

**ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Bender and Gordon

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 537.110 of the above-entitled ordinance be amended 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 (1) 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 ($2/3$) 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.

Animal coops, pens or other structures used to house small animals or fowl, such as a chicken, turkey, duck or pigeon. Animal coops, pens or other structures used to house small animals or fowl, such as a chicken, turkey, duck or pigeon shall be allowed accessory to a dwelling subject to the following:

- (1) The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.
- (2) The use shall be visually screened from any adjacent residential use.
- (3) The use shall be constructed of durable materials and shall be compatible with the principal structure and adjacent residential properties.
- (4) The use shall be located entirely to the rear of the principal residential structure.
- (5) The use shall comply with the requirements of Chapter 70, Fowl, Pigeons and Other Small Animals, of the Minneapolis Code of Ordinances.

Animal runs. Animal runs used to exercise small animals or fowl, such as a chicken, turkey, duck or pigeon. Animal runs shall be allowed accessory to a dwelling subject to the following:

- (1) The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.
- (2) The use must be fenced or otherwise enclosed to keep the animals confined to the designated area.
- (3) The use shall be located entirely to the rear of the principal structure.
- (4) The use shall comply with the requirements of Chapter 70, Fowl, Pigeons and Other Small Animals, of the Minneapolis Code of Ordinances.

Antenna. Antennas shall be allowed as an accessory use, subject to the provisions of Chapter 535, Regulations of General Applicability.

Apiary. An apiary shall be allowed as an accessory use subject to the following:

- (1) The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.
- (2) The use shall comply with the requirements of Title 4, Chapter 74, of the Minneapolis Code of Ordinances.

Aquaponics, aquaculture or hydroponics. Aquaponics, aquaculture or hydroponics shall be allowed accessory to an urban farm or accessory to indoor market gardens located in a commercial or downtown zoning district, subject to the following:

- (1) The operator shall maintain any required licensure through the Department of Natural Resources and the Department of Agriculture.
- (2) The tanks shall not be connected to the sewer system.

Athletic field. Athletic fields, including stadiums and grandstands, shall be allowed accessory to institutional and public uses, subject to the following:

- (1) The athletic field shall be at least fifty (50) feet from the nearest property line of a residential use located in a residence or office residence district or any permitted or conditional residential use.
- (2) The athletic field shall be situated in such a way as to minimize the effects of lighting and noise on surrounding property.
- (3) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected after an event for purposes of removing any litter found thereon.

Automatic teller machine. Automatic teller machines shall be allowed accessory to nonresidential uses located in districts other than the residence and OR1 Districts. Such automatic teller machines shall be located within the principal structure served, except when part of a drive-through facility accessory to a bank.

Automobile repair, major and minor. Automobile repair may be allowed accessory to automobile convenience facilities and to automobile sales, subject to the following:

- (1) Automobile repair accessory to automobile convenience facilities shall be allowed when located in a district in which such automobile repair is allowed as a principal use that may be established after the effective date of this ordinance, or when located in the C1 District and existing on the effective date of this ordinance.
- (2) Automobile repair accessory to automobile sales shall be allowed when located in a district in which such automobile repair is allowed as a principal use that may be established after the effective date of this ordinance.

Cafeteria. Cafeterias, dining halls, and similar food services shall be allowed accessory to nonresidential uses when operated primarily for the convenience of the employees, clients, or visitors of the principal use.

Car wash. Car washes shall be allowed accessory to automobile repair, automobile sales and rental, and automobile convenience facilities, subject to the applicable district regulations and the following:

- (1) Water from the car wash shall not drain across any sidewalk or into a public right-of-way.
- (2) Vacuum facilities shall be located in an enclosed structure or located away from any residential use to avoid the impacts of noise.
- (3) All indoor and outdoor activities shall be subject to the regulations governing hours open to the public, as specified in the zoning district in which the car wash is located.
- (4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (5) The car wash shall not be of a self service type.

