

## MEMORANDUM

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*To:* City Planning Commission, Committee of the Whole  
*Prepared By:* Jason Wittenberg, Planning Manager, (612) 673-2297  
*Date:* September 19, 2017  
*Subject:* Proposed Zoning Code Text Amendment: Regulation of Parking Garages

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CPED staff is analyzing a zoning code text amendment that would revise regulations governing principal and accessory parking garages. The proposed changes were introduced by Council Member Frey at the City Council meeting of August 18, 2017. The following chapters were included in the introduction:

- Chapter 520: Introductory Provisions
- Chapter 525: Administration and Enforcement
- Chapter 527: Planned Unit Development
- Chapter 530: Site Plan Review
- Chapter 536: Specific Development Standards
- Chapter 541: Off-Street Parking and Loading
- Chapter 548: Commercial Districts
- Chapter 549: Downtown Districts
- Chapter 551: Overlay Districts

Along with citywide standards referenced below, the proposed amendment would revise the manner in which principal parking garages are regulated in downtown zoning districts. The changes would allow more opportunities for public/district/shared parking while imposing new design and size restrictions on both principal and accessory parking garages and podiums in order to minimize their impact on the public realm.

Since 2006, principal parking garages in downtown districts have only been allowed below grade unless they are integrated with a transit facility. Those restrictions were incorporated into the zoning code in response to the *Downtown East/North Loop Master Plan*, originally adopted in 2003. The plan suggested that structured parking should be “built below or embedded within mixed-use development projects that feature active uses on all street frontages...” and that “future single-use parking ramps” should be prohibited. Proposed regulations would more closely align with this guidance.

The draft amendment includes the following proposed changes:

### **Chapter 530, Site Plan Review**

- Require screening of parking garage lighting, along with the strengthened language related to screening of vehicles.
- Encourage flat floors and parking garage design features that facilitate future conversion of parking garages to other uses.
- Specific to downtown parking garages:

- Above the first floor, limit the percentage of the street frontage that can consist of parking, regardless of whether the parking is principal or accessory, to no more than 30% of each frontage.
- Require enclosure or screening of the top level of parking, as viewed from above.

#### **Chapter 549, Downtown Districts**

- Eliminate the “below grade” requirement for principal parking garages. In its place, in each downtown district, limit the above-grade floor area of all parking garages—principal and accessory—to no more than the gross floor area of all other uses on the lot.
- Clarify that parking or loading area cannot be counted toward compliance with a minimum floor area ratio (FAR) in the downtown districts.
- Retain existing requirement that ground-floor parking must be separated from street frontages by an active use.

#### **Chapter 551, Overlay Districts**

- Prohibit parking garage frontage (on all floors) along Nicollet Mall.

CPED is considering ways to provide more clarity—either in ordinance or through zoning administrator interpretation—about factors that are considered when determining whether a parking garage is considered principal vs. accessory. Principal-use parking garages typically serve the general public and are not specifically intended to serve uses located on the same property. Parking garages that serve uses located on the same property are considered accessory. In addition, freestanding garages that provide accessory parking may be considered principal *structures*.

CPED staff is seeking the City Planning Commission’s feedback regarding the draft amendment. Staff is in the process of reaching out to interested parties about the proposed amendment. It’s anticipated that the amendment will be considered at a public hearing by the City Planning Commission in October.

### 530. 120. Building Design

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(d) *Parking garages.* The exterior design of parking garages shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with the minimum window requirements of this article, principal and accessory parking garages shall comply with provisions of this article requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of chapter 549, Downtown Districts, shall apply.

(1) In general.

(a) The exterior design of parking garages shall ensure that sloped floors do not dominate the appearance of the walls.

(b) Vehicles and internal garage lighting shall be screened from view.

(c) In addition to compliance with the minimum window requirements of this article, principal and accessory parking garages shall comply with provisions of this article requiring active functions on the ground floor.

(d) Design features that facilitate future conversion of parking garages to other uses, including flat floors, are encouraged.

(2) Downtown districts.

(a) In the downtown districts, the more restrictive ground-floor active uses provisions of chapter 549, Downtown Districts, shall apply.

(b) Above the ground floor, in any structure that includes a principal or accessory parking garage, parking and loading shall be limited to no more than thirty (30) percent of the linear frontage of each wall facing a public street, public sidewalk, or public pathway.

(c) Where two or more levels of parking are provided above ground, the top level of parking garages shall be enclosed or screened as viewed from above.

### 549.410. - General district regulations.

The following conditions govern uses in the B4 District:

(1) *Drive-through facilities prohibited.* Drive-through facilities shall be prohibited.

(2) *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided that speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.

(3) *Automobile sales.* Automobile sales shall be limited to new and vintage passenger automobiles only, except that leased automobiles and used automobiles received in trade may be sold as an accessory use. The storage and dispensing of fuels and outdoor display is prohibited.

(4) *Production, processing and storage.* Production, processing, and storage uses shall be limited to five thousand (5,000) square feet of gross floor area.

(5) *Parking garages.* The ground floor of principal and accessory parking garages shall have commercial, residential, office, or hotel uses located between the parking garage and any public sidewalk except where frontage is needed to provide vehicular and pedestrian access to the facility. Principal parking garages shall have all parking spaces located entirely below grade except where the garage includes integrated transit facilities within the structure. The above-grade floor area of principal and accessory parking garages shall not exceed the gross floor area of all other uses located on the same zoning lot.

