CITY OF SCANDIA
ORDINANCE NO.: 184

AN ORDINANCE AMENDING
ORDINANCE NO. 122, THE SCANDIA DEVELOPMENT CODE,
CHAPTER 2, SECTION 4.2 REGARDING DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS

The City Council of the City of Scandia, Washington County, Minnesota hereby ordains:

Section 1. Amendment. Ordinance No. 122, the City of Scandia Development Code ("Development Code", or "Code"), Chapter Two, Section 4.2, Standards for Uses, Accessory Dwelling Units, shall be amended by amending and restating as follows:

4.2 Accessory Dwelling Unit. An Accessory Dwelling Unit shall comply with all of the following standards.

(1) There shall be no more than one Accessory Dwelling Unit permitted on a lot.

(2) The Accessory Dwelling Unit shall be owned by the same owner or owners of the principal residential or commercial structure.

(3) No separate curb cut shall be permitted for the Accessory Dwelling Unit, unless approved by the City, consistent with the design standards of the appropriate road authority.

(4) The Accessory Dwelling Unit shall be connected to an approved on-site waste disposal system.

(5) The Accessory Dwelling Unit shall be subject to the same zoning dimensional setbacks and height standards as the principal dwelling unit.

(6) A density unit is not attributed to an Accessory Dwelling Unit when calculating density.

(7) Administrative Permit Requirements.
   a. Recorded Covenant Required. Prior to issuance of the City's administrative permit authorizing an Accessory Dwelling Unit, the owner(s) shall file with Washington County Recorder's Office a covenant running from the owner(s) to the City of Scandia acknowledging the owner's agreement to restrict use of the principal and Accessory Dwelling Unit in compliance with the requirements of the Development Code.
   b. Covenant Requirements. The covenant shall run with the land and be binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title or interest in the property. The covenant shall be in a form prescribed by the zoning administrator and shall

include the legal description for the lot. The property owner(s) shall return the original covenant with the recording stamp to the zoning administrator before the permit for the Accessory Dwelling Unit is issued.

c. Application. The owner of property on which an Accessory Dwelling Unit is proposed shall file a permit application by paying the required fee and submitting a completed application form and supporting documents as set forth on the application form. The zoning administrator will review the application to determine whether the application is complete and the subject property is eligible to receive the requested permit.

d. Notification. Upon the determination that a complete application has been submitted and that the property is eligible to receive the required permit, the City shall notify all property owners adjacent to the lot where the Accessory Dwelling Unit is proposed in writing of the application, and adjacent property owners shall have seven (7) days in which to submit comments or concerns about the application.

e. Revocation. If a permitted Accessory Dwelling Unit or the property for which an permit has been issued fails to meet the requirements of the permit, or if a property for which a permit has been issued becomes ineligible for such permit, the permit may be revoked upon the determination by the zoning administrator that the noncompliance and/or ineligibility issues cannot or have not been resolved. If a permit is revoked, occupation of the unit by a person or persons other than the family occupying the principal dwelling unit shall cease within 60 days of the date of the revocation.

f. Appeals. Determinations pertaining to the continuing compliance and/or eligibility of a permit or property for an Accessory Dwelling Unit permit are subject to appeal to the City Council.

(8) A lifetime, non-transferrable Accessory Dwelling Unit Occupancy Permit shall be required from the zoning administrator to allow an Accessory Dwelling Unit to be rented. For purposes of this provision, a "rented" Accessory Dwelling Unit is one that is being occupied by a person or persons other than the family occupying the principal dwelling unit. Each property owner seeking to rent an Accessory Dwelling Unit, or occupy an Accessory Dwelling Unit while renting the principal dwelling unit, shall apply for a new Occupancy Permit.

a. Conditions. The City may impose conditions on the issuance of an Accessory Dwelling Unit occupancy permit. Such conditions shall be directly related to, and shall bear a rough proportionality to, potential impacts of the Accessory Dwelling Unit.

(9) Accessory Dwelling Units that are internal to a principal structure or accessory structure (garage, barn, etc.) shall comply with the following requirements:

a. Accessory Dwelling Units that are internal to a principal structure or an accessory structure are permitted in all zoning districts.

b. Internal Accessory Dwelling Units are limited to one thousand (1,000) square feet in area. In no case shall the floor area of the internal Accessory Dwelling Unit exceed the floor area of the first floor of the primary structure or accessory structure.

c. The creation of the Accessory Dwelling Unit shall not result in additional entrances facing the public street on the primary structure.
d. The appearance or character of the principal building shall not be significantly altered to create the Accessory Dwelling Unit so that its appearance is no longer that of a one-family dwelling.
e. The primary exterior materials of the Accessory Dwelling Unit shall match the primary exterior materials of the principal structure, unless it is located within an existing structure that does not match the primary structure.
f. The Accessory Dwelling Unit must abide by the primary structure setbacks.

(10) Detached Accessory Dwelling Units shall comply with the following requirements:
a. Accessory Dwelling Units that are located within detached accessory buildings are permitted in all zoning districts.
b. The floor area of a detached Accessory Dwelling Unit shall not exceed one-thousand (1,000) square feet. When a lot includes a detached Accessory Dwelling Unit, the combined floor area of the footprint of the detached Accessory Dwelling Unit, and all other accessory structures on the lot shall be consistent with the number and size of accessory structures permitted by the Development Code.
c. The detached Accessory Dwelling Unit must be located in the rear or side yard of the primary residence, and shall not be located closer to the road right-of-way than the principal structure without a variance unless all of the following conditions are met:
    i. The accessory structure is at least 200 feet from the road right-of-way on lots of five (5) acres or more; and
    ii. All setbacks are met.
d. Design Standards for detached Accessory Dwelling Units on lot sizes of 4 acres or less:
    iii. The exterior finish material shall match in type, size, and placement, the exterior finish material of the principal building.
    iv. The roof pitch shall match the predominant roof pitch of the principal building.
    v. Design Standards shall not apply to a unit that is located within in an existing barn, silo, or historic structure.

(11) Home occupations are permitted in Accessory Dwelling Units, provided that the combined impacts of home occupations in the Accessory Dwelling Unit and principal dwelling unit conform to the standards and limitations for home occupations in Chapter 2, Section 4.9 of this Development Code.

Section 2. Effective Date. This ordinance shall be in full force and effect upon its adoption and publication according to law.

Passed and adopted by the City Council of the City of Scandia this June 20, 2017.

Christine Maefsky, Mayor

ATTEST:

Neil Soltis, Administrator/Clerk