



Ordinance No. 2021-009

City of Minneapolis

File No. 2019-01207

Author: Gordon

Notice: Oct 25, 2019

1st Reading: Nov 8, 2019

Committee: BIHZ, ZP

Public Hearing: None

2nd Reading: Feb 26, 2021


Passage: Feb 26, 2021

Publication: **MAR 06 2021**

| RECORD OF COUNCIL VOTE | | | | |
|------------------------|-----|-----|---------|--------|
| COUNCIL MEMBER | AYE | NAY | ABSTAIN | ABSENT |
| Bender | X | | | |
| Jenkins | X | | | |
| Johnson | X | | | |
| Gordon | X | | | |
| Reich | X | | | |
| Fletcher | X | | | |
| Cunningham | X | | | |
| Ellison | X | | | |
| Osman | X | | | |
| Goodman | X | | | |
| Cano | X | | | |
| Schroeder | X | | | |
| Palmisano | X | | | |

MAYOR ACTION

☒ APPROVED ☐ VETOED


MAYOR FREY

MAR 04 2021

DATE

Certified an official action of the City Council

ATTEST:


CITY CLERK

Presented to Mayor: **FEB 26 2021**

Received from Mayor: **MAR 04 2021**

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 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 6) 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. Stairways leading to an attached accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

e. An owner of the property that includes an accessory dwelling unit that is internal to a principal residential structure, and where the accessory dwelling unit is not a separate dwelling unit under the Minnesota State Building Code, must occupy at least one (1) dwelling unit on the zoning lot as their primary place of residence. 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.

1. 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.

2. 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.

3. 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.

(8 7) 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. Stairways leading to an internal accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

d. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

e. Accessory dwelling units that are attached to a principal residential structure and established prior to March 6, 2021, and subject to a covenant of owner-occupancy shall remain subject to such covenant. At the request of the property owner and upon inspection by the building official verifying that the accessory dwelling unit meets the requirements for a dwelling unit under the Minnesota State Building Code, the zoning administrator shall record a release of such covenant.

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

a. Except as authorized by variance, a detached accessory dwelling unit shall not exceed twenty-one (21) feet in height.

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 three hundred (1,300) square feet 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 dwelling, whichever is less.

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.

d. The minimum interior side yard requirement for a detached accessory dwelling unit shall not be less than three (3) feet.

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 no reduction of the required yard is permitted.

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.

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.

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.

i. Not less than 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.

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.

k. Detached accessory dwelling units established prior to March 6, 2020, and subject to a covenant of owner-occupancy shall remain subject to such covenant. At the request of the property owner and upon an inspection by the building official verifying that the accessory dwelling unit meets the requirements for a dwelling unit under the Minnesota State Building Code, the zoning administrator shall record a release of such covenant.

(10 9) 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.