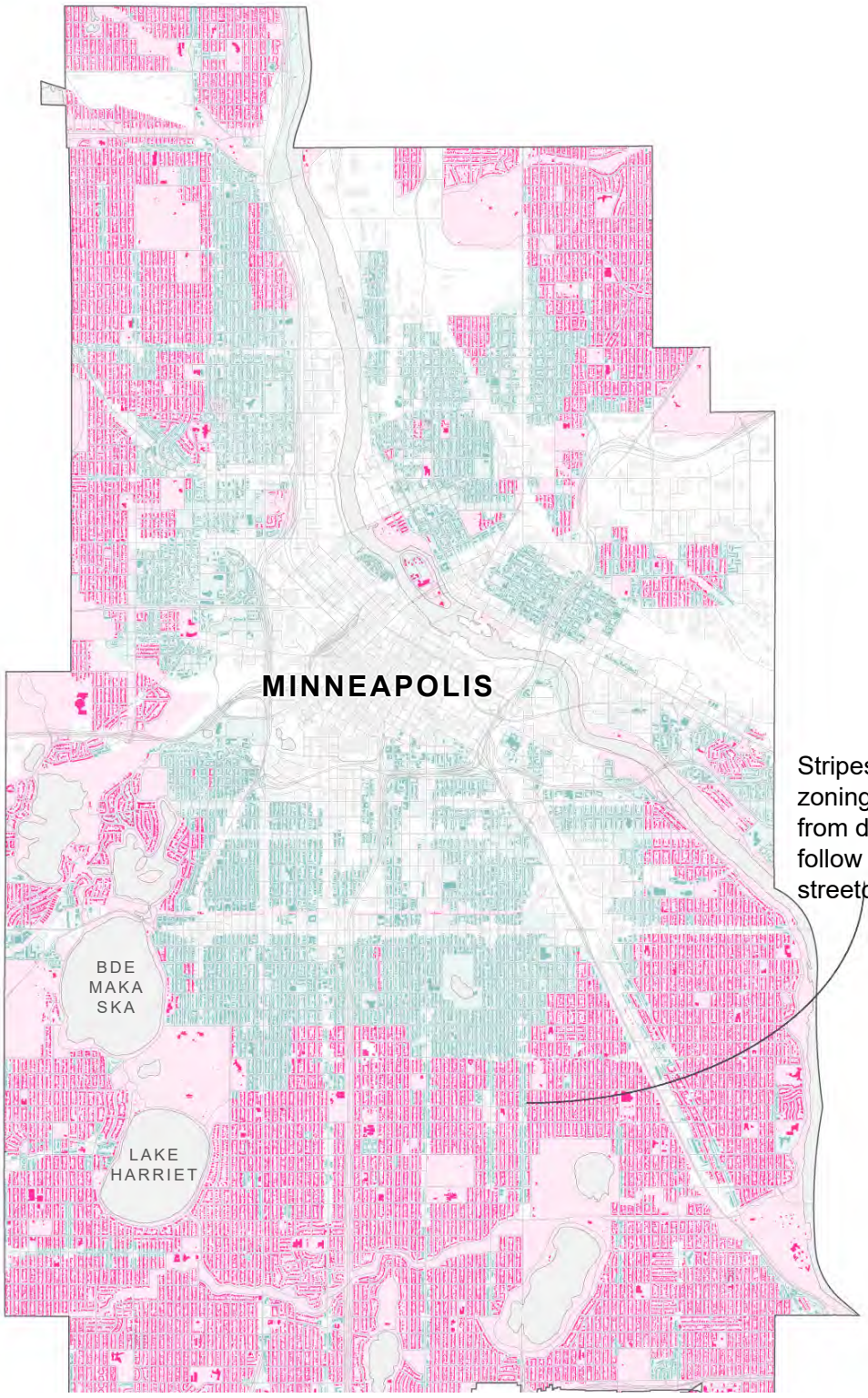
That figure is even higher in many suburbs and newer Sun Belt cities, according to an analysis The Upshot conducted with UrbanFootprint, software that maps and measures the impact of development and policy change on cities.

If this moment feels like a radical shift, said Sonia Hirt, a professor at the University of Georgia's college of environment and design, it was

also a radical shift a century ago when Americans began to imagine single-family zoning as possible, normal and desirable. That shift led Minneapolis to look like this:

Minneapolis

70% of residential land is zoned for detached single-family homes



Minneapolis's new policy will end single-family zoning on 70 percent of the city's residential land, or 53 percent of all land. The Upshot used public zoning data compiled by UrbanFootprint to calculate this and draw similar maps for 10 other American cities.

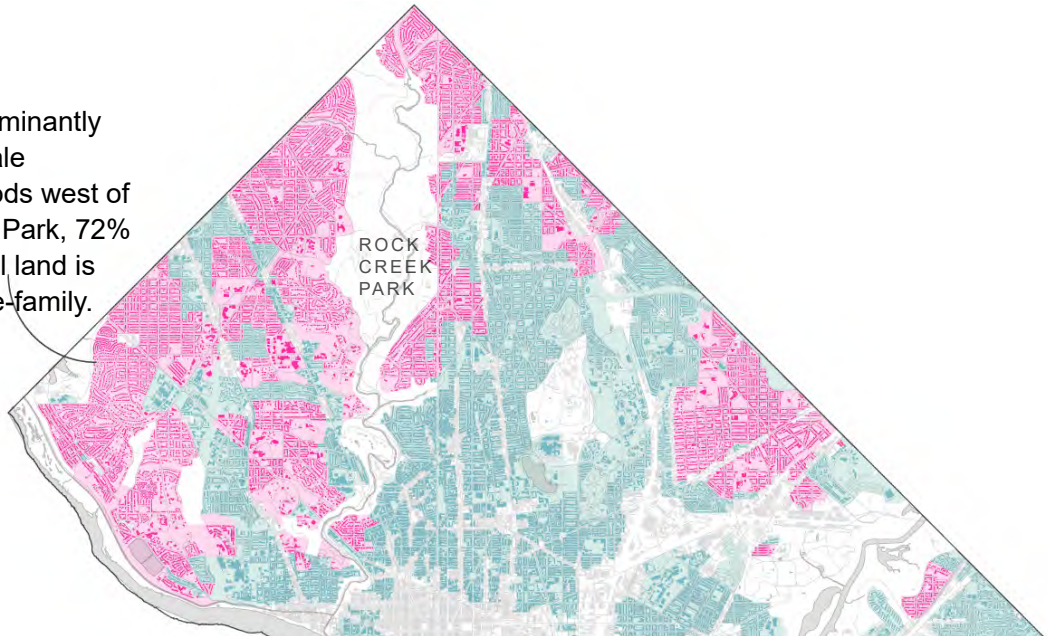
Zoning codes vary significantly by city. But in each place, we sought to identify codes devoted to detached single-family homes, grouping rowhouses more common in older East Coast cities like Washington and New York into a second category covering all other housing types. (The earliest American zoning advocates clearly did not put rowhouses in the same category: A *home*, they believed, was a house "which one can drive a yoke of oxen around.")

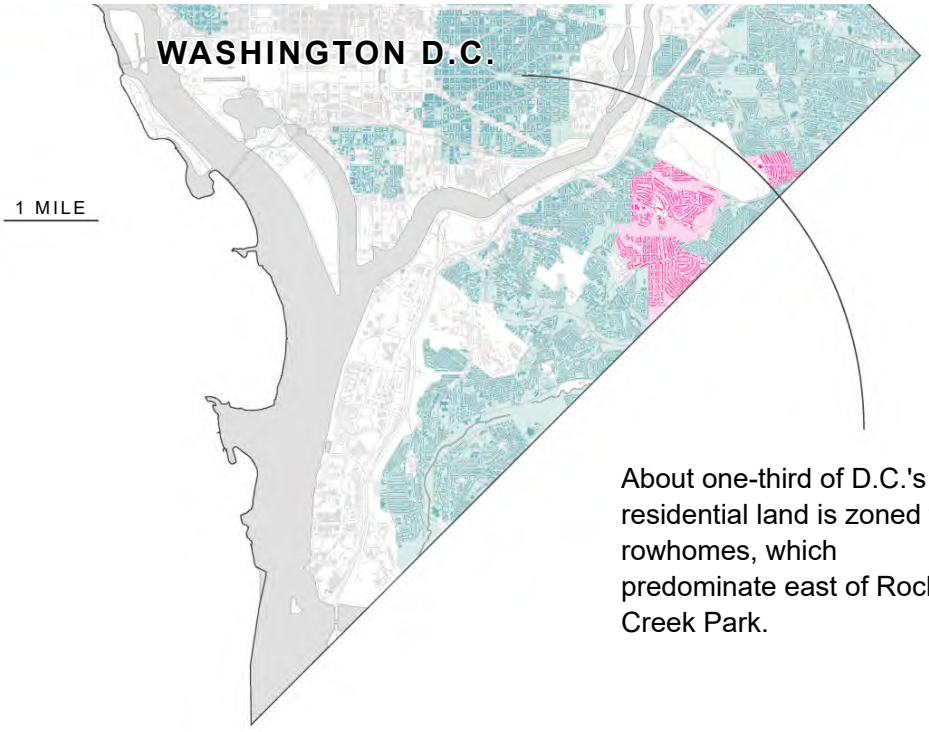
Many cities allow additional housing in nonresidential zones: for instance, in apartments built over offices or stores. These maps highlight the land exclusively set aside for housing.

Washington, D.C.

36% of residential land is zoned for detached single-family homes

In the predominantly white, upscale neighborhoods west of Rock Creek Park, 72% of residential land is zoned single-family.





About one-third of D.C.'s residential land is zoned for rowhomes, which predominate east of Rock Creek Park.

Such maps reflect the belief that denser housing can be a nuisance to single-family neighborhoods just as a factory would be. That conviction is at least as old as the 1926 Supreme Court decision that upheld zoning in America.

Apartments, the court warned, block the sun and air. They bring noise and traffic. They act as a parasite on single-family neighborhoods — "until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed."

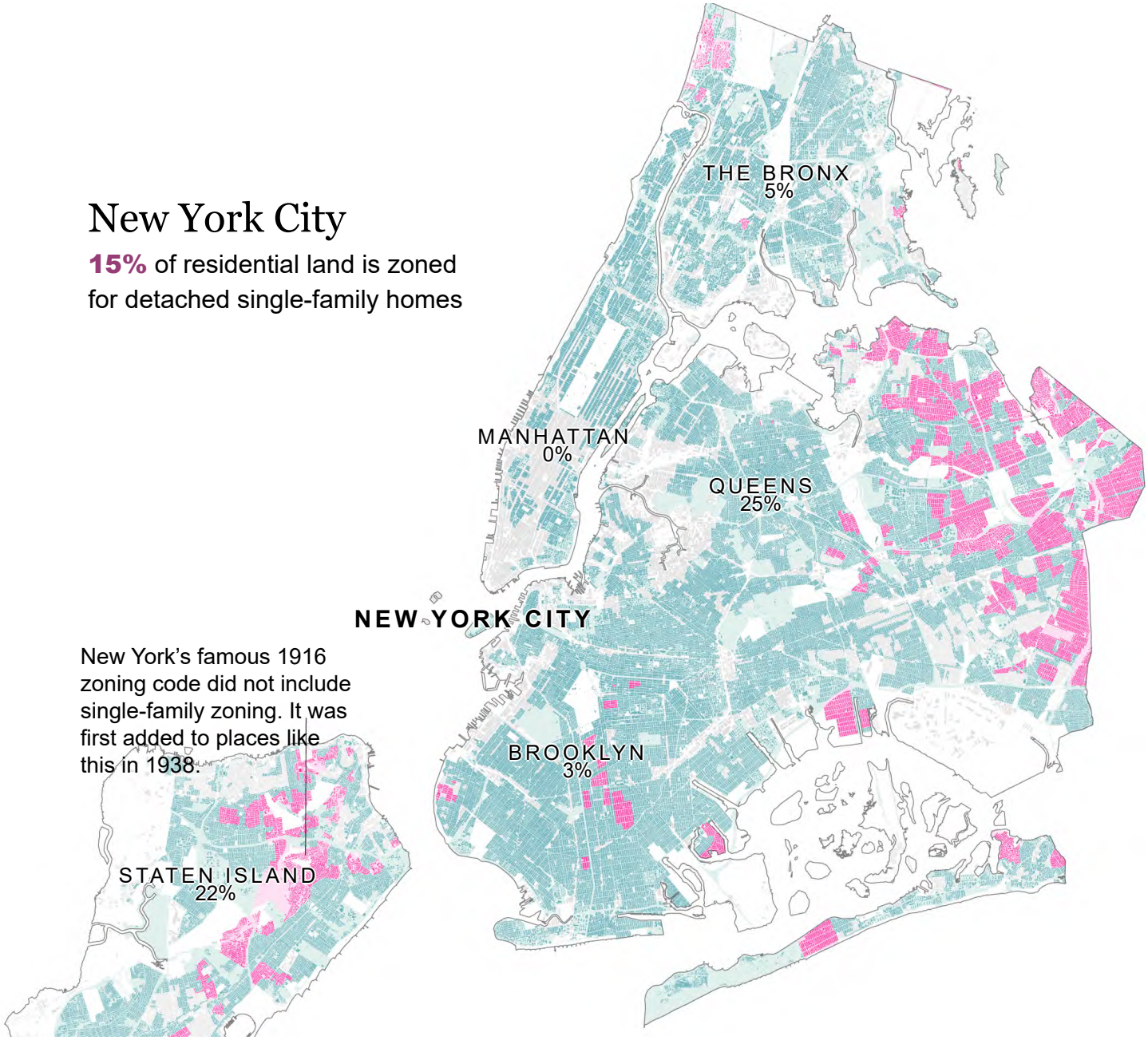
Today, the very density that the court scorned is viewed by environmentalists as an antidote to sprawling development patterns that feed gridlock and auto emissions. It's viewed by planners as an essential condition to support public transit, and by economists as the best means of making high-cost cities more affordable.

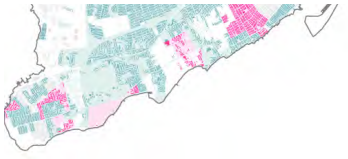
Single-family zoning "means that everything else is banned," said Scott Wiener, a California state senator, speaking this spring at the Brookings Institution in Washington. "Apartment buildings — banned.

Senior housing — banned. Low-income housing, which is only multi-unit — banned. Student housing — banned."

Cities regularly "upzone" individual neighborhoods or properties to allow more housing options. Minneapolis's remarkable approach was to upzone every single-family neighborhood at once. That was the fairest solution, officials argued.

"If we were going to pick and choose, the fight I think would have been even bloodier," said Heather Worthington, director of long-range planning for the city.





Even so, some residents vocally opposed the change, and the city collected 20,000 public comments on the broader plan that included the zoning proposal. The City Council ultimately voted for it, 12-1. If, as expected, a regional council approves it this year, duplexes and triplexes will be allowed citywide on what are now single-family lots.

The lesson of Minneapolis, said Salim Furth, an economist at the conservative Mercatus Center, is that a single, sweeping edit to these maps may be politically easier than block-by-block tweaking.

Over time, if just 5 percent of the largest single-family lots in Minneapolis — lots of at least 5,000 square feet — converted to triplexes, that would create about 6,200 new units of housing, according to UrbanFootprint. If 10 percent of similar-sized lots in San Jose, Calif., added a second unit, the city would gain 15,000 new homes.

“If you want to have the suburban American lifestyle, that will still be on offer,” Mr. Furth said. “What we’re really trying to change is that that has become so universal that there’s not much space left for anything else.”

A moment of crisis

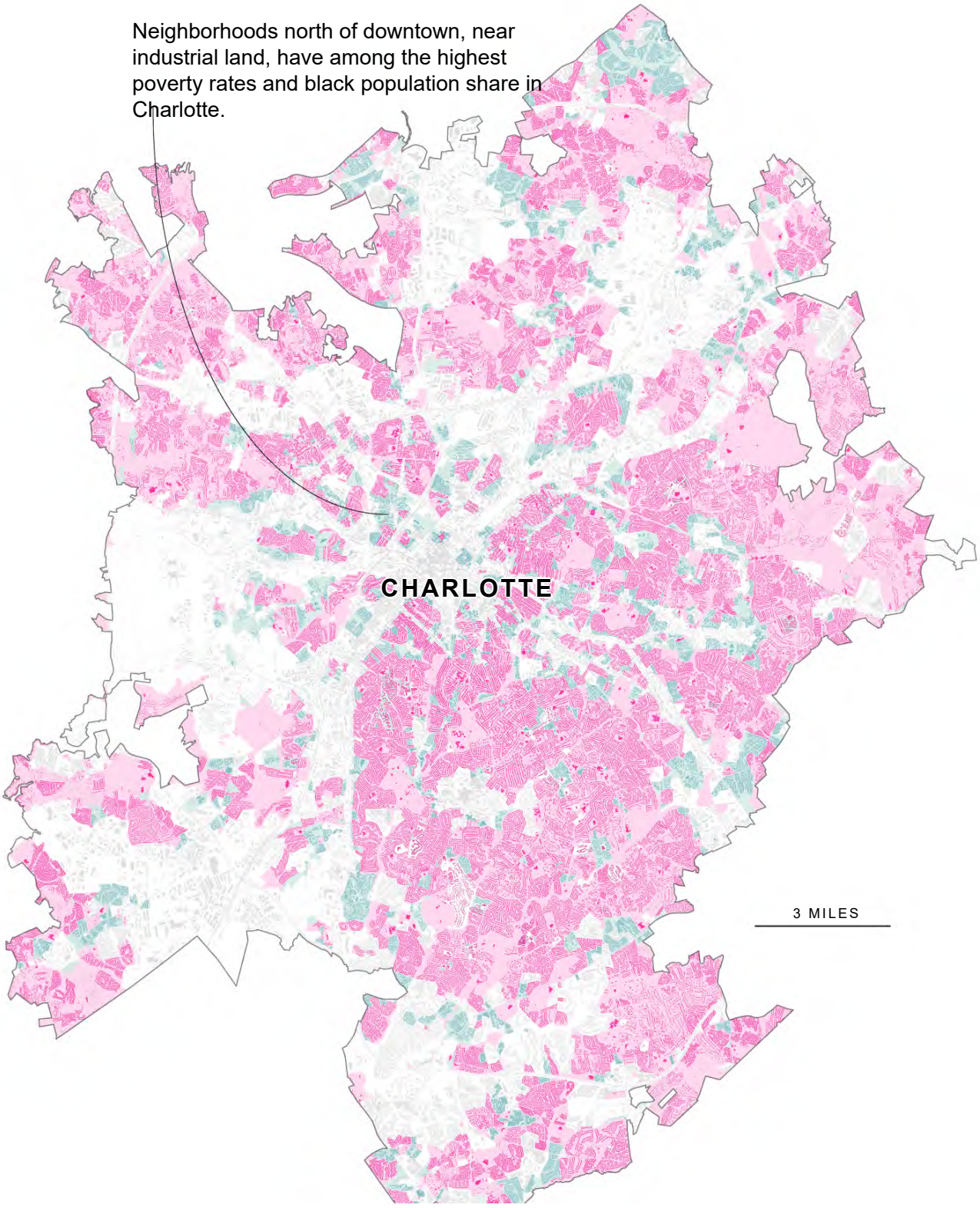
While zoning remains invisible to many people, the problems it's connected to increasingly are not.

“Every community has to have a moment of crisis that eventually makes you pay attention to certain things,” said Taiwo Jaiyeoba, the

planning director for Charlotte. “You knew they were there, but there was no impetus or motivation to address it.”

Charlotte, N.C.

84% of residential land is zoned for detached single-family homes



Note: Duplexes are allowed on corner lots in single-family zones.

The crisis struck in Charlotte in 2014, he said, when a national studyranked the region as having among the worst prospects in the country for poor children. Public meetings and task force reports followed, focused on Charlotte's racial and economic segregation.

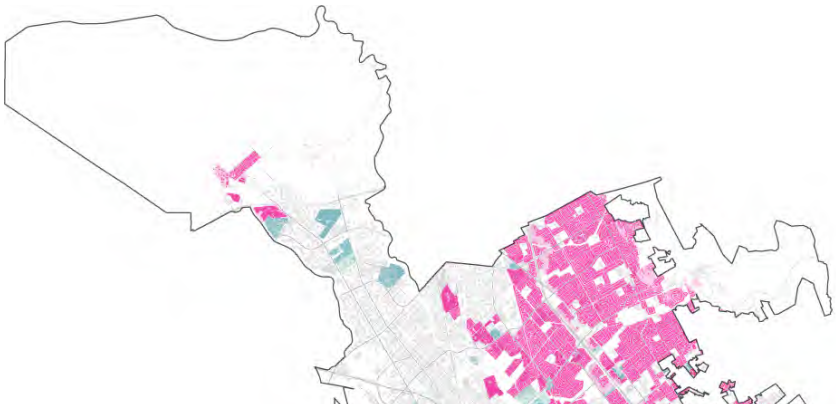
Zoning laws helped cement those patterns in cities across the country by separating housing types so that renters would be less likely to live among homeowners, or working-class families among affluent ones, or minority children near high-quality schools.

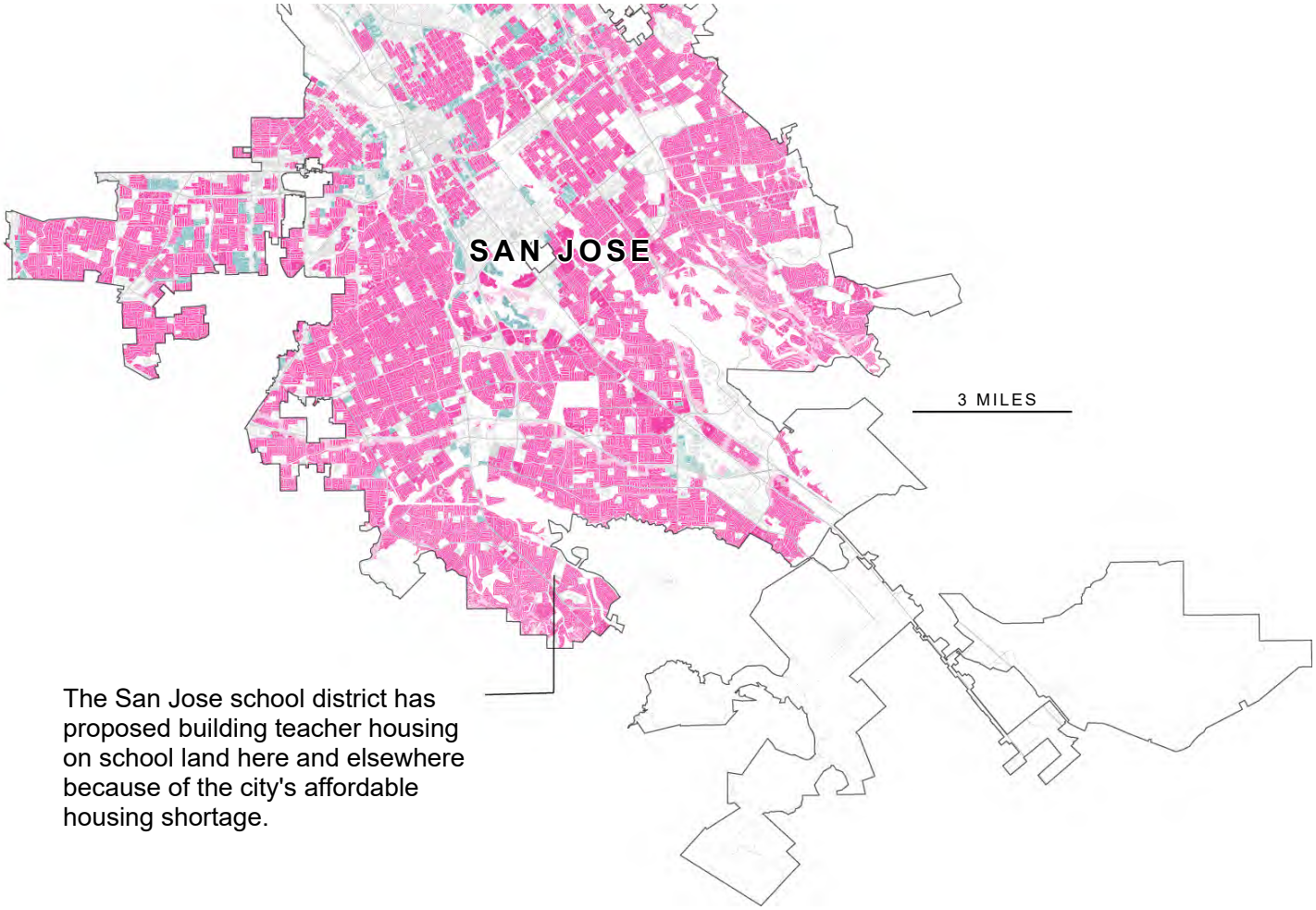
Mr. Jaiyeoba believed Charlotte had to change its zoning to become more equitable. But that argument seemed abstract until Minneapolis acted on it. This spring, Mr. Jaiyeoba invited Ms. Worthington to town to explain the idea in a public forum. Charlotte doesn't have a formal proposal yet, but he hopes elected officials will lead the city toward one.

