



## MEMORANDUM

DATE: May 13, 2019  
TO: Chairperson Carter, Members of the Planning Commission, and Administrator Meyer  
FROM: Cynthia Smith Strack, Community Development Director  
RE: Ordinance 19-10: Accessory Dwelling Units

### REQUEST: Review Draft Ordinance

#### GENERAL INFORMATION

The Planning Commission developed a framework to allow certain accessory dwelling units. The framework was presented to the City Council at a work session in November 2018. The Council is open to further discussion. To those ends the attached code amendment has been drafted for Department Head and PC review and comment. Following receipt of comments from staff and the Commission, the draft code will be presented at a Council Work Session.

The draft amendment updates definitions, certain residential district allowed accessory uses, and add a new section pertaining specifically to ADU.

The draft amendment reflects framework parameters, including:

- ADU limited to internal and attached units, detached ADU are prohibited
- ADU allowed as accessory to one-family detached dwellings, but not duplexes, attached townhomes, apartments, twin homes, etc.
- Either the principal or accessory dwelling unit must be owner occupied, homesteaded, and both dwellings must be under unified ownership without possibility of being split.
- No more than one dwelling entry can face the front street.
- Two off-street parking spaces required; these are in addition to those needed for the principal dwelling unit.
- Size restrictions: maximum one bedroom per ADU, one ADU per principal dwelling. Minimum ADU size 300 sf; maximum 900 sf or 40% of the principal structure whichever is less.
- Allowed by interim use permit with expiration at point of sale.
- Water/sewer service has to be shared.
- ADU shall be designed and constructed to maintain the outward appearance of a single family dwelling.

#### **ACTION:**

This item is for discussion.

**CITY OF BELLE PLAINE  
ORDINANCE 19-10**

**AN ORDINANCE AMENDING CHAPTER 11, SECTION 1101, 1105, AND 1107 OF THE BELLE  
PLAINE CITY CODE TO PROVIDE FOR ACCESSORY DWELLING UNITS**

THE CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

**Section 1. The City Council of the City of Belle Plaine hereby amends Chapter 11, Section 1101 as follows:**

DWELLING UNIT, ACCESSORY. A dwelling unit that is located on the same lot as a single-family dwelling to which it is accessory to, and which is internal or an addition onto the principal dwelling.

DWELLING, TWO-FAMILY. A dwelling designed exclusively for occupancy by two (2) families living independently of each other. An Accessory Dwelling Unit is not a two-family dwelling.

**Section 2. The City Council of the City of Belle Plaine hereby amends Chapter 11, Section 1105.05, by adding Subdivision 4.5 pertaining to interim uses in the R-1 Single Family (Low Density) Residential District as follows:**

1105.05 SUBD. 4.5. INTERIM USES.

The following are interim uses in an R-1 District requiring an interim use permit based upon procedures set forth in and regulated by Section 1103.12 of the City Code.

1. Accessory Dwelling Unit internal to or attached to a single family (one family) detached dwelling.

**Section 3. The City Council of the City of Belle Plaine hereby amends Chapter 11, Section 1105.06, by adding Subdivision 4.5 pertaining to interim uses in the R-2 Single Family (Low Density) Residential District as follows:**

1105.06 SUBD. 4.5. INTERIM USES.

The following are interim uses in an R-2 District requiring an interim use permit based upon procedures set forth in and regulated by Section 1103.12 of the City Code.

1. Accessory Dwelling Unit internal to or attached to a single family (one family) detached dwelling.

**Section 4. The City Council of the City of Belle Plaine hereby amends Chapter 11, Section 1105.07, by adding Subdivision 4.5 pertaining to interim uses in the R-3 Single and Two Family (Low and Medium Density) Residential District as follows:**

1105.07 SUBD. 4.5. INTERIM USES.

The following are interim uses in an R-3 District requiring an interim use permit based upon procedures

set forth in and regulated by Section 1103.12 of the City Code.

