

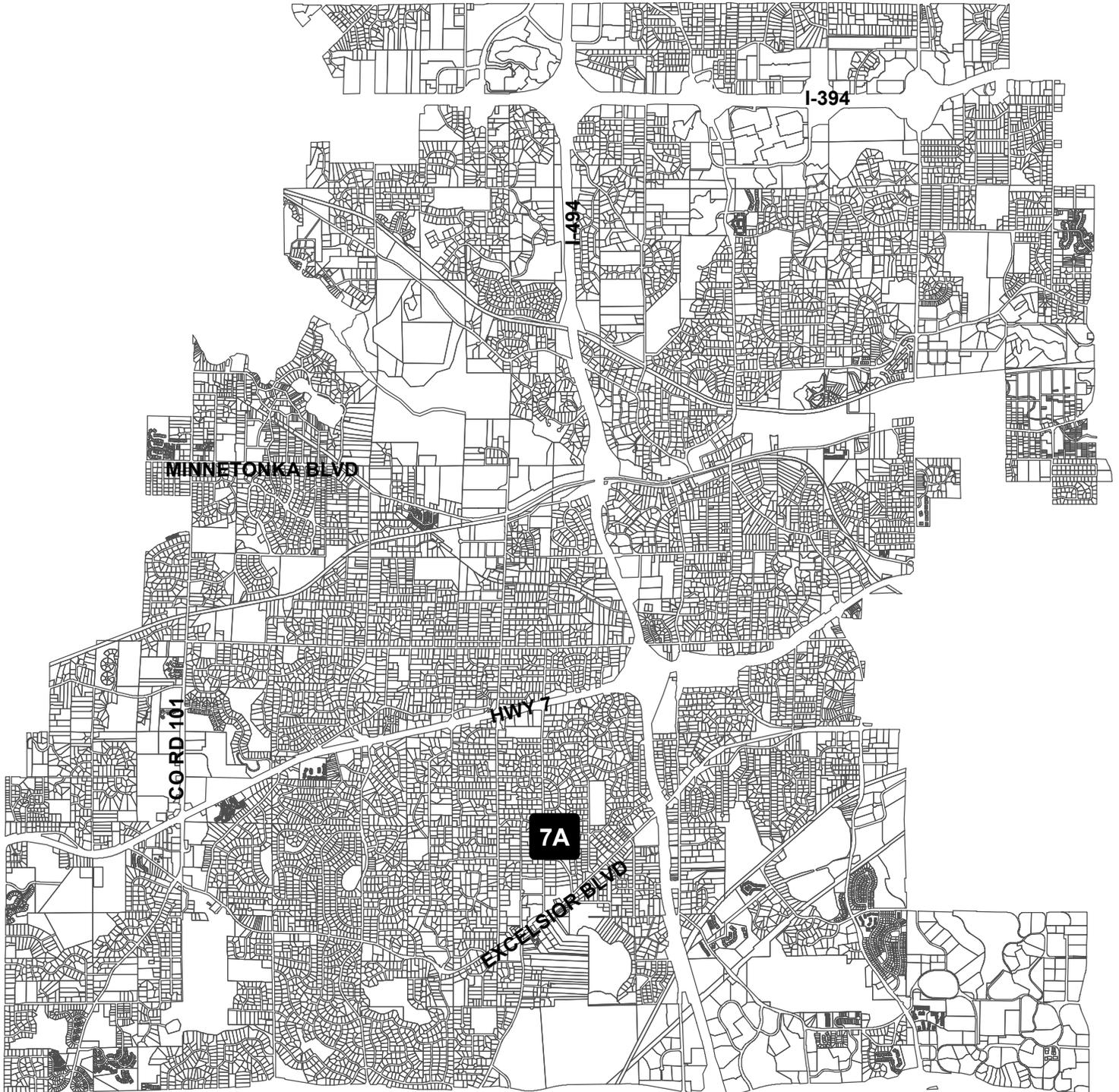


CITY OF
MINNETONKA

MINNETONKA PLANNING COMMISSION

Nov. 3, 2022

14600 Minnetonka Blvd. • Minnetonka, MN 55345
(952) 939-8200 • Fax (952) 939-8244
minnetonkamn.gov





**Planning Commission Agenda
Nov. 3, 2022
6:30 p.m.**

City Council Chambers – Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: Oct. 20, 2022

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

A. Side yard setback variance for a garage addition at 14327 Glenridge Road.

Recommendation: Adopt the resolution approving the request. (5 votes)

- Final decision, subject to appeal
- Project Planner: Ashley Cauley

8. Public Hearings: Non-Consent Agenda Items

A. Solar energy systems ordinance update

Recommendation: Recommend the city council adopt the ordinance. (4 votes)

- Recommendation to City Council (Nov. 14, 2022)
- Project Planner: Drew Ingvalson

9. Adjournment

Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. There following applications are tentatively schedule for the Nov. 17, 2022 agenda.

Project Description	CSM West Ridge, SGN
Project Location	11500 Wayzata Blvd
Assigned Staff	Bria Raines
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Cross of Glory Church, CUP
Project Location	4600 Shady Oak Road
Assigned Staff	Susan Thomas
Ward Councilmember	Brian Kirk, Ward 1

Project Description	Walser Kia, Concept Plan
Project Location	15700 and 15724 Wayzata Blvd
Assigned Staff	Susan Thomas
Ward Councilmember	Bradley Schaeppi, 3

**Unapproved
Minnetonka Planning Commission
Minutes**

Oct. 20, 2022

1. Call to Order

Chair Sewall called the meeting to order at 6:30 p.m.

2. Roll Call

Commissioners Maxwell, Powers, Waterman, Banks, and Sewall were present. Hanson and Henry were absent.

Staff members present: Community Development Director Julie Wischnack.

3. Approval of Agenda: The agenda was approved as submitted.

4. Approval of Minutes: Oct. 6, 2022

Powers moved, second by Waterman, to approve the Oct. 6, 2022 meeting minutes as submitted.

Maxwell, Powers, Waterman, Banks, and Sewall voted yes. Hanson and Henry were absent. Motion carried.

5. Report from Staff

Wischnack announced that:

- A Spooktacular event will be held at the Burwell House on Oct. 28, 2022, from 5 p.m. to 8 p.m.
- The Marsh will be closing at the end of December.

6. Report from Planning Commission Members

Powers encouraged people to vote.

Chair Sewall appreciated the work put into the fire department and city hall open house.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion.

Banks moved, second by Waterman, to approve the item listed on the consent agenda as recommended in the respective staff report as follows:

- A. Conditional use permit for a restaurant with an outdoor eating area at 12411 Wayzata Blvd.**

Recommend that the city council adopt the resolution approving a conditional use permit with an outdoor eating area at 12411 Wayzata Blvd.

Maxwell, Powers, Waterman, Banks, and Sewall voted yes. Hanson and Henry were absent. The motion carried, and the item on the consent agenda was approved as submitted.

8. Public Hearings

A. Parking Ordinance

Chair Sewall introduced the proposal and called for the staff report.

Wischnack reported. She recommended approval of the application based on the findings listed in the staff report.

Wischnack tabulated the results of an electronic survey that shows commissioners ranked their parking concerns to be first parking space, next design, then reducing the amount of parking space, and, lastly, non-auto related issues.

Another electronic survey of planning commissioners found that most commissioners agree on the importance of parking requirements ensuring that there are adequate spaces for proposed uses; parking ordinances will change drastically in the next ten years, and the current ordinance requires too many parking spaces. Commissioners disagreed with the statement that parking requirements should be a formula that should not be adjusted once adopted.

Wischnack asked commissioners to discuss what areas of the proposed parking ordinance they would like to receive more information on and provide feedback on the language used in the draft ordinance.

In response to Banks' question, Wischnack explained how a proposal could utilize reduced parking or travel demand management to receive a reduction in parking stalls. Banks confirmed with Wischnack that a variance to the parking ordinance would not be needed if a condition of approval outlined requirements to allow a reduction in parking.

Maxwell asked if the proposal would impact handicapped parking stall requirements. Wischnack explained that handicap parking stall requirements are handled by the state building code. Maxwell asked if a reduced number of stalls would trigger a reduction in the number of required handicapped parking spaces outlined in the state building code. Wischnack answered affirmatively. She will provide the language from the state building code at the next meeting.

Waterman would like more information on what trends are expected to take place in the future. Wischnack will provide commissioners with a presentation done by Dr. Tom

Fisher of the UMN, who noted how quickly people moved from using horses to automobiles. He predicts that when a change in the type of transportation utilized occurs in the future, it will happen quickly. He also notes the need to plan for an increase in the use of curb space for drop-offs and pickups in the future.

Waterman wants to make sure that the amount of employee parking for uses such as barbershops will not be underestimated. He agrees with the need to reduce the current amount of required parking and make the ordinance more flexible. He would like information on how sites operating with approved variances to the parking ordinance are operating now and if the amount of parking is sufficient. He provided Duke's and Taco Theresa's as examples to find out if the sites have an adequate amount of parking.

Waterman noted that c) 1) on Page 10 of the proposed ordinance amendment would require as many bike parking spaces as automobile parking spaces. Wischnack agreed that would be excessive and will do further research into that requirement.

Waterman noted that the proposal would change the current ordinance that requires two parking stalls for every multi-family residential unit to one that would require one parking stall for each unit. He asked how comfortable the staff was with decreasing the amount by half. Wischnack explained that the existing multi-family residential buildings had shown an underutilization of existing parking. When the southwest-light-rail-transit (SWLRT) line is completed, the need for parking will decrease further for multi-residential buildings located near SWLRT stations. The change may cause some initial congestion, but the proposed ordinance focuses on what will occur long-term.

Waterman thought it would be helpful to look at areas that surround a site being proposed for development or a new use if the area already experiences parking difficulties. Wischnack agreed that certain sites could create a joint parking phenomenon for an entire area already experiencing parking-shortage issues.

Chair Sewall agrees that certain sites have ample parking adjacent to the site that could be utilized, but others do not have that ability and may even cause more of an already existing parking-shortage problem.

Chair Sewall noted that the parking demand for a new restaurant is different during the first few weeks it is open than the parking demand that occurs after it has been open for two years. He asked what could be done to address the first few weeks of increased parking demand. He agreed that the amount of parking for the long term had been found to be adequate, but the initial opening of a business can cause parking shortages. Wischnack agreed that a contingency plan for the first few months could be beneficial.

Chair Sewall would like the physical parking areas to be greener. He thought that providing an incentive for a pervious surface to be utilized for parking areas when possible could be beneficial. Wischnack noted that landscape requirements are located in a different ordinance, but it could be helpful to include the landscaping for parking

areas in the parking ordinance. The city provides an incentive for a property owner to reduce the amount of impervious surface on a site that could be looked into.

Chair Sewall noted that commissioners had heard more about the need for parking in residential areas. Wischnack confirmed with Chair Sewall that he referred to situations where a single-family residence routinely has more than four vehicles in the driveway and utilizes the street for parking.