Catering. In addition to the zoning districts in which catering is allowed as a principal use, catering shall be allowed accessory to a board and care home, nursing home or assisted living use, child care center, food and beverage use, hospital or institutional and public use, subject to the following:

- (1) The use shall have a current institutional food or food manufacturing license in accordance with Title 10, Food Code, of the Minneapolis Code of Ordinances.
- (2) No signage for such catering use shall be visible from outside the building.
- (3) In residence and office residence districts, parking of commercial vehicles for accessory catering uses shall be limited to operable, single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight. Such vehicles shall be parked in an enclosed structure. These regulations shall apply only to vehicles that are parked regularly at a site and shall not apply to pick-up and delivery activities or to the temporary use of vehicles during construction.
- (4) In residence districts, shipment and delivery of products, merchandise or supplies shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.

Child care center. Child care centers shall be allowed accessory to a nonresidential use, or nursing home, provided play equipment shall not be located in required front, side or rear yards and shall be effectively screened from any adjacent residential use located in a residence or office residence district or from a ground floor permitted or conditional residential use, as specified in Chapter 530, Site Plan Review.

Cold frames or other structures used to cover food or ornamental crops to protect from cold weather. Cold frames or other structures used to cover food or ornamental crops and provide protection from cold weather shall be allowed as an accessory use subject to the following:

- (1) The use shall not exceed four (4) feet in height.
- (2) The use shall not be located in a required interior side yard.

Community bulletin board. Community bulletin boards shall be allowed accessory to institutional and public uses, subject to the following:

- (1) A community bulletin board shall not be located in any required yard or within twenty (20) feet of any habitable building on an adjacent property.
- (2) Community bulletin boards shall not exceed eight (8) square feet in area and shall not exceed six (6) feet in height.
- (3) Landscaping or other decorative materials designed to screen the base of the community bulletin board shall be provided. Such landscape or decorative materials shall be capable of screening the base of the community bulletin board all year and shall be well maintained.
- (4) Illumination is prohibited.

Community garden. In addition to the zoning districts in which community gardens are allowed as a principal use, community gardens shall be allowed as an accessory use subject to the provisions of Chapter 536, Specific Development Standards, and the following:

- (1) In the residence and OR1 districts, community gardens shall not be allowed accessory to a residential use.

Community supported agriculture drop-off/pick up. Community supported agriculture drop-off/pick up sites shall be allowed as an accessory use.

Compost container. Compost containers shall be allowed as an accessory use, subject to the following:

- (1) The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.
- (2) The use shall comply with the requirements of Chapter 244, Housing Maintenance Code, of the Minneapolis Code of Ordinances and with all applicable rules and statutes as determined by the Minnesota Pollution Control Agency.

Congregate dining. Congregate dining shall be allowed accessory to a multiple-family dwelling or cluster development of five (5) dwelling units or more, subject to the following:

- (1) Congregate dining facilities shall be for residents of the dwelling and their registered guests only.
- (2) No signage for such congregare dining facility shall be visible from outside the building.
- (3) Separate exterior access to the congregare dining facility shall be prohibited.

Convent, monastery or religious retreat center. Convents, monasteries and religious retreat centers shall be allowed accessory to a religious institution place of assembly, provided such use shall be subject to the same requirements for maximum number of persons served and minimum lot area as community residential facilities located in the zoning district.

Crematory. Crematories shall be allowed accessory to a cemetery, provided that no crematory shall be located within one thousand (1,000) feet of any exterior property line of the cemetery.

Developmental achievement center. Developmental achievement centers shall be allowed accessory to a nonresidential use or nursing home, provided in the residence and OR1 Districts the number of persons served shall not exceed twelve (12).

Donation collection bin. Donation collection bins shall be allowed in all zoning districts accessory to a commercial use, a religious institution place of assembly, or an educational facility, subject to Title 13, Chapter 282, Donation Collection Bins, of the Minneapolis Code of Ordinances.

Driveway, extending along the length of the required front yard. (The length shall mean the dimension parallel to the street). Driveways extending along the length of the required front yard shall be allowed as an accessory use, subject to the following:

- (1) The lot shall be a minimum of ten thousand (10,000) square feet in area and eighty (80) feet in width.
- (2) The maximum width of the driveway shall not exceed twelve (12) feet.
- (3) The maximum coverage of the front yard shall not exceed twenty-five (25) percent.

