

**AN ORDINANCE  
OF THE  
CITY OF  
MINNEAPOLIS**

By Bender

**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**

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

Section 2. That ~~TableSection~~ 525.520 ~~(22)~~ 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 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~~(b)~~ 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.