

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:

- (1) To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.
- (2) To vary the lot area or lot width requirements up to thirty (30) percent, except for the following uses, where the maximum variance of thirty (30) percent shall not apply.
 - a. To vary the lot area or lot width requirements up to fifty (50) percent for schools, grades K-12, located in the OR2, OR3 and commercial districts.
 - b. To vary the lot area or lot width requirements up to fifty-five (55) percent for newly constructed two-family dwellings located in the R2B District, provided the surrounding properties are primarily two-family dwellings developed on lots similar in size to the proposed development.
- (3) To vary the gross floor area, floor area ratio and seating requirements of a structure or use.
- (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.
- (5) To permit an increase in the maximum height of a fence.
- (6) To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces.
- (7) To increase the percentage of required parking spaces that may be satisfied by providing compact spaces.
- (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.
- (9) To increase by not more than five hundred (500) feet the maximum distance that required parking spaces are permitted to be located from the use served, and where off-site parking is prohibited, to allow off-site parking up to five hundred (500) feet away.

(10) To vary the location of off-site parking, as specified in Table 541-5 Location of Off-Site Parking, provided such off-site parking is not located in a residence or office residence district.

(11) To increase the maximum number of vehicles permitted to be parked outdoors.

(12) To vary the minimum width of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units provided the dwelling is located on a zoning lot existing on the effective date of this ordinance that is forty (40) feet or less in width.

(13) To increase the maximum allowed length of a recreational vehicle, or to permit the parking of such vehicle outside the rear forty (40) feet of the lot, as regulated in Chapter 541, Off-Street Parking and Loading. In no case shall the variance allow such vehicle to exceed thirty-five (35) feet in length.

(14) To reduce the minimum required width of parking aisles or to increase the maximum width of driveways in any zoning district, as regulated in Chapter 541, Off-Street Parking and Loading, or to reduce the minimum required width of driveways in the residence and OR1 Districts from ten (10) feet to eight (8) feet, provided there is no alley or alternative public access to the lot.

(15) To vary the maximum lot coverage and impervious surface coverage requirements.

(16) To vary the surfacing requirements of Chapter 541, Off-Street Parking and Loading. Factors to be considered in varying the surfacing requirements for the industrial districts shall include but not be limited to the following: The yard and parking uses are in the same area; use of heavy equipment will cause excessive hard surface breakup; parking movements are infrequent; the area is distant from other nonindustrial zone uses; or water infiltration is ecologically desirable.

(17) To permit development in the SH Shoreland Overlay District on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff.

(18) To permit development in the SH Shoreland Overly District within fifty (50) feet of a protected water.

(19) To permit alternative forms of flood protection for uses and structures located in the FP Floodplain Overlay District, provided no variance shall permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area or permit standards lower than those required by state law. In areas designated as AO zones on the flood insurance rate map, a variance may be granted to the requirement that buildings be elevated to one (1) foot above the elevation of the ground surface prior to construction next to the proposed walls of the building, provided the application includes a detailed hydraulic analysis that supports such variance as sound floodplain management and a letter of map revision from the Federal Emergency Management Agency.

(20) To vary the standards of any overlay district, other than the SH Shoreland Overly District or the FP Floodplain Overlay District.

(21) To vary the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs.

(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 and the limit of one accessory dwelling unit per zoning lot shall not be varied.

(23) To vary the limit of one (1) principal residential structure per zoning lot for structures located in the R2 District existing on the effective date of this ordinance, provided at least one (1) of the structures shall have a minimum of six thousand (6,000) square feet of floor area.

(24) To permit development on a zoning lot existing on the effective date of this ordinance that cannot comply with the requirement of frontage on a public street, where it is determined that there is sufficient access to the property without such frontage.

(25) To vary the screening and landscaping requirements of this zoning ordinance.

(26) To vary the enclosed building requirements of this zoning ordinance.

(27) To vary the minimum sign spacing standards and nonconforming sign area credits requirements of Chapter 544, Off-Premise Advertising Signs and Billboards, to allow the relocation of an existing off-premise advertising sign of the same or less square footage, where removal of the sign is necessary to allow a development that includes not less than thirty (30) housing units that meet the definition of affordable housing, or to allow a mixed-income development of not less than thirty (30) housing units that receives city financial assistance, or to allow a capital improvement project of a governmental agency. An existing off-premise advertising sign shall include but not be limited to a sign existing on June 17, 2002.

(28) To vary the width and location restrictions on attached garages facing the front lot line for residential uses.

(29) To vary the development standards of Chapter 535, Plazas.

(30) To vary the requirement for enclosed off-street parking for new single- and two-family dwellings established after November 1, 2009.

(31) To permit curb cut access to the street for properties with an alley that serves a single- and two-family dwelling or multiple-family dwelling having three (3) or four (4) units.

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 the definition for "Accessory dwelling units" contained in Section 537.110 of Chapter 537, Accessory Uses and Structures, 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 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 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.

(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 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.

(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 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 dwelling, whichever is less. 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.

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

~~d.~~ 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.