Family or group family day care. Family or group family day care shall be allowed accessory to a dwelling, provided play equipment shall not be located in required front, side or rear yards and shall be effectively screened from any adjacent residential use located in a residence or office residence district or from a ground floor permitted or conditional residential use, as specified in Chapter 530, Site Plan Review. Where the license holder is an employer and the purpose of the program is to provide day care to children of the license holder's employees, such program shall be allowed accessory to a use other than a dwelling, provided all other requirements of this section are met.

Farmstand. Farmstands shall be allowed accessory to a community garden, market garden or urban farm, subject to the following:

- (1) The farmstand shall only sell products of the farm or garden occupied and cultivated by the same producer within the City of Minneapolis.
- (2) The farmstand shall not exceed a duration of seventy-five (75) days in one (1) calendar year.
- (3) Sales shall be limited to between 7:00 a.m. and sunset.
- (4) Farmstands must be removed from the premises or stored inside a structure when not in operation.
- (5) Only one (1) farmstand is permitted per zoning lot.
- (6) One (1) sign may be displayed during the growing season but must be removed from the premises or stored inside a structure at other times of the year. The growing season is considered to be the months of April through October.
- (7) Farmstands shall not be located in the I3 zoning district.

Fence. Fences shall be allowed as an accessory structure, subject to the provisions of Chapter 535, Regulations of General Applicability.

Fowl, pigeons and other small animals. Fowl, pigeons and other small animals, such as a chicken, turkey, duck or pigeon, shall be allowed accessory to a permitted or conditional residential use subject to the following:

- (1) The use shall comply with the requirements of Chapter 70, Fowl, Pigeons and Other Small Animals, of the Minneapolis Code of Ordinances.
- (2) Live slaughter shall be prohibited.

Fuel pump. Fuel pumps shall be allowed accessory to auto services uses and transportation uses, provided the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.

Garage, yard or moving sale. Garage, yard and moving sales shall be allowed accessory to a residential use, subject to the following:

- (1) Only two (2) such sales shall be allowed per dwelling per year.
- (2) Such sales may be conducted for a period of time not to exceed seventy-two (72) consecutive hours.
- (3) Items offered for sale shall not have been bought for resale or received on consignment for the purpose of resale.

Gazebo or playhouse. Gazebos, playhouses and other similar structures shall be allowed as an accessory structure.

Greenhouse or conservatory. Greenhouses and conservatories shall be allowed as an accessory use. Home occupation. Home occupations shall be allowed accessory to a dwelling, subject to the provisions of Chapter 535, Regulations of General Applicability.

Hoop houses or other structures used solely to extend the growing season for food or ornamental crops. Hoop houses or other structures used solely to extend the growing season for food or ornamental crops shall be allowed as an accessory use subject to the applicable district regulations and subject to the following:

- (1) In the residence and OR1 districts the use must be located in the rear fifty (50) feet of the lot.
- (2) The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.
- (3) The use shall not be located in a required interior side yard.
- (4) Notwithstanding the provisions of this chapter, hoop houses, cold frames or other temporary structures used solely to extend the growing season for food or ornamental crops that are accessory to a community garden, market garden or urban farm, shall be exempt from the maximum floor area of all accessory structures, provided that the total size of such temporary structures shall not exceed one thousand (1,000) square feet or fifteen (15) percent of the lot area, whichever is greater, and shall not exceed a duration of one hundred eighty (180) days in a calendar year.
- (5) The use shall comply with all applicable requirements of the Minnesota State Fire Code and Minneapolis Fire Department and obtain any required permits.
- (6) Notwithstanding the provisions of section 537.50, the maximum height of a hoop house or other structure used solely to extend the growing season for food or ornamental crops shall not exceed six and one-half (6½) feet accessory to single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units and twelve (12) feet accessory to all other uses. The use shall not exceed the maximum height for any accessory structure as specified in section 537.50.

Hospitality residence caretaker's quarters. A separate single-family dwelling for use by the caretaker, manager or other staff member of the facility shall be allowed accessory to a hospitality residence.

Kennel or exercise run. Outdoor kennels and exercise runs shall be allowed accessory to a dwelling, subject to the following:

- (1) The use shall not exceed two hundred (200) square feet in area.
- (2) The use shall be located not less than twenty (20) feet from any habitable building on adjacent property.
- (3) The use shall be visually screened from adjacent residential property.
- (4) The number of animals allowed on-site shall comply with the requirements of Chapter 64, Dogs and Cats, of the Minneapolis Code of Ordinances.

