

Ordinance No. 2023-02

**An ordinance amending various sections of Chapter 3, Zoning Regulations,
of the Minnetonka City Code**

The City Of Minnetonka Ordains:

Section 1. Section 300.06, Subd. 2 of the Minnetonka City Code, regarding conditional use permits applications, is amended by deleting the following and renumbering subsequent paragraphs accordingly:

~~b) a list of the names and addresses of the owners of all properties situated wholly or partially within 400 feet of the property as such appear on the certified records of the Hennepin county auditor;~~

Section 2. Section 300.07, Subd.2 of the Minnetonka City Code, regarding variance applications, is amended by deleting the following and renumbering subsequent paragraphs accordingly:

~~b) a list of the names and addresses of the owners of all properties situated wholly or partially within 400 feet of the property as such appear on the certified records of the Hennepin county auditor;~~

Section 3. Section 300.09, Subd.4 of the Minnetonka City Code, regarding zoning map amendment applications, is amended by deleting the following and renumbering subsequent paragraphs accordingly:

~~b) a list of the names and addresses of the owners of all properties situated wholly or partially within 400 feet of the property as such appear on the certified records of the Hennepin county auditor;~~

Section 4. Section 300.27, Subd.4 of the Minnetonka City Code, regarding site and building plan applications, is amended by deleting the following and renumbering subsequent paragraphs accordingly:

~~b) a list of the names and addresses of the owners of all properties situated wholly or partially within 400 feet of the property as such appear on the certified records of the Hennepin county auditor;~~

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

Section 5. Section 300.04, Subd. 2 of the Minnetonka City Code, regarding planning commission powers and duties, is amended as follows:

- b) to hear ~~requests~~ applications for variances, expansion permits, and sign plan requests ~~from the literal provisions of this ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration,~~ and to grant such ~~variances~~ requests only when it is demonstrated that ~~such actions will be in keeping with the spirit and intent of~~ the application meets the requirements of this ordinance.

Section 6. Section 300.02 of the Minnetonka City Code, regarding definitions, is amended by amending subdivisions 30 and 116 to read as shown below, by repealing sections 34, 35, 36, 37, 38, 39, 43, 122, 123 and 124, and by adding two new definitions as shown below and by alphabetizing and renumbering subdivisions accordingly:

30. "Density" - the number of dwelling units per acre of land, excluding existing or proposed rights-of-way intended to be used for location of streets and areas zoned as wetland, floodplain, or below the ordinary high water level of a public water, as regulated by the comprehensive plan.
- ~~34. "Dwelling, attached" - a dwelling attached to one or more dwellings by common walls or floors.~~
- ~~35. "Dwelling, detached" - a dwelling that is not attached to any other dwelling.~~
- ~~36. "Dwelling, single-family" - a building designed or intended for occupancy by one family.~~
- ~~37. "Dwelling, two-family" - a building designed with two separate dwelling units intended for occupancy by two families. A principal dwelling unit that contains an accessory apartment is not considered a two-family dwelling.~~
- ~~38. "Dwelling, multiple family" - a building designed with three or more dwelling units intended for occupancy by three or more families.~~
- ~~39. "Dwelling unit" - one or more rooms with facilities for sleeping, cooking, and sanitation designed or intended for residential occupancy.~~
- ~~43. "Family" - any number of individuals living together on the premises as a single housekeeping unit as distinguished from a group occupying a boarding or lodging house, licensed residential care facility, licensed day care facility or community based residential facility.~~
116. "Right-of-way" - ~~a strip of land intended to be used for streets, highways, crosswalks, sidewalks, trails, railroads or utility purposes.~~ An area of land

dedicated on a plat or by legal document or by operation of law that is intended to be used for location of streets, pedestrian ways, railroads, or utility purposes.

~~122. “Shopping center, community” – a general merchandise and convenience-oriented shopping center, generally including a large tenant such as a discount store or supermarket, providing goods and services to residents of the larger community. Examples of community shopping centers in the city include Ridgheaven Mall and the Seven-Hi commercial area.~~

~~123. “Shopping center, neighborhood” – a convenience-oriented shopping center primarily providing goods and services to residents of the adjacent area. Generally, the smallest type of shopping center. Examples of neighborhood shopping centers in the city include retail buildings in the Glen Lake and Cedar Lake Road areas.~~

~~124. “Shopping center, regional” – a shopping center providing a wide range of goods and services to residents of the metropolitan region. Ridgedale Mall is the only regional shopping center in the city.~~

“Dwelling, multi-household” – a building designed with three or more dwellings intended for occupancy by three or more households. Examples include apartments, condominium buildings, cooperatives, and townhomes.

