



City of Blaine Anoka County, Minnesota

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Legislation Details (With Text)

File #: ORD 21-2489 **Version:** 3 **Name:** Code Amend (2nd Reading) - ADU's (21-0070)
Type: Ordinance **Status:** Passed
File created: 12/20/2021 **In control:** City Council
On agenda: 12/6/2021 **Final action:** 12/20/2021
Title: Second Reading

Granting a Code Amendment to the FR (Farm Residential), RE (Residential Estate), R-1 (Single Family), R-1AA (Single Family), R-1A (Single Family), R-1B (Single Family) and DF (Development Flex) Zoning Districts, and Section 33 (Performance Standards) to Allow Accessory Dwelling Units in Single Family Districts. (Case File No. 21-0070/EES)

Sponsors: Sheila Sellman

Indexes:

Code sections:

Attachments: 1. Public Comments, 2. Unapproved PC Minutes

Date	Ver.	Action By	Action	Result
12/20/2021	3	City Council	Adopted	Pass
12/6/2021	2	City Council	Introduced, Read, and Placed on File for Second Reading	
11/9/2021	1	Planning Commission	Recommended for Approval	Pass

Development Business - *Sheila Sellman, City Planner*

Title

Second Reading

Granting a Code Amendment to the FR (Farm Residential), RE (Residential Estate), R-1 (Single Family), R-1AA (Single Family), R-1A (Single Family), R-1B (Single Family) and DF (Development Flex) Zoning Districts, and Section 33 (Performance Standards) to Allow Accessory Dwelling Units in Single Family Districts. (Case File No. 21-0070/EES)

Executive Summary

The proposed accessory dwelling unit (ADU) ordinance would allow for accessory apartments to be built in single family zoning districts. The procedure and standards have been discussed by the Council at previous workshop meetings.

Schedule of Actions

Planning Commission Public Hearing	11/09/21
City Council (1 st Reading)	12/06/21
City Council (2 nd Reading)	12/20/21

Background

Staff report prepared by Elizabeth Showalter, Community Development Specialist

Accessory dwelling units (ADUs) are dwelling units that are either attached or adjacent to a primary home and act as an accessory apartment with separate cooking and living spaces. ADUs are frequently referred to as mother-in-law units, but are not necessarily occupied by a relative.

An ADU is different from a duplex as standards are put in place to make the ADU clearly accessory to the primary home, and may have residency requirements that either the home or ADU be owner occupied. ADUs can be built in a variety of ways including converting a walk out basement to a separate dwelling unit with separate entrance, building an apartment above an attached or detached garage, or building a detached structure in the back yard.

ADUs are commonly constructed to retrofit an existing home to accommodate multigenerational living or to create a rental unit for additional income. Lennar and DR Horton both offer floor plans that include accessory dwelling units in new home constructions.

The Council discussed this at the August 2, 2021 workshop and directed staff to move forward with an ordinance to permit ADUs. A draft code amendment was presented to Council on October 4, 2021 and the attached ordinance incorporates comments received at that meeting.

Attached ADUs would be permitted in all single-family districts with a staff issued administrative permit. Detached ADUs would be allowed in most districts through various mechanisms as outlined in the table below.

<u>District</u>	<u>Attached ADU</u>	<u>Detached ADU</u>
FR, RE	Administrative Permit	Administrative Permit
R-1, R-1AA, R-1A	Administrative Permit	Conditional Use Permit
R-1B	Administrative Permit	Not Permitted
DF	Administrative Permit	Requires CUP Amendment

The standards for both attached and detached ADUs are outlined in the attached draft ordinance. Key regulations to reduce potential impact to neighboring property owners are:

1. Requiring either the primary home or the ADU to be owner occupied.
2. Requiring an additional parking stall for the ADU.
3. Limits on size.
4. Architectural standards to ensure compatibility and minimize the visibility of the ADU.

Strategic Plan Relationship

Not applicable.

Board/Commission Review

The Planning Commission voted unanimously to approve the code amendment.

Financial Impact

Costs for administering the permitting process for new accessory dwelling units will be covered by associated application fees and can be reviewed by current staff.

Public Outreach/Input

Notice of a public hearing were:

1. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.

2. Posted on the City's website.

One written comment was received in support of the ordinance.

Staff Recommendation

By motion, approve the Ordinance.

Attachment List

Public Comments

Unapproved Planning Commission Minutes 11/9/21

THE CITY OF BLAINE DOES ORDAIN : (Added portions are underscored and deleted portions are shown in overstrike.)

Accessory Dwelling Units

25.02 Definitions:

Accessory Dwelling Unit (ADU): A self-contained dwelling unit having its own kitchen and bathroom facilities, and which is designed as a second separate dwelling unit that is clearly incidental and subordinate to the principal use of a lot as a single-family detached residence.

Accessory Dwelling Unit, Attached: An accessory dwelling unit constructed as part of a single family home that may be accessed from within the home or through a separate entrance of the same home.

Accessory Dwelling Unit, Detached: An accessory dwelling unit constructed as a separate structure on the same lot as a single family home.

Section 29.013 Accessory Uses for FR (Farm Residential)

(f) Accessory Dwelling Unit, Attached or Accessory Dwelling Unit, Detached consistent with the standards outlined in Section 33.25, subject to approval of an administrative permit.

Section 29.023 Accessory Uses for RE (Residential Estate)

(g) Accessory Dwelling Unit, Attached or Accessory Dwelling Unit, Detached consistent with the standards outlined in Section 33.25, subject to approval of an administrative permit.

Section 29.033 Accessory Uses for R-1 (Single Family)

(g) Accessory Dwelling Unit, Attached consistent with the standards outlined in Section 33.25, subject to approval of an administrative permit.

