

**CITY OF THE VILLAGE OF MINNETONKA BEACH, MINNESOTA**

**ORDINANCE NO. 136, 2<sup>nd</sup> SERIES**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
REGARDING ACCESSORY DWELLING UNITS**

The city council of the City of the Village of Minnetonka Beach ordains as follows:

**Section 1.** Table 5-2 at Section 5.3 of Appendix A of the city code is amended by deleting the stricken language and inserting the double-underlined language as follows:

<b>TABLE 5-2: PERMITTED ACCESSORY USES</b>			
<u>P = Permitted C = Conditional Shaded = Not Permitted</u>			
Accessory Use or Structure	Base Zoning Districts		Additional Requirements [1]
	RI	PI	
Accessory Dwelling Unit - <u>within principal unit</u>	<b>P</b>		<a href="#">5.3(D)(1)</a>
<del>Accessory Dwelling Unit - detached</del>			<a href="#">5.3(D)(1)</a>
Accessory Building – minor	<b>P</b>		<a href="#">5.3(D)(2)</a>
Accessory Building – major	<b>P</b>		<a href="#">5.3(D)(3)</a>
Air Conditioning Units	<b>P</b>		<a href="#">5.3(D)(4)</a>
Barbeque, Permanent	<b>P</b>		<a href="#">5.3(D)(5)</a>
Co-located Wireless Telecommunication Antennae	<b>C</b>		<a href="#">3.7(E)</a>
Driveways	<b>P</b>		<a href="#">5.3(D)(6)</a>
Fences or Walls	<b>P</b>	<b>P</b>	<a href="#">4.3</a>
Fire Pit	<b>P</b>		<a href="#">5.3(D)(7)</a>
Home Occupations	<b>P</b>		<a href="#">5.3(D)(8)</a>
Lake Accessory Uses	<b>P</b>		<a href="#">5.3(D)(9)</a>
Landscaping	<b>P</b>	<b>P</b>	<a href="#">5.3(D)(10)</a>
Motor Vehicles	<b>P</b>		<a href="#">5.3(D)(11)</a>
Parking Spaces, Off-street	<b>P</b>		<a href="#">4.7</a>
Patio	<b>P</b>		Na
Outdoor Storage	<b>P</b>		<a href="#">5.3(D)(12)</a>
Park Facility Buildings & Structures (public)	<b>P</b>		<a href="#">5.3(D)(13)</a>
Private Amateur Radio Antenna	<b>C</b>		<a href="#">5.3(D)(14)</a>
Private Receiving Antennae and Antenna Support Structures	<b>C</b>		<a href="#">5.3(D)(15)</a>
Recreational Equipment	<b>P</b>		<a href="#">5.3(D)(16)</a>

Shelters (Storm or Fallout)	P		<a href="#">5.3(D)(17)</a>
Sign(s)	P	P	4.5
Solar Energy System	P		<a href="#">5.3(D)(18)</a>
Stairways	P	P	<a href="#">3.7(F)(6)(d)(ii)</a>
Swimming Pool (above ground)	P		<a href="#">5.3(D)(19)</a>
Swimming Pool (below ground)	P		<a href="#">5.3(D)(20)</a>
Terrace	P		<a href="#">5.3(D)(21)</a>
Walkways	P	P	<a href="#">na</a>
Wind Energy Conversion System, Small (SWECS)	C		<a href="#">5.3(D)(22)</a>
Wireless Telecommunications Support Structures	C		<a href="#">3.7(E)</a>
[1]: Consult <a href="#">Table 3-3</a> for additional regulations on setbacks			

**Section 2.** Section 5.3(D)(1) of Appendix A of the city code is amended by deleting the stricken language and inserting the double-underlined language as follows:

**(D) Additional Specific Standards for Certain Accessory Uses**

**(1) Accessory Dwelling Unit**

All accessory dwelling units ~~including home occupation accessory use~~ shall meet the following performance standards in addition to any other more restrictive standards of the City Code

