Minneapolis Zoning Code: Artist Live/Work Recommendations

A MURP PROFESSIONAL PAPER

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MEMORANDUM

DATE: 9/14/2005

TO: PAM MINER & MATTHEW JAMES, DEPARTMENT OF COMMUNITY PLANNING & ECONOMIC DEVELOPMENT, PLANNING DIVISION

FROM: AMANDA JOHNSON, INTERN

RE: ARTIST LIVE/WORK

Executive Summary:

In June 2005, the City of Minneapolis approved the Minneapolis Plan for Arts & Culture, led by the direction of the Minneapolis Arts Commission. It is a ten year strategic plan that “defines the role of the City of Minneapolis in supporting arts and culture, and the role of arts and culture in accomplishing the City’s broader goals.” The City of Minneapolis, in the Planning Division of the Department of Community Planning and Economic Development (CPED), is undertaking a study of other cities’ practices to provide assistance to artists in different forms, through regulations and provision of assistance, services, and resources. Of particular interest will be a comparison of the zoning and regulatory solutions used in other cities to allow this type of activity. Per your request, I study Minneapolis Zoning code and identify regulations relative to live/work situations. Then, I research zoning codes in artist friendly cities designated by the Minneapolis Plan for Art & Culture like Boston, Chicago, Portland, Seattle, and Saint Paul. Finally, I recommend changes to the Minneapolis Zoning Code to promote live/work opportunities.

Boston, Chicago, Portland, Saint Paul, and Seattle all support artist live/work development through their zoning code at various degrees. There is no standard format; rather, they all have a different zoning approach. Most striking is that all of the cities, with the exception of Portland, define artist and/or artist live/work. In addition, the majority of the cities recently changed their zoning code to be friendlier to these types of spaces. While Minneapolis zoning code does not prevent artist live/work developments it does provide some substantial road blocks. First, live/work or artist live/work language does not exist in the zoning code contributing to a process that is not transparent. In addition, artist live/work falls under home occupation standards, which conflicts with the purpose and ideology of mixed use developments.

Per my assigned responsibilities, I make three recommendations. First, define artist and artist live/work in the zoning definitions. Second, relax two provisions within home occupancy to support artist live/work, namely allowing retail and use visibility within Industrial Overlay Districts and Commercial Districts. Third,
work with artist groups to better identify the space needs of regional artists and to help create a transparent process that guides artists through the zoning process to help overcome the perceptions that artist live/work is not a viable option in Minneapolis. Finally, I offer an additional set of independent recommendations that uncover some additional challenges for artist live/work developments that are not related to zoning code. With these changes, the City of Minneapolis can move to a more forthright approach to supporting the cultural life of our city.

**Introduction:**

In June 2005, the City of Minneapolis approved the Minneapolis Plan for Arts & Culture, led by the direction of the Minneapolis Arts Commission. It is a ten year strategic plan that “defines the role of the City of Minneapolis in supporting arts and culture, and the role of arts and culture in accomplishing the City’s broader goals.” This plan was in response to recent attention given to the direct and indirect connection between "creative capital" and economic development. It should be noted that the City of Minneapolis has invested heavily in the arts community by supporting larger-scale organizations and venues. As a result, with the exception of NRP funds, the smaller groups have been disproportionately served.

In recent years, the City supported a piece-meal approach towards arts-related economic development both in the allocation of resources as well as the number of city staff devoted towards such policies; in fact, most of the cultural staff was let go following MCAD's dissolution. The Minneapolis Plan for Arts & Culture recognized that this was not an ideal strategy; rather, a long-range plan was needed that integrated the arts within the overall economic development plans of the city. In 2003, a consultant was hired to work with City staff, a Coordinating Committee and an Advisory Committee, and it cost $165,000, which was funded both on a municipal level and through external sources. Part of this process included an inventory on our creative competitors, which are the very cities that are studied for this particular artist live/work zoning project. Overall, the plan lists a series of priorities that should be supported through policy and resources; however, it should be noted that few if any financial resources have been given to the outlined priorities.

The Plan for Arts and Culture raised the issue of generating and maintaining supportive housing for artists. As with many other cities, Minneapolis has experienced the phenomenon of the artists seeking out affordable space to live and/or work in areas that others deem as an undesirable location for development. In many, if not most cases, the desirability of the location rises with the tenure of the artist community, reversing the perception of the location as undesirable. Soon, the renovated and revitalized area ends up pushing out the artists who led the renaissance. Many refer to this as the SoHo Effect.
Increasingly, cities have begun to recognize the importance that artists have in not only providing a wealth of amenities but also in promoting and encouraging a vibrant sound economy (Minneapolis Plan for Art and Culture 2005). The metropolitan region is in a favorable position of being home to a higher percentage of artists than most other cities; however, currently, few if any formal affordable artist live/work spaces exist in the City of Minneapolis (Markusen 2003). Debate exists as to the overarching causes. Some say it’s a perception issue or a disinterested market. Others point to an unforgiving zoning code or a convoluted approval process. Many question why our neighbor, Saint Paul, is home to many of these developments even though Minneapolis quantitatively outweighs it with art organizations, art galleries, and art-related events.

