

**AN ORDINANCE
OF THE
CITY OF
MINNEAPOLIS**

By Bender

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

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

Section 1. That Section 520.160 of the above-entitled ordinance be amended and amended by adding the following definitions in alphabetical sequence 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.

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.

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Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

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

Section 1. That Section 521.10 of the above-entitled ordinance 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:

(6) *Overlay Districts.*

- PO Pedestrian Oriented Overlay District
- LH Linden Hills 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
- ~~NP North Phillips Overlay District~~
- AP Airport Overlay District
- WB West Broadway Overlay District
- UA University Area Overlay District
- DS Downtown Shelter Overlay District

**AN ORDINANCE
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Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

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

Section 1. That the following portion of Table 525-1 of the above-entitled ordinance be amended to read as follows:

Table 525-1 Fees

Application Type	Fee (dollars)
<u>Administrative reviews of accessory dwelling units</u>	<u>260</u>
Administrative reviews of communication towers, antennas, and base units	210

Section 2. That Section 525.520 of the above-entitled ordinance 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:

- (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.
- (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 shall not be varied.

**AN ORDINANCE
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Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

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

Section 1. That Section 535.90 (a) of the above-entitled ordinance 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 shall have a minimum width of twenty (20) feet.

Section 2. That Section 535.190 of the above-entitled ordinance be amended to read as follows:

535.190. Limit of one (1) principal residential structure per zoning lot. Except in the case of cluster developments, and planned unit developments, not more than one (1) principal residential structure shall be located on a zoning lot, nor shall a principal residential structure be located on the same zoning lot with any other principal structure. An accessory dwelling unit shall not be considered a separate principal residential structure.

Section 3. That Section 535.250 of the above-entitled ordinance be amended to read as follows:

535.250. - Interior side yards for dwellings with side entrances. The minimum width of interior side yards for all multiple-family dwellings, single- and two-family dwellings, accessory dwelling units, or cluster developments with a principal entrance facing the interior lot line, shall be not less than fifteen (15) feet, and the minimum width of said interior side yard plus any driveway shall not be less than twenty-two (22) feet, unless a greater width is required by the regulations governing interior side yards in the district in which the structure is located.

**AN ORDINANCE
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Amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to Zoning Code: Accessory Uses and Structures.

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

Section 1. That Section 537.50 of the above-entitled ordinance be amended to read as follows:

537.50. Maximum height. (a) *In general.* The maximum height for all accessory structures shall be limited to the maximum height requirements for principal structures in the district in which the accessory structure is located, except as otherwise provided in this zoning ordinance. The maximum height of detached accessory dwelling units shall be governed by section 537.110.

(b) *Accessory structures located in the residence and OR1 Districts.* A detached accessory structure, accessory to a principal use located in a residence or OR1 district shall not exceed the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, where the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure and the roof pitch matches the primary roof pitch of the principal structure, and provided the wall height shall not exceed ten (10) feet from the floor to the top plate. The zoning administrator shall conduct the administrative review of all applications to increase the maximum height 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.

(c) *Accessory structures located in all other districts.* Structures 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 the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, where the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure, and provided the wall height shall not exceed ten (10) feet from the floor to the top plate.

Section 2. That Section 537.60 of the above-entitled ordinance 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 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 3. That Section 537.70 of the above-entitled ordinance be amended to read as follows:

537.70. Yard requirements. The minimum yard requirements for accessory uses and structures shall not be less than those specified for the principal uses to which they are accessory, except as provided in Chapter 535, Regulations of General Applicability, or as otherwise provided in this zoning ordinance.

Section 4. That Section 537.80 of the above-entitled ordinance be amended to read as follows:

537.80. Distance from dwelling. No detached accessory building or open parking space shall be located closer than six (6) feet from the habitable space of a dwelling of any type, except that detached accessory dwelling units may be located closer than six (6) feet from an open parking space. Detached parking garages serving residential uses and detached accessory dwelling units shall be located entirely to the rear of the principal residential structure.

Section 5. That Section 537.110 of the above-entitled ordinance be amended by adding definitions in alphabetical sequence to read as follows:

537.110. Allowed accessory uses and structures. The following accessory uses and structures shall be allowed, subject to the following development standards:

Accessory dwelling units. Internal, attached, and detached accessory dwelling units shall be allowed accessory to a principal residential structure, subject to the following:

- (1) The principal residential structure shall be a permitted or conditional single-family or two-family dwelling, accessory dwelling units shall be prohibited accessory to all other uses.
- (2) No more than one (1) accessory dwelling unit shall be allowed on a zoning lot.

