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MEMORANDUM

DATE: September 17, 2002

TO: Gary Schiff, Zoning and Planning Committee Chair
Zoning and Planning Committee Members

FROM: Kimberly Tollefson, City Planner
612.673.2998

RE: Accessory Dwelling (AD) Overlay District

Planning Commission Action: Approve Accessory Dwelling Overlay Text Amendment

The Planning Commission approved the Accessory Dwelling Overlay Text Amendment with changes to the draft language. Planning staff has revised the draft language to include Planning Commission's authorized changes.

In addition, Planning Commission requested the following:

1. A five (5) – year sunset clause on the text amendment. The Planning staff is consulting with the City Attorney's Office to determine the legality of such a clause.
2. A defined process for which additional areas of the city may establish boundaries for the AD Overlay. Although, not necessary to add to the text, language from 551.50 describes the process for such action:

Eligible areas outside of established boundaries. The city council may designate areas outside of the established boundaries in the manner provided for zoning amendments in Chapter 525, Administration and Enforcement.

3. A tool to help better ensure the enforcement of the owner-occupancy requirement. The Planning staff is consulting with the City Attorney's Office to determine the appropriate tool of enforcement. At this time, Planning will offer a potential solution which is used by other municipalities across the country, such as the following:
 - A. An affidavit signed by the property owner before a notary public, affirming that the owner occupies either unit for more than six months of the year.

- B. A covenant in a form acceptable to the City Attorney and suitable for recording with the county auditor, providing notice to future owners or long-term lessors of the subject site that the existence of the accessory dwelling is predicated upon the occupancy of either dwelling by the owner of the property

- C. Owner-occupied shall mean a property owner who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration or similar means, and actually resides at the site more than six months out of any given year and at no times receives rent for the owner occupied unit. The owner(s) shall not rent designated owner-occupied unit at any time during the tenancy of the accessory dwelling permit. The owner(s) shall not rent any portion of the owner-occupied dwelling either during the owner's occupancy or while the owner is absent from the owner-occupied unit for any period.