1. Accessory Dwelling Unit internal to or attached to a single family (one family) detached dwelling.

**Section 5. The City Council of the City of Belle Plaine hereby amends Chapter 11, by adding Section 1107.25 pertaining to Accessory Dwelling Units as follows:**

1107.25. ACCESSORY DWELLING UNITS.

1107.25 SUBD. 1. PURPOSE.

The purpose of this Section is to establish regulations that govern the use, approval, location, and design of Accessory Dwelling Units within the City. The specific purposes of this Section are to:

- A. Create new housing opportunities and choices while respecting the look and scale of single-dwelling development;
- B. Support efficient use of existing housing stock and infrastructure;
- C. Provide housing that responds to changing family needs;
- D. Provide affordable housing options; and,
- E. Provide accessible housing for seniors and persons with disabilities.

1107.25 SUBD. 2. INTERIM USE PERMIT REQUIRED.

- A. Accessory Dwelling Units, where allowed as accessory uses in residential districts, shall require issuance of an interim use permit based on the procedures set forth and regulated by Section 1103.12 of the Belle Plaine City Code.
- B. An Accessory Dwelling Unit interim use permit, if issued, shall be issued to the property owner.
- C. An Accessory Dwelling Unit interim use permit shall expire upon change of ownership of the property without further action by the City.

1107.25 SUBD. 3. PROHIBITED ACCESSORY DWELLING UNITS.

The following types of Accessory Dwelling Units are prohibited.

- A. Detached or free-standing Accessory Dwelling Units.
- B. Accessory Dwelling Units accessory to townhouses, twin homes, duplexes, and multiple family dwelling units.

1107.25 SUBD. 4. ACCESSORY DWELLING UNIT REQUIREMENTS.

- A. An Accessory Dwelling Unit must be internal to or attached to a single family (one family) detached dwelling.
- B. A maximum of one Accessory Dwelling Unit is allowed per single-family, detached dwelling.

- C. The existing single-family, detached dwelling or the Accessory Dwelling Unit shall be occupied by the property owner and maintain homestead property status.
- D. The existing single-family, detached dwelling and the Accessory Dwelling Unit shall remain under unified ownership without possibility of split.
- E. Accessory Dwelling Units shall be licensed as a rental dwelling and comply with Chapter 11, Section 1107.23 of the City Code as may be amended.
- F. The following design standards apply to Accessory Dwelling Units.
  - 1. Accessory Dwelling Units shall meet required setbacks, maximum height, maximum impervious surface coverage, and yard requirements of the applicable residential zoning classification.
  - 2. Accessory Dwelling Units shall be designed and constructed to maintain the outward appearance of a single family dwelling.
  - 3. An Accessory Dwelling Unit shall have a minimum gross floor area of three hundred (300) square feet.
  - 4. An Accessory Dwelling Unit shall have a maximum gross floor area equal to the lesser of nine hundred (900) square feet or forty percent (40%) of the gross floor area of the principal structure to which it is accessory.
  - 5. A minimum of two (2) off-street parking spaces shall be provided for the Accessory Dwelling Unit. The aforementioned required off-street parking spaces are in addition to those required for the principal structure.
  - 6. Accessory Dwelling Units shall use the same water and sanitary sewer connections and water meter as the single-family, detached dwelling.
  - 7. There shall be no more than one exterior entrance facing the front street. Accessory Dwelling Units with an exterior entrance different than the single-family detached dwelling shall have a different street address (e.g. 200-A).

**Section 8. This Ordinance shall become effective upon publication in the official newspaper of the City.**

Passed and duly adopted by the City Council of the City of Belle Plaine this \_\_ day of \_\_\_\_, 2019.

BY: \_\_\_\_\_  
Christopher G. Meyer, Mayor

ATTEST:  
\_\_\_\_\_  
Dawn Meyer, City Administrator