

**Ordinance No. 2021-**

**An ordinance amending city code sections 300.10, 300.12, and 300.13 regarding licensed residential care facility or community based residential care facilities**

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The City Of Minnetonka Ordains:

Section 1. Section 300.10 Subdivision 4 of the Minnetonka City Code, regarding conditional uses in the R-1 zoning district, is amended as follows and reordered accordingly:

Section 2. Section 300.10, Subdivision 8 of the Minnetonka City Code, regarding interim uses in the R-1 zoning district, is amended as follows:

d) Licensed residential care facilities or communitybased residential care facilities serving seven to ten residents:

1) The site and facility must be designed to minimize undue adverse impacts to neighboring properties. In evaluating whether this standard is met, the city may consider such things as the surrounding land uses; the size of the property relative to adjacent properties; the location of the facility on the property relative to the location of homes on adjacent properties; whether the facility would be buffered from adjacent properties by existing vegetation, elevation changes, or linear distance; or any other site or neighborhood characteristic that the city considers important or unique. In addition:

2) Site Standards.

a. Facilities may only be located on properties:

1. At least one acre in size; and

2. With direct access to a collector or arterial street as

identified in the comprehensive plan.

b. No on-street parking is allowed.

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

c. A minimum of 0.5 parking stalls must be provided on-site per overnight resident based on the proposed capacity.

d. Exterior parking must be located on a paved area. If designed as a parking lot, the lot must be located behind the rear building line of the facility and must be set back a minimum of 20 feet from all property lines.

3) Building Standards.

a. The facility may only be located in an existing structure. Any additions or changes to the structure to accommodate the facility must be residential in character.

b. The facility must contain a minimum of 300 square feet of residential building are for each overnight resident, based on the proposed capacity.

4) Additional Standards.

a. Landscape buffering of the facility and any parking lot must be provided consistent with the requirements contained in section 300.27 of this ordinance. A privacy fence of appropriate residential design may be required to limit off-site impacts.

b. The facility must prepare, and abide by, a plan for handling traffic and parking on high traffic days, such as holidays. The plan must be submitted to city staff for review and approval.

c. No exterior evidence of the use or activity that is not customary for typical residential use is allowed.

d. The facility must conform or come into conformance with the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances.

e. The city may impose additional conditions in order to address the specific impacts of a proposed facility.

5) The interim use permit will be issued in the name of the state license holder and will be for the type of licensed residential care facility outlined in the interim use permit application. Any change in the license holder or type of care facility will render the permit invalid.

e) A use or improvement that is not permitted in this zoning district or that does not comply with the standards for this zoning district if such action is required as a reasonable accommodation under the federal Americans with disabilities act, the federal fair housing act, or other federal or state law

Section 3. Section 300.12 Subdivision 4 of the Minnetonka City Code, regarding conditional uses in the R-3 zoning district, is amended as follows and reordered accordingly:

Section 2. Section 300.12, Subdivision 6 of the Minnetonka City Code, regarding interim uses in the R-3 zoning district, is amended as follows:

c) Licensed residential care facilities or communitybased residential care facilities serving seven to ten residents, subject to the standards as outlined in City Code Section 300.10, Subdivision 8(d).

d) A use or improvement that is not permitted in this zoning district or that does not comply with the standards for this zoning district if such action is required as a reasonable accommodation under the federal Americans with disabilities act, the federal fair housing act, or other federal or state law

Section 4. Section 300.13 Subdivision 4 of the Minnetonka City Code, regarding conditional uses in the R-4 zoning district, is amended as follows and reordered accordingly:

Section 2. Section 300.13, Subdivision 6, of the Minnetonka City Code, regarding interim uses in the R-4 zoning district, is amended as follows and reordered accordingly:

d) Licensed residential care facilities or communitybased residential care facilities serving seven to ten residents, subject to the standards as outlined in City Code Section 300.10, Subdivision 8(d).

e) A use or improvement that is not permitted in this zoning district or that does not comply with the standards for this zoning district if such action is required as a reasonable accommodation under the federal Americans with disabilities act, the federal fair housing act, or other federal or state law

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Brad Wiersum, Mayor

Attest:

\_\_\_\_\_  
Becky Koosman, City Clerk

**Action on this ordinance:**

Date of introduction: May 24, 2021

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 \_\_\_\_\_, 2020.

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Becky Koosman, City Clerk