

1001.36 ACCESSORY DWELLING UNITS

Subd. 1 Purpose

The purpose of this chapter is to provide performance standards for the erection, siting, and use of Accessory Dwellings that may be allowed within the various zoning districts to ensure compatibility with the principal use and with surrounding properties, as well as to protect the general health, safety, and welfare of the community.

(1) Attached or internal Accessory Dwelling Units (ADUs) are permitted administratively through a building permit in residential and agricultural lots as long as the following conditions are met:

- a. *Minimum lot size.* The lot must meet the minimum lot size of the Residential district or be legally conforming or legally nonconforming in the Agriculture District in which the ADU is proposed.
- b. *Post frame.* No post frame construction is allowed.
- c. *Parking.* ADUs are not permitted on residential sites that do not meet the minimum parking standards for a single-family dwelling unit (four off-street spaces, two enclosed spaces and two surfaced spaces, see Subsection 1001.19). No on-street parking can be utilized for parking for the ADU. Parking shall be on an approved surface.
- d. *Location.* ADUs can be attached to the single-family dwelling living space or located within the single-family dwelling.
- e. *Number.* No more than one ADU is permitted per residential lot. Owner occupancy is required in either the primary unit or ADU.
- f. *Bedrooms.* No more than two bedrooms are permitted in the ADU.
- g. *Occupants.* Occupancy is limited to not more than two persons in the ADU.
- h. *Rental license.* The ADU shall not be allowed a short- or long-term rental license.
- i. *Home occupations.* Home occupations are not allowed within an ADU. No extended home businesses are allowed in the unit.
- j. *Ownership.* The owner of the ADU must also be the owner of the primary single-family residential dwelling.
- k. *Size.* Attached or Internal ADUs must be at least 300 square feet in floor area and cannot exceed 960 square feet in floor area or 35% of the four-season living gross floor area of the associated single-family dwelling unit (exclusive of the ADU) whichever is less. The associated single-family dwelling unit must continue to meet minimum floor area requirements.
- l. *Inspections.* The structure shall meet Minnesota State Building Code, accessibility standards, and inspections, as well as appropriately connect to utilities.
- m. *Appearance.* The ADU must appear similar, or be compatible with the primary residence. No entrance shall be established along the building front of an existing dwelling to serve an ADU.
- n. *Application requirements.* Any application for an ADU must be accompanied by:
 1. An existing conditions survey showing property lines, existing and proposed structure, existing and proposed impervious surface areas, setbacks, and required off-street parking;
 2. A letter narrative describing the proposed ADU;
 3. Elevation plans depicting both the existing and proposed structure from all four elevations including entry into the ADU.
 4. Floor plan of both the single-family dwelling and the associated ADU indicating points of entrance and total floor areas;
 5. For sites with private septic systems an inspection and report from a certified inspector that the capacity of the system can serve the additional unit shall be provided for review and approval by the City's Building and Zoning Inspectors.

(2) Detached Accessory Dwelling Units (DADU) are permitted with an interim use permit in Single-Family Residential Districts or Agricultural Districts as long as the following conditions are met:

- a. *Standards.* Must be a secondary detached dwelling unit. The structure cannot have wheels, chassis, or axles and must be placed on a concrete pad or foundation.
- b. *Occupancy.* The primary single-family dwelling in which the DADU is proposed is owner occupied. The DADU is occupied by a family member or extended family member of the single-family dwelling. Occupancy is limited to two individuals.
- c. *Rental.* DADUs shall not be permitted a short- or long-term rental license.
- d. *Minimum lot size.* The lot shall be a minimum of two acres.
- e. *Size.* Be at least 300 square feet in floor area and cannot exceed 600 square feet in floor area or 35% of the four-season living gross floor area of the associated single-family dwelling unit whichever is less. The associated single-family

dwelling unit must continue to meet minimum floor area requirements.

f. *Interim use permit.* An interim use permit must be applied for and approved by City Council before construction.

g. *Height.* Shall not exceed the height of the principal structure. Ceiling height must be at least seven feet.

h. *Home occupations.* Home occupations are not allowed within the DADU. No extended home businesses are allowed in the unit.

i. *Inspections.* The structure must comply with Minnesota State Building Code, Mechanical Code, Energy Code, Electrical Code, Plumbing Code, accessibility standards, and inspections, as well as appropriately connect to utilities and be considered a year-round dwelling.