Ms. Warren, Mr. Booker and Mr. Castro, who have similarly emphasized racial inequality, have proposed leveraging federal money to nudge cities to change zoning laws.

San Jose, Calif.

94% of residential land is zoned for detached single-family homes





The San Jose school district has proposed building teacher housing on school land here and elsewhere because of the city's affordable housing shortage.

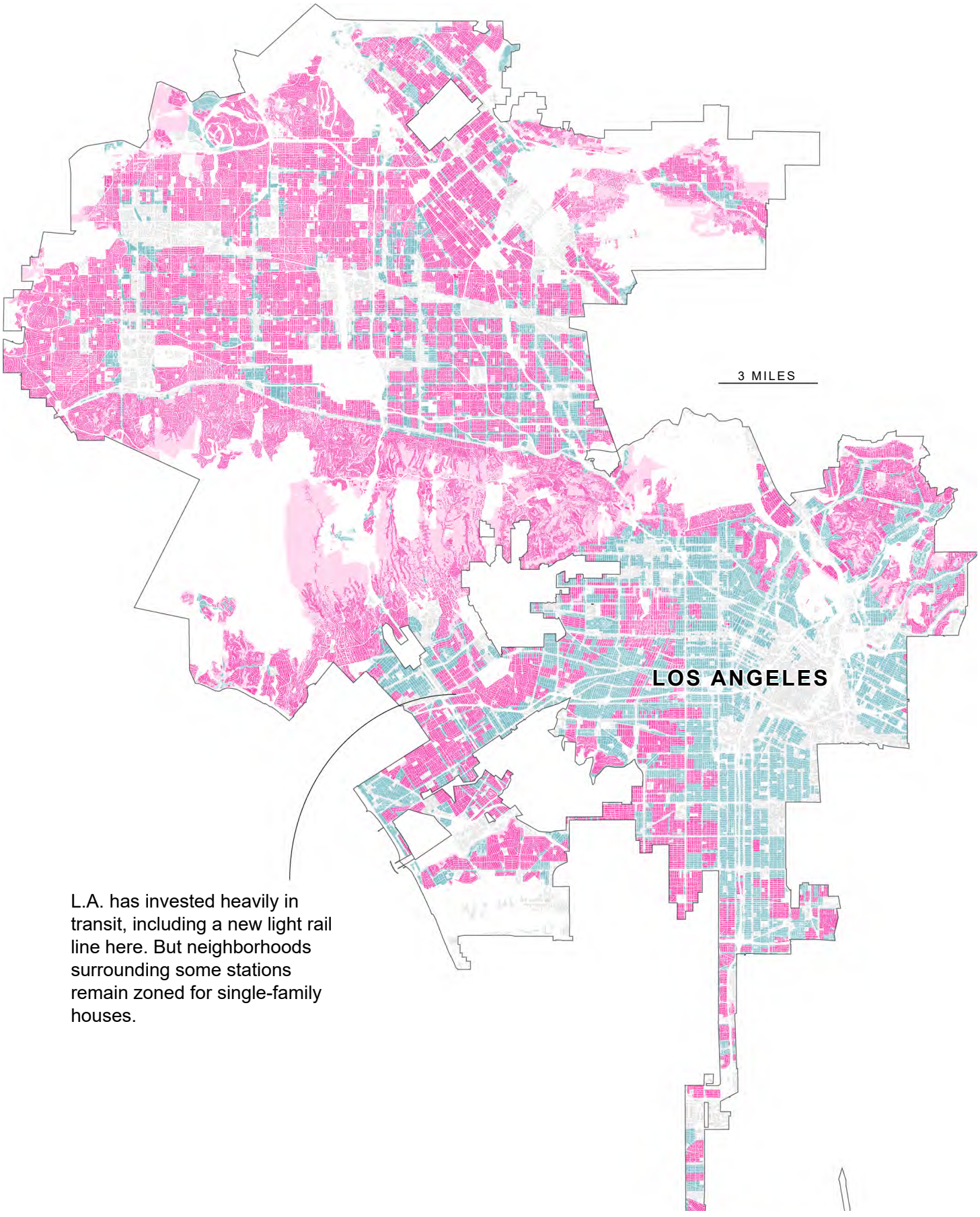
Note: Area calculations do not include roads, sidewalks or railways.

On the West Coast, a severe housing shortage and environmental concerns loom larger. Single-family zoning leaves much land off-limits to new housing, forcing new supply into poorer, minority communitiesor onto undeveloped land outside of cities.

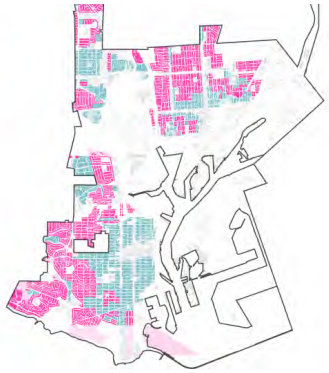
In California, a bill by Mr. Wiener affecting zoning statewide has been stalled by homeowners and local officials who object to state interference in their communities. The bill would allow more density around transit and jobs centers. It would also permit single-family homes to be subdivided into as many as four units, and multi-unit buildings to go up on vacant lots in single-family neighborhoods.

Los Angeles

75% of residential land is zoned for detached single-family homes



L.A. has invested heavily in transit, including a new light rail line here. But neighborhoods surrounding some stations remain zoned for single-family houses.

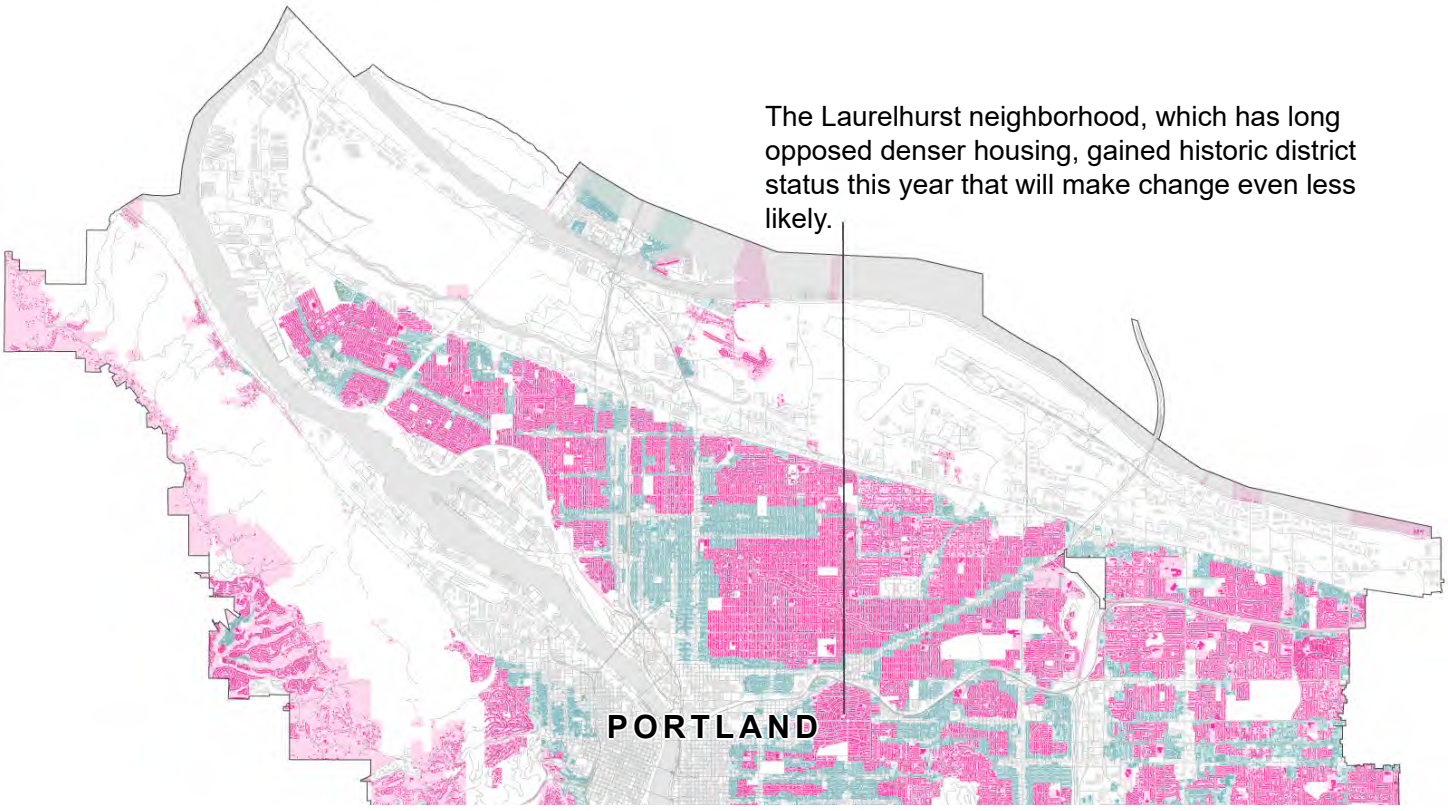


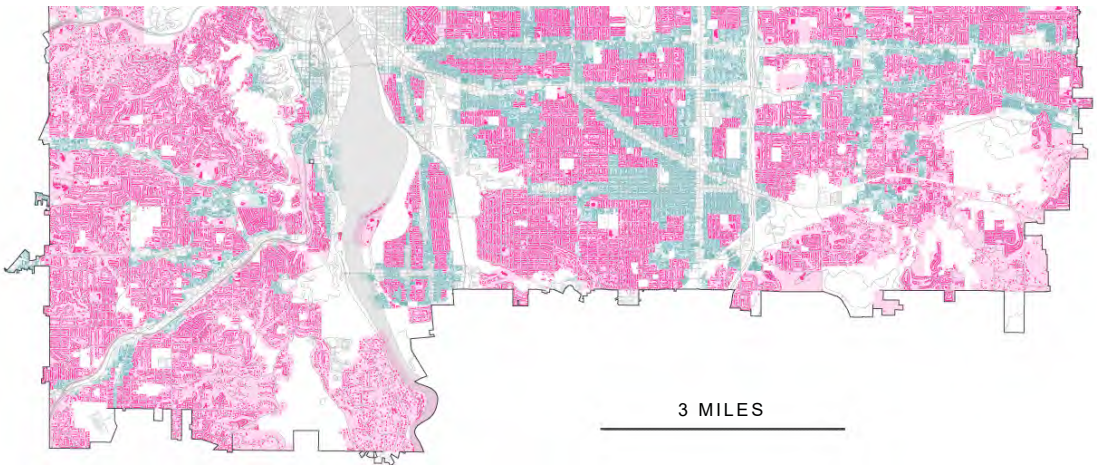
Oregon's bill would allow options as dense as fourplexes across cities larger than 25,000 people and within metropolitan Portland, and it would permit duplexes in towns of at least 10,000. Portland has spent several years planning its own zoning changes to single-family neighborhoods, amid opposition by homeowners.

But the prospects for such ideas have improved from even two years ago.

Portland, Ore.

77% of residential land is zoned for detached single-family homes





Note: Duplexes are allowed on corner lots in single-family zones.

"Wages are up, people are working, unemployment is way down — and people can't find a place to live," said Tina Kotek, the speaker of the Oregon house and the author of the new bill. The dissonance between those facts, she said, is changing the politics of zoning.

The state has long regulated "urban growth boundaries" intended to protect farmland and green space beyond cities. But even so, many communities have been reluctant to grow denser inside those boundaries. In Oregon, the joke goes, people hate sprawl *and* density.

"At some point," Ms. Kotek said, "something's got to give."

A return to history

High-level arguments about the environment, affordable housing or equity invariably meet more prosaic objections: What if some neighborhoods lack enough parking? Or if one person's development shades another's backyard? How are apartment buildings more environmentally friendly if they replace all the trees?

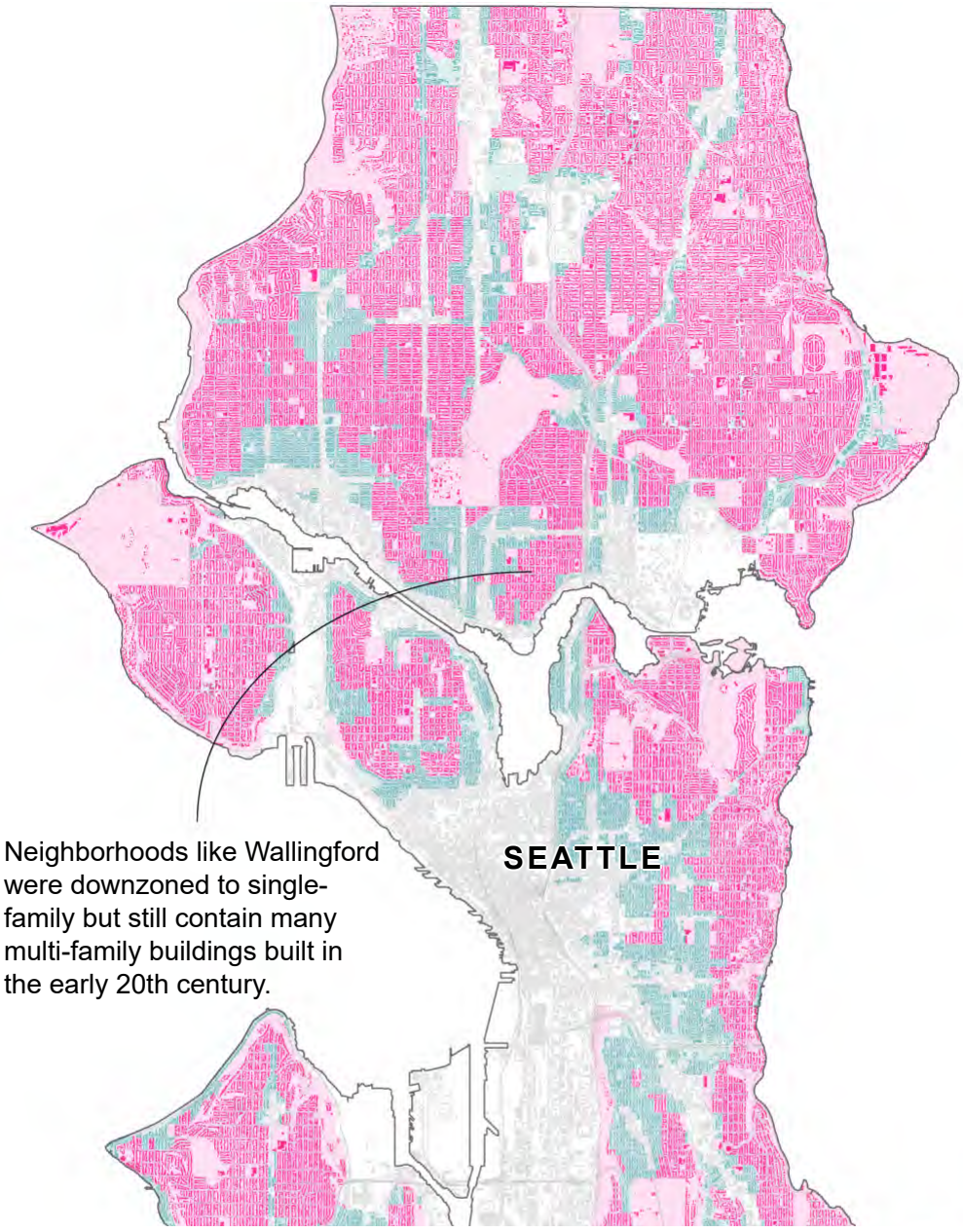
"What we're selling here in Minneapolis — or what our planning department and our city council are selling — is that we're new, we're state of the art, we're cutting-edge, we're virtue signaling," said Lisa

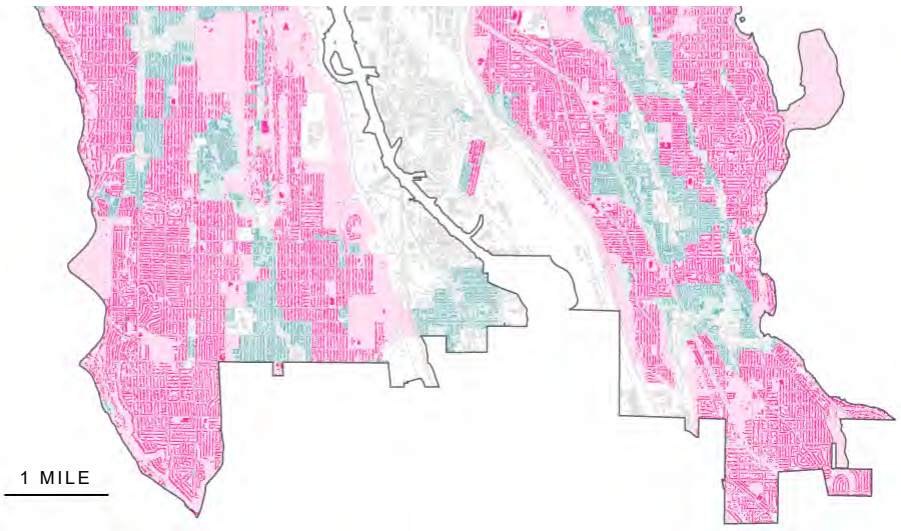
McDonald, a former Minneapolis City Council member and part of a group opposing the city's plans.

In reality, she said, Minneapolis is giving itself away to developers. They'll build more market-rate housing, she said. But she doubts the city will get much more affordable housing — or less racism, more equity or a fairer society. Beware those promises, she warns other cities.

Seattle

81% of residential land is zoned for detached single-family homes





Note: Most city parks and schools are zoned as single-family residential.

People elsewhere say their legitimate fears about traffic or the environment have been mischaracterized, caught up in an emotional debate over race and fairness. Martin Henry Kaplan, an architect in Seattle whose neighborhood association sued to block looser regulations on "accessory dwelling units," recalled as a child that his parents couldn't buy a house in a neighborhood where Jews weren't welcome.

"I'm old enough to actually have lived in some of that," said Mr. Kaplan, who is 70. But he does not see bigotry behind the objections to upzoning today. "Maybe I'm wrong, but I've grown up here, I have tons of friends in every neighborhood across the city, and I don't get the sense that anybody thinks like that."

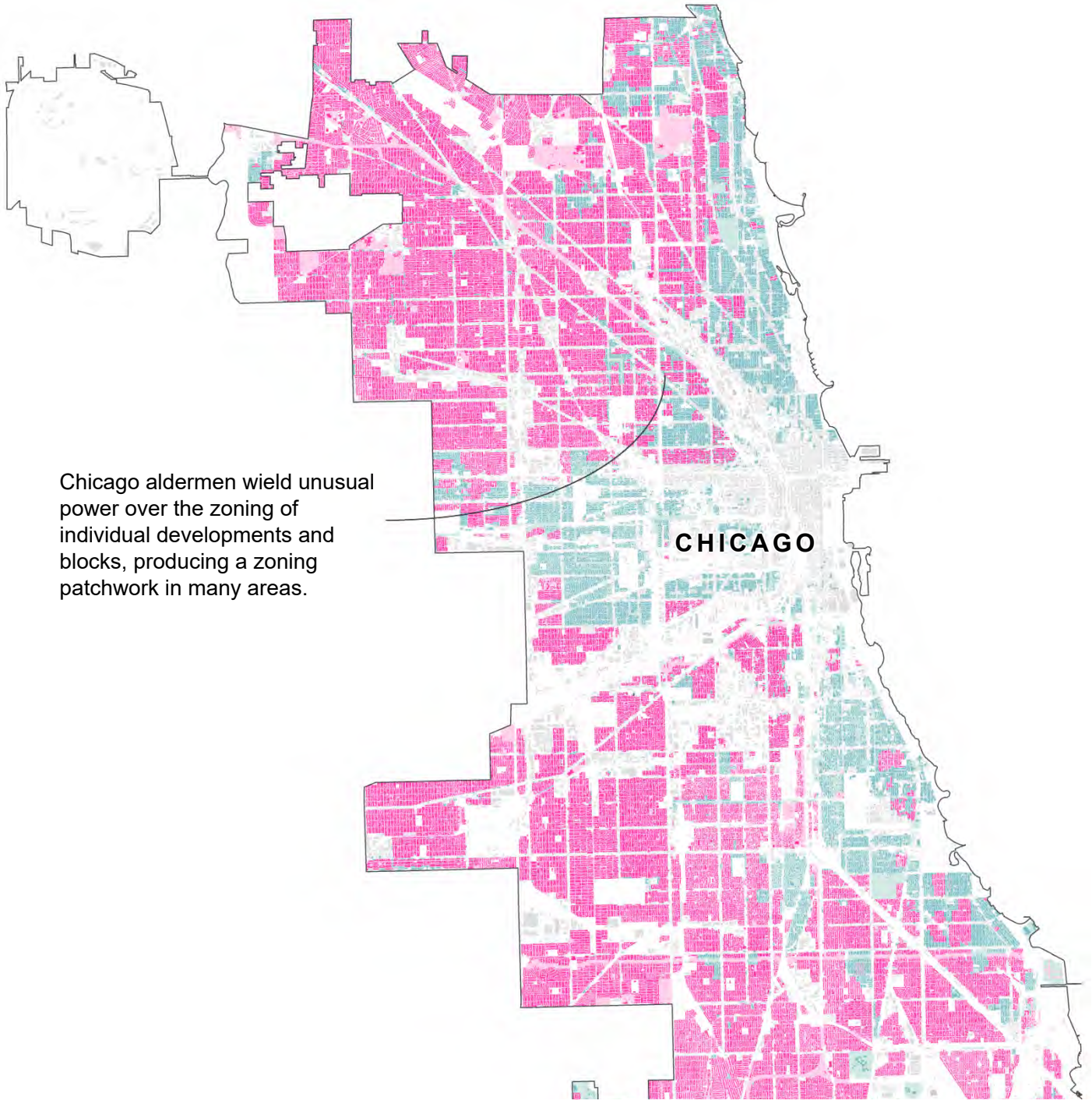
Policies originally conceived in part to be exclusionary, he said, can still be useful toward nonexclusionary ends, like ensuring that neighborhoods don't have more residents than their sewers can handle, or that families who sink their savings into a home know what to expect around it.