The City of Minneapolis, in the Planning Division of the Department of Community Planning and Economic Development (CPED), is undertaking a study of other cities’ practices to provide assistance to artists in different forms, through regulations and provision of assistance, services, and resources. Of particular interest will be a comparison of the zoning and regulatory solutions used in other cities to allow this type of activity. Per your request, I study Minneapolis Zoning code and identify regulations relative to live/work situations. Then, I research zoning code in artist friendly cities designated by the Minneapolis Plan for Art & Culture like Boston, Chicago, Portland, Seattle, and Saint Paul. Finally, I recommend changes to the Minneapolis Zoning Code to promote live/work opportunities.

**Minneapolis Zoning Code & Process:**

While Minneapolis zoning code does not prevent artist live/work developments it does provide some substantial road blocks (Appendix A). First, live/work or artist live/work language does not exist in the zoning code. Many of the developers interviewed spoke to the difficulty of creating these types of artist spaces when zoning code does not recognize such uses. Some see home occupation as the same as live/work; however, I would argue that it is not equivalent in ideology, purpose, or scope. Minneapolis Zoning code states:

> Home occupation regulations are established to ensure that home occupations do not adversely affect the character and livability of the surrounding neighborhood and that a home occupation remains accessory and subordinate to the principal residential use of the dwelling. The regulations recognize that many types of home occupations can be conducted with little or no adverse effect on the surrounding neighborhood."

In reality, live/work is similar to the concept of mixed use where there is not a need to “hide” this type of use but to exploit it. Charles Leer, a North Loop Developer, says, “Home occupation and live/work are entirely different. Home occupation protects single family homes in residential blocks. It tries to limit nuisances
while allowing limited types of occupations. Live/work is about the vibrancy of people living and working together. It is the exact opposite of home occupation. The rules do not fit live/work.” Don Gerberding, CEO from Master Development, agrees with Leer:

Live/Work is an undefined portion of the code. When we approach senior planners at CPED they say that primary use of space determines the code. If one is a painter and they chose to have a studio in their place then they must follow residential, both zoning and building; however, if the painter chose to have a studio in their place but allowed people to come and view their paintings then the commercial code would prevail for building code. The obvious inconsistency is that the space and the use of the space is predominantly the same. It begs a larger question, as a developer, do we make one floor residential and another commercial in hopes of having a proper mix of people and uses so we can fill both floors? It is more practical to say that we can define a set of codes that govern this type of use rather than letting it fall to either side of the mid line.

Second, home occupation specifies stringent requirements related to such topics as retail, parking, number of employees, number of visiting clients, scope of advertising, type of approved work, etc. As mentioned previously, such restrictions understandably exist to protect residential areas; however, it creates problems for supporting certain types of urban behavior patterns like live/work. Residential conditional permits exist in the Industrial Overlay District “to encourage the rehabilitation and reuse of existing industrial structures and to provide for limited residential and retail uses in the I1 and I2 Industrial Districts where such uses are compatible with other uses in the area.” Also, residential uses are permitted in commercial zones to support mixed use; however, home occupancy standards, i.e. residential regulations, trump these zones. For example, if I live and work in an ILOD in the Northeast then I must follow home occupancy regulations even if I am not in a residential designated zone. As Steve Poor, the Zoning Supervisor for the City of Minneapolis, says, “It is like trying to fit a round peg into a square hole.” Because of these various characteristics, the process is not transparent; in fact, many of the developers interviewed point to an approval process that they see as “mysterious” or “arbitrary.” Leer agrees, he says, "You have to continually zone by variance. There is so little live/work space in Minneapolis because the process itself is a mystery and it is painful for developers. It is easy to do elsewhere. Why do it here when Saint Paul it is less difficult. Leer acknowledges that he does not develop affordable live/work units; he says, "I love the people at Artpace and the work they do, but they are special. They do not follow the market.”

Comparable City Approaches:

Boston, Chicago, Portland, Saint Paul, and Seattle all support artist live/work development through their zoning code at various degrees (Table 1). There is no standard format; rather, they all have a different zoning approach. Yet, each city, with the exception of Portland, defines “artist” and/or “artist live/work” in their zoning code. (Appendix B).
Seattle:

Over the past twenty-five years, Seattle has evolved in its approach to supporting artist space. In the early 80s, live/work was allowed in existing building in the industrial zones. Then, the city established a live/work ordinance. It is only recently that live/work has been allowed in marginal commercial area in the ground level for mixed use buildings. It is also allowed as a transition use.