Powers felt that the city's first responsibility with parking is to create as safe a condition as possible for people to travel. He agreed that different uses have different needs. He wants to have a bias toward growing healthy, small businesses. He wants restaurants to succeed. There needs to be an opportunity for a resident to build a small house with a one-car garage in the future near SWLRT. He would like some flexibility in the ordinance to allow a small house and a one-car garage.

Chair Sewall suggested that the parking ordinance be reviewed by staff every five years. The Ridgedale Shopping Center parking lot was underutilized for years and is now being used for an apartment building and city park. Wischnack agreed.

Maxwell thought a blanket prohibition of parking lots being used for repair, storage, and rental of vehicles would be too strict. She would like to allow parking areas that have excess parking and constantly sit empty to be utilized with conditions of approval.

Banks confirmed with Wischnack that the proposed ordinance would require a residential house to have two parking spaces. The spaces do not have to be located indoors. Wischnack stated that she would provide clarification on the nuisance ordinance that restricts the number of vehicles stored outside of a residence on a driveway to four vehicles and the zoning ordinance that requires a residential house to have two parking spaces.

Waterman likes the idea of reclaiming underutilized parking areas to be used for small businesses. Wischnack explained that a resilient community project was completed years ago that looked at Opus and found that a large amount of parking space could be utilized for other uses. She will provide commissioners with that report.

Chair Sewall suggested the city provide an incentive for a property owner to turn unused parking space into natural green space. Wischnack would like to hear ideas on how that could work.

Powers noted that the city had taken a position as an environmental city by utilizing solar power.

Chair Sewall suggested that providing free trees or an award to a property owner could be utilized as an incentive to turn an unneeded impervious parking surface into a green surface.

Waterman noted that it might be in the best interests of a property owner to have less area to plow, salt, and insure. He likes the idea of providing an incentive and informing property owners of a decrease in the amount of required parking. Wischnack agreed that the city providing a tree sale or landscape design services to businesses could be beneficial. For example, reducing the amount of parking could eliminate a water runoff issue for a site.

Banks asked if the parameters regarding when to require the installation of an electric vehicle charging station (EVCS) have been discussed. Wischnack explained that there is a legal issue yet to be determined to decide whether a city may require an EVCS to be provided. Wischnack will look into options.

Chair Sewall suggested that more be included in the proposed ordinance to increase safety in parking areas.

Powers likes the idea of commercial property owners being made aware that unused parking surfaces could be changed to green space to decrease runoff from the site entering the sewer system. There could be a tax incentive. Chair Sewall agreed.

Wischnack explained that the next draft of the proposed parking ordinance would incorporate commissioners' suggestions and be posted on **minnetonkamattersmn.com**. Staff will request comments from developers, property owners, and people who have a vested interest in the parking ordinance and then bring the updated draft back to the planning commission for a second review. Changes can still be made at that time before it is reviewed by the city council.

The public hearing was opened.

Powers moved, second by Maxwell, to continue the public hearing and table action on the proposed parking ordinance to the planning commission meeting scheduled to be held on Dec. 1, 2022.

Maxwell, Powers, Waterman, Banks, and Sewall voted yes. Hanson and Henry were absent. Motion carried.

9. Adjournment

Waterman moved, second by Banks, to adjourn the meeting at 8 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

Agenda Item 7

Public Hearing: Consent Agenda

MINNETONKA PLANNING COMMISSION
Nov. 3, 2022

Brief Description Side yard setback variance for a garage addition to 14327 Glenridge Road

Recommendation Adopt the resolution approving the request.

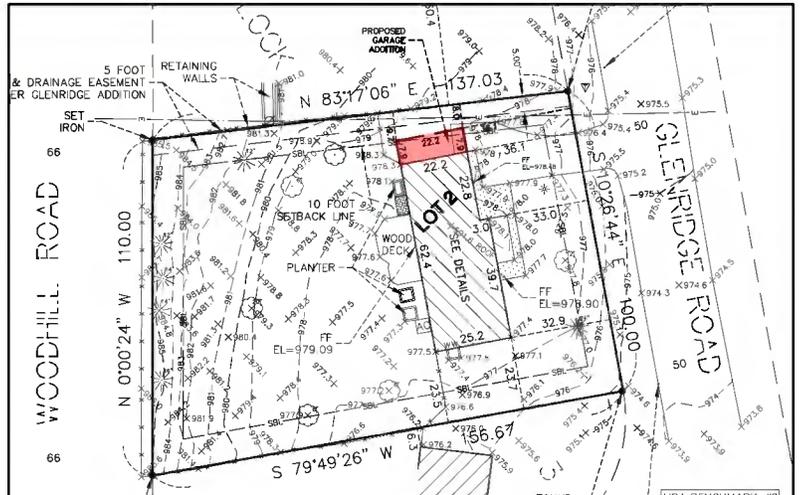
Proposal

The existing home at 14327 Glenridge Road was constructed in 1957, prior to the adoption of the city’s first zoning ordinance.



The lot is roughly 15,300 square feet in size and is a double-frontage lot with frontage on Woodhill and Glenridge Road.

By planning commission policy, a two-car garage measuring 24 feet x 24 feet is considered reasonable on a single-family property. The existing garage is undersized by the policy.



The submitted survey suggests that the existing garage is 22 feet x 22 feet in size. However, the garage is actually 12 feet x 22 feet, with a single-car garage door. The remaining area is a mudroom open to the interior of the home (see attached photos). Staff is unable to determine if the house was originally constructed this way or if a conversion occurred afterward.

The property owners are proposing to construct an addition to the north side of the existing garage. The garage addition requires a side yard setback variance.

	Required by ordinance	Existing	Proposed
Front yard setback (east)	35 feet	33 feet	-
Side yard setback	10 feet	16 feet	8 feet
Aggregate side yard setback	30 feet	39 feet	31.5 feet
Front yard setback (west)	25 ft *	82 feet	80 feet

Staff Analysis

Staff finds that the applicants' proposal meets the variance standard outlined in the city code:

- Planning commission policies suggest that a two-car, 24-foot x 24-foot garage is a reasonable use on a residential property. The variance would allow a 20-foot x 22-foot garage.
- The addition would not extend into existing drainage and utility easements.
- Many of the homes within the GLENRIDGE ADDITION were constructed prior to the adoption of the city's first zoning ordinance and have varying setbacks and non-conformities.
- The 175-square-foot addition would extend two feet into the required side yard setback.
- The proposal complies with the city's McMansion Policy. The highest floor area ratio (FAR) in the neighborhood is 0.24. As proposed, the FAR of the subject property would be 0.11. More information on the policy and FAR can be found in the "Supporting Information" section of this report.

Staff Recommendation

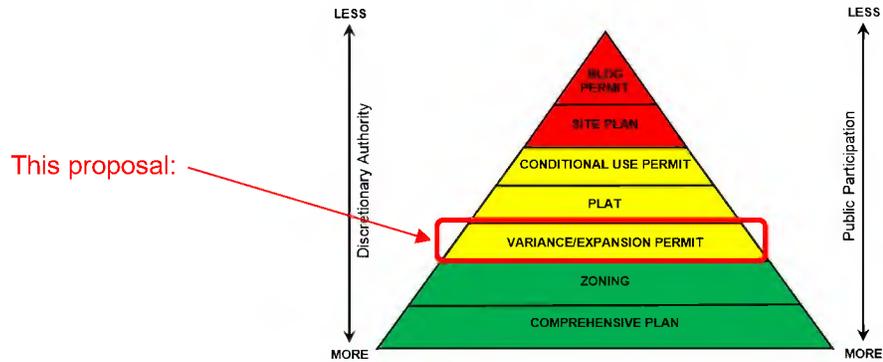
Adopt the attached resolution, which approves a side yard setback variance for a garage addition at 14327 Glenridge Road.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Land Uses	All the surrounding properties are single-family residential properties zoned R-1 and guided for low-density residential
Planning	Guide Plan designation: low-density residential Zoning: R-1, low-density residential
Small lot	<p>The existing lot is 15,318 square feet in size. While this lot is significantly smaller than the minimum lot size, it does not qualify as a small lot under City Code Sec. 300.10, Subd. 7, as:</p> <ul style="list-style-type: none"><input type="checkbox"/> The lot must be less than 15,000 square feet in size.<input checked="" type="checkbox"/> The lot was a lot of record as of Feb. 2, 1966, or was approved by the city subsequent to this date.<input type="checkbox"/> The lot is located in an area where the average lot size of all residential lots within 400 feet is less than 15,000 square feet.
McMansion Policy	<p>The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the homes within the existing neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street and a distance of 400 feet from the subject property.</p> <p>The largest FAR within the neighborhood is 0.24. The 175-square-foot addition would increase the FAR of the subject property to 0.11. As such, the proposal would be consistent with the city's McMansion Policy.</p>
Variance Standard	A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, would not alter the essential character of the locality. (City Code §300.07)
Natural Resources	Best management practices must be followed during the course of site preparation and construction activities. This would include the installation and maintenance of erosion control fencing.

Pyramid of Discretion



Voting Requirement

The planning commission's action is final subject to appeal. Approval requires the affirmative vote of five commissioners.

Motion Options

The planning commission has three options:

1. Concur with staff's recommendation. In this case, a motion should be made approving the variance.
2. Disagree with the staff's recommendation. In this case, a motion should be made to deny the variance. This motion must include a statement as to why the request is denied.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Appeals