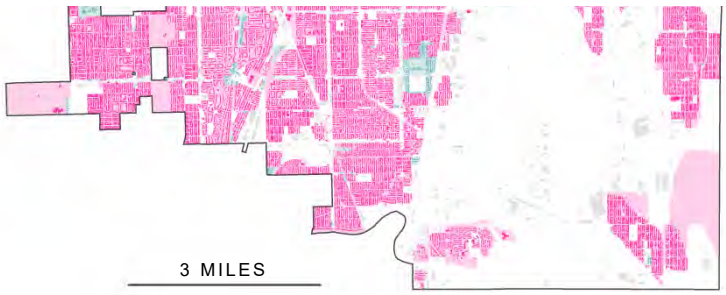
"Zoning has a role," Mr. Kaplan said, "in addressing land-use regulations for the common good."

This debate is partly about the scale of that common good, given that the common good desired within many single-family neighborhoods conflicts with the common good across whole cities where housing is scarce or segregated. In an uneasy compromise between those interests, Seattle in March [upzoned 6 percent of its single-family land](#).

Chicago

79% of residential land is zoned for detached single-family homes





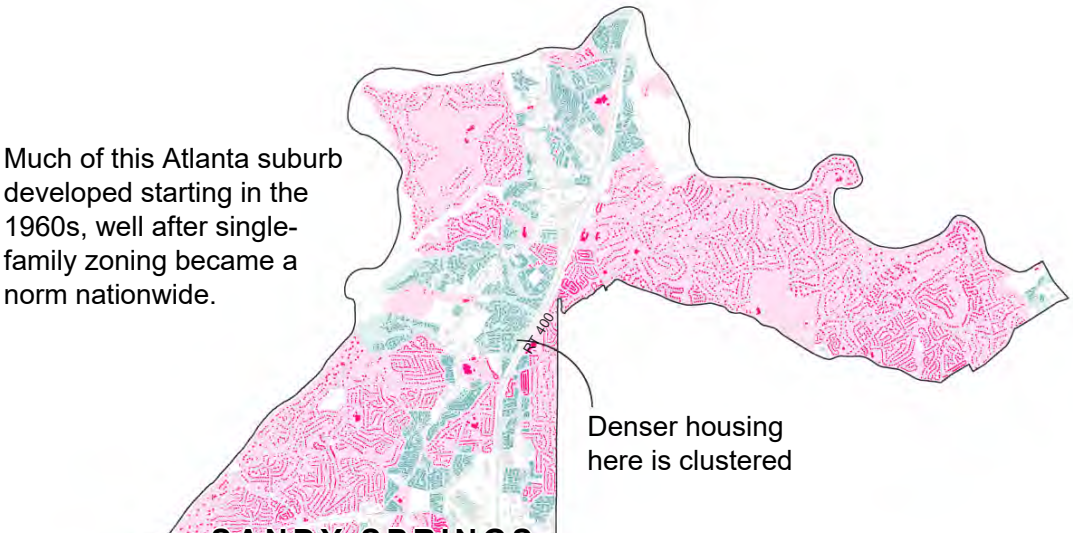
Cities have typically prioritized single-family homeowners above other groups, with the old belief that dense housing hurts their property values, said Andrew Whittemore, a professor of city and regional planning at the University of North Carolina-Chapel Hill. Evidencesupporting that belief is mixed, but Mr. Whittemore suggests it's the wrong thing to focus on.

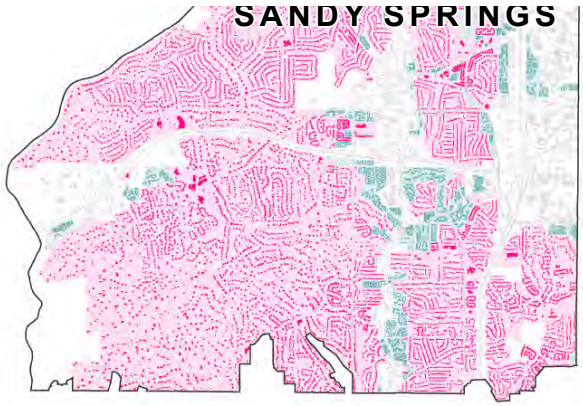
"Why is it the job of a government to see that a housing unit accumulates as much value as possible?" he said. "I think the purpose of zoning is to prevent harm. Planners shouldn't be wealth managers. But they effectively are in every municipality in the country."

That is particularly true in more suburban communities where a higher share of land is devoted to housing, and a higher share of that housing is required to be single-family.

Sandy Springs, Ga.

85% of residential land is zoned for detached single-family homes



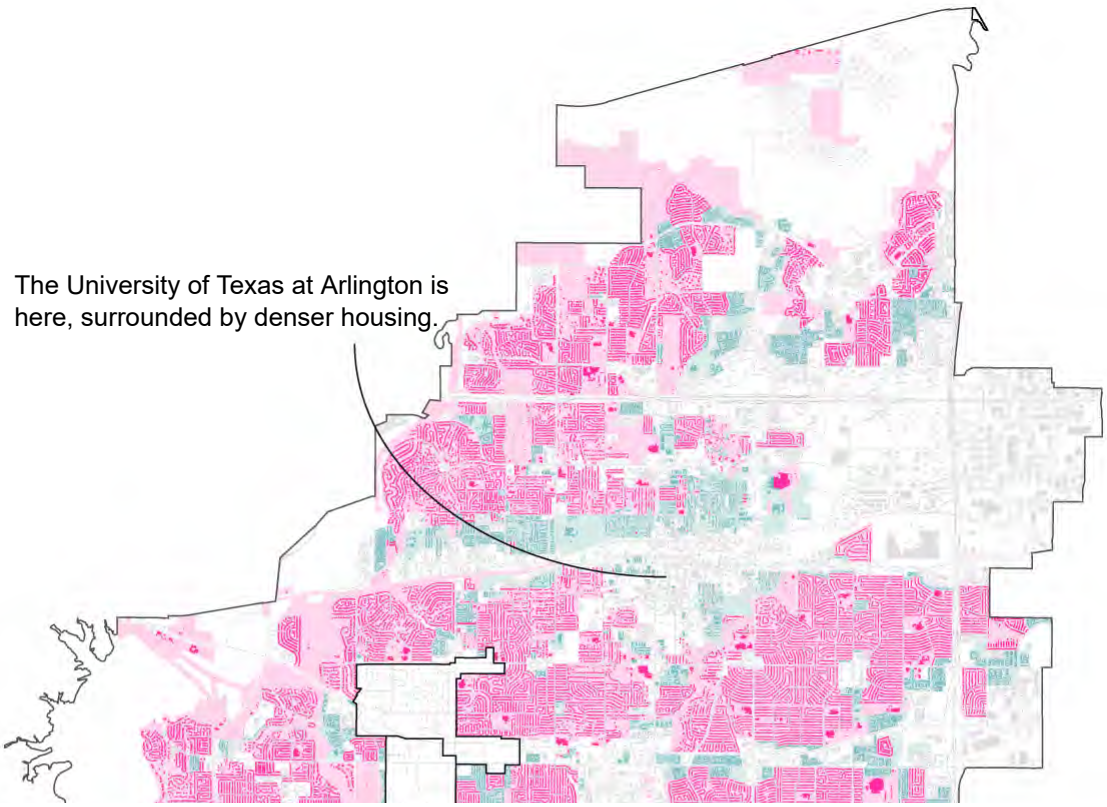


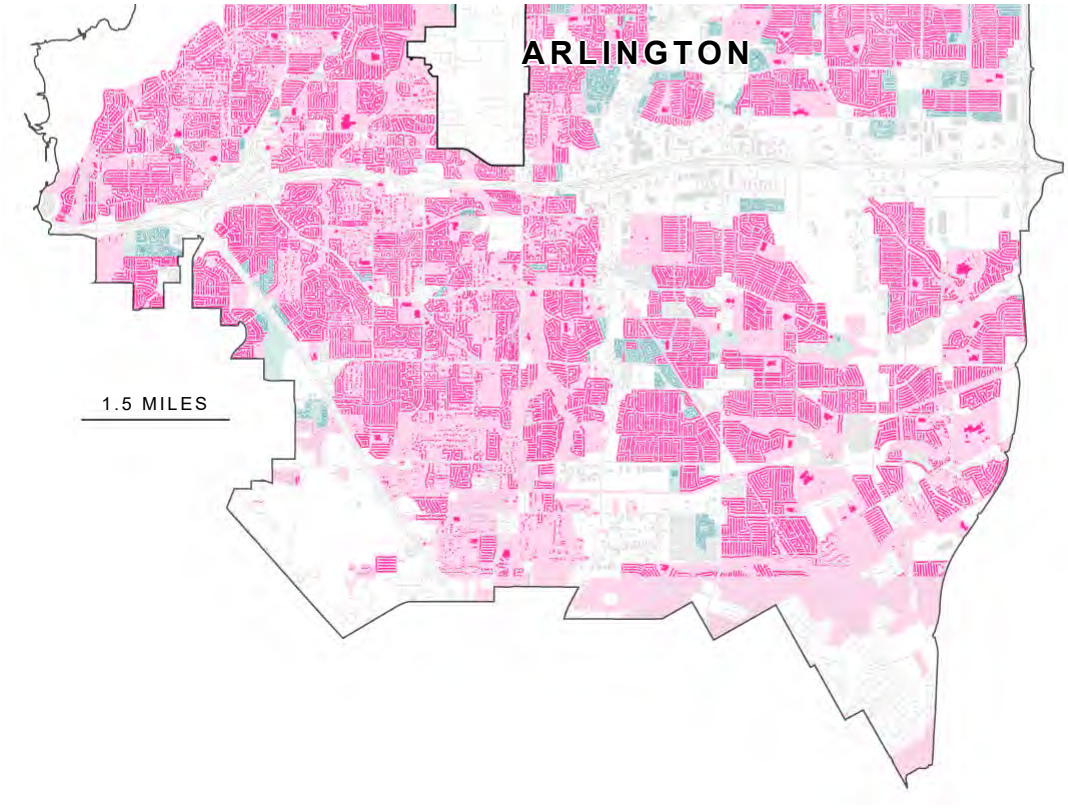
along Georgia State Route 400.

Citywide proposals to change these maps are not as unprecedented as they appear today. In 1960, Los Angeles had the zoned capacity for about 10 million people, according to Greg Morrow at the University of California, Berkeley. By 1990, Los Angeles had downzoned to a capacity of about 3.9 million, a number that is only slightly higher today. As a result, the city's actual population is now uncomfortably close to what it legally has room for; residents of Los Angeles today effectively fill about 93 percent of the city's zoned capacity, by Mr. Morrow's calculation.

Arlington, Tex.

89% of residential land is zoned for detached single-family homes





Advocates who want to curb single-family zoning, he said, are not pushing an idea that has never been tried before. They're lobbying for a return to the past.

Many Minneapolis blocks today date to before the 1920s, with duplexes or small apartment buildings next to single-family homes. For years, those older buildings have been considered "nonconforming," as the law changed around them. Under Minneapolis's new plan, that distinction will end, too.

Mixed-use zones and other nonresidential districts, gray on these maps, may allow housing in addition to other uses, like offices. The following cities allow accessory dwelling units like garage apartments or in-law suites on some or all single-family lots, typically with many restrictions: Minneapolis, Washington, Charlotte, San Jose, Seattle, Portland and Los Angeles. Some cities include adjacent land uses like churches, schools, parks or cemeteries in residential zones.

Exhibit 2: Oregon Housing Law

Enrolled
House Bill 2001

Sponsored by Representative KOTEK; Representatives FAHEY, HERNANDEZ, MARSH, MITCHELL, POWER, STARK, WILLIAMS, ZIKA (Presession filed.)

CHAPTER .....

AN ACT

Relating to housing; creating new provisions; amending ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) "Middle housing" means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) "Townhouses" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

SECTION 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act no later than:

(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or

(b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 4. (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.

(4) A request for an extension by a local government must be filed with the department no later than:

(a) December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.

(b) June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.

(5) The department shall grant or deny a request for an extension under this section:

(a) Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.

(b) Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.

(6) The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:

(a) Defining the affected areas;

(b) Calculating deficiencies of water, sewer, storm drainage or transportation services;

(c) Service deficiency levels required to qualify for the extension;

(d) The components and timing of a remediation plan necessary to qualify for an extension;

(e) Standards for evaluating applications; and

(f) Establishing deadlines and components for the approval of a plan of action.

SECTION 5. ORS 197.296 is amended to read:

197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of **existing and projected** housing need by type and density range, in accordance with **all factors under** ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, "buildable lands" includes:

(A) Vacant lands planned or zoned for residential use;

(B) Partially vacant lands planned or zoned for residential use;

(C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and

(D) Lands that may be used for residential infill or redevelopment.

(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;

(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and

(C) The presence of a single family dwelling or other structure on a lot or parcel.

(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity [*and need*] pursuant to subsection [*(3)*] **(3)(a)** of this section must be based on data relating to land within the urban growth boundary that has been collected since the last [*periodic*] review or [*five*] **six** years, whichever is greater. The data shall include:

(A) The number, density and average mix of housing types of urban residential development that have actually occurred;

(B) Trends in density and average mix of housing types of urban residential development;

(C) Market factors that may substantially impact future urban residential development; and

[*(C) Demographic and population trends;*]

[*(D) Economic trends and cycles; and*]

[*(E)*] **(D)** The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity [*and need*]. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period [*for economic cycles and trends*] longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or [*more*] **both** of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary[*;*]**.**

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall [*monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or*] **adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable vali-**

dation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

[*(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.*]

(c) As used in this subsection, "authorized density level" has the meaning given that term in ORS 227.175.

(7) Using the **housing need** analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

(b) [*The*] **A** local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved **following the adoption of these actions**. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section**,** [*and*] is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section **and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period**. Actions or measures, or both, may include but are not limited to:

(a) Increases in the permitted density on existing residential land;

(b) Financial incentives for higher density housing;

(c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;

(d) Removal or easing of approval standards or procedures;

(e) Minimum density ranges;

(f) Redevelopment and infill strategies;

(g) Authorization of housing types not previously allowed by the plan or regulations;

(h) Adoption of an average residential density standard; and

(i) Rezoning or redesignation of nonresidential land.

(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

(A) Determine the estimated housing needs within the jurisdiction for the next 20 years;

(B) Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and

(C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.

(c) For the purpose of the inventory described in this subsection, "buildable lands" includes those lands described in subsection (4)(a) of this section.

SECTION 6. ORS 197.303 is amended to read:

197.303. (1) As used in ORS [*197.307*] **197.295 to 197.314**, "needed housing" means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:

(a) Household sizes;

(b) Household demographics in terms of age, gender, race or other established demographic category;

(c) Household incomes;

(d) Vacancy rates; and

(e) Housing costs.

(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

[*(2)*] **(5)** Subsection (1)(a) and (d) of this section does not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

[*(3)*] **(6)** A local government may take an exception under ORS 197.732 to the definition of "needed housing" in subsection (1) of this section in the same manner that an exception may be taken under the goals.

SECTION 7. ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[,]**:**

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) "Reasonable local regulations relating to siting and design" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

(6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

SECTION 8. Section 1, chapter 47, Oregon Laws 2018, is amended to read:

Sec. 1. (1) For purposes of this section:

(a) A household is severely rent burdened if the household spends more than 50 percent of the income of the household on gross rent for housing.

(b) A regulated affordable unit is a residential unit subject to a regulatory agreement that runs with the land and that requires affordability for an established income level for a defined period of time.

[*(c) A single-family unit may be rented or owned by a household and includes single-family homes, duplexes, townhomes, row homes and mobile homes.*]

(2)(a) The Housing and Community Services Department shall annually provide to the governing body of each city in this state with a population greater than 10,000 the most current data available from the United States Census Bureau, or any other source the department considers at least as reliable, showing the percentage of renter households in the city that are severely rent burdened.

(b) The Housing and Community Services Department, in collaboration with the Department of Land Conservation and Development, shall develop a survey form on which the governing body of

a city may provide specific information related to the affordability of housing within the city, including, but not limited to:

(A) The actions relating to land use and other related matters that the governing body has taken to increase the affordability of housing and reduce rent burdens for severely rent burdened households; and

(B) The additional actions the governing body intends to take to reduce rent burdens for severely rent burdened households.

(c) If the Housing and Community Services Department determines that at least 25 percent of the renter households in a city are severely rent burdened, the department shall provide the governing body of the city with the survey form developed pursuant to paragraph (b) of this subsection.

(d) The governing body of the city shall return the completed survey form to the Housing and Community Services Department and the Department of Land Conservation and Development within 60 days of receipt.

(3)(a) In any year in which the governing body of a city is informed under this section that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting to discuss the causes and consequences of severe rent burdens within the city, the barriers to reducing rent burdens and possible solutions.

(b) The Housing and Community Services Department may adopt rules governing the conduct of the public meeting required under this subsection.

(4) No later than February 1 of each year, the governing body of each city in this state with a population greater than 10,000 shall submit to the Department of Land Conservation and Development a report for the immediately preceding calendar year setting forth separately for each of the following categories the total number of units that were permitted and the total number that were produced:

(a) Residential units.

(b) Regulated affordable residential units.

(c) Multifamily residential units.

(d) Regulated affordable multifamily residential units.

(e) Single-family [*units*] **homes**.

(f) Regulated affordable single-family [*units*] **homes**.

(g) Accessory dwelling units.

(h) Regulated affordable accessory dwelling units.

(i) Units of middle housing, as defined in section 2 of this 2019 Act.

(j) Regulated affordable units of middle housing.

SECTION 9. ORS 455.610 is amended to read:

455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and amend as necessary, a Low-Rise Residential Dwelling Code that contains all requirements, including structural design provisions, related to the construction of residential dwellings three stories or less above grade. The code provisions for plumbing and electrical requirements must be compatible with other specialty codes adopted by the director. The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall review, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

(2) Changes or amendments to the code adopted under subsection (1) of this section may be made when:

(a) Required by geographic or climatic conditions unique to Oregon;

(b) Necessary to be compatible with other statutory provisions;

(c) Changes to the national codes are adopted in Oregon; or

(d) Necessary to authorize the use of building materials and techniques that are consistent with nationally recognized standards and building practices.

(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time following appropriate consultation with the Mechanical Board or Building Codes Structures Board,

amend the mechanical specialty code or structural specialty code to ensure compatibility with the Low-Rise Residential Dwelling Code.

(4) The water conservation provisions for toilets, urinals, shower heads and interior faucets adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS 447.020 to meet the requirements of ORS 447.145.

(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS 455.030 and 455.110.

(6) The director, by rule, shall establish uniform standards for a municipality to allow an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire apparatus means of approach to a property or water supply serving a property does not meet applicable fire code or state building code requirements. The alternate method of construction, which may include but is not limited to the installation of automatic fire sprinkler systems, must be approved in conjunction with the approval of an application under ORS 197.522.

(7) For lots of record existing before July 2, 2001, or property that receives any approval for partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director pursuant to subsection (6) of this section. For property that receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code must apply the uniform standards established by the director pursuant to subsection (6) of this section.

(8) The director, by rule, shall establish uniform standards for a municipality to allow alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020. The standards established under this subsection must include standards describing the information that must be submitted before an application for alternate approval will be deemed complete.

(9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an application for alternate approval under subsection (8) of this section no later than 15 business days after receiving a complete application.

(b) A building official who denies an application for alternate approval under this subsection shall provide to the applicant:

(A) A written explanation of the basis for the denial; and

(B) A statement that describes the applicant's appeal rights under subsection (10) of this section.

(10)(a) An appeal from a denial under subsection (9) of this section must be made through a municipal administrative process. A municipality shall provide an administrative process that:

(A) Is other than a judicial proceeding in a court of law; and

(B) Affords the party an opportunity to appeal the denial before an individual, department or body that is other than a plan reviewer, inspector or building official for the municipality.

(b) A decision in an administrative process under this subsection must be completed no later than 30 business days after the building official receives notice of the appeal.

(c) Notwithstanding ORS 455.690, a municipal administrative process required under this subsection is the exclusive means for appealing a denial under subsection (9) of this section.

(11) The costs incurred by a municipality under subsections (9) and (10) of this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

SECTION 10. **(1) It is the policy of the State of Oregon to reduce to the extent practicable administrative and permitting costs and barriers to the construction of middle housing, as defined in section 2 of this 2019 Act, while maintaining safety, public health and the general welfare with respect to construction and occupancy.**

(2) The Department of Consumer and Business Services shall submit a report describing rules and standards relating to low-rise residential dwellings proposed under ORS 455.610, as amended by section 9 of this 2019 Act, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to housing no later than January 1, 2020.

SECTION 11. **Section 12 of this 2019 Act is added to and made a part of ORS 94.550 to 94.783.**

SECTION 12. **A provision in a governing document that is adopted or amended on or after the effective date of this 2019 Act, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.**

SECTION 13. **A provision in a recorded instrument affecting real property is not enforceable if:**

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of:

(a) Middle housing, as defined in section 2 of this 2019 Act; or

(b) An accessory dwelling unit allowed under ORS 197.312 (5); and

(2) The instrument was executed on or after the effective date of this 2019 Act.

SECTION 14. **(1) Sections 2, 12 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018, by sections 5 to 9 of this 2019 Act become operative on January 1, 2020.**

(2) The Land Conservation and Development Commission, the Department of Consumer and Business Services and the Residential and Manufactured Structures Board may take any actions before the operative date specified in subsection (1) of this section necessary to enable the commission, department or board to exercise, on or after the operative date specified in subsection (1) of this section, the duties required under sections 2, 3 and 10 of this 2019 Act and the amendments to ORS 455.610 by section 9 of this 2019 Act.

SECTION 15. **In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of $3,500,000 for the purpose of providing technical assistance to local governments in implementing section 3 (1) of this 2019 Act and to develop plans to improve water, sewer, storm drainage and transportation services as described in section 4 (2) of this 2019 Act. The department shall prioritize technical assistance to cities or counties with limited planning staff or that commit to implementation earlier than the date required under section 3 (1) of this 2019 Act.**

SECTION 16. **This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.**

Passed by House June 20, 2019

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 30, 2019

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

.....
Bev Clarno, Secretary of State

Exhibit 3: Virginia House Bill 152

20104474D

HOUSE BILL NO. 152

Offered January 8, 2020

Prefiled December 18, 2019

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2292.2, relating to zoning; two-family development on single-family lots.

Patron—Samirah

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.2 as follows:

§ 15.2-2292.2. Two-family development allowed on lots zoned for single-family use.

All localities adopting a zoning ordinance under the provisions of this article shall allow development or redevelopment of middle housing residential units upon each lot zoned for single-family residential use. For purposes of this section, "middle housing" means a two-family residential unit, including duplexes, townhouses, cottages, and any similar structure by whatever name it may be known. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized residential uses. Localities may regulate the siting, design, and environmental standards of middle housing residential units, including setback requirements, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted through unreasonable costs or delay. Nothing in this section shall prohibit local governments from permitting (i) single-family dwellings in areas zoned to allow for single-family dwellings, or (ii) middle housing in areas not required under this section.