**549.450. - Building bulk requirements.**

The B4S District is divided into two subdistricts for building bulk requirements, the B4S-1 District and the B4S-2 District. The minimum and maximum floor area ratio of all structures in the B4S District shall be as specified in Table 549-5, B4S Downtown Service District Building Bulk Requirements.

**Table 549-5 B4S Downtown Service District Building Bulk Requirements**

B4S-1 District	B4S-2 District
<p><b>Minimum floor area ratio</b> 2.0 (Non-residential) 2.0 (Dwellings &amp; Hotels) <u>Floor area devoted to parking or loading shall not be counted toward compliance with the minimum floor area ratio</u></p>	<p><b>Minimum floor area ratio</b> 2.0 <u>Floor area devoted to parking or loading shall not be counted toward compliance with the minimum floor area ratio</u></p>
<p><b>Maximum floor area ratio</b> 4.0 (Non-residential) 8.0 (Dwellings &amp; Hotels)</p>	<p><b>Maximum floor area ratio</b> 8.0</p>

**549.460. - General district regulations.**

The following conditions govern uses in the B4S District:

- (1) *Drive-through facilities prohibited.* Drive-through facilities shall be prohibited.
- (2) *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided that speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.
- (3) *Automobile sales.* Automobile sales shall be limited to new and vintage passenger automobiles only, except that leased automobiles and used automobiles received in trade may be sold as an accessory use. The storage and dispensing of fuels and outdoor display is prohibited.
- (4) *Production, processing and storage.* Production, processing, and storage uses shall be limited to five thousand (5,000) square feet of gross floor area.
- (5) *Parking garages.* The ground floor of principal and accessory parking garages shall have commercial, residential, office, or hotel uses located between the parking garage and any public sidewalk except where frontage is needed to provide vehicular and pedestrian access to the facility. Principal parking garages shall have all parking spaces located entirely below grade except where the garage includes integrated transit facilities within the structure. The above-grade floor area of principal and accessory parking garages shall not exceed the gross floor area of all other uses located on the same zoning lot.

**549.510. - General district regulations.**

The following conditions govern uses in the B4C District:

- (1) *Drive-through facilities permitted.* Drive-through facilities shall be permitted, subject to the standards of [Chapter 530](#), Site Plan Review and [Chapter 541](#), Off-Street Parking and Loading.
- (2) *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.
- (3) *Production, processing and storage.*

a. *In general.* Production, processing and storage uses shall be limited to thirty thousand (30,000) square feet of gross floor area.

b. *Hazardous materials.* Warehousing and distribution uses shall not include the storage of hazardous materials in excess of consumer commodities which are packaged for consumption by individuals for personal care or household use, except as provided in [Chapter 535](#), Regulations of General Applicability, regarding the storage of Class I flammable liquids, flammable gases and flammable liquefied gases.

(4) *Parking garages.* The ground floor of principal and accessory parking garages shall have commercial, residential, office, or hotel uses located between the parking garage and any public sidewalk except where frontage is needed to provide vehicular and pedestrian access to the facility. Principal parking garages shall have all parking spaces located entirely below grade except where the garage includes integrated transit facilities within the structure. The above-grade floor area of principal and accessory parking garages shall not exceed the gross floor area of all other structures located on the same zoning lot.

#### **549.570. - Building bulk requirements.**

The minimum floor area ratio of all structures shall be two (2). Floor area devoted to parking or loading shall not be counted toward compliance with the minimum floor area ratio. There is no maximum floor area ratio in the B4N District.

#### **549.580. - General district regulations.**

The following conditions govern uses in the B4N District:

(1) *Drive-through facilities prohibited.* Drive-through facilities shall be prohibited.

(2) *Outdoor speakers prohibited.* Outdoor speakers shall be prohibited.

(3) *Automobile sales.* Automobile sales shall be limited to new and vintage passenger automobiles only, except that leased automobiles and used automobiles received in trade may be sold as an accessory use. The storage and dispensing of fuels and outdoor display is prohibited.

(4) *Production, processing and storage.* Production, processing, and storage uses shall be limited to thirty thousand (30,000) square feet of gross floor area.

(5) *Parking garages.* The ground floor of principal and accessory parking garages shall have commercial, residential, office, or hotel uses located between the parking garage and any public sidewalk except where frontage is needed to provide vehicular and pedestrian access to the facility. ~~Principal parking garages shall have all parking spaces located entirely below grade except where the garage includes integrated transit facilities within the structure.~~ The above-grade floor area of principal and accessory parking garages shall not exceed the gross floor area of all other uses located on the same zoning lot.

(6) *Maximum floor area.* All retail sales and services shall be limited to a maximum gross floor area of thirty thousand (30,000) square feet per use, except for planned unit developments.

## **ARTICLE XII. NM NICOLLET MALL OVERLAY DISTRICT**

#### **551.930. Building façade.**

(a) *In general.* Building façades shall provide architectural detail and shall contain windows at the ground level or first floor in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility. The exterior materials and appearance of the rear and side walls shall be similar to and compatible with the front of the building. The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.

(b) *Windows.* At least forty (40) percent of the first floor façade that faces the Nicollet Mall or other public street shall be windows or doors of clear or lightly tinted glass, including display windows. Windows shall be distributed in a more or less even manner. Display windows shall be illuminated until at least 1:00 a.m. For purposes of this section, minimum window area shall be measured between the height of two (2) feet and ten (10) feet above the finished level of the first floor.

(c) *Parking garages.* Parking garages shall not include parking or loading frontage facing the Nicollet Mall right of way. Parking garages shall be separated from a structure's Nicollet Mall frontage by not less than xx (xx) feet of commercial, residential, office, or hotel uses.

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