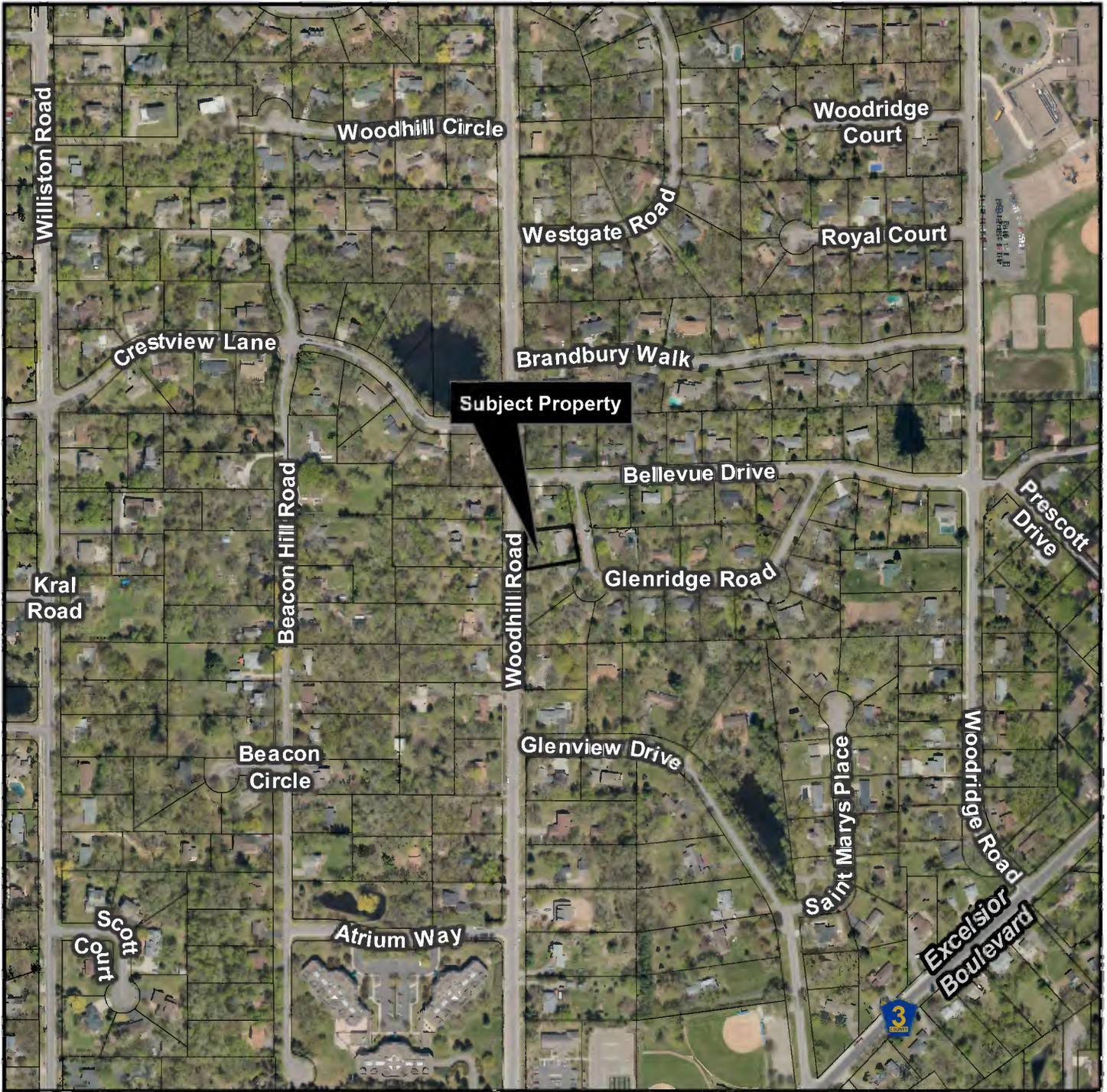
Any person aggrieved by the planning commission's decision about the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

Neighborhood Comments

The city sent notices to 43 area property owners and received no comments.

Deadline for Decision

Feb. 27, 2022



Location Map

Project: Liester Residence
Address: 14327 Glenridge Road



Katharine Liester
Max Crawford
14327 Glenridge Road
Minnetonka, MN 55345

10/21/22

Written Statement

We believe our plan to modify our existing 12' x 22' garage and our request for a 2'0 variance to build a 22' x 22' garage is reasonable given the "standard" garage for the city of Minnetonka is 24' x 24'. The variance request reduces the side set back from 10' to 8' and allows us to continue the current roofline throughout the structure. When asked to consider a reconfigured 20' x 24' garage (narrower and deeper); that option necessitates foundation and excavation work on two sides of the structure and requires converting a portion of the garage and home to a hip style roof versus the current gable style roof configuration; creating practical difficulties. This variance would allow us to build a garage that is 484 sq feet, which is 10% more than the stated code setback, yet 16% less than the "standard" garage size.

Building this 22' x 22' garage, one that gives us more usable space than our current garage, yet still appreciably smaller than the city's standard building code, does indeed necessitate a variance.

Converting the current one-stall garage to a standard two-stall garage, will allow us to safely park two normal sized vehicles and to store a few pieces of basic equipment such as shovels, rakes, snow blower and push lawn mower.

We believe this variance is not precedent setting, nor will it alter the make up or character of the adjacent neighbor's home or yard. This addition is not located adjacent to any of our neighbor's homes. It is located near the rear property line of our closest neighbor, which is the furthest point from their home.

LEGAL DESCRIPTION:

Lot 2, Block 3, GLENRIDGE ADDITION,
Hennepin County, Minnesota.

GENERAL NOTES:

- The bearing system used is assumed.
- The location of the underground utilities shown hereon, if any, are approximate only. PURSUANT TO MSA 216D CONTACT GOPHER STATE ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
- Site Area = 15,318 square feet = 0.352 acres.
- This survey was made on the ground.
- No title commitment was furnished for the preparation of this survey.
- Elevation datum is based on NAVD 88 data. HSJ Benchmark #1 is located Top of Nail (AS SHOWN ON SURVEY) Elevation = 975.59
- Verify dimensions and elevations per latest house plan prior to construction, this survey relied upon plans from Client, Project 07-00-Buyer, dated 11-18-2020.
- Proposed ground elevations to be field verified by contractor for drainage.
- Proposed Impervious Area details.
Total Site Area: 15,318 s.f.
Total Impervious Area: 2,771 s.f.
House Area: 1,507 s.f.
Proposed Garage Addition: 175 s.f.
Driveway/Paved Areas: 609+246-31= 824 s.f.
Patio/Deck Areas: 242+23= 265 s.f.
Percent of Impervious Area: 18.09%

LEGEND

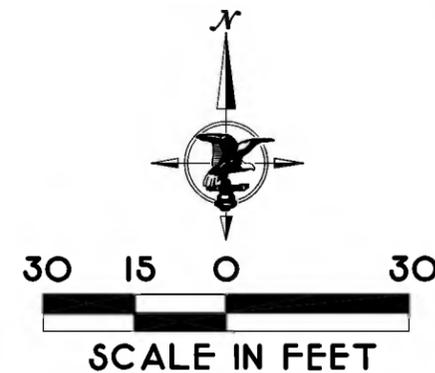
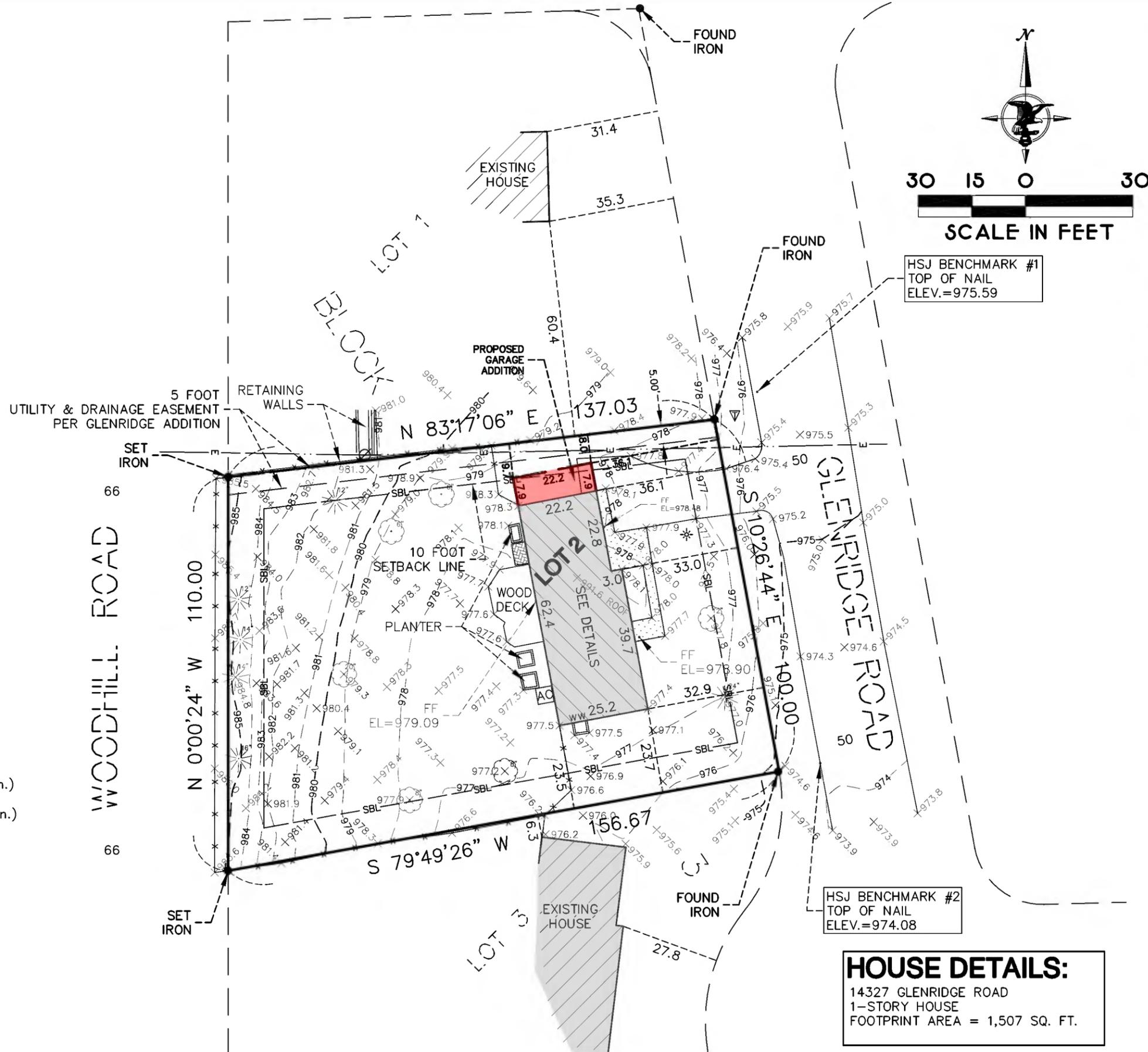
- | | | |
|--|-------------------------------|--|
| | FOUND IRON | Found Property Corner |
| | SET IRON | Set Property Corner (Minn. Reg. No. 23677) |
| | Concrete | Concrete |
| | Concrete Curb | Concrete Curb |
| | Fence | Fence |
| | Overhead Electric | Overhead Electric |
| | Water | Water |
| | Gas | Gas |
| | Sanitary Sewer | Sanitary Sewer |
| | Electric Meter | Electric Meter |
| | Power Pole | Power Pole |
| | Air Conditioning Unit | Air Conditioning Unit |
| | Window Well | Window Well |
| | Deciduous Tree (Dia. in In.) | Deciduous Tree (Dia. in In.) |
| | Coniferous Tree (Dia. in In.) | Coniferous Tree (Dia. in In.) |
| | Light Pole | Light Pole |
| | Telephone Box | Telephone Box |
| | Existing Contour | Existing Contour |
| | Existing Spot Elevation | Existing Spot Elevation |

CERTIFICATION:

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Date: July 5, 2022

Thomas E. Hodorff
Minn. Reg. No. 23677



HSJ BENCHMARK #1
TOP OF NAIL
ELEV.=975.59

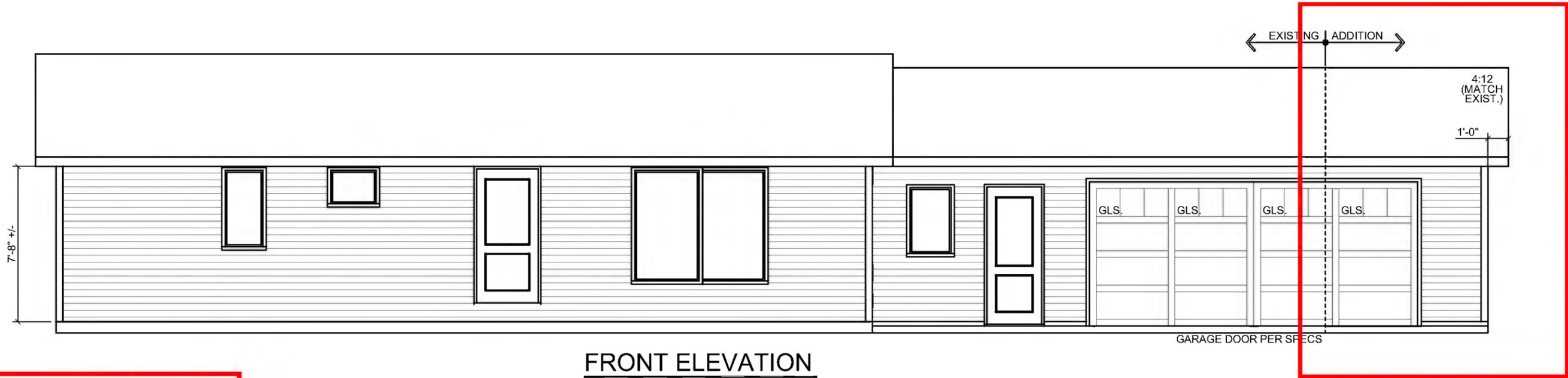
HSJ BENCHMARK #2
TOP OF NAIL
ELEV.=974.08

HOUSE DETAILS:
14327 GLENRIDGE ROAD
1-STORY HOUSE
FOOTPRINT AREA = 1,507 SQ. FT.

HARRY S. JOHNSON CO. INC.
LAND SURVEYORS & CONSULTANTS
9063 Lyndale Avenue South
Bloomington, Mn. 55420
(952) 884-5341
(952) 884-5344 Fax
Email: tom@hsjsurveyors.com
Web: www.hsjsurveyors.com

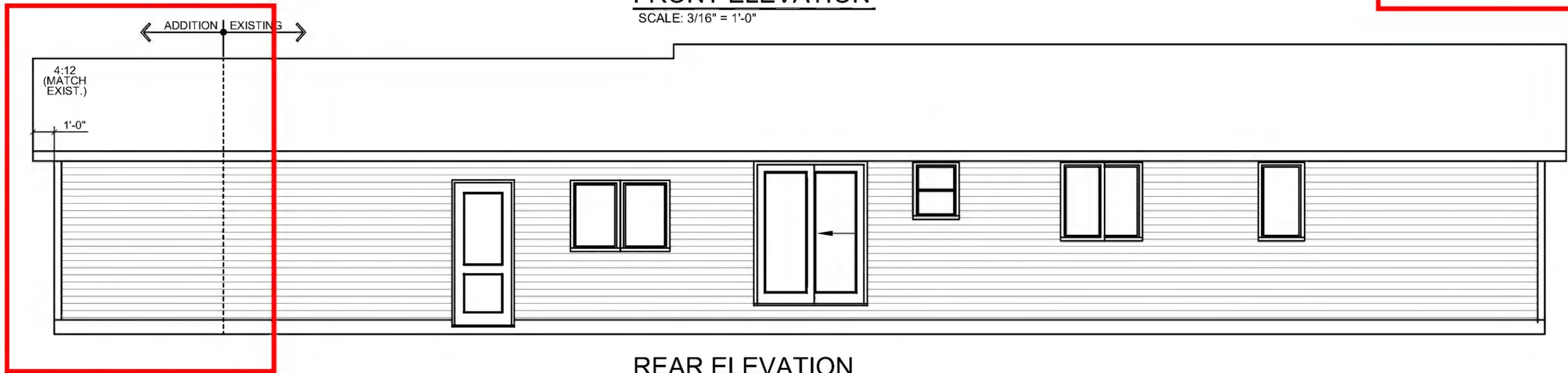
**LOT CERTIFICATION SURVEY
WITH PROPOSED GARAGE ADDITION**
for:
KATE LIESTER
**SITE: 14327 GLENRIDGE ROAD
MINNETONKA, MINNESOTA**

Page 9	Book 664	CAD. Tag CT
File No. 2022266	W.O. Number 2022266	Sheet No. 1 OF 1



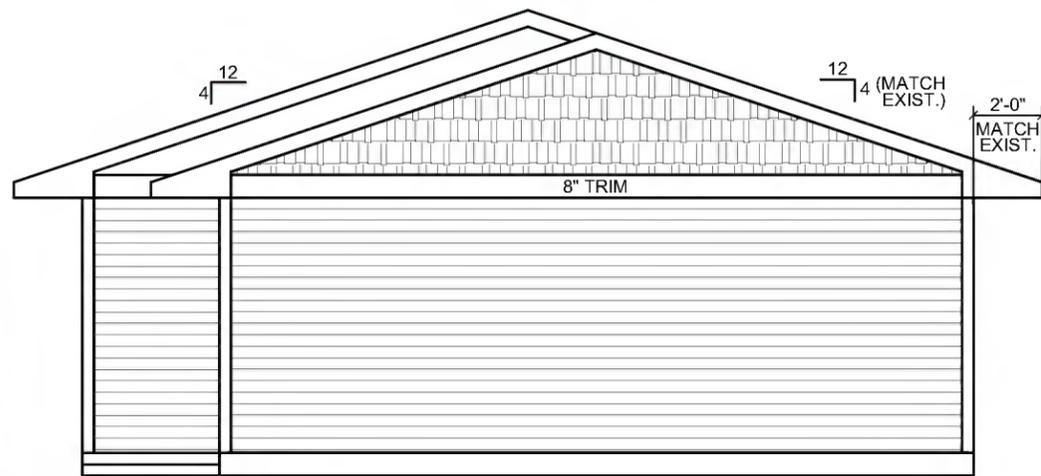
FRONT ELEVATION

SCALE: 3/16" = 1'-0"



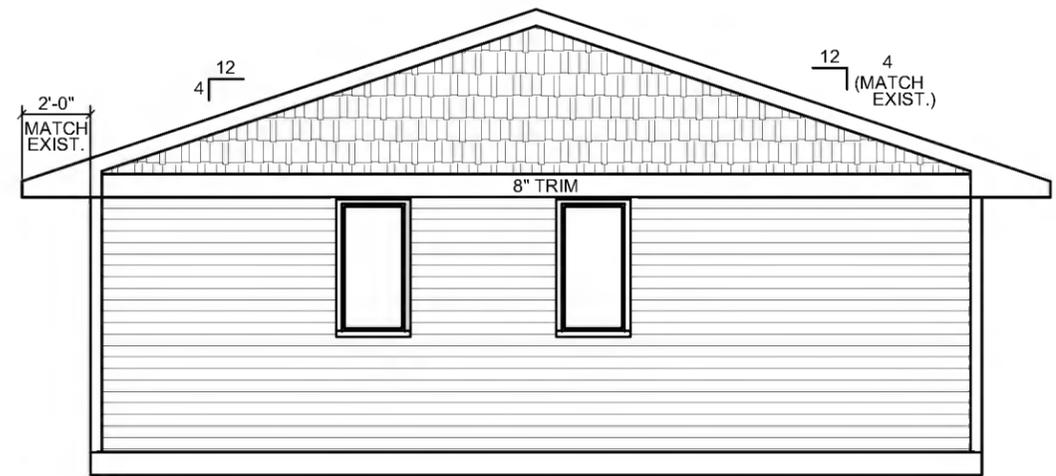
REAR ELEVATION

SCALE: 3/16" = 1'-0"



RIGHT ELEVATION

SCALE: 3/16" = 1'-0"



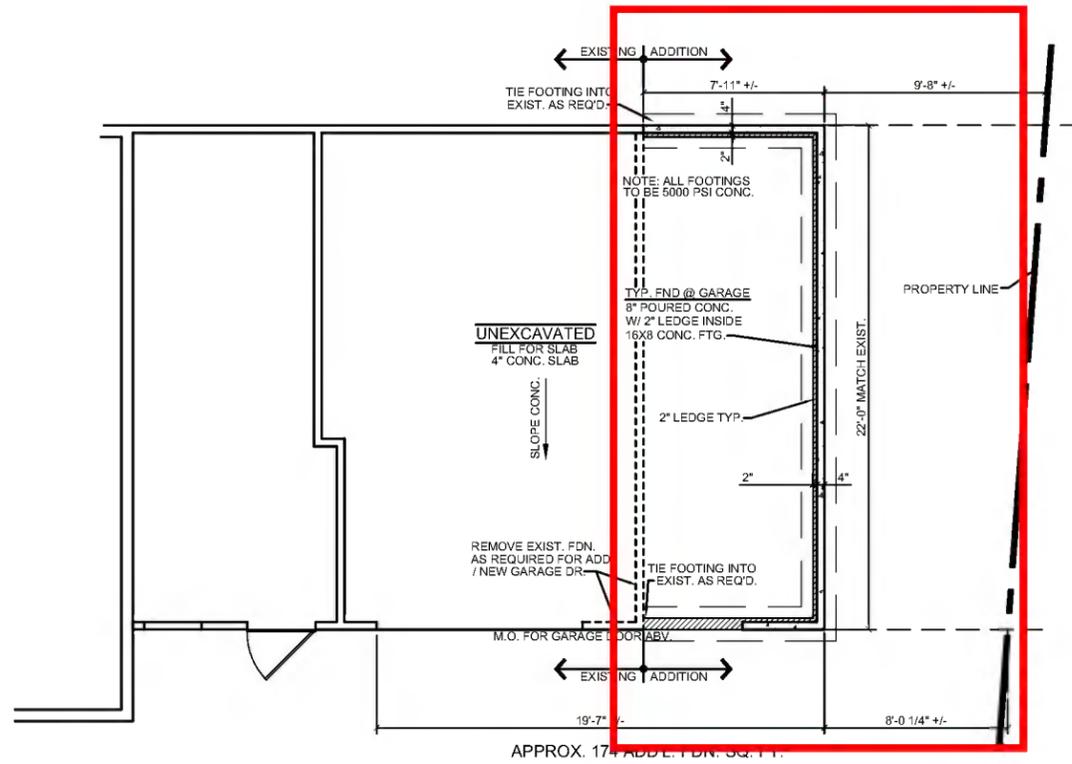
LEFT ELEVATION

SCALE: 3/16" = 1'-0"