INTRODUCED

Exhibit 4: Florida Senate Bill 998

By Senator Hutson

7-00386A-20 2020998__

A bill to be entitled

An act relating to housing; amending s. 125.01055, F.S.; authorizing a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial, or industrial use; beginning on a specified date, prohibiting counties from collecting certain fees for the development or construction of affordable housing; amending s. 163.31771, F.S.; revising legislative findings; requiring local governments to adopt ordinances that allow accessory dwelling units in any area zoned for residential use; amending s. 163.31801, F.S.; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; deleting a provision authorizing counties, municipalities, and special districts to provide an exception for or waiver on impact fees for the development or construction of affordable housing; amending s. 166.04151, F.S.; authorizing governing bodies of municipalities to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use; beginning on a specified date, prohibiting municipalities from collecting certain fees for the development or construction of affordable housing; amending s. 212.05, F.S.; providing the percentage of the sales price of certain mobile homes which is subject to sales tax; providing a sales tax exemption for certain

mobile homes; amending s. 212.06, F.S.; revising the definition of the term "fixtures" to include certain mobile homes; amending s. 320.77, F.S.; revising a certification requirement for mobile home dealer applicants relating to the applicant's business location; amending s. 320.822, F.S.; revising the definition of the term "code"; amending s. 320.8232, F.S.; revising applicable standards for the repair and remodeling of mobile and manufactured homes; amending s. 367.022, F.S.; exempting certain mobile home park and mobile home subdivision owners from regulation relating to water and wastewater systems by the Florida Public Service Commission; revising an exemption from regulation for certain water service resellers; creating s. 420.0007, F.S.; providing a local permit approval process for affordable housing; requiring local governments to issue development permits if certain conditions are met; requiring applicants for development permits to submit certain notice to the local government if relying on a specified approval provision; amending s. 420.5087, F.S.; revising the criteria used by a review committee when evaluating and selecting specified applications for state apartment incentive loans; amending s. 420.5095, F.S.; renaming the Community Workforce Housing Innovation Pilot Program as the Community Workforce Housing Loan Program to provide workforce housing for essential services personnel affected by the high cost of housing; revising the definition of

the term "workforce housing"; deleting the definition of the term "public-private partnership"; authorizing the corporation to provide loans under the program to applicants for construction of workforce housing; requiring the corporation to establish a certain loan application process; deleting provisions requiring the corporation to provide incentives for local governments to use certain funds; requiring projects to receive priority consideration for funding under certain circumstances; deleting a provision providing for the expedition of local government comprehensive plan amendments to implement a program project; requiring that the corporation award loans at a specified interest rate and for a limited term; conforming provisions to changes made by the act; creating s. 420.5098, F.S.; creating the Rental to Homeownership Opportunity Program; requiring certain rental developments to establish a resident homeownership opportunity financial incentive program; specifying requirements relating to the program; authorizing the Florida Housing Finance Corporation to adopt rules; amending s. 420.531, F.S.; specifying that technical support provided to local governments and community-based organizations includes implementation of the State Apartment Incentive Loan Program; requiring the entity providing training and technical assistance to convene and administer quarterly workshops; requiring such entity to annually compile and submit certain information to the

Legislature and the corporation by a specified date; amending s. 420.9071, F.S.; revising the definition of the term "local housing incentive strategies"; amending s. 420.9075, F.S.; revising the criteria for awards made to eligible sponsors or persons relating to local housing assistance plans; revising the amount of funds that may be reserved for certain purposes; reenacting and amending s. 420.9076, F.S.; beginning on a specified date, revising the membership of local affordable housing advisory committees; requiring the committees to perform specified duties annually instead of triennially; requiring locally elected officials serving on advisory committees, or their designees, to attend quarterly regional workshops; providing a penalty; amending s. 723.041, F.S.; providing that a mobile home park damaged or destroyed due to natural force may be rebuilt with the same density as previously approved, permitted, or built; providing construction; amending s. 723.061, F.S.; revising a requirement related to mailing eviction notices; specifying the waiver and nonwaiver of certain rights of the park owner under certain circumstances; requiring the accounting at final hearing of rents received; requiring a tenant defending certain actions by a landlord to comply with certain requirements; amending s. 723.063, F.S.; revising procedures and requirements for mobile home owners and revising construction, relating to park owners' actions for rent or possession; revising

conditions under which a park owner may apply to a court for disbursement of certain funds; reenacting s. 420.507(22)(i), F.S., relating to powers of the Florida Housing Finance Corporation, to incorporate the amendment made to s. 420.5087, F.S., in a reference thereto; reenacting s. 193.018(2), F.S., relating to land owned by a community land trust used to provide affordable housing, to incorporate the amendment made to s. 420.5095, F.S., in a reference thereto; reenacting s. 420.9072(2)(a), F.S., relating to the State Housing Initiatives Partnership Program, to incorporate the amendment made to s. 420.9071, F.S., in a reference thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (4) and (5) are added to section 125.01055, Florida Statutes, to read:

125.01055 Affordable housing.—

(4) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use.

(5) Beginning October 1, 2020, a county may not collect an impact fee, a permit or inspection fee, a tree mitigation fee, a water and sewer connection fee, or a proportionate share contribution for the development or construction of housing that

is affordable, as defined in s. 420.0004.

Section 2. Subsections (1), (3), and (4) of section 163.31771, Florida Statutes, are amended to read:

163.31771 Accessory dwelling units.—

(1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas. The Legislature finds that the cost of rental housing has also increased steadily and the cost often exceeds an amount that is affordable to extremely-low-income, very-low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to require ~~encourage~~ the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(3) A ~~Upon a finding by a local government that there is a shortage of affordable rentals within its jurisdiction, the~~ local government shall ~~may~~ adopt an ordinance to allow accessory dwelling units in any area zoned for ~~single-family~~ residential use.

(4) ~~If the local government adopts an ordinance under this section,~~ An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an

affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.

Section 3. Subsection (8) of section 163.31801, Florida Statutes, is amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(8) In addition to the items that must be reported in the annual financial reports under s. 218.32, a county, municipality, or special district must report all of the following data on all impact fees charged:

(a) The specific purpose of the impact fee, including the specific infrastructure needs to be met, including, but not limited to, transportation, parks, water, sewer, and schools.

(b) The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered scales based on number of bedrooms, or tiered scales based on square footage.

(c) The amount assessed for each purpose and for each type of dwelling.

(d) The total amount of impact fees charged by type of dwelling ~~may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071~~. ~~If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.~~

Section 4. Subsections (4) and (5) are added to section 166.04151, Florida Statutes, to read:

166.04151 Affordable housing.—

(4) Notwithstanding any other law or local ordinance or

regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use.

(5) Beginning October 1, 2020, a municipality may not collect an impact fee, a permit or inspection fee, a tree mitigation fee, a water and sewer connection fee, or a proportionate share contribution for the development or construction of housing that is affordable, as defined in s. 420.0004.

Section 5. Paragraph (a) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type that ~~which~~ is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. A mobile home shall be assessed sales tax at a rate of 6 percent on 50 percent of the sales price of the mobile home, if subject to sales tax as tangible personal property. However, a mobile home is not subject to sales tax if the mobile home is intended to be permanently affixed to the land and the purchaser signs an affidavit stating that he or she intends to seek an "RP" series sticker pursuant to s. 320.0815(2). The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price that ~~which~~ is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes.

In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or aircraft by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat or aircraft will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in sub-subparagraph f., from the state within 90 days after the date of purchase or extension, or the purchaser removes a nonqualifying boat or an aircraft from this state within 10 days after the date of purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of the

repairs or alterations; or if the aircraft will be registered in a foreign jurisdiction and:

(I) Application for the aircraft's registration is properly filed with a civil airworthiness authority of a foreign jurisdiction within 10 days after the date of purchase;

(II) The purchaser removes the aircraft from the state to a foreign jurisdiction within 10 days after the date the aircraft is registered by the applicable foreign airworthiness authority; and

(III) The aircraft is operated in the state solely to remove it from the state to a foreign jurisdiction.

For purposes of this sub-subparagraph, the term "foreign jurisdiction" means any jurisdiction outside of the United States or any of its territories;

b. The purchaser, within 30 days from the date of departure, provides the department with written proof that the purchaser licensed, registered, titled, or documented the boat or aircraft outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt;

c. The purchaser, within 10 days of removing the boat or aircraft from Florida, furnishes the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or

aircraft;

d. The selling dealer, within 5 days of the date of sale, provides to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. ~~Unless~~ The nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser applies to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. The nonresident purchaser of a qualifying boat may apply to the selling dealer within 60 days after the date of purchase for an extension decal that authorizes the boat to remain in this state for an additional 90 days, but not more than a total of 180 days, before the nonresident purchaser is required to pay the tax imposed by this chapter. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, before delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued, except the

extension decal shall cost $425.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal before permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date before its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s.

775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within the maximum 180 days after purchase or a nonqualifying boat or an aircraft from this state within 10 days after purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or aircraft to return to this state within 6 months from the date of departure, except as provided in s. 212.08(7)(fff), or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or aircraft and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2). The maximum 180-day period following the sale of a qualifying boat tax-exempt to a nonresident may not be tolled for any reason.

Section 6. Paragraph (b) of subsection (14) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; “dealer” defined; dealers to collect from purchasers;

legislative intent as to scope of tax.—

(14) For the purpose of determining whether a person is improving real property, the term:

(b) "Fixtures" means items that are an accessory to a building, other structure, or land and that do not lose their identity as accessories when installed but that do become permanently attached to realty. However, the term does not include the following items, whether or not such items are attached to real property in a permanent manner:

1. Property of a type that is required to be registered, licensed, titled, or documented by this state or by the United States Government, including, but not limited to, mobile homes, except the term includes mobile homes assessed as real property or intended to be qualified and taxed as real property pursuant to s. 320.0815(2).~~, or~~

2. Industrial machinery or equipment.

For purposes of this paragraph, industrial machinery or equipment is not limited to machinery and equipment used to manufacture, process, compound, or produce tangible personal property. For an item to be considered a fixture, it is not necessary that the owner of the item also own the real property to which it is attached.

Section 7. Paragraph (h) of subsection (3) of section 320.77, Florida Statutes, is amended to read:

320.77 License required of mobile home dealers.—

(3) APPLICATION.—The application for such license shall be in the form prescribed by the department and subject to such rules as may be prescribed by it. The application shall be

verified by oath or affirmation and shall contain:

(h) Certification by the applicant:

1. That the location is a permanent one, not a tent or a temporary stand or other temporary quarters.~~; and,~~

2. Except in the case of a mobile home broker, that the location affords sufficient ~~unoccupied~~ space to display ~~store all mobile~~ homes ~~offered and displayed~~ for sale. A space to display a manufactured home as a model home is sufficient to satisfy this requirement.~~; and that~~ The location must be ~~is~~ a suitable place in which the applicant can in good faith carry on business and keep and maintain books, records, and files necessary to conduct such business, which must ~~will~~ be available at all reasonable hours to inspection by the department or any of its inspectors or other employees.

This paragraph does ~~subsection shall~~ not preclude a licensed mobile home dealer from displaying and offering for sale mobile homes in a mobile home park.

The department shall, if it deems necessary, cause an investigation to be made to ascertain if the facts set forth in the application are true and shall not issue a license to the applicant until it is satisfied that the facts set forth in the application are true.

Section 8. Paragraph (c) of subsection (2) of section 320.822, Florida Statutes, is amended to read:

320.822 Definitions; ss. 320.822-320.862.—In construing ss. 320.822-320.862, unless the context otherwise requires, the following words or phrases have the following meanings:

(2) "Code" means the appropriate standards found in:

(c) The Mobile and Manufactured Home Repair and Remodeling Code and the Used Recreational Vehicle Code.

Section 9. Subsection (2) of section 320.8232, Florida Statutes, is amended to read:

320.8232 Establishment of uniform standards for used recreational vehicles and repair and remodeling code for mobile homes.—

(2) The Mobile and Manufactured Home ~~provisions of the~~ Repair and Remodeling Code must be a uniform code, must ~~shall~~ ensure safe and livable housing, and may ~~shall~~ not be more stringent than those standards required to be met in the manufacture of mobile homes. Such code must ~~provisions shall~~ include~~, but not be limited to,~~ standards for structural adequacy, plumbing, heating, electrical systems, and fire and life safety. All repairs and remodeling of mobile and manufactured homes must be performed in accordance with department rules.

Section 10. Subsections (5) and (9) of section 367.022, Florida Statutes, are amended to read:

367.022 Exemptions.—The following are not subject to regulation by the commission as a utility nor are they subject to the provisions of this chapter, except as expressly provided:

(5) Landlords providing service to their tenants without specific compensation for the service. This exemption includes an owner of a mobile home park or a mobile home subdivision, as defined in s. 723.003, who is providing service to any person who:

(a) Is leasing a lot;

(b) Is leasing a mobile home and a lot; or

(c) Owns a lot in a mobile home subdivision.

(9) Any person who resells water service to his or her tenants or to individually metered residents for a fee that does not exceed the actual purchase price of the water and wastewater service plus the actual cost of meter reading and billing, not to exceed 9 percent of the actual cost of service.

Section 11. Section 420.0007, Florida Statutes, is created to read:

420.0007 Local permit approval process for affordable housing.—

(1) A local government has 60 days after the date it receives an application for a development permit, a construction permit, or a certificate of occupancy for affordable housing to examine the application and notify the applicant of any apparent errors or omissions and to request any additional information that the local government is authorized by law to require.

(2) If a local government does not notify the applicant of any apparent errors or omissions or request additional information within the timeframe specified in subsection (1), the local government may not deny a development permit, a construction permit, or a certificate of occupancy for affordable housing if the applicant has failed to correct the errors or the omissions or to supply the additional information.

(3) The local government may require any additional information requested to be submitted not later than 10 days after the date of the notice specified in subsection (1).

(4) For good cause shown, the local government shall grant an applicant’s request for an extension of time for submitting

the additional information.

(5) An application is complete upon receipt of all requested information and upon the correction of any error or omission of which the applicant was timely notified, or when the time for notification under subsection (1) has expired.

(6) The local government shall approve or deny an application for a development permit, a construction permit, or a certificate of occupancy for affordable housing within 30 days after receipt of a completed application unless a shorter period of time for action by local government is provided by law.

(7) If the local government does not approve or deny an application for a development permit, a construction permit, or a certificate of occupancy for affordable housing within the 30-day, or a shorter, period, the permit or certificate is considered approved by default, and the local government shall issue the development permit, the construction permit, or the certificate of occupancy, which may include reasonable conditions as authorized by law.

(8) An applicant for a development permit, a construction permit, or a certificate of occupancy seeking to receive a permit or certificate by default under subsection (7) must notify the local government in writing of the intent to rely upon the default approval provision of subsection (7), but may not take any action based upon the default approval of the development permit, the construction permit, or the certificate of occupancy until the applicant receives notification or a receipt that the local government received the notice. The applicant must retain the notification or the receipt.

Section 12. Paragraph (c) of subsection (6) of section

420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(c) The corporation shall provide by rule for the establishment of a review committee for the competitive evaluation and selection of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the corporation.

2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor’s agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period that exceeds the minimum required by federal law or this part.

4. Sponsor’s agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor’s agreement to accept rental assistance certificates or vouchers as payment for rent.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost, except that the share of the loan attributable to units serving extremely-low-income persons must be excluded from this requirement.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing and policies that promote access to public transportation, reduce the need for onsite parking, and expedite permits for affordable housing projects as provided in s. 420.0007.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor’s prior experience.

13. Sponsor’s ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects that reserve units for extremely-low-income persons.

16. Projects that include green building principles, storm-resistant construction, or other elements that reduce long-term

costs relating to maintenance, utilities, or insurance.

17. Job-creation rate of the developer and general contractor, as provided in s. 420.507(47).

Section 13. Section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~ Program.—

(1) The Legislature finds and declares that recent rapid increases in the median purchase price of a home and the cost of rental housing have far outstripped the increases in median income in the state, preventing essential services personnel from living in the communities where they serve and thereby creating the need for innovative solutions for the provision of housing opportunities for essential services personnel.

(2) The Community Workforce Housing Loan ~~Innovation Pilot~~ Program is created to provide ~~affordable rental and home ownership community~~ workforce housing for essential services personnel affected by the high cost of housing~~, using regulatory incentives and state and local funds to promote local public-private partnerships and leverage government and private resources~~.

(3) For purposes of this section, the term~~:~~

~~(a)~~ "workforce housing" means housing affordable to natural persons or families whose total annual household income does not exceed 80 ~~140~~ percent of the area median income, adjusted for household size, or 120 ~~150~~ percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas

that were designated as areas of critical state concern for at least 20 consecutive years before ~~prior to~~ removal of the designation.

~~(b) "Public-private partnership" means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.~~

(4) The Florida Housing Finance Corporation is authorized to provide loans under the ~~Community Workforce Housing Innovation Pilot~~ program ~~loans~~ to applicants ~~an applicant~~ for construction ~~or rehabilitation~~ of workforce housing ~~in eligible areas. This funding is intended to be used with other public and private sector resources~~.

(5) The corporation shall establish a loan application process under s. 420.5087 ~~by rule which includes selection criteria, an application review process, and a funding process~~. ~~The corporation shall also establish an application review committee that may include up to three private citizens representing the areas of housing or real estate development, banking, community planning, or other areas related to the development or financing of workforce and affordable housing.~~

~~(a) The selection criteria and application review process must include a procedure for curing errors in the loan applications which do not make a substantial change to the proposed project.~~

~~(b) To achieve the goals of the pilot program, the application review committee may approve or reject loan applications or responses to questions raised during the review of an application due to the insufficiency of information provided.~~

~~(c) The application review committee shall make recommendations concerning program participation and funding to the corporation's board of directors.~~

~~(d) The board of directors shall approve or reject loan applications, determine the tentative loan amount available to each applicant, and rank all approved applications.~~

~~(e) The board of directors shall decide which approved applicants will become program participants and determine the maximum loan amount for each program participant.~~

~~(6) The corporation shall provide incentives for local governments in eligible areas to use local affordable housing funds, such as those from the State Housing Initiatives Partnership Program, to assist in meeting the affordable housing needs of persons eligible under this program. Local governments are authorized to use State Housing Initiative Partnership Program funds for persons or families whose total annual household income does not exceed:~~

~~(a) One hundred and forty percent of the area median income, adjusted for household size; or~~

~~(b) One hundred and fifty percent of the area median income, adjusted for household size, in areas that were designated as areas of critical state concern for at least 20 consecutive years prior to the removal of the designation and in areas of critical state concern, designated under s. 380.05, for~~

~~which the Legislature has declared its intent to provide affordable housing.~~

~~(7) Funding shall be targeted to innovative projects in areas where the disparity between the area median income and the median sales price for a single-family home is greatest, and where population growth as a percentage rate of increase is greatest. The corporation may also fund projects in areas where innovative regulatory and financial incentives are made available. The corporation shall fund at least one eligible project in as many counties and regions of the state as is practicable, consistent with program goals.~~

(6)~~(8)~~ Projects must be given ~~shall receive~~ priority consideration for funding if ~~where~~:

(a) The local jurisdiction has adopted, or is committed to adopting, appropriate regulatory incentives, ~~or the local jurisdiction or public-private partnership has adopted or is committed to adopting~~ local contributions or financial strategies, or other funding sources to promote the development and ongoing financial viability of such projects. Local incentives include such actions as expediting review of development orders and permits, supporting development near transportation hubs and major employment centers, and adopting land development regulations designed to allow flexibility in densities, use of accessory units, mixed-use developments, and flexible lot configurations. Financial strategies include such actions as promoting employer-assisted housing programs, providing tax increment financing, and providing land.

~~(b) Projects are innovative and include new construction or rehabilitation; mixed-income housing; commercial and housing~~

~~mixed-use elements; innovative design; green building principles; storm-resistant construction; or other elements that reduce long-term costs relating to maintenance, utilities, or insurance and promote homeownership. The program funding may not exceed the costs attributable to the portion of the project that is set aside to provide housing for the targeted population.~~

(b) ~~(c)~~ The projects ~~that~~ set aside not more than 50 ~~at least 80~~ percent of units for workforce housing ~~and at least 50 percent for essential services personnel and for projects that require the least amount of program funding compared to the overall housing costs for the project~~.

~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment under this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184(11)(b)2. shall include a statement that the local government intends to use the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(4)(e). Any further proceedings shall be governed by s. 163.3184(5)-(13).~~

~~(10) The processing of approvals of development orders or~~

~~development permits, as defined in s. 163.3164, for innovative community workforce housing projects shall be expedited.~~

(7)~~(11)~~ The corporation shall award loans with a 1 ~~interest rates set at 1 to 3~~ percent interest rate for a term that does not exceed 15 years~~, which may be made forgivable when long-term affordability is provided and when at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services personnel~~.

~~(12) All eligible applications shall:~~

~~(a) For home ownership, limit the sales price of a detached unit, townhome, or condominium unit to not more than 90 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all eligible purchasers of home ownership units occupy the homes as their primary residence.~~

~~(b) For rental units, restrict rents for all workforce housing serving those with incomes at or below 120 percent of area median income at the appropriate income level using the restricted rents for the federal low-income housing tax credit program and, for workforce housing units serving those with incomes above 120 percent of area median income, restrict rents to those established by the corporation, not to exceed 30 percent of the maximum household income adjusted to unit size.~~

~~(c) Demonstrate that the applicant is a public-private partnership in an agreement, contract, partnership agreement, memorandum of understanding, or other written instrument signed by all the project partners.~~

~~(d) Have grants, donations of land, or contributions from the public-private partnership or other sources collectively totaling at least 10 percent of the total development cost or $2 million, whichever is less. Such grants, donations of land, or contributions must be evidenced by a letter of commitment, agreement, contract, deed, memorandum of understanding, or other written instrument at the time of application. Grants, donations of land, or contributions in excess of 10 percent of the development cost shall increase the application score.~~

~~(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in subsection (8) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with the Department of Economic Opportunity in evaluating the use of regulatory incentives by applicants.~~

~~(f) Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.~~

~~(g) Demonstrate the applicant's affordable housing development and management experience.~~

~~(h) Provide any research or facts available supporting the demand and need for rental or home ownership workforce housing for eligible persons in the market in which the project is proposed.~~

~~(13) Projects may include manufactured housing constructed after June 1994 and installed in accordance with mobile home installation standards of the Department of Highway Safety and Motor Vehicles.~~

(8) ~~(14)~~ The corporation may adopt rules pursuant to ss.

120.536(1) and 120.54 to implement this section.

~~(15) The corporation may use a maximum of 2 percent of the annual program appropriation for administration and compliance monitoring.~~

~~(16) The corporation shall review the success of the Community Workforce Housing Innovation Pilot Program to ascertain whether the projects financed by the program are useful in meeting the housing needs of eligible areas and shall include its findings in the annual report required under s. 420.511(3).~~

Section 14. Section 420.5098, Florida Statutes, is created to read:

420.5098 Rental to Homeownership Opportunity Program.—

(1) Each rental development receiving funding authorized by this chapter shall establish a resident homeownership opportunity financial incentive program that includes the following provisions:

(a) The incentive must be not less than 5 percent of the rent for the resident's unit during the resident's entire occupancy.

(b) The resident will receive the incentive for all months for which the resident is in compliance with the terms and conditions of the lease.

(c) The benefits of the incentive must accrue from the beginning of occupancy.

(d) The benefit must be in the form of a gift or grant and may not be a loan of any nature.

(e) Damages to the unit in excess of the security deposit will be deducted from the incentive.

(f) The vesting period may not be longer than 3 years of continuous residency.

(g) A fee, deposit, or any other such charge may not be levied against the resident as a condition of participation in this program.

(2) The incentive must be applicable to a home selected by the resident and may not be restricted to or be enhanced by the purchase of homes in which a rental funding applicant, rental developer, or other related party has an interest.

(3) The corporation may adopt rules to implement this section.

Section 15. Section 420.531, Florida Statutes, is amended to read:

420.531 Affordable Housing Catalyst Program.—

(1) The corporation shall operate the Affordable Housing Catalyst Program for the purpose of securing the expertise necessary to provide specialized technical support to local governments and community-based organizations to implement the HOME Investment Partnership Program, State Apartment Incentive Loan Program, State Housing Initiatives Partnership Program, and other affordable housing programs. To the maximum extent feasible, the entity to provide the necessary expertise must be recognized by the Internal Revenue Service as a nonprofit tax-exempt organization. It must have as its primary mission the provision of affordable housing training and technical assistance, an ability to provide training and technical assistance statewide, and a proven track record of successfully providing training and technical assistance under the Affordable Housing Catalyst Program. The technical support shall, at a

minimum, include training relating to the following key elements of the partnership programs:

(a) ~~(1)~~ Formation of local and regional housing partnerships as a means of bringing together resources to provide affordable housing.

(b) ~~(2)~~ Implementation of regulatory reforms to reduce the risk and cost of developing affordable housing.

(c) ~~(3)~~ Implementation of affordable housing programs included in local government comprehensive plans.