The city recognizes that artists have specialized housing needs and it is run of Seattle’s Office of Housing because "Traditionally, low-income housing does not provide a workspace or living space with the flexibility to accommodate an artist’s work process." The City put out an artist handbook in 2002 called Space for Artists. It was a joint project by City of Seattle, Seattle Office of Housing, Seattle Arts Commission and Department of Design Construction & Land Use. It says the city’s goal is to "to stabilize its arts community

Table 1: Summary of Comparable Cities

<table>
<thead>
<tr>
<th></th>
<th>Boston</th>
<th>Chicago</th>
<th>Minneapolis</th>
<th>Portland</th>
<th>Saint Paul</th>
<th>Seattle</th>
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</tr>
</tbody>
</table>

Source: city websites

* See specific city profiles for full definition. In some instances it is comparable to artist studio, artist dwelling, etc.
** See specific city profiles for more information (e.g. incentives, buildings, capital, etc)
*** See specific city profiles for full description (variances, conditional permits, identifying districts, etc)
with long term affordable options through stable leases and thru individual, cooperative, and or nonprofit ownership.

Currently, Seattle's land use code possesses multiple definitions related to cultural activities, in which, an artist is, “a person who is regularly engaged in the visual, performing, or creative arts” and an artists studio dwelling is, “a combination working studio and dwelling unit for artists. An artist’s dwelling unit consists of a room or suite of rooms on one or more floors designed for and occupied by not more than one family and including adequate working space reserved for the artist or artists residing therein.” Here, these spaces are allowed in residential, commercial, and industrial areas, each with their own separate regulations. For instance, in single family and multi family zones, artist studio dwellings are allowed as long as the work conforms to home occupation standards. These requirements are similar to the home occupation requirements in Minneapolis. The code states:

Home occupations are allowed as accessory uses in residential zones. Addresses of the home occupation may not be given in any advertisement. Except for child care only person not a resident of the dwelling may work for the home occupation. No outdoor storage is permitted in conjunction with the occupation. A maximum of two passenger vehicles are permitted to operate in conjunction with the occupation. A home occupation may not cause o add to on-street parking congestion or cause a substantial increase in traffic. It must not produce odor, dust, light and glare, etc

In commercial zones, buildings devoted solely to this type of use require a conditional use. In industrial zones, this type of use is allowed only in buildings in existence as of October 5, 1987 and again by conditional use. The code states:

An Artist’s Studio/Dwelling in an Existing Building is permitted outright as a residential use in mixed use structures or as an Administrative Conditional Use in single purpose residential structures in NC1, NC2, NC3, C1, C2. Within industrial zones IB, IC, IG1, IG2, the Land Use Code permits artist studio/dwellings as an Administrative Conditional Use in building existing as of October 5, 1987.

It appears as if Seattle recognizes that artists require different types of live/work spaces and that these can benefit both the individual users and the neighborhoods themselves.

The City is involved at various levels with five projects in the city (City of Seattle 2005). They range in size. For example, the Good Shepherd Center, a building owned by Historic Seattle, houses 6 units and is home to other community groups. In Pioneer Square, there are two projects. The first is the 11-unit Harbor Lofts and the other is Tashiro Kaplan, a 50-unit project developed by Artspace that is also office and gallery space for artist use.

Boston:
Within Boston Redevelopment Authority (BRA), the Economic Development Division guides Boston’s development review process and manages key services and incentives in support of a strong economy. One of their initiatives/projects is the Artist Space Initiative. It is a joint project with the Office of Cultural Affairs and the Department of Neighborhood Development. The Artist Space Initiative lists three goals for creating spaces that: are permanently dedicated to artists through deed restrictions or similar legal mechanisms; are located in buffer zones between industrial and residential neighborhoods in locations that do not support traditional family housing; and offer live/work spaces for rent and for purchase at a variety of prices.

Like Seattle, Boston stands out for their comprehensive approaches. Each has specific documents detailing zoning and building code requirements for artist live/work spaces. Each has a so-called how-to guide that helps maneuver artists and developers through the process (Boston Redevelopment Authority: Artist Space Initiative and City of Seattle: Space for Artists). Space for Artists includes information on leasing space, buying property, purchasing and developing space, codes and zones, financing, fire safety, workplace fire safety, and client assistance memos. Each has an artist certification process that identifies who qualifies for these projects. Each has conducted surveys (Keeping Boston’s Creative Capital: A Survey of Artist Space Needs) of local artists and their needs, etc. In particular Boston, reported details on respondents, details on current space arrangements, and details on projected space needs. Moreover, Boston sees artist live/work as an economic development tool; rather, than solely an issue of affordable housing, which is a progressive stance.

