



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING SECTION 153.035 OF THE STACY CITY CODE REGULATING ACCESSORY DWELLING UNITS**

The City Council of Stacy, Minnesota, ordains that the Stacy City Code is hereby amended to establish Section 153.0035 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.*

44 (A) Residential Zone Parcels.  
45

- 46 (1) ADUs will be allowed as an accessory use in the R-1 (Single Family  
47 Residential) District.  
48 (a) Allowed use by family members, health care provider, or child care  
49 providers only.  
50  
51 (2) ADUs will be allowed as an accessory use in the R-2 (One and Two Family  
52 Residential) District;  
53 (a) If lot contains only one single family structure.  
54 (b) Allowed use by family members, health care provider, or child care  
55 providers only.  
56  
57 (3) No ADU is allowed prior to principal building.  
58  
59 (4) No variances shall be granted for an accessory dwelling unit.  
60  
61 (5) *Number*. Only one accessory dwelling unit may be created per parcel.  
62  
63 (6) *Permits*. A Conditional Use Permit (CUP) shall be obtained for any permanent  
64 ADU; An Interim Use Permit (IUP) shall be obtained for any temporary ADU.  
65 All applications shall be accompanied by detailed plans and specifications  
66 including, but not limited to, the following information:  
67  
68 (a) Submissions required pursuant to Section 153.192 of the city code.  
69

70 (7) *Design Standards*:

- 71 (1) *Setbacks*. The ADU shall comply with the zoning district in which it  
72 is located.  
73  
74 (2) *Forty percent landscape requirement*. In no event shall off-street  
75 parking space, structures of any type, buildings, or other features cover  
76 more than 60% of the lot area resulting in less than 40% landscaped in  
77 residential districts.  
78  
79 (3) *Utility connection*. The ADU must be connected to water and sewer.  
80 No tanks, compost toilets, or burning toilets.  
81  
82 (4) *Design*. The architectural design and appearance of all permanent  
83 ADU's shall be consistent with the primary structure and with  
84 surrounding buildings and structures, including similar material,  
85 material design, color and texture.  
86  
87 (5) *Allowed*. Park model trailers are allowed and must be firmly attached  
88 to the ground.  
89  
90 (6) *Not allowed*. Motor homes, camping trailers, pop up trailers, or  
91 temporary offices, **except for temporary construction offices as provided for in**  
92 **153.031(A)(1)**.  
93  
94

95 (B) Agricultural Zoned Parcels.  
96

97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148

- (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 ADU is allowed prior to principal building.
- (4) No variances shall be granted for an accessory dwelling unit.
- (5) *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.
- (6) *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 water and sewer. No tanks, compost toilets, or burning toilets.
- (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 model trailers 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 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

149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183

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.

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