j. *Utilities.* The structure shall have access to water fby means of connection to the home, well or municipal services). The structure shall connect to a sewer treatment system (by means of connection to the home, an existing septic system, or municipal services). City Council may approve the use of a holding tank through a variance, provided the new holding tank/septic system meets the minimal environmental protection outcomes in Minn. Rules Chapter 7081.0080. subparts 2 to 5 and meets the requirements of Minn. Rules 7080.2290. Holding Tanks, and City Code (design of the holding tank shall be approved by the Building Official).

k. *Equipment.* Required equipment in the residence includes toilet, bath, shower, light, ventilation, heating. Carbon monoxide alarms, smoke alarms, active radon control systems, emergency escape and rescue openings;

l. *Rooms.* The dwelling unit must have at least one inhabitable room of 120 square feet;

m. *Appearance.* The dwelling must appear similar, or be compatible with the primary residence. The entrance door must be on the rear or side of the structure, facing away from the front yard.

n. *Parking.* One off-street parking space shall be provided per individual residing in the dwelling in addition to off-street parking required for the primary dwelling.

o. *Placement.* The DADU must be placed further from the right-of-way than the primary structure, behind the back wall of the home and the DADU shall be placed so as to be closer to the principal home than neighboring homes.

p. *Number.* No more than one DADU unit is permitted per residential site. The DADU may be allowed in addition to the existing accessory buildings provided impervious surface maximum of the zoning district in which the structure will be placed is not exceeded and the size limitations for accessory buildings is not exceeded (per Subsection 1001.35).

q. *Screening.* The City Council may require landscape screening of the tiny home from neighboring property as a condition of the interim use permit approval.

r. *Application requirements.* Any application for a DADU must be accompanied by:

1. An existing conditions survey showing property lines, existing and proposed structure, existing and proposed impervious surface areas, setbacks, and required off-street parking;
2. A letter narrative describing the proposed DADU;
3. Elevation plans depicting both the existing and proposed structure from all four elevations including entry into the DADU.
4. Floor plan of both the single-family dwelling and the associate DADU indicating points of entrance and total floor areas;
5. For sites with private septic systems an inspection and report from a certified inspector that the capacity of the system can serve the additional unit shall be provided for review and approval by the City's Building and Zoning Inspectors.

s. *Council discretion for IUP approvals.* The Council may approve the remodel of one existing detached garage (existing prior to the effective date of this Subsection on December 10, 2019) to accommodate a DADU provided the structure does not increase in peak height and the size limitations are still met.

(1) Accessory Dwellings must also follow the regulations established in Subsection1001.35 of this Code however, where contradictions exist, the stricter requirements shall apply.

(2) Attached or Internal Accessory Dwelling Units (ADUs) must be attached or internal to the primary residence and meet the principal structure setbacks of the applicable zoning district.

(3) Performance Standards for Detached Accessory Dwelling Units (DADUs) are as outlined in the below table:

Performance Standards for Detached Accessory Dwellings in Residential or Agricultural Districts (two acres or more)	
Setbacks	
Front, side or rear to a street	30 feet ^{1*}
Front, side or rear to an arterial street	50 feet

Side yard	20 feet*
Rear yard	20 feet*
Height	18 feet ²
Size limit (floor area")	300 to 600 square feet or 35% of the four-season living area of the associated single-family dwelling unit, whichever is less.
<p>1 Cannot be placed in a front yard, and shall be placed behind the back wall of the principal home.</p> <p>2 The DADU shall be a maximum of 18 feet tall, measured at the mean gable, or shall be no taller than the existing home, whichever is stricter.</p> <p>* Council may approve setbacks which differ from the minimum required through the IUP approval on a case by case basis if existing site conditions create practical difficulties.</p>	

Subd. 4 Conditional and Interim Use Permits

(1) Application for an Interim Use Permit (IUP) under this chapter shall be regulated by Subsection 1001.23 of this Code.

(2) *Time limits and IUP Expiration for Detached ADUs.* The Detached ADU IUP shall automatically expire when ownership of the parcel in which the Detached ADU is permitted changes hands, or shall expire when a relative or primary caregiver ceases occupancy for a period of one year, whichever comes first. The holder of the IUP shall be responsible for notifying the City when the property is for sale or when the occupant of the Detached ADU changes.

(3) *IUP Conditions.* Conditions for approval shall be applied as deemed appropriate at the time of application to meet the intent of this ordinance and/or the intent of Subsection 1001.23 of this Code.

a. Accessory Dwellings must also follow the regulations established in Subsection 1001.35 of this Code however, where contradictions exist, the stricter requirements shall apply.

b. Attached or Internal Accessory Dwelling Units (ADUs) must be attached or internal to the primary residence and meet the principal structure setbacks of the applicable zoning district.

(Ord. 2019-22, passed 12-10-2019)