Each city has a different range in terms of where artist live/work units are allowed and/or are highly encouraged. In Boston, artist live/work units are the only occupational group permitted to live in industrially zoned areas of the city. Zoning Code, Article 2, defines "Art Use" as: the creation, manufacture, or assemblage of visual art, including two or three dimensional works of fine art or craft, or other fine art objects created, manufactured, or assembled for the purpose of sale, display, commission, consignment, or trade by artists or artisans; or classes held for art instruction. It defines "Artists' Mixed Use" as: The use of all or a portion of a Building for both habitation and either Art use of Arts Studio Use, or a combination thereof, provided that any portion of a Building devoted to such use shall be (a) occupied by persons certified as artists pursuant to the Boston Redevelopment Authority Certification Process, (b) design in accordance with Boston Redevelopment Authority standards and guidelines for artists’ mixed-use space, and (c) subject to an agreement for artists’ housing with the Boston Redevelopment Authority. BRA recently developed an artist certification process and design guidelines to articulate minimum requirements for building units in order to meet artist needs (e.g. live/work units must be at least 1000 square feet).
Boston did have to change its zoning to support artist live/work spaces. Before 2001, the city looked at property taxes because assessment was based on use. Artists were not given commercial status when it was primarily a residential use. Previously, developers had to go to BRA if the project exceeded 50,000 square feet of developed space. One the public review process was completed; the results were put into legal agreements. In 2001, the city looked at artist/creative zoning to see what it could allow. Impacts seemed similar to industrial zones; therefore, it seemed appropriate in buffer zones that were zoned as industrial. The City tightened up requirements so that zoning would be more artist friendly. Proposed developments in the industrial zone could apply for residential variances. In addition, smaller projects were not coming to BRA but going right to permitting. Yes, the building might be mixed use but developers marketed it as residential. So, there were no artist live/work units even though it was in a protected area. Artist restrictions do bring pressure. Is it the highest and best use? The presence of certain types of live/work spaces also led to concerns about gentrification and nuisance claims. BRA’s relationship with the Fair Housing Initiative is incredibly important. This kind of housing is used by all different backgrounds including members of protected classes. It can lead to tension. Are artists already a part of the protected classes? If so, why do they need further protection?

Currently, they are supporting a wealth of projects (City of Boston 2005). There are the 6 units at the Dartmouth Hotel in Dudley Square. Midway Studios in Fort Point support 89 artist live/work units. It is a Fort Point Development Collaborative (FPDC) project. FPDC is a joint venture of Keen Development Corporation and the Fort Point Cultural Coalition, Inc. Increase in partnerships between non profits and developers. Here, they recognized that neighborhood artists have been working here for twenty-five years and they wanted to make sure they were not pushed out of the neighborhood. So, they built regular luxury housing AND inclusionary (affordable) housing.

ArtBlock in the South End is a new artist-centered community located in two buildings framing the historic Joshua Bates Art Center. The city of Boston’s first ever artist-focused Request for Proposal [RFP], which specifically sought the development of artist work and live/work space. The project will construct two new five-story buildings (ArtBlock East and ArtBlock West) and renovate the existing Bates Arts Resource Center, providing a total of 54 condominium units – that will allow for residential and/or artist live/work space, plus two ground floor commercial spaces for gallery, workshop and community space. Additionally, the project includes a significant affordable component with 32 units designated for households earning up to 80% of median income. New Atlantic Development Corporation is the developer. The city funded this project through the Neighborhood Housing Trust. City funds the Trust through city-owned land where money comes from community development exactions. Linkage is a fee exacted from all new large-scale commercial
real estate development exceeding 100,000 square feet and requiring zoning relief, including expansion and rehabilitation projects. The linkage requirement can be fulfilled with a cash payment or through direct creation of housing or a job-training program. Groups take part in a competitive application process to gain access to this pool.

Saint Paul:

Saint Paul, defines both “artist’s studio” and “live/work” as:

An artist’s studio is a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture and writing. A live/work unit is a dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

The code also differentiates between home occupations and live/work. In live/work the size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in intensity beyond the specified limit would require the building to be classified as mixed-use. It also allowed for limited retailing.

Saint Paul is also very flexible with its permission for live/work spaces. Portland, which does not have an artist live/work or general live/work definition does all live/work in all commercial zones and certain kinds of home occupations are allowed in residential areas. Specifically, there are four areas where artist live/work stand outs in their zoning code:

- In Business Districts, there is a community business (converted) districts (BC), it is expressly for existing residential structures in commercial areas, which will permit the operation of businesses which do not generate large amounts of traffic and at the same time will retail the visual character of the buildings and front and side yards. It provides parking for employees who work in buildings which are converted from residential to business use.


- In the Industrial Districts, mixed residential and commercial use is allowed in IR, I1, I2, and I3.