Market garden. In addition to the zoning districts in which market gardens are allowed as a principal use, market gardens shall be allowed as an accessory use subject to the provisions of Chapter 536, Specific Development Standards, and the following:

- (1) In the residence and OR1 districts, market gardens shall not be allowed accessory to a residential use.

Medical helistop. Medical helistops shall be allowed accessory to a hospital, provided that non-emergency use of helistops between the hours of 10:00 p.m. and 7:00 a.m. shall be prohibited.

Mission. Missions shall be allowed accessory to a religious institution place of assembly. In addition to obtaining a conditional use permit, as specified in Chapter 525, Administration and Enforcement, such mission shall be subject to the following standards:

- (1) Mission clients shall be provided with an enclosed waiting area one (1) hour prior to opening, except when the mission serves clients by appointment only.
- (2) The operator shall submit a management plan for the facility and a floor plan.
- (3) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (4) An appointment or set hours for the acceptance of merchandise shall be required.
- (5) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

Overnight shelter. Overnight shelters shall be allowed accessory to a religious institution place of assembly. In addition to obtaining a conditional use permit, as specified in Chapter 525, Administration and Enforcement, such overnight shelter shall be subject to the following standards:

- (1) Shelter guests shall be provided with an enclosed waiting area one (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open twenty-four (24) hours per day.
- (2) The number of guests shall not exceed the housing code occupancy requirements.
- (3) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits, bathing and restrooms.
- (4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (5) Accessory overnight shelters existing on December 11, 2015, shall be allowed to remain as a principal, conditional use if the place of assembly to which it is accessory is discontinued. The overnight shelter shall comply with all applicable conditions of the original conditional use permit provided that changes may be allowed by obtaining a new conditional use permit.

Parking and loading facility, off-street. Off-street parking and loading facilities, including garages, carports and parking spaces, shall be allowed as an accessory use, subject to the provisions of Chapter 541, Off-Street Parking and Loading and all other applicable regulations. In addition, freestanding accessory parking and loading facilities shall be subject to the provisions of Chapter 525, Administration and Enforcement, governing conditional use permits.

Reception or meeting hall. A reception or meeting hall may be permitted accessory to a restaurant, hotel, museum, and theater, or any school, public park building, or municipal building that is exempt from the rental hall license requirements of Chapter 266, Rental Halls, subject to the following:

- (1) Where alcoholic beverages are served, the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
- (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Rental of household goods and equipment. Rental of household goods and equipment shall be allowed accessory to nonresidential uses located in districts other than the residence and OR1 Districts.

Rectory, parsonage or parish house. Rectories, parsonages and parish houses shall be allowed accessory to a religious institution place of assembly.

Sale of used goods. Used goods received in trade may be sold accessory to the sale of new goods, provided that the sale of such used goods does not require a pawnbroker license or does not constitute a recordable transaction by a secondhand dealer, pursuant to Chapter 321, Secondhand Dealers, of the Minneapolis Code of Ordinances.

Service area canopies. Service area canopies shall be allowed accessory to a nonresidential use, provided light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy.

Shed, tool house or other storage building. Sheds, tool houses and other similar buildings for the storage of supplies shall be allowed as an accessory use.

Sign, on-premise. On-premise signs shall be allowed as an accessory use, subject to the provisions of Chapter 543, On-Premise Signs.

Solar energy system. Solar energy systems shall be allowed as an accessory use, subject to the applicable zoning district regulations and the regulations contained in Chapter 535, Regulations of General Applicability.

Swimming pool or other recreational facility. Swimming pools and other recreational facilities shall be allowed as an accessory use.

Telephone, public. Public telephones shall be allowed as an accessory use, provided that in the residence and office residence districts, public telephones shall be located within an enclosed building. For the purposes of this section, a telephone booth shall not be considered a building.

Three and two-tenths (3.2) percent malt beverage, off-sale. Off-sale three and two-tenths (3.2) percent malt beverages shall be allowed accessory to a grocery store or automobile convenience facility located in a zoning district other than a residence or office residence district, subject to the following:

- (1) The use shall comply with all requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
- (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.