- (a) All accessory dwelling units may only be occupied by the owner-occupant, family of the owner-occupant, domestic help or caregivers.
- (b) Accessory dwelling units must be located within the principal unit's ~~setbacks~~.
- (c) The principal unit must meet all setback, height and other residential development requirements ~~accessory unit's total floor area shall be no more than 40% of the principal unit's ground level floor area, but no less than 300 square feet.~~
- (d) One accessory dwelling unit is allowed on a lot with the principal use.
- (e) No detached accessory dwelling units are permitted. ~~The following building heights shall apply to Accessory Units:~~  
~~Attached necessary units shall be the same height as the principal use,~~  
~~Detached accessory units shall not be more than one story or 50% of the principal use whichever is greater,~~  
~~The total height of a detached garage and an accessory unit located above a detached garage shall not exceed 28 feet.~~
- (f) Additions to a principal unit to accommodate ~~A~~ accessory dwelling units shall be designed and maintained so as to be consistent with the architectural design, style, appearance, and character of the principal unit. Such design and

maintenance shall be consistent with the principal unit's facade, roof pitch, siding and roof material, windows, entryways, and doors.

- (g) If the entrance to the accessory dwelling unit is not the same as the entrance to the principal unit, the following conditions must be met:
  - (i) A riparian lot must be a minimum area of 26,000 square feet and 135 feet wide,
  - (ii) A nonriparian lot must be a minimum area of 17,500 square feet and 135 feet wide,
  - (iii) ~~the Any exterior~~ entrance to the accessory dwelling unit, including any stairways, shall be located in such a manner as to not be visible at any time from a street or from Lake Minnetonka,
  - (iv) Under all circumstances, accessory dwelling units shall have interior access between the accessory dwelling unit and the principal unit, and
  - (v) (†) The orientation of the accessory dwelling unit shall, to the maximum extent practicable, maintain the privacy of the residents in the adjoining dwelling units not located on the same lot as the accessory dwelling unit by such elements as landscaping, fencing, window and door placement or the design of the accessory dwelling unit.
- (h) At least one off-street parking space shall be provided for an accessory dwelling unit.
- (i) Additional driveways from a street may not be constructed for access to the accessory dwelling unit or for access to the accessory dwelling unit's parking space.
- (j) All utilities to the accessory dwelling unit including but not limited to water, sewer, electric, cable, and telephone will be provided underground from their source to the accessory dwelling unit. Water and sanitary sewer lines to the accessory dwelling unit are required to be connected on the lot of the principal unit and may not be connected directly to the public water or public sanitary sewer system located in the street. All water and electrical service must be metered through the meter located in the principal unit.
- (k) Deed restrictions. Before issuing a building permit for a new accessory dwelling unit, the owner occupant shall record with Hennepin County, against the title of the subject property, a deed restriction running in favor of the City limiting the occupancy of the accessory dwelling unit as provided for in this ordinance.
- (l) Right of Entry. Before a Building Permit is issued for an accessory dwelling unit, the Owner shall for its self, heirs and assigns enter into an agreement with the City to allow the City reasonable rights of entry for the purpose of performing inspections of the accessory dwelling unit.
- (m) The Deed Restriction and Right of Entry Agreement shall be recorded with Hennepin County with the title of the property.

**Section 3.** Section 8.4 of Appendix A of the city code is amended by deleting the ~~stricken~~ language and inserting the double-underlined language as follows:

**ACCESSORY USE OR STRUCTURE.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, and serving the principal use or structure. An accessory use or structure shall not be used as a temporary or permanent dwelling unit.

**DWELLING UNIT, ACCESSORY USE.** A subordinate dwelling unit (“accessory unit”) added to or created within a single-family dwelling unit (“principal unit”), ~~attached to another conforming accessory unit or created as a separate detached dwelling unit,~~ all on the same lot and under the same ownership as the principal unit.

**Section 4. Effective Date.** This Ordinance shall become effective immediately following adoption and publication as required by law.

Adopted by the City Council on the 12th day of September 2022. Published in the Laker Pioneer on September 17, 2022. Effective date September 18, 2022.

Susan Enlow, Recorder