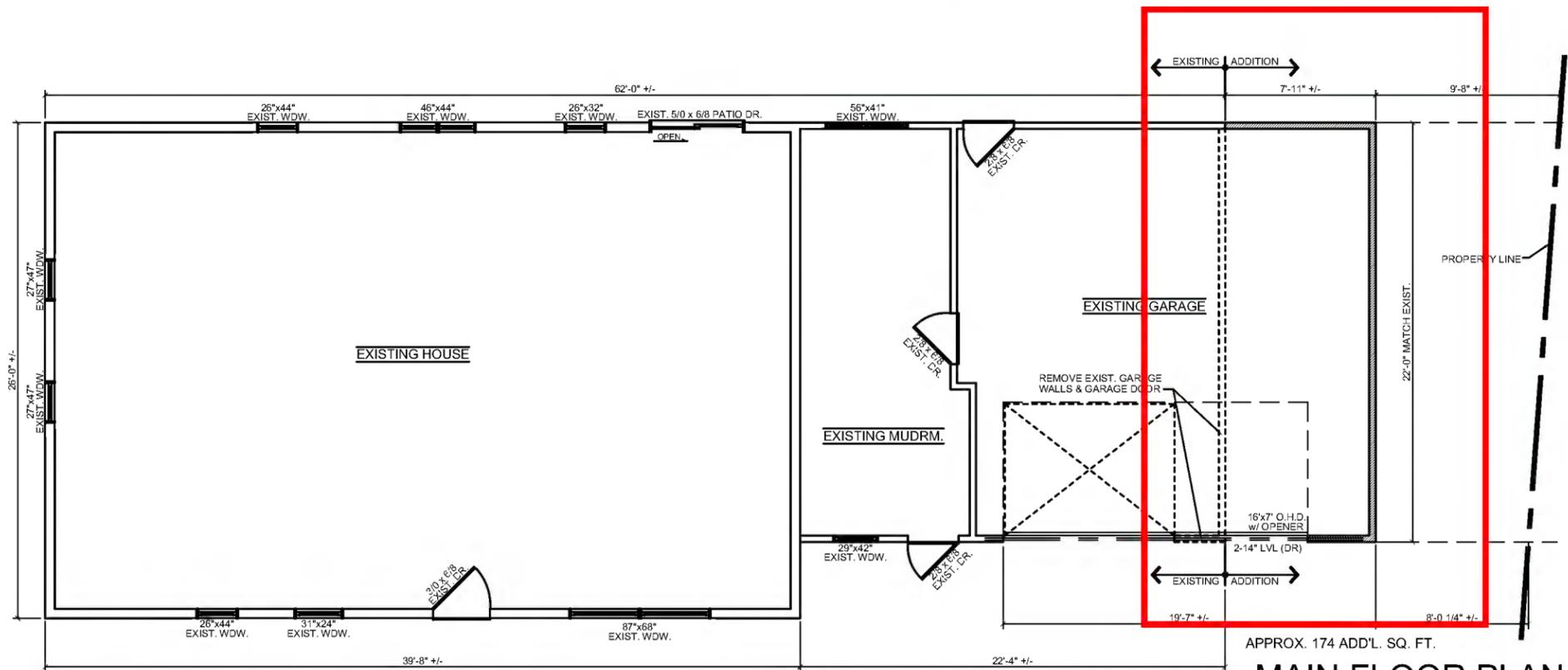
GENERAL NOTES & DISCLAIMERS
 These drawings have been prepared to meet generally accepted professional standards. However, local variations may require changes. Likewise, building codes, permits, zoning regulations, and other requirements may vary with location & change from time to time. Before starting construction, the builder must review & be responsible for all details & dimensions, and insure that these plans meet all current requirements in your area. All const. shall conform to latest building codes.

LIESTER / CRAWFORD RES.
 14327 GLENRIDGE RD.
 MINNETONKA, MN

PROJECT #	07-00-BUYER
AGENT:	X
BUYER S/O	
BUYER S/O	
STARTED:	X
REVISIONS:	
	11-18-2020 PRELIM



FOUNDATION PLAN
SCALE: 1/8" = 1'-0"

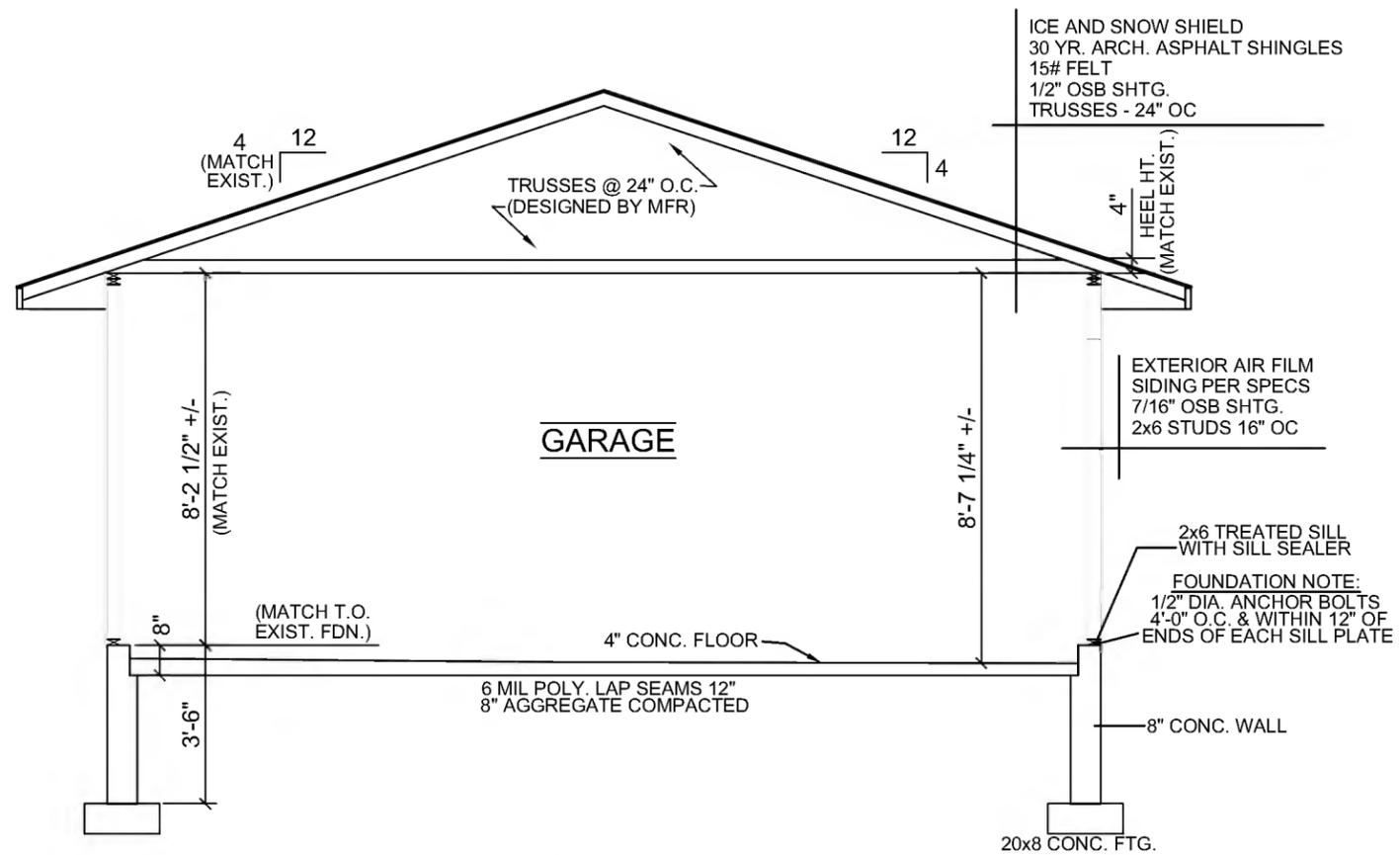


MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"

GENERAL NOTES & DISCLAIMERS
These drawings have been prepared to meet generally accepted professional standards. However, local variations may require changes. Likewise, building code requirements vary with location & change from time to time. Before starting construction, the builder must review & be responsible for all details & dimensions, and insure that these plans meet all current requirements in your area. All const. shall conform to latest building codes.

LIESTER / CRAWFORD RES.
14327 GLENRIDGE RD.
MINNETONKA, MN

PROJECT #	07-00-BUYER
AGENT:	X
BUYER S/O	
BUYER S/O	
STARTED:	X
REVISIONS:	
	11-18-2020 PRELIM



SECTION

SCALE: 1/4" = 1'-0"

GENERAL NOTES & DISCLAIMERS
 These drawings have been prepared to meet generally accepted professional standards. However, local variations may require changes. Likewise, building codes may vary with location & change from time to time. Before starting construction, the builder must review & be responsible for all details & dimensions, and insure that these plans meet all current requirements in your area. All const. shall conform to latest building codes.

LIESTER / CRAWFORD RES.
 14327 GLENRIDGE RD.
 MINNETONKA, MN

PROJECT #	07-00-BUYER
AGENT:	X
BUYER S/O	
BUYER S/O	
STARTED:	X
REVISIONS	
	11-18-2020 PRELIM





Planning Commission Resolution No. 2022-
Resolution approving a side yard setback variance for a garage addition at
14327 Glenridge Road

Be it resolved by the Planning Commission of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 The property owners have requested a variance from the city code for a garage addition.

1.02 The property is located at 14327 Glenridge Road. It is legally described as:

Lot 2, Block 3, GLENRIDGE ADDITION, Hennepin County, Minnesota.

Torrens certificate no.: 1510629

1.03 City Code §300.10, Subd. 5, requires a minimum 10-foot side yard setback. The applicant is proposing eight feet.

1.04 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

Section 2. Standards.

2.01 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:** The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the side yard setback is to ensure adequate spacing between structures. The addition would extend two feet into the required setback and would still be roughly 65 feet from the nearest residential structure to the north. Visually, the addition would maintain adequate separation and would replace a partially paved parking area.
2. **CONSISTENT WITH COMPREHENSIVE PLAN:** The proposed variance is consistent with the comprehensive guide plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into a residential property to enhance its use.
3. **PRACTICAL DIFFICULTIES:** There are practical difficulties in complying with the ordinance:
 - a) **REASONABLENESS:** The small intrusion into the setback would significantly improve the reasonable use of the property.
 - b) **UNIQUE CIRCUMSTANCE:** The conversion of the existing garage to a two-car garage is not possible without a variance due to the configuration of the existing home and lot.
 - c) **CHARACTER OF LOCALITY:** The neighborhood character would not be altered due to a large number of nonconforming setbacks in the GLENRIDGE ADDITION subdivision. Additionally, the intrusion into the setback is minor and would still visually maintain adequate separation from adjacent properties and structures.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variance based on the findings outlined in Section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, excepted as modified by the conditions below:
 - Survey dated July 5, 2022
 - Plan dated Nov. 5, 2020
2. Prior to issuance of a building permit:
 - a) A copy of this resolution must be recorded with Hennepin County.