(d) ~~(4)~~ Compliance with requirements of federally funded housing programs.

(2) In consultation with the corporation, the entity providing statewide training and technical assistance shall convene and administer quarterly, regional workshops for the locally elected officials serving on affordable housing advisory committees as provided in s. 420.9076. The regional workshops may be conducted through teleconferencing or other technological means and must include processes and programming that facilitate peer-to-peer identification and sharing of best affordable housing practices among the locally elected officials. Annually, calendar year reports summarizing the deliberations, actions, and recommendations of each region, as well as the attendance records of locally elected officials, must be compiled by the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program and must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the corporation by March 31 of the following year.

Section 16. Subsections (16) and (25) of section 420.9071,

Florida Statutes, are amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(16) "Local housing incentive strategies" means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include, at a minimum, expediting development permits, as defined in s. 163.3164, for affordable housing as provided in s. 420.0007 ~~assurance that permits for affordable housing projects are expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.~~; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

(25) "Recaptured funds" means funds that are recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to s. 420.9075(5)(h) ~~s. 420.9075(5)(j)~~ from eligible persons or eligible sponsors, which funds were not used for assistance to an eligible household for an eligible activity, when there is a default on the terms of a grant award or loan award.

Section 17. Paragraphs (b) through (g) and paragraph (n) of subsection (5) and subsection (7) of section 420.9075, Florida Statutes, are amended to read:

420.9075 Local housing assistance plans; partnerships.—

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(b) Up to 30 ~~25~~ percent of the funds made available in each county and eligible municipality from the local housing distribution may be reserved for rental housing for eligible persons or for the purposes enumerated in s. 420.9072(7)(b).

(c) From ~~At least 75 percent of~~ the funds made available in each county and eligible municipality from the local housing distribution, each local government may reserve funds ~~must be reserved~~ for construction, rehabilitation, or emergency repair of affordable, eligible housing; use funds to serve persons with special needs as defined in s. 420.0004; use funds for manufactured housing; and reserve funds for awards to very-low-income or low-income persons or eligible sponsors who will serve very-low-income or low-income persons.

~~(d) Each local government must use a minimum of 20 percent of its local housing distribution to serve persons with special needs as defined in s. 420.0004. A local government must certify that it will meet this requirement through existing approved strategies in the local housing assistance plan or submit a new local housing assistance plan strategy for this purpose to the corporation for approval to ensure that the plan meets this requirement. The first priority of these special needs funds must be to serve persons with developmental disabilities as defined in s. 393.063, with an emphasis on home modifications, including technological enhancements and devices, which will allow homeowners to remain independent in their own homes and~~

~~maintain their homeownership.~~

~~(e) Not more than 20 percent of the funds made available in each county and eligible municipality from the local housing distribution may be used for manufactured housing.~~

(d) ~~(f)~~ The sales price or value of new or existing eligible housing may not exceed 90 percent of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs or as otherwise established by the United States Department of the Treasury.

(e) ~~(g)1.~~ All units constructed, rehabilitated, or otherwise assisted with the funds provided from the local housing assistance trust fund must be occupied by very-low-income persons, low-income persons, and moderate-income persons except as otherwise provided in this section.

~~2. At least 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to very-low-income persons or eligible sponsors who will serve very-low-income persons and at least an additional 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to low-income persons or eligible sponsors who will serve low-income persons. This subparagraph does not apply to a county or an eligible municipality that includes, or has included within the previous 5 years, an area of critical state concern designated or ratified by the Legislature for which the Legislature has declared its intent to provide affordable housing. The exemption created by this act~~

~~expires on July 1, 2013, and shall apply retroactively.~~

(l) ~~(n)~~ Funds from the local housing distribution not used to meet the criteria established in paragraph (a) or paragraph (c) or not used for the administration of a local housing assistance plan must be used for housing production and finance activities, including, but not limited to, financing preconstruction activities or the purchase of existing units, providing rental housing, and providing home ownership training to prospective home buyers and owners of homes assisted through the local housing assistance plan.

1. Notwithstanding the provisions of paragraphs (a) and (c), program income as defined in s. 420.9071(24) may also be used to fund activities described in this paragraph.

2. When preconstruction due-diligence activities conducted as part of a preservation strategy show that preservation of the units is not feasible and will not result in the production of an eligible unit, such costs shall be deemed a program expense rather than an administrative expense if such program expenses do not exceed 3 percent of the annual local housing distribution.

3. If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraphs (a) and (e) ~~(g) of~~

~~this subsection~~.

4. Each county and each eligible municipality may award funds as a grant for construction, rehabilitation, or repair as part of disaster recovery or emergency repairs or to remedy accessibility or health and safety deficiencies. Any other grants must be approved as part of the local housing assistance plan.

(7) The moneys deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan. The cost of administering the plan may not exceed 5 percent of the local housing distribution moneys and program income deposited into the trust fund~~. A county or an eligible municipality may not exceed the 5-percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan. The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund~~, except that small counties, as defined in s. 120.52(19), and eligible municipalities receiving a local housing distribution of up to $350,000 may use up to 10 percent of program income for administrative costs.

Section 18. Subsections (2) and (4) of section 420.9076, Florida Statutes, are amended, subsection (10) is added to that section, and subsections (1) and (6) of that section are reenacted, to read:

420.9076 Adoption of affordable housing incentive

strategies; committees.—

(1) Each county or eligible municipality participating in the State Housing Initiatives Partnership Program, including a municipality receiving program funds through the county, or an eligible municipality must, within 12 months after the original adoption of the local housing assistance plan, amend the plan to include local housing incentive strategies as defined in s. 420.9071(16).

(2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee. Pursuant to the terms of any interlocal agreement, a county and municipality may create and jointly appoint an advisory committee. The local action adopted pursuant to s. 420.9072 which creates the advisory committee and appoints the advisory committee members must name at least 8 but not more than 11 committee members and specify their terms. Effective October 1, 2020, the committee must consist of one locally elected official from each county or municipality participating in the State Housing Initiatives Partnership Program and one representative from at least six of the categories below:

(a) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.

(b) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

(c) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.

(d) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.

(e) A citizen who is actively engaged as a for-profit provider of affordable housing.

(f) A citizen who is actively engaged as a not-for-profit provider of affordable housing.

(g) A citizen who is actively engaged as a real estate professional in connection with affordable housing.

(h) A citizen who actively serves on the local planning agency pursuant to s. 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.

(i) A citizen who resides within the jurisdiction of the local governing body making the appointments.

(j) A citizen who represents employers within the jurisdiction.

(k) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

(4) Annually ~~Triennially~~, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local

government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit an annual ~~a~~ report to the local governing body and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program which ~~that~~ includes recommendations on~~, and triennially thereafter evaluates~~ the implementation of~~,~~ affordable housing incentives in the following areas:

(a) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.

(b) All allowable fee waivers provided ~~The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment~~ for the development or construction of affordable housing.

(c) The allowance of flexibility in densities for affordable housing.

(d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.

(e) ~~The allowance of~~ Affordable accessory residential units ~~in residential zoning districts~~.

(f) The reduction of parking and setback requirements for affordable housing.

(g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

(h) The modification of street requirements for affordable housing.

(i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

(j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

(k) The support of development near transportation hubs and major employment centers and mixed-use developments.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform an ~~the~~ initial review but may elect to not perform the annual ~~triennial~~ review.

(6) Within 90 days after the date of receipt of the evaluation and local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies required under s. 420.9071(16). The local government must consider the strategies specified in paragraphs (4)(a)-(k) as recommended by the advisory committee.

(10) The locally elected official serving on an advisory committee, or a locally elected designee, must attend quarterly regional workshops convened and administered under the

Affordable Housing Catalyst Program as provided in s. 420.531(2). If the locally elected official or a locally elected designee fails to attend a regional workshop, the corporation may withhold funds pending the person's attendance at the next regularly scheduled quarterly meeting.

Section 19. Subsections (5) and (6) are added to section 723.041, Florida Statutes, to read:

723.041 Entrance fees; refunds; exit fees prohibited; replacement homes.—

(5) A mobile home park that is damaged or destroyed due to wind, water, or other natural force may be rebuilt on the same site with the same density as was approved, permitted, or built before the park was damaged or destroyed.

(6) This section does not limit the regulation of the uniform firesafety standards established under s. 633.206, but supersedes any other density, separation, setback, or lot size regulation adopted after initial permitting and construction of the mobile home park.

Section 20. Subsection (4) of section 723.061, Florida Statutes, is amended, and subsections (5) and (6) are added to that section, to read:

723.061 Eviction; grounds, proceedings.—

(4) Except for the notice to the officers of the homeowners' association under subparagraph (1)(d)1., any notice required by this section must be in writing~~,~~ and must be posted on the premises and sent to the mobile home owner and tenant or occupant, as appropriate, by United States mail ~~certified or registered mail, return receipt requested~~, addressed to the mobile home owner and tenant or occupant, as appropriate, at her

or his last known address. Delivery of the mailed notice is ~~shall be~~ deemed given 5 days after the date of postmark.

(5) If the park owner accepts payment of any portion of the lot rental amount with actual knowledge of noncompliance after notice and termination of the rental agreement due to a violation under paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e), the park owner does not waive the right to terminate the rental agreement or the right to bring a civil action for the noncompliance, but not for any subsequent or continuing noncompliance. Any rent so received must be accounted for at the final hearing.

(6) A tenant who intends to defend against an action by the landlord for possession for noncompliance under paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) must comply with s. 723.063(2).

Section 21. Section 723.063, Florida Statutes, is amended to read:

723.063 Defenses to action for rent or possession; procedure.—

(1)(a) In any action based upon nonpayment of rent or seeking to recover unpaid rent, or a portion thereof, the mobile home owner may defend upon the ground of a material noncompliance with any portion of this chapter or may raise any other defense, whether legal or equitable, which he or she may have.

(b) The defense of material noncompliance may be raised by the mobile home owner only if 7 days have elapsed after he or she has notified the park owner in writing of his or her intention not to pay rent, or a portion thereof, based upon the

park owner's noncompliance with portions of this chapter, specifying in reasonable detail the provisions in default. A material noncompliance with this chapter by the park owner is a complete defense to an action for possession based upon nonpayment of rent, or a portion thereof, and, upon hearing, the court or the jury, as the case may be, shall determine the amount, if any, by which the rent is to be reduced to reflect the diminution in value of the lot during the period of noncompliance with any portion of this chapter. After consideration of all other relevant issues, the court shall enter appropriate judgment.

(2) In any action by the park owner or a mobile home owner brought under subsection (1), the mobile home owner shall pay into the registry of the court that portion of the accrued rent, if any, relating to the claim of material noncompliance as alleged in the complaint, or as determined by the court. The court shall notify the mobile home owner of such requirement. The failure of the mobile home owner to pay the rent~~, or portion thereof,~~ into the registry of the court or to file a motion to determine the amount of rent to be paid into the registry within 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of service of process constitutes an absolute waiver of the mobile home owner's defenses other than payment, and the park owner is entitled to an immediate default judgment for removal of the mobile home owner with a writ of possession to be issued without further notice or hearing thereon. If a motion to determine rent is filed, the movant must provide sworn documentation in support of his or her allegation that the rent alleged in the complaint is erroneous ~~as required herein~~

~~constitutes an absolute waiver of the mobile home owner's defenses other than payment, and the park owner is entitled to an immediate default~~.

(3) When the mobile home owner has deposited funds into the registry of the court in accordance with ~~the provisions of~~ this section ~~and the park owner is in actual danger of loss of the premises or other personal hardship resulting from the loss of rental income from the premises~~, the park owner may apply to the court for disbursement of all or part of the funds or for prompt final hearing, whereupon the court shall advance the cause on the calendar. The court, after preliminary hearing, may award all or any portion of the funds on deposit to the park owner or may proceed immediately to a final resolution of the cause.

Section 22. For the purpose of incorporating the amendment made by this act to section 420.5087, Florida Statutes, in a reference thereto, paragraph (i) of subsection (22) of section 420.507, Florida Statutes, is reenacted to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(i) Establish, by rule, the procedure for competitively evaluating and selecting all applications for funding based on the criteria set forth in s. 420.5087(6)(c), determining actual loan amounts, making and servicing loans, and exercising the

powers authorized in this subsection.

Section 23. For the purpose of incorporating the amendment made by this act to section 420.5095, Florida Statutes, in a reference thereto, subsection (2) of section 193.018, Florida Statutes, is reenacted to read:

193.018 Land owned by a community land trust used to provide affordable housing; assessment; structural improvements, condominium parcels, and cooperative parcels.—

(2) A community land trust may convey structural improvements, condominium parcels, or cooperative parcels, that are located on specific parcels of land that are identified by a legal description contained in and subject to a ground lease having a term of at least 99 years, for the purpose of providing affordable housing to natural persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, or the income limits for workforce housing, as defined in s. 420.5095(3). A community land trust shall retain a preemptive option to purchase any structural improvements, condominium parcels, or cooperative parcels on the land at a price determined by a formula specified in the ground lease which is designed to ensure that the structural improvements, condominium parcels, or cooperative parcels remain affordable.

Section 24. For the purpose of incorporating the amendment made by this act to section 420.9071, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 420.9072, Florida Statutes, is reenacted to read:

420.9072 State Housing Initiatives Partnership Program.—The State Housing Initiatives Partnership Program is created for the

purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(2)(a) To be eligible to receive funds under the program, a county or eligible municipality must:

1. Submit to the corporation its local housing assistance plan describing the local housing assistance strategies established pursuant to s. 420.9075;

2. Within 12 months after adopting the local housing assistance plan, amend the plan to incorporate the local housing incentive strategies defined in s. 420.9071(16) and described in s. 420.9076; and

3. Within 24 months after adopting the amended local housing assistance plan to incorporate the local housing incentive strategies, amend its land development regulations or establish local policies and procedures, as necessary, to implement the local housing incentive strategies adopted by the local governing body. A county or an eligible municipality that has adopted a housing incentive strategy pursuant to s. 420.9076 before the effective date of this act shall review the status of implementation of the plan according to its adopted schedule for implementation and report its findings in the annual report required by s. 420.9075(10). If, as a result of the review, a county or an eligible municipality determines that the implementation is complete and in accordance with its schedule, no further action is necessary. If a county or an eligible

municipality determines that implementation according to its schedule is not complete, it must amend its land development regulations or establish local policies and procedures, as necessary, to implement the housing incentive plan within 12 months after the effective date of this act, or if extenuating circumstances prevent implementation within 12 months, pursuant to s. 420.9075(13), enter into an extension agreement with the corporation.

Section 25. This act shall take effect July 1, 2020.

Exhibit 5: Minneapolis Zoning Ordinance

Ordinance No. 2019-048 **City of Minneapolis** **File No. 2019-00217**

Author: Bender | Notice: Feb 15, 2019 | 1st Reading: Mar 1, 2019 | Committee: ZP

Public Hearing: None | 2nd Reading: Nov 8, 2019 | Passage: Nov 8, 2019 | Publication: NOV 16 2019

RECORD OF COUNCIL VOTE				
COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT
Bender	X			
Jenkins	X			
Johnson	X			
Gordon	X			
Reich	X			
Fletcher	X			
Cunningham	X			
Ellison	X			
Warsame	X			
Goodman	X			
Cano	X			
Schroeder	X			
Palmisano	X			

MAYOR ACTION

☑ APPROVED ☐ VETOED

MAYOR

NOV 13 2019

DATE

Certified an official action of the City Council

ATTEST:

CITY CLERK

Presented to Mayor: NOV 08 2019

Received from Mayor: NOV 13 2019

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

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

Section 1. That the definitions for "Cluster development" and "Dwelling" contained in Section 520.160 of Chapter 520, Introductory Provisions, be amended 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.

Cluster development. A unified development of not less than ~~three (3)~~ two (2) dwelling units, either attached or detached, in which one (1) or more principal buildings are grouped together in order to preserve common space for the benefit of the residents of the development. Cluster development allows flexibility in the location of residential structures and the size of individual lots in order to encourage a variety of housing types and the efficient use of land.

Dwelling. A building, or portion thereof, containing one (1) or more dwelling units, designed or used exclusively for human habitation.

Accessory dwelling unit. A dwelling unit that is located on the same lot as a principal residential structure to which it is accessory, and that is subordinate in area to the principal dwelling.

Efficiency unit. A dwelling unit consisting of one (1) principal room exclusive of bathroom, kitchen, hallways and closets.

Multiple-family dwelling. A building, or portion thereof, containing three (3) or more dwelling units, not including an accessory dwelling unit.

Single-family dwelling. A building containing one (1) dwelling unit only, except that the structure may also contain an accessory dwelling unit where expressly authorized pursuant to this ordinance. A detached accessory dwelling unit shall not be considered a single-family dwelling unit for the purposes of this ordinance.

Two-family dwelling. A building containing two (2) dwelling units only, neither of which is an accessory dwelling unit, and each of which is separated from the other by an unpierced wall extending from ground to roof for at least eighty (80) percent of the length of the structure or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Three-family dwelling. A building containing three (3) dwelling units only, none of which are an accessory dwelling unit, and that are attached vertically or horizontally.

Section 2. That Section 521.10 contained in Chapter 521, Zoning Districts and Maps Generally, be amended to read as follows:

521.10. - Establishment of zoning districts. In order to carry out the purposes and provisions of this zoning ordinance, the city shall be divided into the following zoning districts:

(1) *Residence Districts.*
R1 ~~Single-family~~ Multiple-family District
R1A ~~Single-family~~ Multiple-family District
R2 ~~Two-family~~ Multiple-family District
R2B ~~Two-family~~ Multiple-family District
R3 Multiple-family District
R4 Multiple-family District
R5 Multiple-family District
R6 Multiple-family District

(2) *Office Residence Districts.*
OR1 Neighborhood Office Residence District
OR2 High Density Office Residence District
OR3 Institutional Office Residence District

(3) *Commercial Districts.*
C1 Neighborhood Commercial District
C2 Neighborhood Corridor Commercial District
C3A Community Activity Center District
C3S Community Shopping Center District
C4 General Commercial District

(4) *Industrial Districts.*
I1 Light Industrial District
I2 Medium Industrial District
I3 General Industrial District

(5) *Downtown Districts.*
B4 Downtown Business District
B4S Downtown Service District
B4C Downtown Commercial District
B4N Downtown Neighborhood District

(6) *Overlay Districts.*
PO Pedestrian Oriented Overlay District
IL Industrial Living Overlay District
TP Transitional Parking Overlay District
SH Shoreland Overlay District
FP Floodplain Overlay District
MR Mississippi River Critical Area Overlay District
DP Downtown Parking Overlay District
B4H Downtown Housing Overlay District
DH Downtown Height Overlay District
NM Nicollet Mall Overlay District
HA Harmon Area Overlay District
AP Airport Overlay District
WB West Broadway Overlay District
UA University Area Overlay District
DS Downtown Shelter Overlay District
SZ Split Zoning Overlay District

Section 3. That Section 525.100 contained in Chapter 525, Administration and Enforcement, be amended to read as follows:

525.100. - City planning commission. (a) *Establishment*. The city planning commission is established by Article VII of the Minneapolis City Charter and shall perform its duties and exercise its powers as provided therein.

(b) *Jurisdiction and authority*. The city planning commission shall have the following powers and duties in connection with the administration of this zoning ordinance:

(1) To initiate amendments to the text of this zoning ordinance and to the zoning map.

(2) To hear and make recommendations to the city council on proposed amendments to this zoning ordinance, including rezonings.

(3) To initiate amendments to the comprehensive plan.

(4) To hear and make recommendations to the city council on proposed amendments to the comprehensive plan.

(5) To hear and decide applications for conditional use permit.

(6) To hear and decide applications for site plan review, pursuant to the procedures and standards set forth in Chapter 530, Site Plan Review.

(7) To hear and decide applications for expansion of a nonconforming use and change of nonconforming use, pursuant to the procedures and standards set forth in Chapter 531, Nonconforming Uses and Structures.

(8) To hear and decide applications for land use reviews, including but not limited to variances and certificates of nonconforming use, as part of concurrent review, pursuant to section 525.20.

(9) To hear and decide appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, planning director or other official in the administration or the enforcement of this zoning ordinance with respect to administrative review of permitted communication towers, antennas and base units, travel demand management plans, transfer of development rights, floor area ratio premiums, and site plan review except those involving ~~single-and-two-family-dwellings-and multiple-family-dwellings-having-three-(3)-or-four-(4)-dwelling-units~~ single-, two-, and three-family dwellings.

(10) To recommend to the city council appointments to the board of adjustment.

(c) *Public hearings*. The city planning commission shall schedule public hearings not less than twice per month, except in those months where the chair determines that because of holiday schedules or the number of agenda items, one (1) meeting is sufficient to carry out the commission's duties. Such public hearings shall be noticed and conducted pursuant to the provisions of section 525.150.

(d) *Rules and procedures*. The city planning commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for its proper functioning, and select or appoint officers as it deems necessary. Such policies and procedures shall be consistent with the city charter and this zoning ordinance.

(e) *Compensation of city planning commission members*. The members or the representative of a member of the city planning commission, except those who are paid by the city or any other public body or agency for attending or serving on the commission, shall be paid at the rate of fifty dollars ($50.00) for

each official meeting attended with a limitation of one (1) meeting per day and four (4) meetings per month.

(f) *Membership*. The city planning commission shall consist of ten (10) members. Members shall serve for a term of two (2) years. Four (4) members shall be appointed by the mayor. Each year the mayor shall appoint two (2) members, who are city residents and not members of any body or board otherwise represented on the commission, to serve for terms of two (2) years each commencing on the first day of February of the year of their appointment. The city council shall appoint one (1) member, who is a city resident, in January of each even-numbered year. The city council, park and recreation board, and school board shall each elect one (1) of their own members to serve on the city planning commission in January of each even-numbered year. One (1) member shall be the mayor or their representative. One (1) member shall be a representative selected by the board of county commissioners every two (2) years. Vacancies shall be filled for any unexpired term in the same manner as the appointment or selection is made.

Section 4. That Table 525-1 Fees contained in Section 525.160 of Chapter 525, Administration and Enforcement, be amended to read as follows:

Table 525-1 Fees

Application Type	Fee (dollars)
Administrative reviews of accessory dwelling units	325
Administrative reviews of communication towers, antennas, and base units	280
Administrative reviews of donation collection bins	115
Administrative reviews to increase height or floor area of accessory structures	200
Administrative reviews to increase height or floor area of single and two-family dwellings	170
Administrative reviews of plazas	450
Administrative reviews of skyways	450
Appeals of the ruling of the board of adjustment or city planning commission	450
Appeals of the ruling of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance	450
Certificates of nonconforming use	620
Conditional use permits 0—9,999 square feet of lot area 10,000—43,559 square feet of lot area 43,560 square feet of lot area or more	 650 875 1,085
Conditional use permits for the following uses Signs	 670

Planned unit developments Wind energy conversion systems	2,570 670
Environmental reviews	615 or the actual costs of environmental review processes as determined by the planning director, whichever is greater
Expansion or change of nonconforming use	720
Floor area ratio premiums	450
Future Land Use Map amendments	1,100
Interim uses	780
Shared parking	260
Site plan review 0—9,999 square feet of lot area 10,000—43,559 square feet of lot area 43,560, square feet of lot area or more Amendment to approved plan filed within two (2) years of original approval	 950 1,400 1,850 450
Site plan review, Administrative 0—9,999 square feet of lot area 10,000—43,559 square feet of lot area 43,560 square feet of lot area or more Amendment to approved plan filed within two (2) years of original approval	 675 930 1,150 300
Site plan review, Administrative, for ~~single-and-two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units~~ single-, two-, and three-family dwellings	475
Temporary uses	140
Transfer of development rights	450
Travel demand management plans	620
Variances 0—9,999 square feet of lot area 10,000—43,559 square feet of lot area 43,560 square feet of lot area or more	 525 780 1,000
Variances involving residential uses on reverse corner lots or through lots having less than 10,000 square feet of lot area	220
Waiver of restrictions of interim ordinances	450
Zoning amendments 0—9,999 square feet of lot area	 840

10,000—43,559 square feet of lot area	1,110
43,560 square feet of lot area or more	1,400

Section 5. That Section 525.520 contained in Chapter 525, Administration and Enforcement, be amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(22) To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures, except that specific minimum distance and spacing requirements may be varied only to allow for the relocation of an existing use where the relocation will increase the spacing between such use and any use from which it is nonconforming as to spacing, or will increase the distance between such use and any protected boundary or use from which it is nonconforming as to distance.