- (3) The creation of an accessory dwelling unit shall not create a separate tax parcel.
- (4) Balconies shall not face an interior side yard.
- (5) Rooftop decks shall not be allowed.
- (6) An owner of the property must occupy at least one (1) dwelling unit on the zoning lot as their primary place of residence.
- a. If an owner is unable or unwilling to fulfill the requirements of this section, the owner shall remove those features of the accessory dwelling unit that make it a dwelling unit. Failure to do so will constitute a violation of this section.
- b. Prior to issuance of a permit establishing an accessory dwelling unit, the owner(s) shall file with the Hennepin County recorder a covenant by the owner(s) to the City of Minneapolis stating that the owner(s) agree to restrict use of the principal and accessory dwelling units in compliance with the requirements of this section and notify all prospective purchasers of those requirements.
- c. The covenant shall run with the land and be binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The covenant shall be in a form prescribed by the zoning administrator that includes the legal description of the zoning lot. The property owner(s) shall return the original covenant with recording stamp to the zoning administrator before the building permit for the accessory dwelling unit is issued.
- d. At the request of a property owner and upon an inspection finding that an accessory dwelling unit has been removed from the owner's property, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit.
- (7) Accessory dwelling units that are internal to a principal residential structure shall also comply with the following requirements:
- a. Internal accessory dwelling units are limited to eight hundred (800) square feet. The gross floor area of an internal accessory dwelling unit may exceed eight hundred (800) square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of January 1, 2015. In no case shall the floor area of the internal accessory dwelling unit exceed the floor area of the first floor of the primary structure.
- b. The entire internal accessory dwelling unit shall be located on one level.
- c. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.
- d. Any stairways leading to the accessory dwelling unit shall be enclosed.
- (8) Accessory dwelling units that are attached to a principal residential structure shall also comply with the following requirements:
- a. The maximum floor area for an attached accessory dwelling unit shall be eight hundred (800) square feet.
- b. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.
- c. Any stairways leading to an upper story of an accessory dwelling unit shall be enclosed.
- d. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

(9) Detached accessory dwelling units shall also comply with the following requirements:

- a. A detached accessory dwelling unit shall not exceed the height of the principal residential structure or twenty (20) feet, whichever is less. In no case shall the highest point of the roof of the detached accessory dwelling unit exceed the highest point of the roof of the principal residential structure.
 - b. The floor area of a detached accessory dwelling unit shall not exceed one-thousand (1,000) square feet, including any areas designed or intended to be used for the parking of vehicles and any half-story floor area. When a lot includes a detached accessory dwelling unit, the combined floor area of the footprint of the detached accessory dwelling unit, and all other accessory structures and uses 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.
 - c. The minimum interior side yard requirement for a detached accessory dwelling unit shall not be less than three (3) feet.
 - d. The minimum rear yard requirement for a detached accessory dwelling unit may be reduced to three (3) feet, except where vehicle access doors face the rear lot line, in which case the minimum rear yard requirement shall be five (5) feet.
 - e. A detached accessory dwelling unit on a reverse corner lot shall be no closer to the side lot line adjacent to the street than a distance equal to two-thirds of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Further, a detached accessory dwelling unit shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence or office residence district.
 - f. The distance between the detached accessory dwelling unit and the habitable portion of the principal residential structure shall be a minimum of twenty (20) feet.
 - g. The primary exterior materials of the detached accessory structure shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.
 - h. Not less than ten (10) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.
 - i. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.
- (10) The zoning administrator shall conduct the administrative review of all applications for an accessory dwelling unit. 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.

**AN ORDINANCE
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By Bender

Amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-street Parking and Loading.

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

Section 1. That the following portion of Table 541-1 of the above-entitled ordinance be amended to read as follows:

Table 541-1 Specific Off-Street Parking Requirements

Use	Minimum Parking Requirement	Maximum Parking Allowed	Notes (see 541.170)
RESIDENTIAL USES			
Dwellings	1 space per dwelling unit, <u>except an accessory dwelling unit shall not be required to provide off-street parking</u>	No maximum except as regulated by Article VIII, Special Parking Provisions for Specific Zoning Districts	1 Existing dwellings nonconforming as to parking may provide off-site parking within 300 feet

Section 2. That Section 541.450 of the above-entitled ordinance be amended to read as follows:

541.450. Maximum number of vehicles for dwellings. The total number of vehicles located on a zoning lot shall not exceed two (2) vehicles per dwelling unit, excluding those parked within an enclosed structure. For the purposes of this section, accessory dwelling units shall not be considered a dwelling.