Section 29.034 Conditional Uses for R-1 (Single Family)

(h) Accessory Dwelling Unit, Detached consistent with the standards outlined in Section 33.25.

Section 29.043 Accessory Uses for R-1AA (Single Family)

(g) Accessory Dwelling Unit, Attached consistent with the standards outlined in Section 33.25, subject to approval of an administrative permit.

Section 29.044 Conditional Uses for R-1AA (Single Family)

(i) Accessory Dwelling Unit, Detached consistent with the standards outlined in Section 33.25.

Section 29.053 Accessory Uses for R-1A (Single Family)

(g) Accessory Dwelling Unit, Attached consistent with the standards outlined in Section 33.25, subject to approval of an administrative permit.

Section 29.054 Conditional Uses for R-1A (Single Family)

(e) Accessory Dwelling Unit, Detached consistent with the standards outlined in Section 33.25.

Section 29.063 Accessory Uses for R-1B (Single Family)

(g) Accessory Dwelling Unit, Attached consistent with the standards outlined in Section 33.25, subject to approval of an administrative permit.

Section 29.110 Development Flex

29.116 - Accessory Dwelling Units

Accessory Dwelling Units, attached are a permitted accessory use in the DF zoning district when accessory to a detached single family home, subject to the standards outlined in 33.25 of this ordinance.

Chapter 33: Performance Standards

Section 33.25 Standards for Accessory Dwelling Units

1. Standards for all Accessory Dwelling Units (ADUs)

- a) Either the home or the accessory dwelling unit shall be occupied by the owner of the property. Owner occupancy requirement shall be recorded to the property.
- b) Utilities for the home and ADU shall not be separately metered and water and sewer shall be connected to the same lines as the home.
- c) Home and accessory dwelling unit together must have at least three off street parking spaces that can be directly accessed. Parking spaces may be garage spaces or paved outside parking spaces. A parking space located on a driveway in front of a garage cannot meet the requirement.
- d) ADU may not include more than two bedrooms
- e) Occupancy of the ADU is limited to up to two adult individuals, whether related or unrelated, and the parents and children of each, if any, residing in the same dwelling unit and maintaining a common residence with no more than one person per 150 square feet.
- f) No home occupations involving outside customers coming to the property shall occur in the accessory dwelling unit.
- g) No more than one accessory dwelling unit permitted per property.
- h) Accessory dwelling unit must meet all architectural standards of the zoning district including any standards established by Conditional Use Permit in the Development Flex zoning district and be consistent in color and material to the home.
- i) The home and accessory dwelling unit are considered separate dwellings for the purposes of rental licensing and a rental license is required when either the home or accessory dwelling unit is occupied by someone other than the owner of the property or a member of the owner's family.
- j) The home and the accessory dwelling unit must remain on the same parcel. The parcel may not be divided through any means including, but not limited to, filing of a plat, a waiver of platting, or a Common Interest Community.
- k) Accessory dwelling units must be located on a permanent foundation.

2. Standards for Attached ADUs

- a) Allowed as a permitted use in the R-1, R-1A, R-1AA, R-1B, RE, FR, RF, and DF districts when accessory to a single family home with an administrative permit.
- b) Must meet living space setbacks.
- c) No more than 1 door may be located on the front façade of the home unless designed in a manner to minimize the visibility from the street of the second door, subject to Zoning

Administrator approval.

- d) Maximum size of 50% of the finished square footage of the primary residence or 960 square feet, whichever is less in the R-1, R-1A, R-1AA, R-1B, RF, and DF districts. Maximum size of 50% of the finished square footage of the primary residence or 1200 square feet, whichever is less in the RE and FR districts.
- e) Noise abatement standards of 33.21 apply to attached ADUs if located southeast or northeast of the Anoka County airport or within 500 feet of any arterial roadway.
- f) The home and ADU are considered a two family home for the purpose of application of the Minnesota Residential Code unless the home and the ADU are connected by a passageway at least 40 inches in width without a door.

3. Standards for Detached ADUs

- a) Allowed as a conditional use in the R-1, R-1A, and R-1AA, and a permitted use with an administrative permit in the RE and FR districts.
- b) Must be located in the rear yard.
- c) Maximum size of 50% of the finished square footage of the primary residence, 25% of the square footage of the rear yard, or 960 square feet, whichever is less in all zoning districts except RE and FR. Maximum size of 50% of the finished square footage of the primary residence, 25% of the square footage of the rear yard, or 1200 square feet, whichever is less in the RE and FR districts.
- d) Detached accessory dwelling units are not permitted on properties with detached accessory buildings, unless the ADU is constructed as part of the same structure as the accessory building.
- e) The footprint of accessory dwelling unit and any attached or detached accessory structures may not total more than 1,200 square feet in size in the R-1, R-1A, R-1AA zoning districts, 2000 square feet in the RE district, and 3,000 square feet in the FR district. If an accessory dwelling unit is located above a garage, the footprint of the accessory dwelling unit and the garage is counted once, not one time for the garage and one time for the accessory dwelling unit.
- f) The detached accessory dwelling unit shall be architecturally compatible with the principal structure.
- g) Must meet a 10 foot setback from side and rear lot lines in the R-1, R-1A, and R-1AA districts, 20 foot setback from side lot lines and 30 feet from rear lot lines in RE and FR districts.
- h) The detached accessory dwelling unit must be at least 15 feet from the principal structure.
- i) The accessory dwelling unit shall not exceed the height of the principal building.

INTRODUCED and read in full this 6th day of December, 2021.

PASSED by the City Council of the City of Blaine this 20th day of December, 2021.