- b) Submit a tree mitigation plan. The plan must meet mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased. Based on the submitted plans, the mitigation requirements would be unclear based upon submitted plans.
 - c) Delinquent utility bills must be paid.
 - d) Install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
- 3. The addition cannot extend into the existing drainage and utility easement.
 - 4. The maximum driveway width at the right-of-way is 20 feet. A driveway permit is required if the driveway will be reconfigured to the street.
 - 5. This variance will end on Dec. 31, 2023, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Nov. 3, 2022.

Joshua Sewell, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Nov. 3, 2022.

Fiona Golden, Deputy City Clerk

Minnetonka Planning Commission Meeting

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
Nov. 3, 2022

Brief Description Ordinance amendment regarding solar energy systems

Recommendation Recommend the city council adopt the ordinance.

Summary Statement

The City of Minnetonka allows photovoltaic (PV) solar equipment as an accessory use on buildings and freestanding structures in all zoning districts; however, city code only explicitly allows solar equipment in residential districts.

Staff recommends updating the city code to provide solar energy system definitions, allow solar energy systems in all zoning districts, allow solar energy systems in some parking lots, and clarify solar energy system performance standards.

Background

Solar in Minnetonka: The City of Minnetonka has numerous homes and businesses that have elected to invest in solar energy systems. The city has encouraged community members to invest in solar energy systems by hosting solar power hours and providing educational information at various city events. On-site solar has substantial upfront costs; however, residents and businesses that invest in solar energy systems have significantly lower energy costs over the lifetime of the equipment.

	Residential	Business
Estimated Total Number of Solar Installations	214	37
Number Installed in 2021	16	4

Existing City Code: Minnetonka City Code currently allows solar equipment in all residential districts as an accessory use. The city has allowed solar energy systems in non-residential districts (office, commercial, industrial); however, there has yet to be a specific ordinance permitting them within these areas. The staff has allowed solar energy systems with the interpretation that this equipment is similar to other rooftop equipment, which does not require special approval. In addition, the city code does not define solar equipment or have any performance standards.

Proposed Changes: Staff proposes Minnetonka City Code be amended to:

- Add solar energy system definitions;
- Include solar energy systems as accessory uses in all zoning districts;
- Allow ground-mounted solar energy systems on non-residential property and within conditionally-permitted residential property parking lots; and
- Include performance standards.

These changes would not restrict community members' ability to invest in solar but instead would clarify the rules around installing solar energy system equipment. The majority of the ordinance changes would align with the city's existing regulation of solar energy systems.

If approved, one change is that the city would allow ground-mounted solar energy systems in parking lots in non-residential and conditionally-permitted residential properties (places of worship, schools, etc.) as an accessory use. Currently, this type of use would not be allowed; however, staff found this change to be reasonable as it would allow property owners another way to invest in renewable energy. These types of structures would be subject to the same location requirements as parking lots. The structure's height would be subject to fire department approval and could not exceed the height of the building on the site. Below are two examples of the types of solar energy systems that would be permitted in a parking lot if this ordinance change were approved.



Staff Recommendation

Recommend the city council adopt the proposed ordinance changes regarding solar energy systems.

Originator: Drew Ingvalson, Associate Planner/Sustainability Coordinator
Through: Loren Gordon, AICP, City Planner

Supporting Information

Proposed City Code Changes

Ordinance	Summary of proposed ordinance changes
Section 300.02 – Zoning code definitions	Add: <ul style="list-style-type: none">- 142. “Solar Energy System” (SES) is a system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.- 143. “Solar Energy System, Ground Mounted” is a freestanding solar energy system mounted directly to the ground using a rack, pole, or other base.- 144. “Solar Energy System, Roof Mounted” is a solar energy system located on the roof of a building or backside of a parapet wall.- 145. “Solar Energy System, Wall Mounted ” is a solar energy system located on the wall of a building.
Section 300.10, 300.11, 300.12, 300.13 – R-1, R-2, R-3, R-4 zoning districts	Within “accessory uses,” change “solar equipment” to “solar energy systems.”
Section 300.17, 300.18, 300.19, 300.20 – B-1, B-2, B-3, I-1 zoning district	Add “solar energy systems” as an accessory use.
Section 300.28 – Performance Standards	Add a section titled "Performance Standards Regulating Solar Energy Systems." Include the following provisions: <ul style="list-style-type: none">- General<ul style="list-style-type: none">o Roof-mounted solar energy systems and wall-mounted solar energy systems must comply with all location, setback, size, and height requirements of its attached structure.

	<ul style="list-style-type: none">○ Ground-mounted solar energy systems must comply with all location, setback, size, and height standards relating to accessory structures in that zoning district. Ground-mounted solar energy system height shall be measured from the top of the grade to the highest point of the structure at its maximum designed height.○ Ground-mounted solar energy systems in parking lots within the B-1, B-2, B-3, I-1, PID districts, and conditionally permitted uses within residential districts are allowed but must meet the following:<ul style="list-style-type: none">▪ Location: Must follow parking lot setback requirements and may not disrupt parking lot spaces, landscape, or drive aisle requirements.▪ Height: Structures in drive aisles must have a 13.5-foot vehicle clearance and may not exceed 20 feet in height or the height of the principal structure, whichever is less. Structures located over parking stalls must have a 9-foot clearance and may not exceed 20 feet in height or the height of the principal structure, whichever is less. Structures may not interfere with fire apparatus access (as determined by the city's fire marshal).▪ Design: Solar energy system structures may not be enclosed or have walls.○ Solar Energy Systems collector surfaces must be oriented so as to not direct glare towards neighboring windows. Where necessary, screening may be required to address glare.○ Solar energy collector devices, less than one (2) square foot in area and generally used for garden decoration, exterior accent lighting, lawns, and flagpoles, are exempt from the requirements of this section.○ Accessory solar energy systems installed by a government agency or public utility on light poles, signs, transit shelters, within the public right of way, easements, and city-owned property are exempt from the provisions of this section.- Safety<ul style="list-style-type: none">○ Solar energy systems and all components thereof must meet the minimum manufacturer standards, if any, as required by the Minnesota State Building Code,
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	<p>including the Plumbing Code, Electrical Code, Energy Code, and Fire Code, as applicable.</p> <ul style="list-style-type: none"> ○ Any solar energy system found to be unsafe by the building official or designee must be repaired by the owner to meet all code requirements or removed as directed. ○ If any solar energy system remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system must be deemed to be abandoned and shall constitute a public nuisance. The owner must remove the abandoned system at their expense after any required permits have been obtained. Removal includes the entire structure, including transmission equipment and footings.
<p>Section 300.31 – Planned I-394 District</p>	<p>Add “solar energy systems” as an accessory use.</p>

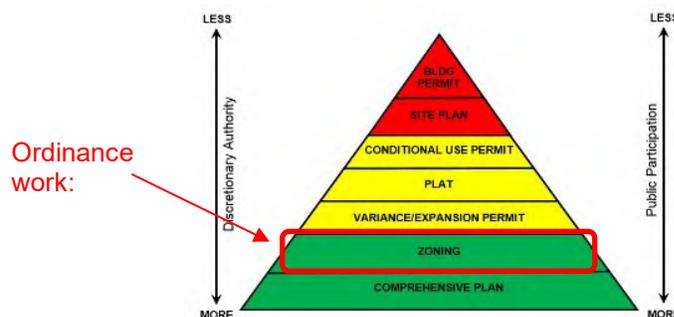
Sustainability Commission Meeting

The sustainability commission reviewed the proposed changes to the city code at their Sept. 20, 2022 meeting. Generally, the commission supported making clear guidelines for installing solar energy systems. One commissioner supported the ordinance but also noted that they would support allowing solar-energy systems to be located in the front yard of residences. The sustainability commission report and unapproved minutes are attached.

City Council Meeting

The city council introduced the proposed ordinance changes at their Oct. 24, 2022 meeting. The city council only asked one question regarding private covenant restrictions for solar energy systems. The city council voted 7-0 to introduce the ordinance. The city council report is attached. Council minutes were not ready at the release of this packet and are not included.

Pyramid of Discretion



Motion Options

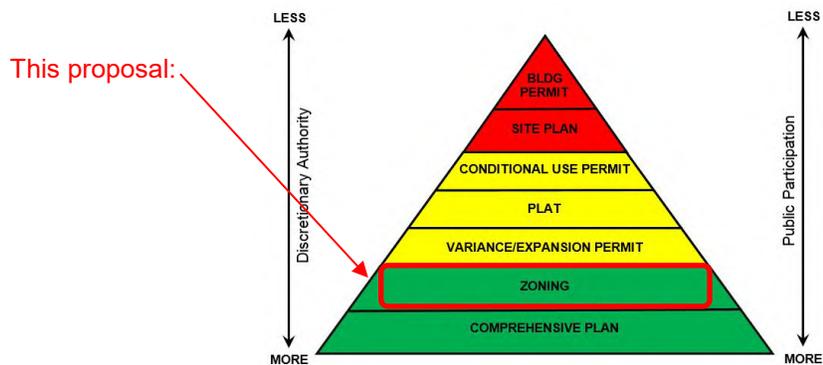
The planning commission has three options:

1. Support the proposed ordinance. In this case, a motion should be made to recommend the city council approves the ordinance.
2. Disagree with some or all of the ordinance. In this case, a motion should be made denying some or all portions of the ordinance.
3. Table consideration. In this case, a motion should be made to table the item. The motion should include a statement as to why the ordinance consideration is being tabled with direction to staff regarding the preparation of different ordinance options or language.

Voting Requirement

The planning commission will make a recommendation to the city council. The city council's final approval requires an affirmative vote of four members.

Pyramid of Discretion



Deadline for Action

N/A. There is no deadline for action on an ordinance amendment proposed by the city.



**City Council Agenda Item #12
Meeting of October 24, 2022**

Title: Solar Energy Systems Ordinance Update

Report From: Drew Ingvalson, Associate Planner/Sustainability Coordinator

Submitted through: Mike Funk, City Manager
Julie Wischnack, AICP, Community Development Director
Loren Gordon, AICP, City Planner

Action Requested: Motion Informational Public Hearing

Form of Action: Resolution Ordinance Contract/Agreement Other N/A

Votes needed: 4 votes 5 votes N/A Other

Summary Statement

The city of Minnetonka has allowed photovoltaic (PV) solar equipment as an accessory use on buildings and freestanding structures in all zoning districts; however, city code only explicitly allows solar equipment in residential districts.

Staff recommends updating the city code to allow solar energy systems in all districts and clarify solar energy system standards.

Recommended Action

Introduce the ordinance and refer it to the planning commission.