Further, the owner occupancy requirement for accessory dwelling units and the limit of one (1) accessory dwelling unit per zoning lot shall not be varied.

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

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

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

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

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

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

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

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

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

Section 6. That Table 530-1 Buildings and Uses Subject to Site Plan Review contained in Section 530.30 of Chapter 530, Site Plan Review, be amended to read as follows:

Table 530-1 Buildings and Uses Subject to Site Plan Review

Any new principal non-residential or mixed use building. The site plan review application may be reviewed administratively if both of the following apply: (1) The project or proposal does not include any other land use application requiring a public hearing. (2) The building contains less than twenty thousand (20,000) square feet of gross floor area.
Any addition to a non-residential or mixed use building that would increase its gross floor area by two thousand five hundred (2,500) square feet or more. The site plan review application may be reviewed administratively if each of the following apply:

(1) The project or proposal does not include any other land use application requiring a public hearing. (2) The building addition contains less than twenty thousand (20,000) square feet of gross floor area. [1]
Any building or use containing ~~five (5)~~ four (4) or more new or additional dwelling units or rooming units. [2] The site plan review application may be reviewed administratively if both of the following apply: (1) The project or proposal does not include any other land use application requiring a public hearing. (2) The proposal includes fewer than ten (10) new or additional dwelling units or rooming units.
Any use that includes the intensification, expansion or reconstruction of a legal nonconforming drive-through facility
Automobile services uses
Freestanding accessory parking garages containing thirty (30) or more new or additional parking spaces [3]
Principal parking facilities containing ten (10) or more new or additional parking spaces [4]
Public services and utilities uses
Recycling facility
~~Single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units~~ Any new single-, two-, or three-family dwellings. The site plan review application shall be reviewed administratively and shall be subject to the standards of Article VI, ~~Single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units~~ Single-, Two-, and Three-family Dwellings.
Transportation uses

[1] Additions that total two thousand five hundred (2,500) square feet or more in any three (3) year period shall be subject to site plan review.

[2] Additions that total ~~five (5)~~ four (4) or more dwelling or rooming units in any three (3) year period shall be subject to site plan review and additions that total ten (10) or more dwelling or rooming units in any three (3) year period shall require a public hearing and shall not be eligible for administrative review.

[3] Additions that total thirty (30) or more parking spaces in any three (3) year period shall be subject to site plan review.

[4] Additions that total ten (10) or more parking spaces in any three (3) year period shall be subject to site plan review.

Section 7. That the title of Article VI contained in Chapter 530, Site Plan Review, be amended to read as follows:

ARTICLE VI. ~~SINGLE- AND TWO-FAMILY DWELLINGS AND MULTIPLE-FAMILY DWELLINGS HAVING THREE OR FOUR DWELLING UNITS~~ SINGLE-, TWO-, AND THREE-FAMILY DWELLINGS

Section 8. That Section 530.280 contained in Chapter 530, Site Plan Review, 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~~ single-, two-, and three-family dwellings 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 seventeen (17) points from Table 530-2, ~~Single- and Two-family Dwellings and Multiple-Family Dwellings Having Three (3) or Four (4) Dwelling Units~~ Single-, Two-, and Three-Family Dwellings.

Table 530-2 Standards for ~~Single- and Two-family Dwellings and Multiple-Family Dwellings Having Three (3) or Four (4) Dwelling Units~~ Single-, Two-, and Three-Family Dwellings

Points	Design Standard
6	The exterior building materials are masonry, brick, stone, stucco, wood, cement-based siding, and/or glass
4	The height of the structure is within one-half (½) story of the predominant height of residential buildings within one hundred (100) feet of the site
4	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. The diameter of each tree shall be at least two and one-half (2.5) inches. Tree diameter shall be measured at four and one-half (4.5) feet above grade.
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 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
3	The structure includes a basement as defined by the building code
2	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
1	The development qualifies for and, following construction, provides proof of receipt of a City of Minneapolis Stormwater Quality Credit
1	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 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.

Section 9. That Section 530.290 contained in Chapter 530, Site Plan Review, be amended to read as follows:

530.290. - Accessibility. Structures that provide certain accessible features shall be awarded points from Table 530-2, Standards for ~~single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units~~ Single-, Two-, and Three-Family Dwellings, equivalent to providing twenty (20) percent window area facing public streets, off-street parking in an enclosed structure that is detached from the principal structure, and a basement, without having to provide these features. Such structures shall obtain the remainder of the required minimum point total from the remaining categories. For the purpose of this section, a dwelling unit shall include, at a minimum, a ground-level accessible entrance, interior doorways not less than three (3) feet in width, and a ground-level restroom.

Section 10. That Chapter 530, Site Plan Review, of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 530.295 to read as follows:

530.295. - Trees. At least one (1) tree for each three thousand (3,000) square feet of lot area not occupied by buildings, or fraction thereof, shall be provided on-site. Required trees shall comply with the following standards:

(1) At least one (1) tree shall be a canopy tree.

(2) Trees shall be a minimum of two (2) inches caliper in size, except cluster or multiple trunk specimens, which shall be a minimum of three-quarter (3/4) inches caliper in size, measured four (4) feet above grade.

(3) Trees shall be indigenous or proven adaptable to the climate, but shall not be invasive on native species.

(4) Trees shall be tolerant of specific site conditions, including but not limited to heat, cold, drought, and salt.

Section 11. That Section 530.300 contained in Chapter 530, Site Plan Review, be amended to read as follows:

530.300. - Enclosed ~~parking~~ storage. ~~New single- and two-family dwellings established after November 1, 2009, shall provide not less than one (1) off-street parking space per dwelling unit in an enclosed structure.~~ New single-, two-, and three-family dwellings shall provide an enclosed storage area not less than two-hundred (200) square feet in area. If attached, the enclosed storage area shall open directly to the outside of the habitable portion of the principal structure. If detached, the enclosed storage area shall be located entirely to the rear of the principal residential structure. The required storage area may be occupied by vehicle parking.

Section 12. That Section 530.310 contained in Chapter 530, Site Plan Review, 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 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 (3) or Four (4) Dwelling Units~~ Single-, Two-, and Three-Family Dwellings, 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.

Section 13. That Section 531.30 contained in Chapter 531, Nonconforming Uses and Structures, 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*~~ *Single-, two-, and three-family dwellings nonconforming as to side and rear yards only*. A ~~single or two family~~ single-, two-, or three-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.

Section 14. That Section 531.40 contained in Chapter 531, Nonconforming Uses and Structures, be amended to read as follows:

531.40. - Loss of nonconforming rights. (a) *Discontinuance*.

(1) *In general*. If a nonconforming use or structure is discontinued for a continuous period of more than one (1) year, it shall be deemed to be abandoned and may not thereafter be reestablished or resumed.

Any subsequent use of the land or structure shall conform to the requirements of the district in which it is located.

(2) *Rebuttal of abandonment*. A property owner may rebut the presumption of abandonment only by presenting clear and convincing evidence that discontinuance of the nonconforming use or structure for the specified period was due to circumstances beyond the property owner's control. The property owner shall bear the burden of proof.

(b) *Change to conforming use*. When a nonconforming use has been changed to a conforming use, it may not thereafter be reestablished or changed to another nonconforming use. In addition, whenever the degree of nonconformity with the provisions of this ordinance is reduced (e.g., a use nonconforming by three (3) units is reduced to nonconforming by two (2) units or by one (1) unit), the degree of nonconformity shall not thereafter be increased.

(c) *Damage or destruction*.

(1) *Legal nonconforming structure containing a conforming use*. When a legal nonconforming structure is damaged or destroyed by any cause or means, to the extent that the cost of restoration exceeds one-half (1/2) of its market value, and no building permit for reconstruction or replacement of the nonconforming structure is applied for within one hundred eighty (180) days of date the property is damaged or destroyed, or one (1) year for ~~single and two-family~~ single-, two-, and three-family dwellings, reconstruction of the nonconforming structure shall be prohibited. A new structure may be built on the parcel, but only in full conformity with the regulations of the district in which it is located. When a building permit to reconstruct or replace the nonconforming structure in its pre-existing conditions and not enlarge, relocate or expand the nonconforming structure is applied for within one hundred eighty (180) days of the date the property is damaged or destroyed, or one (1) year for ~~single and two-family~~ single-, two-, and three-family dwellings, such permit shall be approved notwithstanding the cost of the restoration and its relationship to the market value of the structure. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property.

(2) *Legal nonconforming use*. When a legal nonconforming use is damaged or destroyed by any cause or means, to the extent that the cost of restoring or reestablishing the nonconforming use, including structural repairs and equipment and fixture replacement, exceeds one-half (½) of its market value, and no building permit for reconstruction or replacement of the nonconforming structure is applied for within one hundred eighty (180) days of date the property is damaged or destroyed, then the nonconforming use shall not be reestablished or resumed. A new structure may be built on the parcel and new uses established, but only in full conformity with the regulations of the district in which it is located. When a building permit to reconstruct or replace the nonconforming use in its pre-existing conditions and not enlarge, relocate or expand the nonconforming use is applied for within one hundred eighty (180) days of the date the property is damaged or destroyed, such permit shall be approved notwithstanding the cost of the restoration and its relationship to the market value of the structure. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property.

Section 15. That Section 531.100 contained in Chapter 531, Nonconforming Uses and Structures, be amended to read as follows:

531.100. - Nonconforming lots. (a) *General restriction; exception*. No building, structure or use shall be erected, constructed or established on a nonconforming lot unless a variance is granted by the board of

adjustment, except as otherwise provided in this section. Subject to the requirements of subdivision (b), and notwithstanding any other provision to the contrary, in the R1 through R4 Districts and OR1 District, a ~~single-family~~ single-, two-, or three-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance, and in the R5, R6, OR2 and OR3 Districts, a ~~two-family~~ two-, three-, or four-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance, provided that the yard dimensions and all other requirements for the district in which the lot is located, not involving lot area or lot width, shall be met.

(b) *Required merger of common ownership lots in the SH Shoreland Overlay District*. Notwithstanding the provisions of subdivision (a) and maximum lot area requirements, if in a group of two (2) or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel is nonconforming as to lot width or lot area and is located within the SH Shoreland Overlay District, such individual lot or parcel shall not be sold or developed as a separate parcel of land, but shall be combined with adjacent lots or parcels under the same ownership or control so that the combination of lots or parcels will equal one (1) or more parcels of land each meeting the full lot width and lot area requirements of this zoning ordinance, and Chapter 598 of the Minneapolis Code of Ordinances, Land Subdivision Regulations.

(c) *Lots nonconforming as to maximum lot area*. Notwithstanding the provisions of subdivision (a), a lot that is nonconforming as to the maximum lot area of the zoning district only shall have all of the rights of a conforming lot, except that such lot shall not be enlarged.

Section 16. That Section 535.65 contained in Chapter 535, Regulations of General Applicability, be amended to read as follows:

535.65. - General height exemptions for principal structures. Except in the SH Shoreland Overlay District, the following may be exempt from the maximum height requirements of principal structures as set forth within each zoning district:

(1) Communication antennas, wind energy conversion systems, and solar energy systems otherwise allowed by administrative review in Chapter 535, Regulations of General Applicability.

(2) Parapets not exceeding three (3) feet, except where located on ~~single or two-family~~ single-, two-, or three-family dwellings or cluster developments.

(3) Railings up to four (4) feet in height as measured from the roof, and not more than sixty (60) percent opaque.

(4) Rooftop features used exclusively for mechanical equipment, elevators, or stairways, provided all of the following conditions are met:

a. Such building features are not located on ~~single or two-family~~ single-, two-, or three-family dwellings.

b. The combined coverage of such building features shall not occupy more than thirty (30) percent of the roof area of the floor below.

c. Such building features may extend up to fifteen (15) feet above the roof of the floor below.

d. Where located within fifteen (15) feet of the wall of the floor below, such building features shall not exceed twenty (20) feet in width as measured parallel to the adjacent wall.

(5) Rooftop features used exclusively for mechanical equipment, elevators, or stairways on ~~single or two-family~~ single, two-, or three-family dwellings, provided all of the following conditions are met:

a. Such building features may extend up to ten (10) feet above the roof of the floor below.

b. The combined coverage of such building features shall not occupy more than one hundred fifty (150) square feet of the roof area.

Section 17. That Section 535.70 contained in Chapter 535, Regulations of General Applicability, be amended to read as follows:

535.70. - Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact on all sides of the equipment from adjacent streets, public paths, and adjacent properties as observed from ground level using one (1) of the following methods. All screening shall be at least sixty (60) percent opaque and shall be at least as tall as the equipment it is intended to screen. All screening shall be kept in good repair and in a proper state of maintenance. Exterior mechanical equipment, including ductwork but not exhaust vents, shall not be located on street-facing building facades.

(1) *Screened by another structure*. Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:

a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.

b. The required screening shall be constructed with materials that are architecturally compatible with the structure.

c. Off-premise advertising signs and billboards shall not be considered required screening.

(2) *Screened by vegetation*. Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.

(3) *Screened by the structure it serves*. Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.

(4) *Designed as an integral part of the structure*. If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

(b) *Exceptions*. The following mechanical equipment shall be exempt from the screening requirements of this section:

(1) Minor equipment not exceeding one (1) foot in height.

(2) Mechanical equipment accessory to a ~~single or two-family~~ single-, two-, or three-family dwelling.

(3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

Section 18. That Section 535.90 contained in Chapter 535, Regulations of General Applicability, be amended to read as follows:

535.90. - General standards for residential uses. (a) *Size and width*. The minimum gross floor area of a dwelling unit, except efficiency units and accessory dwelling units, shall be five hundred (500) square feet. The minimum gross floor area of efficiency units shall be three hundred fifty (350) square feet. The minimum gross floor area of accessory dwelling units shall be three hundred (300) 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~~ single-, two-, or three-family dwellings shall have a minimum width of ~~twenty (20)~~ eighteen (18) feet.

(b) *Principal entrance and pedestrian access*. ~~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 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.~~

(1) *Single-, two-, and three-family dwellings*. Single-, two-, and three-family dwellings shall include a principal entrance facing the front lot line. In dwellings with more than one (1) unit, providing all units access to a shared front facing entrance is encouraged. Subject to Table 535-1, Permitted Obstructions in Required Yards, the principal entrance and all dwelling units shall be connected to the public sidewalk by 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.

(2) *All other residential uses*. Residential buildings shall be oriented so that at least one (1) principal entrance faces a public street rather than the interior of the site. Clear and well-lighted walkways at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site. In the case of a corner lot, the principal entrance shall face the front lot line.

(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.~~

(1) *Single-, two-, and three-family dwellings*. Not less than fifteen (15) percent of the walls on each floor of single-, two-, and three-family dwellings that face a public street shall be windows. The bottom of any window used to satisfy the ground floor window requirement facing a public street shall not be more than four (4) feet above the adjacent first floor elevation. Not less than five (5) percent of the walls on each floor of single-, two-, and three-family dwellings that face a rear or interior side lot line shall be windows. Windows located in a door shall not be counted toward satisfying the minimum window requirement.

(2) *All other residential uses*. Residential buildings shall maintain compliance with the residential windows requirements of Chapter 530, Site Plan Review.

(3) *Half stories*. Half stories shall not be subject to the minimum window requirement.

(4) *Window area computation*. Minimum window area at the first floor or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

(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~~ single-, two-, or three-family dwellings 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.

(e) *Conversions*. The addition of a dwelling unit or units that result in a two- or three-family dwelling shall be subject to the following standards:

(1) Fire escapes or stairs that provide access above the ground floor shall be enclosed or located entirely to the rear of the principal residential structure.

(2) Mechanical equipment, including utility boxes and panels, shall not be located on the front building façade.

(3) Windows in additions that face a street shall be compatible with the existing windows of the street-facing walls.

(4) Exterior materials that face a street shall be compatible with the existing exterior materials of the street-facing walls.

(f) A residential 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.

Section 19. That Table 535-1 Permitted Obstructions in Required Yards contained in Section 535.280 of Chapter 535, Regulations of General Applicability, be amended to read as follows:

Table 535-1 Permitted Obstructions in Required Yards

Type of Obstruction	*Front or Corner Side Yard*	*Interior Side Yard*	*Rear Yard*
Accessory buildings, subject to the provisions of Chapter 537 and section 535.280(d), (e) and (f)		P	P
Air conditioning window units projecting not more than eighteen (18) inches into the required yard	P	P	P
Air conditioning systems, heating, ventilating, and filtering equipment, not to exceed five (5) feet in height. Such equipment shall not be located closer than two (2) feet from an interior side property line. Such equipment may project into a corner side yard, provided such equipment is located no closer than three (3) feet from the corner side lot line		P	P
Arbors, or other growing support structures that are not a fence, trellis or pergola, not exceeding twenty (20) square feet in area, including eaves, and not more than eight (8) feet in height. Both the sides and the roof must be at least fifty (50) percent open, or, if latticework is used, shall be less than sixty (60) percent opaque. Such structures shall not be constructed of electrically charged wire, razor wire, chain link, chicken wire, railroad ties, utility poles, plywood or any other similar materials.	P		P
Awnings and canopies, projecting not more than two and one-half (2½) feet into front or side yards	P	P	P
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. 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~~ single-, two-, or three-family dwellings 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.	P		P

Bay windows not exceeding fifty (50) square feet in area and projecting not more than five (5) feet into the required yard	P		
Bicycle racks accessory to multiple-family dwellings of ~~five (5)~~ four (4) units or more and non-residential uses. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures and shall permit the locking of the bicycle frame and one (1) wheel to the rack and support a bicycle in a stable position without damage to the wheels, frame or components. Except for Institutional and Public Uses, no more than eight (8) bicycle parking spaces may be located in each required yard.	P		P
Chimneys projecting not more than two (2) feet into the required yard	P	P	P
Compost containers, subject to the provisions of Chapter 244, Housing Maintenance Code, and not closer than twenty (20) feet from any adjacent dwelling			P
Containers for the removal of household refuse, subject to the provisions of Chapter 244, Housing Maintenance Code. In a required interior side yard, such containers shall be located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and shall be located a minimum of ten (10) feet from the habitable portion of any dwelling on the adjoining lot.		P	P
Driveways, subject to the provisions of Chapter 541, Off-Street Parking and Loading, Chapter 537, Accessory Uses and Structures, and section 535.280(g)	P	P	P
Eaves, including gutters, projecting not more than three (3) feet from the building in the required front, rear or corner side yard and not more than two (2) feet from the building in the required interior side yard	P	P	P
Egress window wells not exceeding sixteen (16) square feet in area. Such window wells shall be located at least three (3) feet apart and shall not be located closer than two (2) feet from an interior side property line. Not more than three (3) window wells shall be allowed to project closer than five (5) feet to each interior side lot line.	P	P	P
Fences including trellises, subject to Article VI of this chapter	P	P	P
Flagpoles, subject to section 535.110	P	P	P
Handicap entrance landing not exceeding thirty-six (36) square feet in area and not more than the height of the level of the first floor or four (4) feet above the average level of the adjoining natural grade whichever is less, and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque, not including permanently roofed porches	P	P	P
Handicap ramp not exceeding four (4) feet in width leading to an entrance landing and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque.	P	P	P
Lighting fixtures and lampposts, subject to section 535.110	P		P

Open porches, projecting not more than eight (8) feet from the building. The porch shall be covered and may extend the width of the dwelling, provided it shall be no closer than three (3) feet from an interior side lot line and no closer than six (6) feet from a dwelling on an adjacent property. Such porch shall be no closer than ten (10) feet from the front lot line and no closer than five (5) feet from the corner side lot line. The porch shall not be enclosed with windows, screens or walls, but 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 porch.	P		
Parking areas, subject to the provisions of Chapter 541, Off-Street Parking and Loading, Chapter 537 Accessory Uses and Structures, and section 535.280 (d), (e) and (f)		P	P
Pergolas, subject to the provisions of Chapter 537, Accessory Uses and Structures, and section 535.280 (d), (e) and (f). In a front or corner side yard pergolas shall not exceed twenty (20) square feet in area, including eaves, and not more than eight (8) feet in height.	P	P	P
Rain barrels and cisterns accessory to ~~single- and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units~~ single-, two-, or three-family dwellings shall be limited to a maximum height of four (4) feet and a maximum width of two and one-half (2.5) feet. Rain barrels and cisterns accessory to multiple-family dwellings of five (5) units or more and non-residential uses shall be limited to a maximum height of six (6) feet and a maximum width of three (3) feet. No more than two (2) rain barrels or cisterns may be located in each required yard.		P	P
Raised planting beds, not exceeding three (3) feet in height. In a front or corner side yard raised planting beds shall not be closer than five (5) feet to a front or corner side property line. Raised planting beds shall be constructed of wood, brick, masonry, landscape timbers, metal, ceramic, or synthetic lumber and shall be compatible with the principal structure and adjacent residential properties. Raised planting beds constructed of wood shall be structurally sound and free of rot. In addition, prefabricated raised planting beds shall be permitted. Raised planting beds shall not be constructed of wire, chicken wire, rope, cable, railroad ties, utility poles, tires, plumbing fixtures or any other similar materials.	P		P
Recreational playground equipment			P
Retaining walls, where natural grade is retained	P	P	P
Signs, subject to the provisions of Chapter 543, On Premises Signs	P		
Stairs not exceeding four (4) feet in width, and entrance landings not exceeding sixteen (16) square feet in area and not more than the height of the level of the first floor or four (4) feet above the average level of the adjoining natural grade whichever is less, and handrails for such stairs not more than three (3) feet in height and not more than fifty (50) percent opaque, not	P	P	P

including permanently roofed porches. In a front or corner side yard stairs shall not exceed eight (8) feet in width and entrance landings shall not exceed thirty-six (36) square feet in area. Stairs for Institutional and Public Uses shall not exceed twelve (12) feet in width and entrance landings shall not exceed ninety-six (96) square feet.			
Storage of firewood, subject to the provisions of Chapter 244, Maintenance Code		P	P
Utility meters projecting not more than two (2) feet into the required yard	P	P	P
Vestibules not exceeding fifty (50) square feet in area and projecting not more than five (5) feet into the required yard	P		
Walkways, not exceeding four (4) feet in interior side and rear yards. Walkways, not exceeding six (6) feet in width in front and corner side yards. Walkways for Institutional and Public Uses shall not exceed twelve (12) feet in width in front and corner side yards. Except for public recreational walkways and bicycle trails, walkways in required yards shall not be constructed of asphalt.	P	P	P

Section 20. That the development standard for "Cluster development" contained in Section 536.20 of Chapter 536, Specific Development Standards, be amended to read as follows:

536.20. - Specific development standards. The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

Cluster development.

(1) Any application for cluster development approval shall include a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.

(2) All land proposed for cluster development shall be platted or replatted into one or more lots suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

(3) The cluster development shall meet the minimum lot area and lot width requirements of the zoning district. There shall be no minimum lot area or lot width requirements for individual lots within the cluster development.

(4) Yards of at least such minimum width as required by the zoning district shall be maintained along the periphery of the cluster development. Yards for individual lots within the cluster development shall not be required. The distance between principal buildings within the cluster development shall be not less than ten (10) feet.