- In Residential Districts, Home Occupation is allowed but not mixed commercial/residential uses.

There are some questions that remain with regard to the Saint Paul set-up. Why is there no language for live/work in Industrial Districts but there is language for mixed residential and commercial use? What about multi-family artist live/work? Why do you need language for Artist’s Studio if have Live/Work language? Along the same lines, discuss differences between live/work, home occupation, and artist studio.
Zoning reform is happening in Chicago. There have been many spot zoning changes because private developers want it changed. This creates all sorts or problems, which is why, they are looking at re-zoning. One of the city’s goals is to support artist live/work code. To do so, the zoning code had to be more accurate, which is why they developed artist live/work definitions. The city is also working other sites; however, they find it difficult to attract developers because of the limited amount of available subsidies. They do have TIF districts. Switching Station Lofts is located in the mid-west TIF; however, this project did not receive TIF assistance because of two subsidies. One which is mentioned above and the second is that the parcel for parking was sold to the group for $1.

In Chicago, Switching Station Lofts in East Garfield Park falls under the category of Community Shopping District (B3) which is a sub group of Business and Commercial Districts. Switching Station Lofts (2005), East Garfield Park. It is the first city-sponsored artist live/work space and consists of 24 units in an historic old school building. It is developed by Chicago Department of Cultural Affairs, Chicago Department of Housing, Artspace Projects, and Illinois Housing Development Authority. The development costs were $4.9 million. Funding came from Department of Housing, IHDA, and Federal Home Loan.

Chicago Zoning Ordinance, Chapter 17-17 Terminology and Measurements defines 17-17-0200 General Terms defines 17-17-0212 Artist Live/Work Space: A dwelling unit in which up to 50% of the floor area is used for production, showing, and sale of art. It falls within two overarching categories: residential use group and commercial use group. The former as identified in Chapter 17-17-0102 includes: includes uses that provide living accommodations to one or more persons. The RUG includes two Use categories: group living and household living.

- 17-17-0102-B Household Living Category: Residential occupancy of a dwelling unit by a household with tenancy arranged on a monthly or longer basis (Note: see building type definition, e.g. detached house, two-flat, townhouse, artist live/work space in Sec. 17-17-0200)

The latter defined in 17-17-0104 says that Commercial Use Group: CUG includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public.

- 17-17-0104-C Artist Work or Sales Space: Floor space devoted to the production, showing, or sale of art. Typical uses include art galleries and art studios, but not including art museums. Art museums are classified in the “Cultural Exhibits and Libraries” use category.
Switching Station Lofts falls under the category of Community Shopping District (B3) which is a sub group of Business and Commercial Districts. The primary purpose of B3 is to accommodate a very broad range of retail and service uses, often in the physical form of shopping center or larger buildings than found in B1 or B2. B3 is also intended to accommodate some types of uses that are not allowed in B1 and B2 districts.

Characteristics include:

- Development will generally be destination oriented which means more off site parking than B1 and B2
- It permits residential dwelling units above the ground floor
- Intended to be applied to large sites that have primary access to major streets or along streets to accommodate retail and service uses that are not allowed in B1 and B2

Switching Station Lofts is an old historic building that stood on West Side. Chicago wanted to pilot artist housing in this area. It was the right size for 15 units. The building was in Chicago’s inventory. It was owned by public schools. Artspace liked it. West Side has a big beautiful park, Garfield Park, it has a conservatory too. The community did a framework plan for the park and talked about re-use of many of the building. There are lots of artists here but had little opportunity to show and work it. They can sell out of the individual studios.

Portland:
Portland has only one live/work provision that applies to a limited industrial area, the St. John’s Plan District. Unlike many cities, Portland is very protective of its industrial areas and has imposed strict Industrial Sanctuary policies that include sharp limits/prohibition of residential in industrial zones, which are a cornerstone of Portland’s land use and economic development framework and make new live/work provisions problematic from a policy standpoint. With this new provision in the Plan District, the city says:

Significant housing development on the site in Linnton Village poses too many potential harmful impacts for the future residents and the surrounding industrial uses and infrastructure. Conversely, intense heavy industrial development does not take advantage of the unique opportunities this site has to provide a more vibrant and livable environment for the Linnton neighborhood. Given these risks, the recommended approach is a middle ground solution that would refocus the site’s industrial development on uses with more employees and that would allow a limited mix of commercial and residential uses...A limited amount of work/live residential could be supportable concentrated in part of the site.

All commercial zones allow residential living already, and certain kinds of home occupations are allowed in residential zones. Zoning was not an issue; however, they have strict Industrial Sanctuary policies, including
sharp limits/prohibition of residential in industrial zones, which are a cornerstone of Portland’s land use and economic development framework and make new live/work provisions problematic from a policy standpoint.