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input checked="" type="checkbox"/> Sustainability & Natural Resources | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input type="checkbox"/> N/A | |

Statement: [link to strategic profile](#)

Background

Solar in Minnetonka: The city of Minnetonka has numerous homes and businesses that have elected to invest in solar energy systems. The city has encouraged community members to invest in solar energy systems by hosting solar power hours and providing educational information at various city events. On-site solar has substantial upfront costs; however, residents and businesses that invest in solar energy systems have significantly lower energy costs over the lifetime of the equipment.

	Residential	Business
Estimated Total Number of Solar Installations	214	37
Number Installed in 2021	16	4

Existing City Code: Minnetonka city code currently allows solar equipment in all residential districts as an accessory use. The city has allowed solar energy systems in non-residential districts (office, commercial, industrial); however, there has yet to be a specific ordinance permitting them within these areas. Staff has allowed solar energy systems with the interpretation that this equipment is similar to other rooftop equipment, which does not require special approval. In addition, the city code does not define solar equipment or have any performance standards.

Proposed Changes: Staff proposes Minnetonka City Code be amended to include solar energy systems as accessory uses in all zoning districts and add solar energy system definitions and performance standards. These changes will not restrict community members' ability to invest in solar but instead will clarify the rules around installing this equipment. Below are the first drafts of the proposed changes to the ordinance, which will later be brought to the planning commission and city council.

Ordinance	Summary of proposed ordinance changes
Section 300.02 – Zoning code definitions	<p>Add:</p> <ul style="list-style-type: none"> - “Solar Energy System” (SES) is a system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. - 143. “Solar Energy System, Ground Mounted” is a freestanding solar energy system mounted directly to the ground using a rack, pole, or other base. - 144. “Solar Energy System, Roof Mounted” is a solar energy system located on the roof of a building, backside of a parapet wall, or stage loft. - 145. “Solar Energy System, Wall Mounted ” is a solar energy system located on the wall of a building.

Section 300.10, 300.11, 300.12, 300.13 – R-1, R-2, R-3, R-4 zoning districts	Within “accessory uses,” change “solar equipment” to “solar energy systems.”
Section 300.17, 300.18, 300.19, 300.20 – B-1, B-2, B-3, I-1 zoning district	Add “solar energy systems” as an accessory use.
Section 300.28 – Performance Standards	Add section titled “Performance Standards Regulating Solar Energy Systems.” Include the following provisions: <ul style="list-style-type: none">- General<ul style="list-style-type: none">○ Roof-mounted solar energy systems and wall-mounted solar energy systems shall comply with all location, setback, size, and height requirements of its attached structure.○ Ground-mounted solar energy systems shall comply with all location, setback, size, and height standards relating to accessory structures in that zoning district. Ground-mounted solar energy system height shall be measured from the top of the grade to the highest point of the structure at its maximum designed height.○ Ground-mounted solar energy systems in parking lots within the B-1, B-2, B-3, I-1, PID districts, and conditionally permitted uses within residential districts are allowed but must meet the following:<ul style="list-style-type: none">▪ Location: Must follow parking lot setback requirements and may not disrupt parking lot spaces, landscape, or drive aisle requirements.▪ Height: Structures in drive aisles must have a 13.5-foot vehicle clearance and may not exceed 20 feet in height or the height of the principal structure, whichever is less. Structures located over parking stalls must have a 9-foot clearance and may not exceed 20 feet in height or the height of the principal structure, whichever is less. Structures may not interfere with fire apparatus access (as determined by the city’s fire marshal).▪ Design: Solar energy system structures may not be enclosed or have walls.

	<ul style="list-style-type: none"> ○ Solar Energy Systems collector surfaces shall be oriented so as to not direct glare towards neighboring windows. Where necessary, screening may be required to address glare. ○ Solar energy collector devices, less than one (2) square foot in area and generally used for garden decoration, exterior accent lighting, lawns, and flagpoles, are exempt from the requirements of this section. ○ Accessory solar energy systems installed by a government agency or public utility on light poles, signs, transit shelters, within the public right of way, easements, and city-owned property are exempt from the provisions of this section. - Safety <ul style="list-style-type: none"> ○ Solar energy systems and all components thereof shall meet the minimum manufacturer standards, if any, as required by the Minnesota State Building Code, including the Plumbing Code, Electrical Code, Energy Code, and Fire Code, as applicable. ○ Any solar energy system found to be unsafe by the building official or designee shall be repaired by the owner to meet all code requirements or removed as directed. ○ If any solar energy system remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after any required permits have been obtained. Removal includes the entire structure, including transmission equipment and footings.
<p>Section 300.31 – Planned I-394 District</p>	<p>Add “solar energy systems” as an accessory use.</p>

Sustainability Commission Meeting

The sustainability commission reviewed the proposed changes to the city code at their Sept. 20, 2022, meeting. Generally, the commission supported making clear guidelines for installing solar energy systems. One commissioner supported the ordinance but also noted that they would support allowing solar-energy systems to be located in the front yard of residences. The sustainability commission report and unapproved minutes are attached.

Ordinance Introduction

The purpose of introducing the ordinance allows the city council to review the draft ordinance and provide comments before referring them to the planning commission for a recommendation. Introducing an ordinance does not constitute approval. The planning commission will review the proposed ordinance and provide feedback for the council to review at the scheduled Nov. 14, 2022, meeting.



**Sustainability Commission Agenda Item 7E
Meeting of September 20, 2022**

Title: Solar Energy Systems Ordinance Update

Report From: Drew Ingvalson, Associate Planner/Sustainability Coordinator

Submitted through: Julie Wischnack, AICP, Community Development Director
Loren Gordon, AICP, City Planner

Action Requested: Motion Informational Public Hearing

Form of Action: Resolution Ordinance Recommendation to City Council
Other N/A

Votes needed 5 votes N/A Other

Summary Statement

The City of Minnetonka has allowed photovoltaic (PV) solar equipment as an accessory use on buildings and freestanding structures in all zoning districts; however, city code only allows solar equipment in residential districts.

As such, the city will be updating its city code to allow solar energy systems in all districts and clarify solar energy system standards.

Recommended Action

Review the information and provide questions/comments.

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input checked="" type="checkbox"/> Sustainability & Natural Resources | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input type="checkbox"/> N/A | |

Statement: [link to strategic profile](#)

Background

Solar in Minnetonka: The City of Minnetonka has several homes and businesses that have elected to invest in solar energy systems. On-site solar has substantial upfront costs; however, residents and businesses that invest in solar energy systems have significantly lower energy costs over the lifetime of the equipment. The city has encouraged community members to invest in solar energy systems by hosting solar power hours and providing educational information at various city events.

	Residential	Business
Estimated Total Number of Solar Installations	214	37
Number Installed in 2021	16	4

Existing City Code: Minnetonka city code currently allows solar equipment in all residential districts as an accessory use. The city has allowed solar energy systems in non-residential districts (office, commercial, industrial); however, there is not a specific ordinance permitting them within these areas. The staff has allowed solar energy systems with the interpretation that this equipment is similar to other rooftop equipment, which does not require special approval. In addition, the city code does not define solar equipment or have any performance standards for it.

Proposed Changes: Staff will be proposing that the Minnetonka City Code be amended to include solar energy systems as accessory uses in all zoning districts and that the city adds solar energy system definitions and performance standards. These changes will not restrict community members' ability to invest in solar but instead will clarify the rules around installing this equipment. Below are the first drafts of the proposed changes to the ordinance, which will later be brought to the planning commission and city council.

DEFINITIONS

- "Solar Energy System" (SES) is a system whose primary purpose is to harvest energy by transforming solar energy into another form of energy, or transferring heat from a collector, to another medium using mechanical, electrical, or chemical means.
- "Ground Mounted Solar Energy System" is a freestanding solar energy system mounted directly to the ground using a rack, pole, or other base.
- "Roof Mounted Solar Energy System" is a solar energy system located on the roof of a building, backside of a parapet wall, or stage loft.
- "Wall Mounted Solar System" is a solar energy system located on the wall of a building.

ACCESSORY USE

- Ground Mounted, Roof Mounted, and Wall Mounted Solar Energy Systems are permitted as an accessory use in all zoning districts.

PERFORMANCE STANDARDS

- General Provisions
 - o Roof Mounted Solar Energy Systems and Wall Mounted Solar Energy Systems shall comply with all location, setback, size, and height requirements of its attached structure.
 - o Ground Mounted Systems shall comply with all location, setback, size, and height standards relating to accessory structures. Ground-mounted solar energy system height shall be measured from the top of the grade to the highest point of the structure at its maximum designed height.
 - o Solar Energy Systems collector surfaces shall be oriented so as to not direct glare towards neighboring windows. Where necessary, screening may be required to address glare.

- Solar energy collector devices less than one (2) square foot in area and generally used for garden decoration, exterior accent lighting, lawns, and flagpoles are exempt from the requirements of this section.
- Accessory SES installed by a government agency or public utility on light poles, signs, transit shelters, within the public right of way, easements, and city-owned property are exempt from the provisions of this section.
- Safety
 - Solar energy systems and all components thereof shall meet the minimum manufacturer standards, if any, as required by the Minnesota State Building Code, including the Plumbing Code, Electrical Code, Energy Code, and Fire Code, as applicable.
 - Any Solar Energy System found to be unsafe by the building official or designee shall be repaired by the owner to meet all code requirements or removed as directed.
 - If any SES remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after any required permits have been obtained. Removal includes the entire structure, including transmission equipment and footings.

Sustainability Commission's Task:

- Receive the staff's presentation and provide questions/comments about the potential ordinance amendment.

Next Steps:

- The planning commission will review and provide a recommendation regarding the ordinance amendment.
- The city council will make a final decision regarding the ordinance by the end of the year.

- A consultant must be familiar with numbers and be analytical.
- He suggests having a section that provides examples of actions that individuals can do to prevent climate change.
- Community engagement is critical and necessary to be successful. It would be well worth it.

Chair Golob confirmed with Ingvalson that a request for qualifications would be completed before a request for a proposal.

Chair Golob stated that the consultant should have already written a climate action and adaptation plan and should be able to provide an example of one they have already written.

Chair Golob appreciated moving forward with Minnetonka creating and adopting a climate action and adaptation plan.

E. Solar Energy System Ordinance Update

Ingvalson reported.

Avalos asked if residences with existing solar energy systems would be grandfathered in to the new ordinance requirements or how many would be impacted. Ingvalson answered that the city has been permitting solar energy systems in a similar way, so existing solar energy systems should be compliant with the proposed ordinance update.

Avalos asked where screening would be located to reduce glare. Ingvalson explained that a solar energy system user would be required to provide screening, preferably with vegetation, to block glare from the panels if the glare would enter a neighboring residence's window.

Henry asked if a solar system array could be located in the front yard of a residence. Ingvalson explained that a detached solar array would be treated the same as a detached accessory structure which would not be allowed in a residential front yard. A solar system taller than 12 feet in height would require approval of a conditional use permit.

In response to Henry's question, Gordon stated that wind turbines are allowed in Minnetonka with a conditional use permit. Each district's height regulations would apply.