“Dwelling, single-household attached” – a building designed or intended for occupancy by one household, which is attached by a common wall to another building designed or intended for occupancy by one household. Examples include duplexes and twinhomes.

“Dwelling, single-household detached” – a building designed or intended for occupancy by one household, which is physically unconnected from any other dwelling.

Section 7. Section 300.10, Subd.6 of the Minnetonka City Code, regarding R-1 parking requirements is amended to read as follows:

- d) ~~Off-street parking shall be provided for at least two vehicles for all single-family dwellings. A suitable location for a garage measuring at least 20 feet by 24 feet which does not require a variance shall be provided and indicated as such on a survey or site plan to be submitted when applying for a building permit to construct a new dwelling or alter an existing garage. must be provided as outlined in City Code 315.14.~~

Section 8. Section 300.11, Subd.5 of the Minnetonka City Code, regarding R-2 parking requirements is amended to read as follows:

- f) ~~For each unit in a two family dwelling, suitable off-street parking must be provided for at least two vehicles. No two family dwelling may be constructed nor may any existing required garage be converted unless there is shown and designated on a survey or site plan submitted with the application for a building~~

~~permit a location on the lot suitable for construction of a single car garage without requiring a variance. Off street parking must be provided as outlined in City Code 315.14.~~

Section 9. Section 300.15, Subd.7 of the Minnetonka City Code, regarding residential parking, is amended by repealing paragraphs b) and c) and amending paragraph a) to read as follows:

- a) ~~Off street parking shall be provided for at least two vehicles for all single family dwellings. A suitable location for a garage measuring at least 20 feet by 24 feet which does not require a variance shall be provided and indicated as such on a survey or site plan to be submitted when applying for a building permit to construct a new dwelling or alter an existing garage. Off-street parking must be provided as required by section 315.14 of this code.~~
- b) ~~Off street parking shall be provided for at least two vehicles for each unit in two family dwellings. At least one space per unit shall be enclosed. A suitable location for a single car garage which does not require a variance shall be provided and indicated as such on a survey or site plan to be submitted when applying for a building permit to alter an existing garage.~~
- c) ~~Off street parking shall be provided for all attached and multiple family dwelling units. At least one space per unit shall be enclosed.~~

Section 10. Section 300.10, Subd. 5 of the Minnetonka City Code, regarding R-1 district standards is amended by adding a new paragraph j), to read as follows:

- j) All structures and site work, including any grading and landscaping activities, must comply with the wetland protection, floodplain protection, shoreland protection, steep slope protection and tree protection requirements contained in sections 300.23, 300.24, 300.25, 300.28 and 314.01 of this ordinance.

Section 11. Section 300.11, Subd. 5 of the Minnetonka City Code, regarding R-2 district standards, is amended by adding a new paragraph i) to read as follows:

- i) All structures and site work, including any grading and landscaping activities, must comply with the wetland protection, floodplain protection, shoreland protection, steep slope protection and tree protection requirements contained in sections 300.23, 300.24, 300.25, 300.28 and 314.01 of this ordinance.

Section 12. Section 300.12, Subd. 5 of the Minnetonka City Code, regarding R-3 district standards, is amended by adding a new paragraph h) to read as follows:

- h) All structures and site work, including any grading and landscaping activities, must comply with the wetland protection, floodplain protection, shoreland protection, steep slope protection and tree protection requirements contained in sections 300.23, 300.24, 300.25, 300.28 and 314.01 of this ordinance.

Section 13. Section 300.13, Subd. 5 of the Minnetonka City Code, regarding R-4 district standards, is amended by adding a new paragraph i) to read as follows:

- i) All structures and site work, including any grading and landscaping activities, must comply with the wetland protection, floodplain protection, shoreland protection, steep slope protection and tree protection requirements contained in sections 300.23, 300.24, 300.25, 300.28 and 314.01 of this ordinance.

Section 14. Section 300.14, Subd.5 of the Minnetonka City Code, regarding R-5 district standards, is amended by adding a new paragraph i) to read as follows:

- i) All structures and site work, including any grading and landscaping activities, must comply with the wetland protection, floodplain protection, shoreland protection, steep slope protection and tree protection requirements contained in sections 300.23, 300.24, 300.25, 300.28 and 314.01 of this ordinance.