There is one live/work provision that applies to a limited area, The St John’s Plan District. Residential Uses in EG1 Zones. The city of Portland says, “Significant housing development on the site in Linnton Village poses too many potential harmful impacts for the future residents and the surrounding industrial uses and infrastructure. Conversely, intense heavy industrial development does not take advantage of the unique opportunities this site has to provide a more vibrant and livable environment for the Linnton neighborhood. Given these risks, the recommended approach is a middle ground solution that would refocus the site’s industrial development on uses with more employees and that would allow a limited mix of commercial and residential uses...A limited amount of work/live residential could be supportable concentrated in part of the site.”

They have done earlier research on Artistic and Creative Activities related to Zoning. Documents are attached. According to Nicholas Starin, from Portland Bureau of Planning, Historic Preservation Program, their reputation for supporting artist live/work spaces exceeds their reality. Everett Station Lofts, Old Town District. They have only one example. Bruce Allen from the Portland Development Commission says that code issues were not the problem but financing. PDC needed to provide subordinated, low-interest financing. They do not have specific guidelines for these spaces. A related recent provision is actually in their building code, lessening seismic upgrade requirements (a big and expensive hurdle here in a high earthquake risk area) for changing in occupancy to live/work. Recommended looking at Vancouver who has recently made some zoning changes in their code.

Recommendations:

I recommend three steps. First, define artist and artist live/work in the zoning code through text amendments. I recommend the following general definitions to be adopted into the Minneapolis Zoning Code in the Definitions Chapter 520.00. An “Artist” is a person who is regularly engaged in the visual, performing, or creative arts. “Artist Live/Work” is a combination working studio and dwelling unit for artists. An artist’s dwelling unit consists of a room or suite of rooms on one or more floors designed for and occupied by not more than one family and including adequate working space reserved for the artist or artists residing therein.” Choosing liberal definitions gives city officials and citizens the necessary flexibility to support these types of artist spaces. Steve Poor also suggested that it was more efficient to be general than
specific in terms of definitions, he commented, “Sometimes it is better being addressed by not being addressed.”

Second, allow artist live/work exemptions within Chapter 535.450 of Home Occupation standards. Primarily, there are two areas of concern. Provision 10 states, “No retail sale and delivery of products of merchandise to the customer or client shall occur on the premises except where accessory to any services provided (such as hair care products sold accessory to hair cutting or computer disks accessory to accounting services).” Provision 11 states, “No home occupation shall be visible from any public right of way, except for allowed signage.” I recommend a text amendment that reads, “Home occupations shall be subject to the following standards, except that licensed family day care and licensed group family day care shall be exempt from the provisions of sections (2), (6), (11), (12), (13), and (15), and that artist live/work shall be exempt from the provisions of sections (10) and (11) in Industrial Overlay Districts and in Commercial Districts.” This allows artist to have retail out of their live/work space.

Third, establish places in the zoning map where artist live/work developments should be encouraged. Because of my limited experience in the Community Planning and Economic Development, Planning Division for the City of Minneapolis, I hesitate to suggest a particular neighborhood for live/work developments; however, it seems to make sense to establish these areas in Northeast Minneapolis, a place designated by the City of Minneapolis as the Arts District. In particular, I recommend the ILOD District in Northeast Minneapolis that is listed in Chapter 551.340. While dwelling units are allowed as conditional permits, I recommend that it explicitly states that artist live/work spaces are allowed as a conditional use according to 551.370. As a conditional use, it will give the City of Minneapolis the opportunity to review projects to guarantee that the projects support affordable artist/live work spaces. Moreover, as a aspect of this particular ILOD, developers are giving density bonuses for affordable housing, in which, the “maximum number of a dwelling units and the maximum floor area ratio of new cluster developments and new multiple-family dwellings of five or more may be increased by twenty percent if at least twenty percent of the dwelling units meet the definition of affordable housing.” In addition, live/work should be encouraged in commercial districts that also allow mixed use.

Finally, before these artist live/work zones are incorporated, I recommend that the members of CPED work with formalized arts groups like North East Minneapolis Arts Association to better understand what kind of artists benefit from live/work spaces and how their need can best be fulfilled through these spaces. While I did attempt to schedule meetings with various arts groups, it is unrealistic to expect their meeting schedule to align with my internship. Catherine Geisen-Kisch from the Northeast Minneapolis Arts Association is
interested in pursuing this discussion with the City of Minneapolis once her Board is on the same page. Public participation is a key element here to help overcome public perception issues. In addition, I would also work with various art groups to help devise a transparent system to inform artists about the zoning process in order to help overcome perceptions that live/work is not a viable option in Minneapolis. In particular, Seattle has a handbook that could be used as a guide.