Avalos supports the proposed solar-energy-system-ordinance update. Having definitive, written guidelines detailing where and how solar systems are allowed would be helpful.

Anderson agrees with Avalos and staff's recommendation.

Pattain agrees with Avalos. Sometimes a person assumes something cannot be done if regulations for it cannot be found. She supports staff's recommendation.

Henry would like to see the solar-energy-system regulations included on the city's website. He agreed that consistency is important. He supports staff's recommendation.

Boor agreed that it is helpful to layout the regulations and options. She supports allowing a solar-energy system to be located in the front yard of a residence.

Chair Golob agreed that providing clear regulations for solar systems is important.

8. Other Business

Chair Golob noted that commissioners are invited to attend the Annual City County Climate Action Conference scheduled to be held on Oct. 6, 2022. There are afternoon and evening sessions which may be viewed by Zoom.

9. Adjournment

Boor moved, second by Henry, to adjourn the meeting at 9:08 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Ordinance No. 2022-

An ordinance allowing solar energy systems as accessory uses in all zoning districts and establishing performance standards; amending Minnetonka City Code by adding a new section 315 and amending sections 300.02, 300.17, 300.18, 300.19, 300.20, 300.28, 300.31

The City Of Minnetonka Ordains:

Section 1. Section 300.02 of the Minnetonka City Code, relating to definitions, is amended by inserting four new subdivisions, as follows, and by renumbering subsequent subdivisions accordingly:

142. "Solar Energy System" (SES) is a system whose primary purpose is to harvest energy by transforming solar energy into another form of energy, or transferring heat from a collector, to another medium using mechanical, electrical, or chemical means.

143. "Solar Energy System, Ground-Mounted" is a freestanding solar energy system mounted directly to the ground using a rack, pole, or other base.

144. "Solar Energy System, Roof-Mounted" is a solar energy system located on the roof of a building or backside of a parapet wall.

145. "Solar Energy System, Wall-Mounted " is a solar energy system located on the wall of a building.

Section 2. The city clerk is directed to substitute the term "solar energy system" for "solar equipment" wherever the latter phrase appears in Section 300 of the Minnetonka City Code.

Section 3. Section 300.17, subdivision 3 relating to accessory uses in the B-1 Office Business district, is amended to read as follows:

3. Accessory Uses.

Within the B-1 district the following shall be permitted provided they are subordinate to and associated with a permitted use:

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

- a) receive-only satellite dish antennas and other antenna devices up to a maximum height of 60 feet as measured from the ground upon which it is located subject to the requirements found in section 300.28, subd. 13; and radio devices no larger than one cubic foot in size that are attached to utility poles, if there is no more than one per pole;
- b) evergreen material sales if in compliance with the standards specified in section 300.15, subd. 13, and the city planner has given approval; and
- c) solar energy systems;
- d) other uses customarily associated with but subordinate to a permitted use, as determined by the city.

Section 4. Section 300.18, subdivision 3 of the Minnetonka City Code, relating to accessory uses in the B-2 Limited Business District, is amended to read as follows:

3. Accessory Uses.

Within the B-2 district the following uses shall be permitted provided they are subordinate to and associated with a permitted use:

- a) storage, assembly or servicing related to a permitted use and occupying no more than 10 percent of the gross floor area of the principal structure;
- b) receive-only satellite dish antennas and other antenna devices up to a maximum height of 60 feet as measured from the ground upon which it is located subject to the requirements found in section 300.28, subd. 13; and radio devices no larger than one cubic foot in size that are attached to utility poles, if there is no more than one per pole;
- c) sidewalk sales may be authorized by the city planner, at his or her discretion, up to three times per calendar year so long as they will be held on sidewalks located adjacent to the principal structure, will not block pedestrian or handicapped access, will not block any required parking or drive aisle, will not be located in any required setback area, will be limited to a maximum duration of two days, will use signage no larger than 4 feet by 4 feet per sign at the sale location with all other signage in compliance with city ordinances and upon completion of the sale that the site will be restored and cleaned as necessary. If a permitted sale does not comply with these standards, the city planner may require that it be immediately removed. Decisions of the city planner may be appealed to the planning commission. Cash deposits or other financial security acceptable to the city may be required if deemed necessary based upon the proposal or prior actions concerning the site;

- d) evergreen material sales if in compliance with the standards specified in section 300.15, subd. 13, and the city planner has given approval; ~~and~~
- e) solar energy systems; and
- f) other uses customarily associated with but subordinate to a permitted use, as determined by the city.

Section 5. Section 300.19, subdivision 3, relating to accessory uses in the B-3 General Business district, is amended to read as follows:

3. Accessory Uses.

Within the B-3 district the following uses shall be permitted provided they are subordinate to and associated with a permitted use:

- a) storage, assembly or servicing related to a permitted use and occupying no more than 25 percent of the gross floor area of the principal structure;
- b) receive-only satellite dish antennas and other antenna devices up to a maximum height of 60 feet as measured from the ground upon which it is located subject to the requirements found in section 300.28, subd. 13; and radio devices no larger than one cubic foot in size that are attached to utility poles, if there is no more than one per pole;
- c) sidewalk sales may be authorized by the city planner, at his or her discretion, up to three times per calendar year so long as they will be held on sidewalks located adjacent to the principal structure, will not block pedestrian or handicapped access, will not block any required parking or drive aisle, will not be located in any required setback area, will be limited to a maximum duration of two days, will use signage no larger than 4 feet by 4 feet per sign at the sale location with all other signs at the location in compliance with city ordinances and will restore and clean up the site to its prior condition upon completion of the sale. If a permitted sale does not comply with these standards, the city planner may require that it be immediately removed. Decisions of the city planner may be appealed to the planning commission. Cash deposits or other financial security acceptable to the city may be required if deemed necessary based upon the proposal or prior actions concerning the site;
- d) evergreen material sales if in compliance with the standards specified in section 300.15, subd. 13 and the city planner has given approval; ~~and~~
- e) solar energy systems; and
- f) other uses customarily associated with but subordinate to a permitted use, as determined by the city.

Section 6. Section 300.20, subdivision 3, relating to accessory uses in the I-1 Industrial district, is amended to read as follows:

3. Accessory Uses.

Within the I-1 district the following uses are permitted provided they are subordinate to and associated with a permitted use:

- a) living quarters for security personnel, provided they are located within the principal structure;
- b) overnight outside storage of vehicles, provided the vehicles are associated with the business and are screened from view from residential properties or public views;
- c) outside storage, including fuel storage, provided it is screened from general public view;
- d) retail or service uses not exceeding 25 percent of the gross floor area of the principal structure;
- e) overhead utility poles and lines for a distribution line, receive-only satellite dish antennas and other antenna devices up to a maximum height of 60 feet as measured from the ground upon which it is located subject to the requirements found in section 300.28, subd. 13; except that utility poles and lines for a distribution line may be taller than 60 feet, but not taller than 80 feet, when needed to cross a major roadway such as a freeway;
- f) evergreen material sales if in compliance with the standards specified in section 300.15; subd. 13, and the city planner has given approval; ~~and~~
- g) solar energy systems; and
- h) other uses customarily associated with but subordinate to a permitted use, as determined by the city.

Section 7. Section 300.28 of the Minnetonka City Code, relating to performance standards for zoning districts, is amended by adding a new subdivision 23 as follows and renumbering subsequent subdivisions accordingly:

23. Performance standards for solar energy systems, as outlined in City Code Section 315.16.

Section 8. Section 300.31, subdivision 4(a), relating to permitted uses in the planned I-394 district, is amended by adding a clause as follows:

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

5) Solar energy systems are permitted as an accessory use within the I-394 district.

Section 8. The Minnetonka City Code is amended by adding a new section 315, as follows:

SECTION 315. PERFORMANCE STANDARDS.

315.01 Exterior lighting. [Reserved.]

315.02. Noise and vibration. [Reserved.]

315.03. Smoke and particulate matter. [Reserved]

315.04. Odor. [Reserved]

315.05. Toxic or noxious matter. [Reserved]

315.06. Radiation. [Reserved]

315.07. Heat and humidity. [Reserved]

315.08. Electromagnetic interference. [Reserved]

315.09. Fire and explosive hazards. [Reserved]

315.10. Liquid or solid waste. [Reserved]

315.11. Satellite dish antennas. [Reserved]

316.12. Sight and vision clearance standards. [Reserved]

317.13. Grading. [Reserved]

315.14 Parking and Loading Requirements. [Reserved]

315.15. Traffic studies. [Reserved]

315.16. Solar Energy Systems.

1. General

- a) Roof-mounted solar energy systems and wall-mounted solar energy systems must comply with all location, setback, size, and height requirements of its attached structure.
 - b) Ground-mounted solar energy systems must comply with all location, setback, size, and height standards relating to accessory structures in that zoning district. Ground-mounted solar energy system height must be measured from the top of the grade to the highest point of the structure at its maximum designed height.
 - c) Ground-mounted solar energy systems in parking lots within the B-1, B-2, B-3, I-1, PID district, and conditionally permitted uses within residential districts are allowed, but must meet the following:
 - 1) Location: Must follow parking lot setback requirements and may not disrupt parking lot spaces, landscape, or drive aisle requirements.
 - 2) Height: Structures in drive aisles must have a 13.5-foot vehicle clearance and may not exceed 20 feet in height or the height of the principal structure, whichever is less. Structures located over parking stalls must have a 9-foot clearance and may not exceed 20 feet in height or the height of the principal structure, whichever is less. Structures may not interfere with fire apparatus access (as determined by the city's fire marshal).
 - 3) Design: Solar energy system structures may not be enclosed or have walls.
 - d) Solar Energy Systems collector surfaces must be oriented to not direct glare towards neighboring windows. Where necessary, screening may be required to address glare.
 - e) Solar energy collector devices less than one (2) square foot in area and generally used for garden decoration, exterior accent lighting, lawns, and flagpoles, are exempt from the requirements of this section.
 - f) Accessory solar energy systems installed by a government agency or public utility on light poles, signs, transit shelters, within the public right of way, easements, and city-owned property are exempt from the provisions of this section.
2. Safety
- a) Solar energy systems and all components thereof must meet the minimum manufacturer standards, if any, as required by the Minnesota

State Building Code, including the Plumbing Code, Electrical Code, Energy Code, and Fire Code, as applicable.

- b) Any solar energy system found to be unsafe by the building official or designee must be repaired by the owner to meet all code requirements or removed as directed.
- c) If any solar energy system remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system will be deemed abandoned and will constitute a public nuisance. The owner must remove the abandoned system at their expense after any required permits have been obtained. Removal includes the entire structure, including transmission equipment and footings.

Section 12. This ordinance is effective upon adoption.

Adopted by the city council of the City of Minnetonka, Minnesota, on Nov. 14, 2022.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: Oct. 24,2022

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Nov. 14, 2022.

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

Becky Koosman, City Clerk