(5) Not less than forty (40) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient pedestrian access shall be provided to such common space for dwellings not adjoining such space. Common space shall include but is not limited to landscaped yards, recreation areas, wetlands, waterbodies and common parking facilities. However, not more than one-half (1/2) of required common space shall consist of such parking facilities, driveways and private roadways. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

(6) ~~To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood. 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) feet. Cluster developments not otherwise governed by Chapter 530, Site Plan Review, shall comply with the principal entrance and windows requirements of Chapter 535, Regulations of General Applicability.~~ New construction shall comply with the applicable requirements of Chapter 530, Site Plan Review. Principal structures with one (1), two (2), or three (3) dwelling units shall comply with the site plan design standards for single-, two-, and three-family dwellings and shall be subject to the applicable general standards for residential uses of Chapter 535, Regulations of General Applicability and the building bulk requirements for single-, two-, and three-family dwellings of the zoning district in which the cluster development is located. Walls facing the designated common space shall be subject to the minimum window requirements for walls facing a public street, public sidewalk, public pathway, or on-site parking lot. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

(7) ~~An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.~~ In the R1, R1A, R2 and R2B Districts, the following standards shall apply:

a. Not more than three (3) dwelling units shall be allowed in each principal structure.

b. The width of each principal structure shall not exceed thirty-five (35) feet.

(8) Any cluster development which includes a manufactured home park shall be first allowed in the R2 District.

(9) In the R1, R1A, R2, R2B, R3, R4, and OR1 Districts, a maximum lot area requirement shall be as approved by conditional use permit.

Section 21. That Section 537.60 contained in Chapter 537, Accessory Uses and Structures, be amended to read as follows:

537.60. - Maximum floor area. (a) *In general.* The floor area of any accessory structure shall be included in the total allowable floor area permitted on the zoning lot. The maximum floor area of accessory dwelling units shall be governed by section 537.110.

(b) *Accessory uses and structures located in the residence and OR1 Districts.*

(1) ~~*Single- and two-family*~~ *Single-, two-, and three-family dwellings*. The maximum floor area of all detached accessory structures, and any attached accessory use designed or intended to be used for the parking of vehicles, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater, not to exceed one thousand (1,000) square feet. Detached accessory structures greater than six hundred seventy-six (676) square feet in area shall utilize primary exterior materials that match the primary exterior materials of the principal structure and the roof pitch shall match the roof pitch of the principal structure. The zoning administrator shall conduct the administrative review of all applications to increase the maximum floor area of accessory structures. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.

(2) *All other uses*. The maximum floor area of all detached accessory structures, and any attached accessory use designed or intended to be used for the parking of vehicles, except for a parking garage within the building, entirely below grade or of at least two (2) levels, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater.

(c) *Accessory uses and structures located in all other zoning districts*. The maximum floor area of all detached accessory structures and any attached accessory use designed or intended to be used for the parking of vehicles, accessory to a structure originally designed or intended as a single or two-family dwelling or a multiple-family dwelling of three (3) or four (4) units, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater.

Section 22. That Section 541.240 contained in Chapter 541, Off-Street Parking and Loading, be amended to read as follows:

541.240. - Specific district regulations for access to parking and loading. (a) *Residence and OR1 Districts*. No driveway or curb cut in a residence or OR1 District shall exceed a width of twenty-five (25) feet, nor be narrower than ten (10) feet, except that driveways accessory to a ~~single- or two-family~~ single-, two-, or three-family dwelling shall not be narrower than eight (8) feet.

(b) *OR2 and OR3 Districts*. No driveway or curb cut in an OR2 or OR3 District shall exceed a width of twenty-five (25) feet, nor be narrower than twelve (12) feet.

(c) *All other districts*. No driveway or curb cut in a district other than a residence or office residence district shall exceed a width of twenty-five (25) feet except where determined necessary by the city engineer, but not to exceed thirty-five (35) feet, nor be narrower than a width of twelve (12) feet.

Section 23. That Section 541.305 contained in Chapter 541, Off-Street Parking and Loading, be amended to read as follows:

541.305. - Pervious pavement or pervious pavement systems. (a) *In general*. Pervious pavement or pervious pavement systems, capable of carrying a wheel load of four thousand (4,000) pounds, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, or similar

structured and durable systems are permitted. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater shall not be considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems shall meet the following conditions:

(1) All materials shall be installed per industry standards. Appropriate soils and site conditions shall exist for the pervious pavement or pervious pavement system to function. For parking lots of ten (10) spaces or more documentation that verifies appropriate soils and site conditions shall be provided.

(2) All materials shall be maintained per industry and city standards. Areas damaged by snow plows or other vehicles shall be promptly repaired. Gravel that has migrated from the pervious pavement systems onto adjacent areas shall be swept and removed regularly.

(3) Pervious pavement or pervious pavement systems, except for pervious asphalt or pervious concrete, shall not be used for accessible parking spaces or the accessible route from the accessible space to the principal structure or use served.

(4) Pervious pavement or pervious pavement systems shall be prohibited in areas used for the dispensing of gasoline or other engine fuels or where hazardous liquids could be absorbed into the soil through the pervious pavement or pervious pavement system.

(5) Pervious pavement or pervious pavement systems, except for pervious asphalt, pervious concrete, or modular pavers shall not be used for drive aisles or driveways.

(6) Pervious pavement or pervious pavement systems that utilize turf grass shall be limited to overflow parking spaces that are not utilized for required parking and that are not occupied on a daily or regular basis.

(7) Pervious pavement or pervious pavement systems that utilize gravel with overlaid or embedded mesh or geocells shall be limited to industrial districts and shall not be used for drive aisles or driveways, except as otherwise allowed by this chapter, and in no case shall be used for drive aisles or driveways less than a minimum of twenty (20) feet from the curbline.

(8) Pervious pavement or pervious pavement systems used for parking or associated drive aisles or driveways shall count as impervious surface for the purposes of impervious surface coverage in any zoning district that has a maximum impervious surface limit or percentage, except where a pervious pavement system utilizing turf grass is provided for a fire access lane that is independent of a parking lot.

(9) Pervious pavement or pervious pavement systems shall not count as required landscaping except as allowed by alternative compliance as a part of Chapter 530, Site Plan Review.

(10) Pervious pavement or pervious pavement systems shall not allow parking spaces, drives aisles, or driveways to be located anywhere not otherwise permitted by the regulations of this zoning ordinance and the district in which it is located.

(11) Parking areas shall have the parking spaces marked as required by this chapter except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including, but not limited to, markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

(b) *Off-street parking areas and driveways accessory to ~~single-family and two-family~~ single-, two-, and three-family dwellings*. Notwithstanding the provisions of subdivision (a), off-street parking areas and driveways accessory to a single-family dwelling may be surfaced with pervious paving systems that utilize gravel installed and maintained per industry standards. Off-street parking areas and driveways accessory to ~~single- family or two-family~~ single-, two-, or three-family dwellings may be surfaced with pervious paving systems that utilize turf with plastic geocells or open-celled paving grids installed and maintained per industry standards and designed so that the parking of vehicles does not kill the turf.

(c) *Ribbon driveways*. Ribbon driveways that consist of two (2) wheel tracks with a turf median are allowed accessory to ~~single family and two-family~~ single-, two-, and three-family dwellings. Each wheel track shall be surfaced in compliance with the requirements of this chapter and shall be at least three and one-half (3.5) feet in width. The width of the driveway as measured from the outside edges of each wheel track shall not be less than minimum driveway width requirements of this chapter. The median shall not exceed three (3) feet in width.

Section 24. That Section 546.20 contained in Chapter 546, Residence Districts, be amended to read as follows:

546.20. - District names. The residence district names are:

(1) *Low density districts.*
R1 ~~Single-family~~ Multiple-family District
R1A ~~Single-family~~ Multiple-family District
R2 ~~Two-family~~ Multiple-family District
R2B ~~Two-family~~ Multiple-family District

(2) *Medium density districts.*
R3 Multiple-family District
R4 Multiple-family District

(3) *High density districts.*
R5 Multiple-family District
R6 Multiple-family District

Section 25. That Table 546-1 Principal Uses in Residence Districts contained in Section 546.30 of Chapter 546, Residence Districts, be amended to read as follows:

Table 546-1 Principal Uses in Residence Districts

Use	*R1*	*R1A*	*R2*	*R2B*	*R3*	*R4*	*R5*	*R6*	*Specific Development Standards*
RESIDENTIAL USES									
Dwellings									
Single-family dwelling	P	P	P	P	P	P			
Two-family dwelling	P	P	P	P	P	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	C	C	C	C	C	✓
Multiple-family dwelling, three (3) units	P	P	P	P	P	P	P	P	
~~Multiple-family dwelling, three (3) and four (4) units~~					~~P~~	~~P~~	~~P~~	~~P~~	
Multiple-family dwelling, ~~five (5)~~ four (4) units or more					P	P	P	P	✓
Planned Unit Development					C	C	C	C	✓
Congregate Living									
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	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	✓
Emergency shelter serving six (6) or fewer persons	C	C	C	C	C	C	C	C	✓
Emergency shelter serving seven (7) to sixteen (16) persons					C	C	C	C	✓
Emergency shelter serving seventeen (17) to thirty-two (32) persons						C	C	C	✓
Faculty house						C	C	C	✓
Fraternity or sorority						C	C	C	✓
Hospitality residence						C	C	C	✓
Intentional community	P	P	P	P	P	P	P	P	✓

Residential hospice						C	C	C	✓
Supportive housing						C	C	C	✓
INSTITUTIONAL AND PUBLIC USES									
Educational Facilities									
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	✓
Social, Cultural, Charitable and Recreational Facilities									
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	
Religious Institutions									
Place of assembly	P	P	P	P	P	P	P	P	
COMMERCIAL USES									
Bed and breakfast home					C	C	C	C	✓
Child care center	P	P	P	P	P	P	P	P	✓
Market garden, with a planting area of 10,000 sq. ft. or less	P	P	P	P	P	P	P	P	✓
Market garden, with a planting area greater than 10,000 sq. ft.	C	C	C	C	C	C	C	C	✓
Nursery or greenhouse existing on January 1, 1991	C	C	C	C	C	C	C	C	✓
PARKING FACILITIES									
Parking lot, serving institutional and public uses	C	C	C	C	C	C	C	C	
Parking lot, serving multiple-family dwellings					C	C	C	C	
Parking lot, serving board and care home/ nursing home/ assisted living						C	C	C	
PUBLIC SERVICES AND UTILITIES									
Bus turnaround	C	C	C	C	C	C	C	C	
Communication exchange	C	C	C	C	C	C	C	C	

Electric or gas substation	C	C	C	C	C	C	C	C	
Fire station	C	C	C	C	C	C	C	C	
Passenger transit station	C	C	C	C	C	C	C	C	
Police station	C	C	C	C	C	C	C	C	
Railroad right-of-way	C	C	C	C	C	C	C	C	
Stormwater retention pond	C	C	C	C	C	C	C	C	
Water pumping and filtration facility	C	C	C	C	C	C	C	C	

Section 26. That Section 546.110 contained in Chapter 546, Residence Districts, be amended to read as follows:

546.110. - Increasing maximum height. The height limitations of principal structures located in the residence districts, except single and two-family dwellings, and three-family dwellings in the R1, R1A, R2, and R2B Districts, may be increased by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

(1) Access to light and air of surrounding properties.

(2) Shadowing of residential properties, significant public spaces, or existing solar energy systems.

(3) The scale and character of surrounding uses.

(4) Preservation of views of landmark buildings, significant open spaces or water bodies.

Section 27. That Section 546.150 contained in Chapter 546, Residence Districts, be amended to read as follows:

546.150. - Impervious surface coverage. ~~Impervious~~ (a) *In general.* Except as provided in subsection (b) of this section, impervious surfaces shall not cover more than 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.

(b) *Exception*. Impervious surfaces shall not cover more than sixty-five (65) percent of any zoning lot with less than six thousand (6,000) square feet of lot area and no access to a public alley or a second street frontage.

Section 28. That Section 546.160 contained in Chapter 546, Residence Districts, 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 (1) 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) *Front yard decreased*. The required front yard may be decreased where the established front yard of the majority of the residential structures on the same block face are less than the front yard required by the zoning district, provided the following standards are met:

(1) There are no fewer than four (4) principal residential structures on the block face, including the proposed structure.

(2) The decreased front yard shall not be less than the established front yard of the principal residential structures on either side of the property. The front yard is 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 or attached garages.

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

Section 29. That the title of Article II contained in Chapter 546, Residence Districts, of the Minneapolis Code of Ordinances be amended to read as follows:

ARTICLE II. R1 ~~SINGLE-FAMILY~~ MULTIPLE-FAMILY DISTRICT

Section 30. That Section 546.200 contained in Chapter 546, Residence Districts, be amended to read as follows:

546.200. - Purpose. The R1 ~~Single-family~~ Multiple-family District is established to provide for an environment of predominantly low density, ~~single-family~~ single-, two-, and three-family dwellings and cluster developments ~~on lots with a minimum of six thousand (6,000) square feet of lot area per dwelling unit~~. In addition to residential uses, institutional and public uses and public services and utilities may be allowed.

Section 31. That Table 546-2 R1 Yard Requirements contained in Section 546.220 of Chapter 546, Residence Districts, be amended to read as follows:

Table 546-2 R1 Yard Requirements

Yards	***Required Yards for ~~Single-family~~ Single-, Two-, and Three-family Dwellings and Permitted Community Residential Facilities (Feet)***	***Required Yards for All Other Uses (Feet)***
Front, subject to section 546.160(b) and (c)	25	25
Rear	6	6+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft.—84.99 ft.: 8 Lot width 85 ft.—99.99 ft.: 10 Lot width 100 ft. or greater: 12 Minimum interior side yards greater than eight (8) feet shall apply only to principal structures	6+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

Section 32. That Section 546.240 contained in Chapter 546, Residence Districts, 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 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.~~ *Maximum height for single-, two-, and three-family dwellings*. The maximum height for all single-, two-, or three-family dwellings located in the R1 District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single-, two-, or three-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.

(b) *Maximum height for all other principal structures*. The maximum height for all principal structures, except for single-, two-, and three-family dwellings, located in the R1 District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

(c) *Maximum floor area ratio*. The maximum floor area ratio shall be as specified in Table 546-3, R1 Lot Dimension and Building Bulk Requirements.

~~(b)~~ (d) *Gross floor area computation for ~~single- or two-family~~ single-, two-, or three-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) Open porches.

(3) The basement floor area if the finished floor of the first story is forty-two (42) inches or less from natural grade for more than fifty (50) percent of the total perimeter.

(4) Half story floor area.

~~(c)~~ (e) *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~~ Single-, two-, and three-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 (1) time by no more than five hundred (500) square feet.

~~(d)~~ (f) *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 a gable, hip, or gambrel roof shall not exceed forty (40) feet.

Table 546-3 R1 Lot Dimension and Building Bulk Requirements

Uses	***Minimum Lot Area (Square Feet)***	***Minimum Lot Width (Feet)***	***Maximum Floor Area Ratio (Multiplier)***
RESIDENTIAL USES			
Dwellings			
Single-, two-, or three-family dwelling	6,000	50	0.5 or 2,500 sq. ft. of GFA, whichever is greater

Cluster development	12,000 or 2,000 sq. ft. per dwelling unit, whichever is greater*	100	0.5
Congregate Living			
Community residential facility serving six (6) or fewer persons	6,000	50	None
Community residential facility serving seven (7) to sixteen (16) persons	12,000	50	0.5
Emergency shelter serving six (6) or fewer persons	6,000	50	None
INSTITUTIONAL AND PUBLIC USES			
Educational Facilities			
Early childhood learning center	20,000	100	0.5
Preschool	6,000	50	0.5
School, grades K—12	20,000	100	0.5
Social, Cultural, Charitable and Recreational Facilities			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P.	0.5
Golf course	20,000	100	0.5
Library, public	20,000	100	0.5
Park, public	20,000	100	0.5
Religious Institutions			
Place of assembly	12,000	100	0.5
COMMERCIAL USES	4,000	As approved by C.U.P.	0.5
PARKING FACILITIES	5,000	40	None
PUBLIC SERVICES AND UTILITIES	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.

*Or a minimum lot area per principal structure of the average of the single-, two-, and three-family zoning lots located in whole or in part within three hundred fifty (350) feet, where the average lot area exceeds the minimum zoning requirement by fifty (50) percent or more. Where a greater minimum lot area

requirement applies, the maximum lot area requirement per principal structure shall be one hundred thirty (130) percent of said average minimum lot area.

Section 33. That Section 546.250 contained in Chapter 546, Residence Districts, be and is hereby repealed.

~~**546.250. - Cluster developments.** No dwelling unit shall intrude on the vertical airspace of any other dwelling unit.~~

~~**Table 546-3 R1 Lot Dimension and Building Bulk Requirements**~~

~~***Uses***~~	~~***Minimum Lot Area (Square Feet)***~~	~~***Minimum Lot Width (Feet)***~~	~~***Maximum Floor Area Ratio (Multiplier)***~~
~~**RESIDENTIAL USES**~~			
~~**Dwellings**~~			
~~Single-family~~	~~6,000~~	~~50~~	~~0.5 or 2,500 sq. ft. of GFA, whichever is greater~~
~~Cluster development~~	~~18,000 or 6,000 sq. ft. per dwelling unit, whichever is greater*~~	~~100~~	~~0.5~~
~~**Congregate Living**~~			
~~Community residential facility serving six (6) or fewer persons~~	~~6,000~~	~~50~~	~~None~~
~~Emergency shelter serving six (6) or fewer persons~~	~~6,000~~	~~50~~	~~None~~
~~**INSTITUTIONAL AND PUBLIC USES**~~			
~~**Educational Facilities**~~			
~~Early childhood learning center~~	~~20,000~~	~~100~~	~~0.5~~
~~Preschool~~	~~6,000~~	~~50~~	~~0.5~~
~~School, grades K—12~~	~~20,000~~	~~100~~	~~0.5~~
~~**Social, Cultural, Charitable and Recreational Facilities**~~			
~~Athletic field~~	~~20,000~~	~~100~~	~~0.5~~
~~Cemetery~~	~~80 Acres~~	~~1,200~~	~~None~~
~~Community garden~~	~~None~~	~~None~~	~~None~~
~~Developmental achievement center~~	~~4,000~~	~~As approved by C.U.P.~~	~~0.5~~
~~Golf course~~	~~20,000~~	~~100~~	~~0.5~~

~~Library, public~~	~~20,000~~	~~100~~	~~0.5~~
~~Park, public~~	~~20,000~~	~~100~~	~~0.5~~
~~**Religious Institutions**~~			
~~Place of assembly~~	~~12,000~~	~~100~~	~~0.5~~
~~**COMMERCIAL USES**~~	~~4,000~~	~~As approved by C.U.P.~~	~~0.5~~
~~**PARKING FACILITIES**~~	~~5,000~~	~~40~~	~~None~~
~~**PUBLIC SERVICES AND UTILITIES**~~	~~As approved by C.U.P.~~	~~As approved by C.U.P.~~	~~As approved by C.U.P.~~

~~*Or a minimum lot area per dwelling unit of the average of the single-family and two-family zoning lots located in whole or in part within three hundred fifty (350) feet, where the average lot area exceeds the minimum zoning requirement by fifty (50) percent or more.~~

Section 34. That the title of Article III contained in Chapter 546, Residence Districts, of the Minneapolis Code of Ordinances be amended to read as follows:

ARTICLE III. R1A ~~SINGLE-FAMILY~~ MULTIPLE-FAMILY DISTRICT

Section 35. That Section 546.260 contained in Chapter 546, Residence Districts, be amended to read as follows:

546.260. - Purpose. The R1A ~~Single-family~~ Multiple-family District is established to provide for an environment of predominantly low density, ~~single-family~~ single-, two-, and three-family dwellings and cluster developments ~~on lots with a minimum of five thousand (5,000) square feet of lot area per dwelling unit~~. In addition to residential uses, institutional and public uses and public services and utilities may be allowed.

Section 36. That Table 546-4 R1A Yard Requirements contained in Section 546.280 of Chapter 546, Residence Districts, be amended to read as follows:

Table 546-4 R1A Yard Requirements

Yards	***Required Yards for ~~Single-family~~ Single-, Two-, and Three-family Dwellings and Permitted Community Residential Facilities (Feet)***	***Required Yards for All Other Uses (Feet)***
Front, subject to section 546.160(b) and (c)	20	20
Rear	5	5+2X

Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft.—84.99 ft.: 8 Lot width 85 ft.—99.99 ft.: 10 Lot width 100 ft. or greater: 12 Minimum interior side yards greater than eight (8) feet shall apply only to principal structures	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

Section 37. That Section 546.300 contained in Chapter 546, Residence Districts, 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 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.~~ *Maximum height for single-, two-, and three-family dwellings*. The maximum height for all single-, two-, or three-family dwellings located in the R1A District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single-, two-, or three-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.

(b) *Maximum height for all other principal structures*. The maximum height for all principal structures, except for single-, two-, and three-family dwellings, located in the R1A District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

(c) *Maximum floor area ratio*. The maximum floor area ratio shall be as specified in Table 546-5, R1A Lot Dimension and Building Bulk Requirements.

~~(b)~~ (d) *Gross floor area computation for ~~single- or two-family~~ single-, two-, or three-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) Open porches.

(3) The basement floor area if the finished floor of the first story is forty-two (42) inches or less from natural grade for more than fifty (50) percent of the total perimeter.

(4) Half story floor area.

~~(c)~~ (e) *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~~ Single-, two-, and three-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 (1) time by no more than five hundred (500) square feet.

~~(d)~~ (f) *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 a gable, hip, or gambrel roof shall not exceed forty (40) feet.

Table 546-5 R1A Lot Dimension and Building Bulk Requirements

Uses	***Minimum Lot Area (Square Feet)***	***Minimum Lot Width (Feet)***	***Maximum Floor Area Ratio (Multiplier)***
RESIDENTIAL USES			
Dwellings			
Single-, two-, or three-family dwelling	5,000	40	0.5 or 2,500 sq. ft. of GFA, whichever is greater
Cluster development	10,000 or 1,666 sq. ft. per dwelling unit, whichever is greater*	80	0.5
Congregate Living			
Community residential facility for six (6) or fewer persons	5,000	40	None
Community residential facility serving seven (7) to sixteen (16) persons	10,000	40	0.5
Emergency shelter serving six (6) or fewer persons	5,000	40	None
INSTITUTIONAL AND PUBLIC USES			
Educational Facilities			

Early childhood learning center	20,000	100	0.5
Preschool	5,000	40	0.5
School, K—12	20,000	100	0.5
Social, Cultural, Charitable and Recreational Facilities			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P.	0.5
Golf course	20,000	100	0.5
Library, public	20,000	100	0.5
Park, public	20,000	100	0.5
Religious Institutions			
Place of assembly	10,000	80	0.5
COMMERCIAL USES	4,000	As approved by C.U.P.	0.5
PARKING FACILITIES	5,000	40	None
PUBLIC SERVICES AND UTILITIES	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.

*Or a minimum lot area per principal structure of the average of the single-, two-, and three-family zoning lots located in whole or in part within three hundred fifty (350) feet, where the average lot area exceeds the minimum zoning requirement by fifty (50) percent or more. Where a greater minimum lot area requirement applies, the maximum lot area requirement per principal structure shall be one hundred thirty (130) percent of said average minimum lot area.