**Non-related Zoning Recommendations:**

As I moved through this research process, it became clear that zoning was not the sole reason for the dearth of artist live/work spaces in Minneapolis; rather, it is symptomatic of a municipal system that may not necessarily understand how to connect the regional arts ecology with not only economic development but with the City’s overarching plans for its future. While this topic rightly requires its own research program, I make two general recommendations that help frame the topic of zoning within a much larger conversation.

First, I recommend that CPED look not only at zoning code in relation to artist live/work spaces, but also the financial and market research resources needed to physically build these spaces. All of the developers and city officials interviewed in each city spoke to the financial difficulty of building affordable spaces for artists. Each mentioned that this was the primary obstacle and not their respective zoning codes. While this is a controversial recommendation in an era of dwindling budgets, how can we state that the arts have a role in economic development, if we don’t invest in it? Yes, the City of Minneapolis has approved the Plan for Arts and Culture; however, a financial commitment did not accompany this verbal commitment as minimal, if any, funds were directed to the stated objectives (City of Minneapolis 2005). In the past, the City of Minneapolis has demonstrated its ability to financially support larger arts organizations as evident by the millions of dollars distributed through a variety of financial tools (Markusen and Johnson 2006) so why not redirect some of the funds or public land to live/work units? If the city does not have the resources to make this kind of investment then they should at least use their influence to pull together different public, private, and nonprofit groups interested in supporting live/work units especially in a metropolitan region that is nationally known its public/private partnership and strong philanthropic support.

Second, CPED should increase its understanding of arts-related economic development by enlarging its staff to include those who know how to embed the arts within planning and community development. The Plan for Arts and Culture clearly states that the arts has an important role to plan in enlarging the regional economy; however, its meager two-person staff consists of one individual who focuses solely on film coordination and another who focuses solely on public art. How can the arts truly be embedded within
planning if its staff does not have the experience to make this integration? The Boston Redevelopment Authority and the City of Seattle provide case studies as to how to truly connect the fields of planning, economic development, housing, and the arts. If this foundation is in place, artist spaces, like live/work units, could then be seen and understood through a much larger analytical framework; which would include zoning code, building code, public-private partnerships, financing models, etc. This would result in a much more holistic and efficient process rather than looking at artist live/work spaces through the specific lens of zoning during one summer and then looking at the specific lens of building codes the following summer. At this rate, it may take the city ten years to change how it supports live/work units. If Minneapolis wants to compete with Boston, Seattle, Chicago, and Portland, with regards to arts-related economic development, it must take a progressive approach towards instilling change within its own internal body.

These recommendations are only the so-called "tip of the iceberg" yet they provide an impetus for the city to truly consider its relationship between artists, art spaces, and arts resources. This is a timely issue that could take advantage of the upcoming comprehensive plan deadlines; such that, the arts-related economic development, which includes live/work spaces, could plan a vital role in helping form the city's future.

**Research Limitations & Non-related Zoning Recommendations:**

This research took approximately 200+ hours. This is no where near enough to time truly unearth the issues related to the scope of this project. I was not assigned to look at market feasibility studies, building codes, affordable housing relationships, artist certification, or City-sponsored financial or other incentives. By no means is zoning the sole answer; it is just one piece of the puzzle. In fact, it may be a symptom as opposed to the underlying issue. I did not interview a laundry list of artists to unearth their perspectives or to see if the market exists for such projects. Rather, this seemed to be a logical second phase for CPED to pursue by establishing partnerships with arts associations in the city who have a better idea of their constituents needs. I hesitate to say artist live/work instead of live/work, in general, however, my task is to focus on the former.

On a micro level, it was difficult to engage comparable city reps in a lengthy conversation about their zoning. Like many cities, they face budget cuts and increased workload makes it hard to track them down and to unearth all of the necessary details. Moreover, I am not a zoning specialist nor is the intent for me to create such language.

**Conclusion:**
Minneapolis is home to a wealth of artists, arts organizations, and philanthropic organizations. This cultural environment plays both a significant direct and indirect role in creating strong economic and artistic communities. Even though the City of Minneapolis does support cultural activities in other ways, it is surprising that it does not recognize artists or arts spaces within the zoning code unlike many other cities comparable cities within the United States. Much work is to be done to more fully understand the role the City of Minneapolis should take to best support artistic communities; however, this is a great first step in understanding the needs of related stakeholders.
APPENDIX A

City of Minneapolis: Zoning Code Review

Zoning:

Article VII. Home Occupations

535.440 Purpose: Home occupation regulations are established to ensure that home occupations do not adversely affect the character and livability of the surrounding neighborhood and that a home occupation remain accessory and subordinate to the principal residential use of the dwelling. The regulations recognize that many types of home occupations can be conducted with little or no adverse effect on the surrounding neighborhood.

