



ORDINANCE NUMBER 2016-10-2

AN ORDINANCE ESTABLISHING THE REGULATION OF ACCESSORY DWELLING UNITS BY ADDING SECTION 153.035 AND AMENDING SECTIONS 153.045, 153.046 AND 153.056 OF THE STACY CITY CODE

The City Council of Stacy, Minnesota, ordains that the Stacy City Code is hereby amended as follows:

Section 1. A new Section 153.035 is established regulating Accessory Dwelling Units to read as follows:

§ 153.035 ACCESSORY DWELLING UNITS (ADU)

(A) *Purpose and Intent.* The purpose and intent of this Section is to establish standards and procedures by which ADUs are governed by the City to provide uses that are appropriate, safe, sanitary and attractive.

(B) *Definitions.* Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory Dwelling Unit (ADU): An un-rented additional dwelling unit that is subordinate to a single family dwelling consisting of bedroom, living space, bathroom and kitchen that is 500 square feet or less. An ADU may be within or attached to a single family dwelling, or detached in a separate accessory building on the same lot as a single family dwelling.

Health Care Provider: A person providing personal care services to a person residing in the primary structure on the property.

Child Care Provider: A person providing child care services to the children residing in the primary structure.

Farm Worker: A person providing land and/or animal maintenance assistance to a person residing in the primary structure.

(C) *Accessory Dwelling Unit Standards (ADU)*

(1) *Zoning Districts.*

(A) *Residential Zone Parcels.*

- (1) ADUs will be allowed as an accessory use in the R-1 (Single Family Residential) District.
 - (a) Allowed use by family members, health care provider, or child care providers only.
- (2) ADUs will be allowed as an accessory use in the R-2 (One and Two Family Residential) District;
 - (a) If lot contains only one single family structure.
 - (b) Allowed use by family members, health care provider, or child care providers only.
- (3) No ADU is allowed prior to principal building.
- (4) No variances shall be granted for an accessory dwelling unit.
- (5) *Number.* Only one accessory dwelling unit may be created per parcel.
- (6) *Permits.* A Conditional Use Permit (CUP) shall be obtained for any permanent ADU; An Interim Use Permit (IUP) shall be obtained for any temporary ADU. All applications shall be accompanied by detailed plans and specifications including, but not limited to, the following information:
 - (a) Submissions required pursuant to Section 153.192 of the city code.

(7) *Design Standards:*

- (1) *Setbacks.* The ADU shall comply with the zoning standards for a principal structure setback in the zoning district in which it is located.
- (2) *Forty percent landscape requirement.* In no event shall off-street parking space, structures of any type, buildings, or other features cover more than 60% of the lot area resulting in less than 40% landscaped in residential districts.
- (3) *Utility connection.* The ADU must be connected to city water and sewer if available or to a private septic system and private well if city water and sewer are not available. Temporary holding tanks, compost toilets, or burning toilets are not allowed.
- (4) *Design.* The architectural design and appearance of all permanent ADU's shall be consistent with the primary structure and with surrounding buildings and structures, including similar material, material design, color and texture.
- (5) *Park models allowed.* Park models, also known as recreational park trailers, are small houses built on a chassis with wheels. Park models are allowed if firmly attached to the ground as approved by the City

Engineer.

(6) *Not allowed.* Motor homes, camping trailers, pop up trailers, or temporary offices, except for temporary construction offices as provided for in 153.031(A)(1).

(B) Agricultural Zoned Parcels.

(1) ADUs will be allowed in the A (Agriculture) District.

(a) Allowed use by family members, health care provider, child care providers, and farm workers only.

(b) No ADU is allowed prior to principal building.

(2) *Number.* No more than one ADU is allowed per parcel.

(3) No variances shall be granted for an accessory dwelling unit.

(4) *Permits.* A Conditional Use Permit (CUP) shall be obtained for any permanent ADU; An Interim Use Permit (IUP) shall be obtained for any temporary ADU. All applications shall be accompanied by detailed plans and specifications including, but not limited to, the following information:

(a) Submissions required pursuant to Section 153.192 of the city code.

(5) *Design Standards:*

(7) *Setbacks.* The ADU shall comply with the zoning district in which it is located.

(8) *Forty percent landscape requirement.* In no event shall off-street parking space, structures of any type, buildings, or other features cover more than 60% of the lot area resulting in less than 40% landscaped in residential districts.

(9) *Utility connection.* The ADU must be connected to city water and sewer if available or to a private septic system and private well if city water and sewer are not available. Temporary holding tanks, compost toilets, or burning toilets are not allowed.

(10) *Design.* The architectural design and appearance of all permanent ADU's shall be consistent with the primary structure and with surrounding buildings and structures, including similar material, material design, color and texture.

(11) *Allowed.* Park models, also known as recreational park trailers, are small houses built on a chassis with wheels. Park models are allowed if firmly attached to the ground as approved by the City Engineer; or temporary office structures are allowed and must be firmly attached to the ground.

(12) *Not allowed.* Motor homes, camping trailers, or pop up trailers

(C) Unit Occupancy. The total combined occupancy of the principal dwelling unit and the

accessory dwelling unit shall not exceed the definition of a family in this title.

(D) *Parking Provisions.* The principal structure and ADU must comply with the zones parking requirements. If a park model trailer is used, it does not count for the one allowable RV.

(E) *General Ordinance Provisions.*

- (1) *Interpretation.* In interpreting this ordinance and its application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety, and general welfare. This ordinance shall be construed broadly to promote the purposes for which it was adopted.
- (2) *Conflict.* This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided herein. If any provision of this ordinance imposes restrictions different from any other ordinance, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes high standards shall control.
- (3) *Severability.* If any part of provision of this ordinance or its application to any developer or circumstance is judged invalid by an competent jurisdiction the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or application of them to other developers or circumstances.

Section 2. Section 153.045 is amended by adding a new item (11) to paragraph (D) to read as follows:

- (12) Accessory dwelling units as regulated by this title.

Section 3. Section 153.056 is amended by adding a new item (7) to paragraph (D) to read as follows:

- (7) Accessory dwelling units as regulated by this title.

This ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Stacy.

Mark Utecht
Mayor

ATTEST:

Sharon MT Payne
City Clerk