Section 38. That Section 546.310 and Table 546-5 R1A Lot Dimension and Building Bulk Requirements contained in Chapter 546, Residence Districts, be amended to read as follows:

~~**546.310. - Cluster developments.** No dwelling unit shall intrude on the vertical airspace of any other dwelling unit.~~

~~**Table 546-5 R1A Lot Dimension and Building Bulk Requirements**~~

~~*Uses*~~	~~*Minimum Lot Area (Square Feet)*~~	~~*Minimum Lot Width (Feet)*~~	~~*Maximum Floor Area Ratio (Multiplier)*~~
~~**RESIDENTIAL USES**~~			
~~**Dwellings**~~			

Single-family dwelling	5,000	40	0.5 or 2,500 sq. ft. of GFA, whichever is greater
Cluster development	15,000 or 5,000 sq. ft. per dwelling unit, whichever is greater*	80	0.5
Congregate Living			
Community residential facility for six (6) or fewer persons	5,000	40	None
Emergency shelter serving six (6) or fewer persons	5,000	40	None
INSTITUTIONAL AND PUBLIC USES			
Educational Facilities			
Early childhood learning center	20,000	100	0.5
Preschool	5,000	40	0.5
School, K—12	20,000	100	0.5
Social, Cultural, Charitable and Recreational Facilities			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P.	0.5
Golf course	20,000	100	0.5
Library, public	20,000	100	0.5
Park, public	20,000	100	0.5
Religious Institutions			
Place of assembly	10,000	80	0.5
COMMERCIAL USES	4,000	As approved by C.U.P.	0.5
Parking Facilities	5,000	40	None
PUBLIC SERVICES AND UTILITIES	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.

*Or a minimum lot area per dwelling unit of the average of the single-family and two-family zoning lots located in whole or in part within three hundred fifty (350) feet, where the average lot area exceeds the minimum zoning requirement by fifty (50) percent or more.

Section 39. That the title of Article IV contained in Chapter 546, Residence Districts, of the Minneapolis Code of Ordinances be amended to read as follows:

ARTICLE IV. R2 ~~TWO-FAMILY~~ MULTIPLE-FAMILY DISTRICT

Section 40. That Section 546.320 contained in Chapter 546, Residence Districts, be amended to read as follows:

546.320. - Purpose. The R2 ~~Two-family~~ Multiple-family District is established to provide for an environment of predominantly low density, ~~single and two-family~~ single-, two-, and three-family dwellings and cluster developments ~~on lots with a minimum of six thousand (6,000) square feet of lot area per dwelling unit~~. In addition to residential uses, institutional and public uses and public services and utilities may be allowed.

Section 41. That Table 546-6 R2 Yard Requirements contained in Section 546.340 of Chapter 546, Residence Districts, be amended to read as follows:

Table 546-6 R2 Yard Requirements

Yards	***Required Yards for ~~Single- and Two-family~~ Single-, Two-, and Three-family Dwellings and Permitted Community Residential Facilities (Feet)***	***Required Yards for All Other Uses (Feet)***
Front, subject to section 546.160(b) and (c)	20	20
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft.—84.99 ft.: 8 Lot width 85 ft.—99.99 ft.: 10 Lot width 100 ft. or greater: 12 Minimum interior side yards greater than eight (8) feet shall apply only to principal structures	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

Section 42. That Section 546.360 contained in Chapter 546, Residence Districts, 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 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 546-7, R2 Lot Dimension and Building Bulk Requirements.~~ *Maximum height for single-, two-, and three-family dwellings*. The maximum height for all single-, two-, or three-family dwellings located in the R2 District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single, two or three-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.

(b) *Maximum height for all other principal structures*. The maximum height for all principal structures, except for single-, two-, and three-family dwellings, located in the R2 District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

(c) *Maximum floor area ratio*. The maximum floor area ratio shall be as specified in Table 546-7, R2 Lot Dimension and Building Bulk Requirements.

~~(b)~~ (d) *Gross floor area computation for ~~single- or two-family~~ single-, two-, or three-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) Open porches.

(3) The basement floor area if the finished floor of the first story is forty-two (42) inches or less from natural grade for more than fifty (50) percent of the total perimeter.

(4) Half story floor area.

~~(c)~~ (e) *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~~ Single-, two-, and three-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 (1) time by no more than five hundred (500) square feet.

~~(d)~~ (f) *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 a gable, hip, or gambrel roof shall not exceed forty (40) feet.

Table 546-7 R2 Lot Dimension and Building Bulk Requirements

Uses	*Minimum Lot Area (Square Feet)*	*Minimum Lot Width (Feet)*	*Maximum Floor Area Ratio (Multiplier)*
RESIDENTIAL USES			
Dwellings			
Single-, two-, or three-family dwelling	6,000	40	0.5 or 2,500 sq. ft. of GFA, whichever is greater
Cluster development	12,000 or 2,000 sq. ft. per dwelling unit, whichever is greater*	100	0.5
Congregate Living			
Community residential facility for six (6) or fewer persons	6,000	40	None
Community residential facility serving seven (7) to sixteen (16) persons	12,000	40	0.5
Emergency shelter serving six (6) or fewer persons	6,000	40	None
INSTITUTIONAL AND PUBLIC USES			
Educational Facilities			
Early childhood learning center	20,000	100	0.5
Preschool	6,000	40	0.5
School, K—12	20,000	100	0.5
Social, Cultural, Charitable and Recreational Facilities			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P	0.5
Golf course	20,000	100	0.5
Library, public	20,000	100	0.5
Park, public	20,000	100	0.5
Religious Institutions			

Place of assembly	12,000	100	0.5
COMMERCIAL USES	4,000	As approved by C.U.P.	0.5
PARKING FACILITIES	5,000	40	None
PUBLIC SERVICES AND UTILITIES	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.

*Or a minimum lot area per principal structure of the average of the single-, two-, and three-family zoning lots located in whole or in part within three hundred fifty (350) feet, where the average lot area exceeds the minimum zoning requirement by fifty (50) percent or more. Where a greater minimum lot area requirement applies, the maximum lot area requirement per principal structure shall be one hundred thirty (130) percent of said average minimum lot area.

Section 43. That Section 546.370 contained in Chapter 546, Residence Districts, be and is hereby repealed.

~~**546.370. - Cluster developments.** No dwelling unit shall intrude on the vertical airspace of any other dwelling unit.~~

~~**Table 546-7 R2 Lot Dimension and Building Bulk Requirements**~~

~~*Uses*~~	~~*Minimum Lot Area (Square Feet)*~~	~~*Minimum Lot Width (Feet)*~~	~~*Maximum Floor Area Ratio (Multiplier)*~~
~~**RESIDENTIAL USES**~~			
~~**Dwellings**~~			
~~Single-family dwelling~~	~~6,000~~	~~40~~	~~0.5 or 2,500 sq. ft. of GFA, whichever is greater~~
~~Two-family dwelling~~	~~6,000~~	~~40~~	~~0.5 or 2,500 sq. ft. of GFA, whichever is greater~~
~~Cluster development~~	~~18,000 or 6,000 sq. ft. per dwelling unit, whichever is greater*~~	~~100~~	~~0.5~~
~~**Congregate Living**~~			
~~Community residential facility for six (6) or fewer persons~~	~~6,000~~	~~40~~	~~None~~
~~Emergency shelter serving six (6) or fewer persons~~	~~6,000~~	~~40~~	~~None~~
~~**INSTITUTIONAL AND PUBLIC USES**~~			
~~**Educational Facilities**~~			

~~Early childhood learning center~~	~~20,000~~	~~100~~	~~0.5~~
~~Preschool~~	~~6,000~~	~~40~~	~~0.5~~
~~School, K—12~~	~~20,000~~	~~100~~	~~0.5~~
~~**Social, Cultural, Charitable and Recreational Facilities**~~			
~~Athletic field~~	~~20,000~~	~~100~~	~~0.5~~
~~Cemetery~~	~~80 Acres~~	~~1,200~~	~~None~~
~~Community garden~~	~~None~~	~~None~~	~~None~~
~~Developmental—achievement center~~	~~4,000~~	~~As approved by C.U.P~~	~~0.5~~
~~Golf course~~	~~20,000~~	~~100~~	~~0.5~~
~~Library, public~~	~~20,000~~	~~100~~	~~0.5~~
~~Park, public~~	~~20,000~~	~~100~~	~~0.5~~
~~**Religious Institutions**~~			
~~Place of assembly~~	~~12,000~~	~~100~~	~~0.5~~
~~**COMMERCIAL USES**~~	~~4,000~~	~~As approved by C.U.P.~~	~~0.5~~
~~**PARKING FACILITIES**~~	~~5,000~~	~~40~~	~~None~~
~~**PUBLIC SERVICES AND UTILITIES**~~	~~As approved by C.U.P.~~	~~As approved by C.U.P.~~	~~As approved by C.U.P.~~

~~*Or a minimum lot area per dwelling unit of the average of the single-family and two-family zoning lots located in whole or in part within three hundred fifty (350) feet, where the average lot area exceeds the minimum zoning requirement by fifty (50) percent or more.~~

Section 44. That the title of Article V contained in Chapter 546, Residence Districts, of the Minneapolis Code of Ordinances be amended to read as follows:

ARTICLE V. R2B ~~TWO-FAMILY~~ MULTIPLE FAMILY DISTRICT

Section 45. That Section 546.380 contained in Chapter 546, Residence Districts, be amended to read as follows:

546.380. - Purpose. The R2B ~~Two-family~~ Multiple-family District is established to provide for an environment of predominantly low density, ~~single and two-family~~ single-, two-, and three-family dwellings and cluster developments. In addition to residential uses, institutional and public uses and public services and utilities may be allowed.

Section 46. That Table 546-8 R2B Yard Requirements contained in Section 546.400 of Chapter 546, Residence Districts, be amended to read as follows:

Table 546-8 R2B Yard Requirements

Yards	*Required Yards for ~~Single- and Two-family~~ Single-, Two- and Three-family Dwellings and Permitted Community Residential Facilities (Feet)*	*Required Yards for All Other Uses (Feet)*
Front, subject to section 546.160(b) and (c)	20	20
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft.—84.99 ft.: 8 Lot width 85 ft.—99.99 ft.: 10 Lot width 100 ft. or greater: 12 Minimum interior side yards greater than eight (8) feet shall apply only to principal structures	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

Section 47. That Section 546.420 contained in Chapter 546, Residence Districts, 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 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.~~ *Maximum height for single-, two-, and three-family dwellings*. The maximum height for all single-, two-, or three-family dwellings located in the R2B District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single-, two-, or three-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.

(b) *Maximum height for all other principal structures*. The maximum height for all principal structures, except for ~~single- and two-family~~ single-, two-, and three-family dwellings, located in the R2B District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

(c) *Maximum floor area ratio*. The maximum floor area ratio shall be as specified in Table 546-9, R2B Lot Dimension and Building Bulk Requirements.

~~(b)~~ (d) *Gross floor area computation for ~~single- or two-family~~ single-, two-, or three-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) Open porches.

(3) The basement floor area if the finished floor of the first story is forty-two (42) inches or less from natural grade for more than fifty (50) percent of the total perimeter.

(4) Half story floor area.

~~(c)~~ (e) *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~~ Single-, two-, and three-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 (1) time by no more than five hundred (500) square feet.

~~(d)~~ (f) *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 a gable, hip, or gambrel roof shall not exceed forty (40) feet.

Table 546-9 R2B Lot Dimension and Building Bulk Requirements

Uses	***Minimum Lot Area (Square Feet)***	***Minimum Lot Width (Feet)***	***Maximum Floor Area Ratio (Multiplier)***
RESIDENTIAL USES			
Dwellings			
Single-, two-, or three-family dwelling	5,000	40	0.5 or 2,500 sq. ft. of GFA, whichever is greater

Cluster development	5,000 or 1,666 sq. ft. per dwelling unit, whichever is greater	40	0.5
Congregate Living			
Community residential facility for six (6) or fewer persons	5,000	40	None
Community residential facility serving seven (7) to sixteen (16) persons	10,000	40	0.5
Emergency shelter serving six (6) or fewer persons	5,000	40	None
INSTITUTIONAL AND PUBLIC USES			
Educational Facilities			
Early childhood learning center	20,000	100	0.5
Preschool	5,000	40	0.5
School, K—12	20,000	100	0.5
Social, Cultural, Charitable and Recreational Facilities			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P.	0.5
Golf course	20,000	100	0.5
Library, public	20,000	100	0.5
Park, public	20,000	100	0.5
Religious Institutions			
Place of Assembly	10,000	80	0.5
COMMERCIAL USES	4,000	As approved by C.U.P.	0.5
PARKING FACILITIES	5,000	40	None
PUBLIC SERVICES AND UTILITIES	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.

Section 48. That Section 546.430 contained in Chapter 546, Residence Districts, be and is hereby repealed.

~~**546.430. - Cluster developments.** No dwelling unit shall intrude on the vertical airspace of any other dwelling unit.~~

Table 546-9 R2B Lot Dimension and Building Bulk Requirements

Uses	*Minimum Lot Area (Square Feet)*	*Minimum Lot Width (Feet)*	*Maximum Floor Area Ratio (Multiplier)*
RESIDENTIAL USES			
Dwellings			
Single-family dwelling	5,000	40	0.5 or 2,500 sq. ft. of GFA, whichever is greater
Two-family dwelling	5,000	40	0.5 or 2,500 sq. ft. of GFA, whichever is greater
Cluster development, existing on January 1, 1995	15,000 or 2,500 sq. ft. per dwelling unit, whichever is greater	80	0.5
Cluster development, established after January 1, 1995	15,000 or 5,000 sq. ft. per dwelling unit, whichever is greater	80	0.5
Congregate Living			
Community residential facility for six (6) or fewer persons	5,000	40	None
Emergency shelter serving six (6) or fewer persons	5,000	40	None
INSTITUTIONAL AND PUBLIC USES			
Educational Facilities			
Early childhood learning center	20,000	100	0.5
Preschool	5,000	40	0.5
School, K—12	20,000	100	0.5
Social, Cultural, Charitable and Recreational Facilities			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P.	0.5
Golf course	20,000	100	0.5

~~Library, public~~	~~20,000~~	~~100~~	~~0.5~~
~~Park, public~~	~~20,000~~	~~100~~	~~0.5~~
~~**Religious Institutions**~~			
~~Place of Assembly~~	~~10,000~~	~~80~~	~~0.5~~
~~**COMMERCIAL USES**~~	~~4,000~~	~~As approved by C.U.P.~~	~~0.5~~
~~**Parking Facilities**~~	~~5,000~~	~~40~~	~~None~~
~~**PUBLIC SERVICES AND UTILITIES**~~	~~As approved by C.U.P.~~	~~As approved by C.U.P.~~	~~As approved by C.U.P.~~

Section 49. That Table 546-10 R3 Yard Requirements contained in Section 546.460 of Chapter 546, Residence Districts, be amended to read as follows:

Table 546-10 R3 Yard Requirements

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

X = Number of stories above the first floor

Section 50. That Table 546-11 R3 Lot Dimension and Building Bulk Requirements contained in Section 546.480 of Chapter 546, Residence Districts, be amended to read as follows:

Table 546-11 R3 Lot Dimension and Building Bulk Requirements

Uses	***Minimum Lot Area (Square Feet)***	***Minimum Lot Width (Feet)***	***Maximum Floor Area Ratio (Multiplier)***
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
Cluster development	~~7,500~~ 5,000 or 1,500 sq. ft. per dwelling unit, whichever is greater	40	1.0
Multiple-family dwelling	5,000 or 1,500 sq. ft. per dwelling unit, whichever is greater	40	1.0
Planned unit development	1 acre or 1,500 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.	1.0
Congregate Living			
Community residential facility serving six (6) or fewer persons	5,000	40	None
Community residential facility serving seven (7) to sixteen (16) persons	7,500 or 1,250 sq. ft. per rooming unit, whichever is greater	40	1.0
Emergency shelter serving six (6) or fewer persons	5,000	40	None
Emergency shelter serving seven (7) to sixteen (16) persons	7,500 or 1,250 sq. ft. per rooming unit, whichever is greater	40	1.0
Institutional and Public Uses			
Educational Facilities			
Early childhood learning center	20,000	100	0.5
Preschool	5,000	40	0.5
School, K—12	20,000	100	0.5
Social, Cultural, Charitable and Recreational Facilities			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P.	0.5
Golf course	20,000	100	0.5
Library, public	20,000	100	0.5
Park, public	20,000	100	0.5

Religious Institutions			
Place of assembly	10,000	80	0.5
COMMERCIAL USES			
Bed and breakfast home	5,000	40	0.5
Child care center	4,000	As approved by C.U.P.	0.5
PARKING FACILITIES	5,000	40	None
PUBLIC SERVICES AND UTILITIES	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.

Section 51. That Table 546-12 R4 Yard Requirements contained in Section 546.510 of Chapter 546, Residence Districts, be amended to read as follows:

Table 546-12 R4 Yard Requirements

Yards	***Required Yards for ~~Single- and Two-family~~ Single-, Two-, and Three-family Dwellings and Permitted Community Residential Facilities (Feet)***	***Required Yards for All Other Uses (Feet)***
Front, subject to section 546.160(b) and (c)	15	15
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft. or greater: 8	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

Section 52. That Table 546-14 R5 District Yard Requirements contained in Section 546.560 of Chapter 546, Residence Districts, be amended to read as follows:

Table 546-14 R5 District Yard Requirements

Yards	***Required Yards for ~~Single- and Two-family~~ Single-, Two-, and Three-family Dwellings and Permitted Community Residential Facilities (Feet)***	***Required Yards for All Other Uses (Feet)***
Front, subject to section 546.160(b) and (c)	15	15
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft. or greater: 8	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

Section 53. That Table 546-16 R6 Yard Requirements contained in Section 546.610 of Chapter 546, Residence Districts, be amended to read as follows:

Table 546-16 R6 Yard Requirements

Yards	***Required Yards for ~~Single- and Two-family~~ Single-, Two-, and Three-family Dwellings and Permitted Community Residential Facilities (Feet)***	***Required Yards for All Other Uses (Feet)***
Front, subject to section 546.160(b) and (c)	15	15
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft. or greater: 8	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

Section 54. That Section 547.160 contained in Chapter 547, Office Residence Districts, 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 (1) 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) *Front yard decreased.* The required front yard may be decreased where the established front yard of the majority of the residential structures on the same block face are less than the front yard required by the zoning district, provided the following standards are met:

(1) There are no fewer than four (4) principal residential structures on the block face.

(2) The decreased front yard shall not be less than the established front yard of the principal residential structures on either side of the property. The front yard is 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 or attached garages.

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

Table 547-2 Office Residence District Yard Requirements

Yards	***Required Yards for ~~Single- and Two-family~~ Single-, Two-, and Three-family Dwellings and Permitted Community Residential Facilities (Feet)***	***Required Yards for All Other Uses (Feet)***
Front, subject to section 547.160(b) and (c)	15	15
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft. or greater: 8	5+2X

Corner Side	8	8+2X

X = Number of stories above the first floor

Section 55. That Section 551.480 contained in Chapter 551, Overlay Districts, be amended to read as follows:

551.480. - Height of structures. Except for structures subject to a more restrictive maximum height limitation in the primary zoning district, the maximum height of all structures within the SH Overlay District, except for single- and two-family dwellings and three-family dwellings located in the R1, R1A, R2, and R2B Districts, shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height of single and two-family dwellings and three-family dwellings located in the R1, R1A, R2, and R2B Districts shall be two and one-half stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single- or two-family dwelling or a three-family dwellings located in the R1, R1A, R2, and R2B Districts with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet. The height limitation of accessory structures, ~~and~~ single- and two-family dwellings, and three-family dwellings located in the R1, R1A, R2, and R2B Districts may be increased by variance, as provided in Chapter 525, Administration and Enforcement. The height limitation of all other principal structures may be increased by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards contained in Chapter 525, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

(1) Access to light and air of surrounding properties.

(2) Shadowing of residential properties or significant public spaces.

(3) The scale and character of surrounding uses.

(4) Preservation of views of landmark buildings, significant open spaces or water bodies.

Section 56. The effective date of all the ordinance amendments herein described shall be January 1, 2020.

Exhibit 6: Residential Districts Schedule of Zoning Regulations

Sec. 94-241. - Table VIII-1: Residential districts schedule of district regulations.

TABLE VIII-1:
RESIDENTIAL DISTRICTS SCHEDULE OF DISTRICT REGULATIONS

Note: Residential properties located within a historic district refer to sections 94-79 and 94-128.

ZONING DISTRICT	MINIMUM LOT AREA[1] (SQUARE FEET)	MINIMUM LOT WIDTH[1] (FEET)	MINIMUM LAND AREA PDD[1][2]	REQUIRED SETBACKS[3]				MAXIMUM HEIGHT (FEET)	MAXIMUM DWELLING UNITS PER ACRE
				FRONT (FEET)	CORNER (FEET)	SIDE (FEET)	REAR (FEET)		
SF3 Lot	6,000	60	—	25	12.5	5 Minimum 15 Total	15[4]	30	3.00
SF5 Lot	6,000	60	—	25	12.5	5 Minimum 15 Total	15[4]	30	5.00
SF7 Lot	6,000	60	—	25	12.5	5 Minimum 15 Total	15[4]	30	7.26
PDD	N/A (5)	60	—	25	12.5	5 Minimum 15 Total	15[4]	30	7.26
SF11 Lot	3,500	40	—	Lesser of 20 feet or 20% lot depth	Lesser of 10 feet or 10% lot depth	5 Minimum 10 Total	Lesser of 10 feet or 10% lot depth	30	12.44
SF14 Lot	6,000 or 6,500 w/ accessory garage apartment	60	—	25	12.5[6]	5 Minimum 15 Total	15[4]	30	13.40
PDD	N/A	60	1 acre	25	12.5[6]	5 Minimum 15 Total	15[4]	30	14.00
MF14 Lot	6,000 (1—2 units) 3,000 per unit (more than 3 units)	60	—	25	12.5[6]	5 Minimum 15 Total	15[4]	30	14.52
PDD	N/A	60	1 acre	25	12.5[6]	5 Minimum 15 Total	15[4]	30	14.52
MF20 Lot	6,000 (1—2 units)	60	—	25	12.5[6]	5 Minimum 15 Total	15[4]	40[9]	20.26
	9,000 (3 units)								
	12,000 (4 units)								
	15,000 5 units)								
	18,000 (6 units)								
	2,150 per unit if > 20,000								
PDD	N/A	60	1 acre	25	12.5[6]	5 Minimum 15 Total	15	30	20.26
MF32 Lot	6,000 (1—2 units)	50	—	25	15[7]	15[8]	15	40[9]	32.27
	7,750 (3 units)								
	9,500 (4 units)								
	11,250 (5 units)								

TABLE VIII-1:
RESIDENTIAL DISTRICTS SCHEDULE OF DISTRICT REGULATIONS

Note: Residential properties located within a historic district refer to sections 94-79 and 94-128.

ZONING DISTRICT	MINIMUM LOT AREA[1] (SQUARE FEET)	MINIMUM LOT WIDTH[1] (FEET)	MINIMUM LAND AREA PDD[1][2]	REQUIRED SETBACKS[3]				MAXIMUM HEIGHT (FEET)	MAXIMUM DWELLING UNITS PER ACRE
				FRONT (FEET)	CORNER (FEET)	SIDE (FEET)	REAR (FEET)		
	13,000 (6 units)								
	14,750 (7 units)								
	16,500 (8 units)								
	18,250 (9 units)								
	20,000 (10 units)								
	1,350 per unit if > 20,000								
PDD	N/A	Greater of 50 feet or 25% lot depth	2 acres	25	25	15	15	40	36
PC (10)	500 acres[11]	—	—	(6)	(6)	(6)	(6)	—	Total 10 DU/AC Component 35 DU/AC

Notes:

1. May be waived by city commission for all planned development districts.
2. PDD — Planned development district.
3. Planned development districts in excess of 20 dwelling units shall provide setbacks as required in ARTICLE VII of this article.
4. Lesser of 15 feet or ten percent of lot depth.
5. N/A - Not applicable.
6. Ten feet if lot less than 60 feet wide.
9. Forty feet or two feet in height for each one foot setback from side and rear lot lines, whichever is greater.
10. PC - Planned community district.
11. May be waived by city commission, but not less than 100 acres.

(Code 1979, ch. 33, table VIII-1; Ord. No. 4449-13, § 19, 3-19-13)