Section 15. Section 300.15, Subd.9 of the Minnetonka City Code, regarding residential yard and setback regulations, is amended by adding a new paragraph g) to read as follows:

- g) The provisions of this section do not exempt any structure, structural feature, or appurtenance from the wetland protection, floodplain protection, shoreland protection, steep slope protection and tree protection requirements contained in sections 300.23, 300.24, 300.25, 300.28 and 314.01 of this ordinance.

Section 16. Section 300.17, Subd.6(b) of the Minnetonka City Code, regarding B-1 district standards, is amended to read as follows:

- b) All developments ~~shall comply with the wetlands, floodplain and shoreland regulations contained in sections 300.23, 300.24 or 300.25 of this ordinance.~~must be in compliance with city code sections 300.23 wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 17. Section 300.18, Subd. 6(b) of the Minnetonka City Code, regarding B-2 district standards, is amended to read as follows:

- b) All developments ~~shall comply with the wetlands, floodplain and shoreland regulations contained in sections 300.23, 300.24 or 300.25 of this ordinance.~~must be in compliance with city code sections 300.23 wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 18. Section 300.19, Subd. 6(b) of the Minnetonka City Code, regarding B-3 district standards is amended to read as follows:

- b) All developments ~~shall comply with the wetlands, floodplain and shoreland regulations contained in sections 300.23, 300.24 or 300.25 of this ordinance.~~ must be in compliance with city code sections 300.23 wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 19. Section 300.20, Subd. 6(b) of the Minnetonka City Code, regarding I-1 district standards, is amended to read as follows:

- b) All developments ~~shall comply with the wetlands, floodplain and shoreland regulations contained in sections 300.23, 300.24 or 300.25 of this ordinance.~~ must be in compliance with city code sections 300.23 wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 20. Section 300.37, Subd. 6 of the Minnetonka City Code, regarding R-1A district standards, is amended by adding a new paragraph i) to read as follows:

- i) All structures must comply with the wetland protection, floodplain protection, shoreland protection, steep slope protection and tree protection requirements contained in sections 300.23, 300.24, 300.25, 300.28 and 314.01 of this ordinance.

Section 21. Section 325.05, subd. 4 of the Minnetonka City Code, regarding sign location requirements, is amended by adding a new paragraph i) to read as follows:

- i) Signs must be in compliance with the wetland protection, floodplain protection, shoreland protection, steep slope protection and tree protection requirements contained in sections 300.23, 300.24, 300.25, 300.28 and 314.01 of this ordinance

Section 22. Section 300.23 Subd.5(d) of the Minnetonka City Code, regarding wetland buffer areas, is amended to read as follows:

- d) Except as otherwise provided in 5)d)1 and 2 below, buffer area widths will be based on the wetland classification in the city's water resources management plan, ~~or on~~ the most recent city-approved Minnesota Routine Assessment Method (MNRAM), or similar classification system approved by city staff. The following are the required buffer area widths:

Wetland Classification	Width of Buffer Area
From the Wetland Boundary	
Manage 2	16.5 feet

Manage 1	25 feet
Preserve	50 feet

- 1) Wetland basins may have more than one management classification based on components of a MNRAM such as vegetation, habitat structure, amphibian habitat, aesthetic/cultural resource, etc. The required buffer for a specific site will be based on the management classification of the wetland adjacent to the subject property.
- 2) Any development or redevelopment project within the Bassett Creek Watershed must comply with the rules of the Bassett Creek Watershed Management [Commission as outlined in the Bassett Creek Watershed Management Commission Requirements for Improvements and Development Proposals document \(May 18, 2017\), as amended.](#) ~~Organization.~~

Section 23. Section 300.21, Subd. 3(i) of the Minnetonka City Code, regarding B-1 conditional use permit standards, is amended to read as follows:

- i) Financial institutions, with or without drive-up facilities: drive-through facilities and stacking areas ~~shall be~~ are subject to the following requirements:
 - 1) ~~shall~~ must not be located adjacent to any residential lot lines;
 - 2) ~~shall~~ must be provided with a suitable visual screen from adjacent properties;
 - 3) stacking for a minimum of six cars per aisle ~~shall~~ must be provided within applicable parking lot setbacks; ~~and~~
 - 4) ~~shall~~ will only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the institute of traffic engineers on streets and intersections.; ~~and~~
 - 5) must be subordinate to and associated with a permitted use located within a building on the site.

