

ORDINANCE

By Bender

Amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code.

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

Section 1. That Section 525.520 contained in Chapter 525, Administration and Enforcement, 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:

- (8) To permit parking or accessory structures that cannot comply with the location requirements for on-site parking, or the minimum distance from a dwelling, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading.

Section 2. That Section 535.250 contained in Chapter 535, Regulations of General Applicability, 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.

Section 3. 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 and decks 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 or located entirely to the rear of the principal residential structure.
- (8) Accessory dwelling units that are attached to a principal residential structure shall also comply with the following requirements:
- a. The maximum gross 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)~~eighteen (18) feet, whichever is less. The maximum height of a detached accessory dwelling unit may be increased to twenty (20) feet, or the height of the principal residential structure, whichever is less, if the roof pitch of the detached accessory dwelling unit is 7/12 or steeper if the roof pitch is the same as the predominant roof pitch of the primary structure. 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 gross floor area of a detached accessory dwelling unit, including any areas designed or intended to be used for the parking of vehicles and habitable floor area on all levels, shall not exceed ~~one thousand (1,000)~~one thousand three hundred (1,300) square feet, including any areas designed or intended to be used for the parking of vehicles and any half-story floor area or sixteen (16) percent of the lot area, whichever is greater. In no case shall the gross floor area exceed one thousand six hundred (1,600) square feet or exceed the gross floor area of the principal residential structure.~~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. 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.
 - ~~e.d.~~ The minimum interior side yard requirement for a detached accessory dwelling unit shall not be less than three (3) feet.
 - ~~e.e.~~ 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~~ no reduction of the required yard is permitted.

- e.f. 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.g. 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.h. 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.i. Not less than ~~ten (10)~~ five (5) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.
 - i.j. 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.

Section 4. That Section 551.1320 contained in Chapter 551, Overlay Districts, be amended to read as follows:

551.1320. - Off-street parking.

- (a) Minimum number of off-street parking spaces. The minimum off-street parking requirement for residential uses shall be one-half (½) parking space per bedroom. For the purpose of this ordinance, an efficiency dwelling unit shall be considered equivalent to a one (1) bedroom dwelling unit in calculating the minimum parking requirement. Parking reductions allowed in the PO Pedestrian Oriented Overlay District shall be applied after calculating parking based on this provision. Accessory dwelling units shall not have a minimum off-street parking requirement.
- (b) Location. Off-street parking for single- and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall be located entirely within the rear twenty-five (25) feet of the lot. Lots providing at least one (1) parking space in a detached accessory structure are not subject to this standard.
- (c) Dimensions. Off-street parking for single- and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the following standards:
 - (1) One hundred (100) percent of the required parking spaces may be provided as compact spaces.
 - (2) Parking lots of one (1) or more spaces that encroach into the required interior side yard shall provide landscaping and screening not less than three (3) feet in height consistent with the provisions of section 530.170 of this ordinance.
 - (3) Surface parking areas in the rear twenty-five (25) feet of the lot shall have an interior side yard of not less than two (2) feet.

- (4) Surface parking areas shall have a rear yard of not less than two (2) feet. The rear yard may be reduced to zero (0) feet where adjacent to an alley.
- (5) Parking lots shall be defined by durable curbing material that allows for on site drainage of stormwater runoff and discourages parking of vehicles on landscaped areas of a lot.
- (6) Lots providing at least one (1) parking space in a detached accessory structure are not subject to standards (1) through (4) above.