535.450. Home Occupation standards. Home occupations shall be subject to the following standards, except that licensed family day care and licenses group family day care shall be exempt from the provisions of sections (2), (6), (11), (12), (13), (16).

(2) Only the residents of the dwelling unit, and not more than one non resident employee, shall be employed or engaged in the conduct of the home occupation on the premises.

(3) Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory building or the zoning lot shall be prohibited.

(6) Number of people allowed to come...

(8) Signage. Advertising or identification of any kind on towers, antennas and base units shall be prohibited...

Article IV. IL Industrial Living Overlay District

551.330 Purpose: The IL Industrial Overlay District is established to encourage the rehabilitation and reuse of existing industrial structures and to provide for limited residential and retail uses in the IL and I2 Industrial Districts where such uses are compatible with other uses in the area.

551.360 Permitted Uses. In addition to the uses permitted in the primary zoning code, the following uses shall be permitted.

1) General retail sales and services uses
2) Antiques and collectibles
3) Banks and financial institutions
4) Bookstore, new or used
5) Grocery store
6) Laundry, self service
7) Theatre, indoor
8) Video Stores

551.370 Conditional Uses. In addition to the conditional uses allowed in the primary zoning district, the following conditional uses may be allowed in IL Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement.

1) Dwelling Units

551.385 Density Bonuses.
b) Bonus for affordable housing. The maximum number of a dwelling units and the maximum floor area ratio of new cluster developments and new multiple-family dwellings of five or more may be increased by twenty percent if at least twenty percent of the dwelling units meet the definition of affordable housing.
APPENDIX B

Comparable City Zoning Definitions*
updated 08/31/05

CITY OF BOSTON, MASSACHUSETTS
Zoning Code, Article 2, Definitions

Art Use: The creation, manufacture, or assemblage of visual art, including two or three dimensional works of fine art or craft, or other fine art objects created, manufactured, or assembled for the purpose of sale, display, commission, consignment, or trade by artists or artisans; or classes held for art instruction (As inserted on February 1, 1989).

Artists’ Mixed Use: The use of all or a portion of a Building for both habitation and either Art use of Arts Studio Use, or a combination thereof, provided that any portion of a Building devoted to such use shall be (a) occupied by persons certified as artists pursuant to the Boston Redevelopment Authority Certification Process, (b) design in accordance with Boston Redevelopment Authority standards and guidelines for artists’ mixed-use space, and (c) subject to an agreement for artists’ housing with the Boston Redevelopment Authority (As inserted on February 1, 1989, and amended on September 9, 2004)

CITY OF CHICAGO, ILLINOIS
Zoning Ordinance, Chapter 17-17 Terminology and Measurements

17-17-0102 Residential Use Group: includes uses that provide living accommodations to one or more persons. The RUG includes two Use categories: group living and household living.

17-17-0102-B Household Living Category: Residential occupancy of a dwelling unit by a household with tenancy arranged on a monthly or longer basis (Note: see building type definition, e.g. detached house, two-flat, townhouse, artist live/work space in Sec. 17-17-0200)

17-17-0104 Commercial Use Group: CUG includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public.

17-17-0104-C Artist Work or Sales Space: Floor space devoted to the production, showing, or sale of art. Typical uses include art galleries and art studios, but not including art museums. Art museums are classified in the “Cultural Exhibits and Libraries” use category.

17-17-0200 General Terms

17-17-0212 Artist Live/Work Space: A dwelling unit in which up to 50% of the floor area is used for production, showing, and sale of art.

CITY OF PORTLAND, OREGON
Title 33, Planning and Zoning

Chapter 33.910 Definitions

No definition exists.

CITY OF SAINT PAUL, MINNESOTA
Sec. 65.411. Artist’s Studios: A place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture and writing.

Sec. 65.142. Live-Work Unit: A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

(a) The work space component must be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.

(b) The dwelling unit component must be located above or behind the work space, and maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.

(c) The office or business component of the unit shall not exceed 30 percent of the total gross floor area of the unit.

(d) A total of two off street parking spaces shall be provided for a live-work unit, located to the rear of the unit, or underground/enclosed.

(e) The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit would require the building to be classified as a mixed use building.

(f) The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or omitted retailing, by appointment only, associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.

CITY OF SEATTLE, WASHINGTON
Land use Code, Definitions.

Artist: A person who is regularly engaged in the visual, performing, or creative arts.

Artists Studio Dwelling: A combination working studio and dwelling unit for artists. An artist’s dwelling unit consists of a room or suite of rooms on one or more floors designed for and occupied by not more than one family and including adequate working space reserved for the artist or artists residing therein.

*To be chosen, definitions must have the word, “artist” in the language in its title or description. For example, home occupation, mixed use, or live/work definition are not included unless it had the word “artist” in its description.