

## **ORDINANCE NO. 487**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORA, MINNESOTA, AMENDING TITLE XV LAND USAGE, CHAPTER 150 ZONING BY ADDING SECTION 150.020 REGARDING ACCESSORY DWELLING UNITS**

#### **THE CITY COUNCIL OF MORA, KANABEC COUNTY, MINNESOTA ORDAINS:**

**Section 1.** That Title XV Land Usage, Chapter 150 Zoning Code, Section 150.020 is created to read as follows:

#### **150.020 Accessory Dwelling Units**

##### **(A) General**

- (1) Findings. There are many benefits associated with the creation of legal accessory dwelling units (ADUs) on parcels that are otherwise limited to single-family dwellings. Those benefits include:
  - (a) Providing a means for adult children to give care and support to a parent in a semi-independent living arrangement;
  - (b) Increasing the supply of affordable housing without government subsidies;
  - (c) Providing a cost-effective means of accommodating development by making better use of existing infrastructure and reducing the need to provide new infrastructure;
  - (d) Benefiting older homeowners, single parents, young home buyers, and the disabled;
  - (e) Integrating affordable housing uniformly within the community;
  - (f) Providing homeowners with extra income to help meet rising home ownership costs;
  - (g) Reducing the incidence of housing deterioration and community blight by preventing absentee ownership of properties; and
  - (h) ADUs provide the opportunity for increased security and companionship for older and other homeowners who fear crime and personal accidents.
- (2) Purposes and Intent. It is the policy of the City of Mora to promote and encourage the creation of ADUs in a manner that enhances residential areas in order for the people of Mora to meet their housing needs and to realize the benefits of ADUs. It is not the purpose of this ordinance to alter the density restrictions outlined in the City's Comprehensive Plan and implemented in the City of Mora Zoning Ordinance. It is the intent of the City that a principal dwelling unit accompanied by an accessory dwelling unit shall be deemed to constitute a single dwelling unit for the purposes of provisions in the Comprehensive Plan and the Zoning Ordinance that address density. In addition, it is the intent of the City that it shall not require an additional building right for a property-owner to add an accessory dwelling unit to their property in conformity with the requirements for such an addition given below.

(3) Definitions.

“Accessory dwelling unit” (ADU) means a residential living unit on the same parcel as a single-family dwelling. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.

“Detached ADU” means a type of ADU that is a house built or placed permanently on the same parcel as a single-family house. An accessory detached ADU is not built within the existing house.

“Accessory” means that the ADU serves single-family dwelling purposes, rather than meaning that an ADU must necessarily be subordinate to or smaller than the principal dwelling unit on a single-family parcel, other than as set forth in the additional requirements for ADU’s given in the City of Mora Zoning Ordinance.

“Dwelling unit” means a residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Living Area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

“Zoning Administrator” means the local official who is responsible for processing and approving or denying applications to develop or legalize ADUs.

(B) Permits: Eligibility and Application

(1) Authorization for ADUs by Zoning District. An ADU may be permitted in any Residential zoning district if it meets all the requirements of this ordinance.

(2) Approval Process.

(a) A total of one ADU is permitted per parcel.

(b) An ADU may be permitted in any residential district, provided the Zoning Administrator first approves the proposed ADU as complying with the standards of the City’s Zoning Ordinance.

(c) An ADU shall require a building permit that may either be applied for concurrently with the application for a building permit for construction of the principal structure on the parcel, or after construction of the principal structure.

(3) Continuing Authorization. Authorization for an ADU shall expire if the ADU does not conform to the Zoning Ordinance or the performance standards.

(C) ADU Performance Standards.

(1) Homestead Status. The parcel on which the ADU is located must have received and maintain homestead status.

(2) Parcel Standards – Minimum Size. ADUs may be developed on parcels meeting the minimum parcel size in the residential district where it is located. A property may not be subdivided or otherwise segregated to provide separate ownership of an ADU.

- (3) Parcel Standards – Setbacks. The setbacks applicable to ADU’s shall be the same as those applicable to single-family dwelling units in the residential zoning district where the ADU is located. A detached ADU shall be located at least 10 feet from the principal dwelling on the lot.
- (4) Unit Building Standards – Existing Dwelling Unit, Existing Structure, or New Dwelling Unit. An ADU may be incorporated in an existing dwelling unit, an existing structure, or a new dwelling unit.
- (5) Unit Buildings Standards – Size of Detached ADU. The living area within a detached ADU may not be larger than the living area within the associated principal dwelling unit. Tiny homes will be allowed as an ADU as long as they meet the requirements of the Minnesota State Building Code.
- (6) Unit Building Standards – Compliance with the Building Code. The ADU must satisfy the requirements of the Minnesota State Building Code.
- (7) Parking and Traffic. In order for an ADU to be approved, an applicant must demonstrate to the Zoning Administrator that there are sufficient parking spaces available on the parcel to prevent the need for residents to park on adjacent streets. One driveway access allowed per parcel for the ADU and principal dwelling on the parcel, unless otherwise approved by the road authority.
- (8) Public Health. ADU applicants must demonstrate to the Zoning Administrator that the water supply and sewage disposal facilities are adequate to satisfy all state laws and applicable Minnesota Pollution Control Agency regulations.
- (9) An ADU will be issued an address in accordance with the enhanced emergency 911 system to provide for emergency vehicles, and the address will be issued by the City Building Official.

**Section 2.** Summary Publication. At least four-fifths of the City Council’s members direct the City Clerk to publish only the title and a summary of this ordinance as follows:

“AN ORDINANCE ADOPTING A TEXT AMENDMENT TO CITY OF MORA CODE OF ORDINANCES, THAT TITLE XV LAND USAGE, CHAPTER 150 ZONING CODE, SECTION 150.020 IS CREATED PERMIT ACCESSORY DWELLING UNITS. It is the intent and effect of this Ordinance to define the requirements and limitations of accessory dwelling units and to encourage such units within the city.”

A printed copy of the ordinance is available for inspection by any person during regular office hours at City Hall.

**Section 3.** This ordinance becomes effective from and after its passage and publication.

The foregoing ordinance was introduced and moved adoption by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

Voting for ordinance .....  
 Voting against the ordinance .....  
 Abstained from voting .....  
 Absent .....

Motion carried and ordinance adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Alan Skramstad, Mayor

Attest:

\_\_\_\_\_  
Glenn Anderson, City Administrator