**AN ORDINANCE
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By Bender

Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.

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

Section 1. That Section 551.1020 of the above-entitled ordinance be and is hereby repealed.

551.1020. Reserved. Purpose.

~~The NP North Phillips Overlay District is established to create additional housing, to promote home ownership and to allow a variety of housing types, costs and arrangements that may not meet the regulations of the primary zoning district, including the limit of one (1) principal residential structure per zoning lot, where the primary zoning district allows two family or multiple family dwellings.~~

Section 2. That Section 551.1030 of the above-entitled ordinance be and is hereby repealed.

551.1030. Reserved. Established boundaries.

~~The boundaries of the NP Overlay District shall be the areas shown on the official zoning map.~~

Section 3. That Section 551.1040 of the above-entitled ordinance be and is hereby repealed.

551.1040. Reserved. Definition.

~~*Accessory dwelling.* A single family dwelling that is detached from and subordinate to a principal residential structure on the same zoning lot, and that is located entirely above a parking garage with not less than two (2) accessory parking spaces.~~

Section 4. That Section 551.1050 of the above-entitled ordinance be and is hereby repealed.

551.1050. Reserved. Eligible areas outside of established boundaries.

~~The NP Overlay District shall be limited to locations within the area bounded by Interstate 35W, Interstate 94, East 24th Street, and Hiawatha Avenue where the primary zoning district allows two family dwellings. Any person having a legal or equitable interest in property located within the eligible area outside of the established boundaries may file a petition to request the addition of the NP Overlay District classification in the manner provided for zoning amendments in Chapter 525, Administration and Enforcement.~~

Section 5. That Section 551.1060 of the above-entitled ordinance be and is hereby repealed.

551.1060. Reserved. Conditional uses.

~~In addition to the conditional uses allowed in the primary zoning district, the establishment of one (1) accessory dwelling on a single zoning lot, other than a cluster development or planned unit development, may be allowed in the NP Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement, and the following:~~

- ~~(1) The principal residential structure shall be a permitted or conditional use in the primary zoning district. No accessory dwelling shall be constructed or established prior to the time of construction of the principal residential structure to which it is accessory. This section shall not prohibit a construction project in which both the principal residential structure and accessory dwelling are to be built simultaneously.~~
- ~~(2) At least one (1) dwelling unit on the zoning lot shall be homesteaded.~~
- ~~(3) There shall be no more than one (1) principal residential structure on a zoning lot in addition to the accessory dwelling.~~
- ~~(4) The minimum lot area shall be one thousand five hundred (1,500) square feet per unit, including the accessory dwelling unit, except in the R2 Two-family District where the minimum lot area shall be six thousand (6,000) square feet.~~
- ~~(5) There shall be no other accessory structures designed or intended to be used for the parking of vehicles allowed on the zoning lot.~~
- ~~(6) The parking spaces located below the accessory dwelling shall be accessible through the alley where there is an alley, except as otherwise authorized by the city planning commission.~~
- ~~(7) There shall be an unobstructed walkway leading from the public street to the accessory dwelling.~~
- ~~(8) The minimum rear and interior side yard requirements for the accessory dwelling shall be not less than those specified by the primary zoning district for principal uses, except as otherwise authorized by the city planning commission.~~
- ~~(9) The principal residential structure and the accessory dwelling shall be separated by not less than ten (10) feet and shall not be connected to each other by any structure.~~
- ~~(10) The accessory dwelling shall be compatible in character with the principal residential structure on the zoning lot and with the surroundings, and shall comply with the following specific requirements:~~
 - ~~a. The height of the accessory dwelling shall not exceed the height of the principal residential structure, or two and one-half (2.5) stories or thirty (30) feet, whichever is less.~~
 - ~~b. The roof of the accessory dwelling shall be similar in form and pitch to that of the principal residential structure.~~

- ~~e. The exterior building materials and appearance of the accessory dwelling shall be similar to that of the principal residential structure.~~
 - ~~d. Not less than twenty (20) percent of the façade of the accessory dwelling unit facing the principal residential structure or alley shall be windows.~~
- ~~(11) The minimum floor area of the accessory dwelling unit shall be three hundred (300) square feet.~~