Section 24. Section 300.21, Subd. 4(d) of the Minnetonka City Code, regarding B-2 conditional use permit standards, is amended to read as follows:

- d) ~~Uses having a d~~ Drive-up window or similar facility:
 - 1) drive-up windows and stacking areas ~~shall~~ must not be located adjacent to any residential parcel;
 - 2) stacking areas ~~shall~~ must provide for a minimum of six cars per aisle; and

~~3)~~ public address system ~~shall~~must not be audible from any residential parcel; and

~~3)4)~~ must be subordinate to and associated with a permitted use located within a building on the site.

Section 25. Section 300.21, Subd. 5(d) of the Minnetonka City Code, regarding B-3 conditional use permit standards, is amended to read as follows:

- d) ~~Uses having a d~~Drive-up window or similar facility: the same standards as specified in subdivision 4(d)(1) through (~~3~~ 4), inclusive, of this section ~~shall~~ apply.

Section 26. Section 300.31, Subd. 4(k) of the Minnetonka City Code, regarding PID conditional use permit standards, is amended to read as follows:

- k. Uses having a drive-up window or similar facility on property designated for office, service commercial or retail use:
1. ~~shall~~must not have drive-up windows and stacking areas located adjacent to any residential parcel;
 2. ~~shall~~must be provided with a suitable visual screen from adjacent properties;
 3. ~~shall~~must provide stacking areas with a minimum of six cars per aisle on the property in areas not within applicable setback requirements; and
 4. ~~shall~~must not have public address system audible from any residential parcel; and
 - 4.5. the drive-up window or similar facility must be subordinate to and associated with a permitted or conditionally- permitted use located within a building on the site.

Section 27. Section 300.10, Subd. 4 of the Minnetonka City Code, regarding R-1 conditional uses, is amended by adding a new paragraph r) as follows and renumbering subsequent paragraphs accordingly:

r) daycare facilities within a religious institution occupying more than 20 percent of the total floor area of the building.

Section 28. Section 300.10, Subd. 3 of the Minnetonka City Code, regarding R-1 accessory uses, is amended by adding a new paragraph m) as follows and renumbering subsequent paragraphs accordingly:

m) daycare facilities within a religious institution occupying no more than 20 percent of the total floor area of the building.

Section 29. Section 300.15, Subd. 8 of the Minnetonka City Code, regarding residential height regulations, is amended to read as follows:

Height limitations within the residential districts shall do not apply to water towers, chimneys, flag poles, ~~church spires, church belfries or church domes not containing habitable space, or architectural components generally associated with educational or religious facilities.~~

Section 30. Section 310.03 Subd.4(a)(1) of the Minnetonka City Code, regarding permitted small cell wireless facilities, is amended to read as follows:

- 1) New Support Structures. ~~In office, commercial, industrial, and high-density residential zoning districts, s~~Small cell wireless facilities located on new support structures are permitted uses, within public rights-of-way if adjacent to properties zoned for office, commercial, industrial, or high-density residential, subject to the standards outlined in City Code §1120.

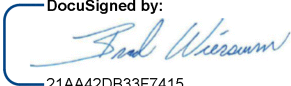
Section 31. Section 325.06, Subd. 3(a)(2)(b) of the Minnetonka City Code, regarding commercial business and industrial wall signs, is amended by adding a new clause (2) as follows and by renumbering subsequent clauses accordingly:

- (2) Signs must be comprised of individually dimensioned letters, unless all wall signs are incorporated into the architecture of structure and of similar design.

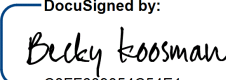
Section 32. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 33. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on Feb. 27, 2023.

DocuSigned by:

 21AA42DB33E7415
 Brad Wiersum, Mayor

Attest:

DocuSigned by:

 C8FE600054C54E1...
 Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: Nov. 28, 2022
Date of adoption: Feb. 27, 2023
Motion for adoption: Calvert
Seconded by: Coakley
Voted in favor of: Schack, Wilburn, Calvert, Schaeppi, Coakley, Wiersum
Voted against:
Abstained:
Absent: Kirk
Ordinance adopted.

Date of publication: March 9, 2023

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 Feb. 27, 2023.

Becky Kosman, City Clerk