REGULAR MEETING AGENDA

Planning Commission meetings are being conducted in a hybrid format with in-person and remote options for attending, participating, and commenting. The public can make statements in this meeting during the planned public comment sections. Some members of the Commission may attend virtually. Members of the public may attend virtually by following instructions below.

*Commissioner Ruby will be remote in another room at City Hall*

Remote Attendance/Comment Options: Members of the public may attend this meeting by watching on cable channel 16, streaming on CCXmedia.org, streaming via Webex, or by calling 1-415-655-0001 and entering access code 2468 350 7348.

Members of the public wishing to address the Commission remotely have two options:

- Via web stream - Stream via Webex and use the ‘raise hand’ feature during public comment sections.
- Via phone - Call 1-415-655-0001 and enter meeting code 2468 350 7348. Press *3 to raise your hand during public comment sections.

1. **Call to Order & Land Acknowledgement**

2. **Approval of Agenda**

3. **Approval of Minutes** – May 9, 2022, Planning Commission Meeting

4. **Informal Public Hearing – Zoning Map Amendments**
   **Applicant:** City of Golden Valley

5. **Informal Public Hearing – Future Land Use Map Amendments**
   **Applicant:** City of Golden Valley

6. **Discussion – ADUs**

   – End of Televised Portion of Meeting –
   To listen to this portion, please call 1-415-655-0001 and enter meeting access code 2468 350 7348.

7. **Council Liaison Report**

8. **Other Business**
   a. Reports on Board of Zoning Appeals and Other Meetings

9. **Adjournment**
REGULAR MEETING MINUTES

This meeting was conducted in a hybrid format with in-person and remote options for attending, participating, and commenting. The City used Webex to conduct this meeting and members of the public were able to monitor the meetings by watching it on Comcast cable channel 16, by streaming it on CCXmedia.org, or by dialing in to the public call-in line.

1. Call to Order
   The meeting was called to order at 6:30 pm by Chair Pockl.

   Roll Call
   Commissioners in-person: Ellen Brenna, Adam Brookins, Sophia Ginis, Andy Johnson, Lauren Pockl, Chuck Segelbaum
   Commissioner remote: Mike Ruby
   Staff present: Jason Zimmerman – Planning Manager, Myles Campbell – Planner, Max Gort – Planning Intern
   Council Liaison present: Denise La Mere-Anderson

2. Land Acknowledgement

3. Approval of Agenda
   Chair Pockl asked for a motion to approve the agenda.
   MOTION made by Commissioner Ginis, seconded by Commissioner Brookins, to approve the agenda of June 13, 2022.
   Motion carried.

4. Approval of Minutes
   Commissioner Johnson asked if the City would certify the work and if the City selected the contractor. Staff replied there would be a public bidding process and the City would select someone after that process. Johnson mentioned a comment noted in the previous minutes and a typo.
   Chair Pockl asked for a motion to approve the minutes from May 9, 2022, pending edits.
   MOTION made by Commissioner Brookins, seconded by Commissioner Johnson to approve.
   Motion carried with Commissioner Ginis abstaining.

5. Discussion – Off Street Parking Update
   Jason Zimmerman, Planning Manager, introduced the Planning Intern for 2022.
   Max Gort, Planning Intern, introduced himself to the Commission and started the update of Off-Street Parking and Loading in the zoning code.
   He reminded the Commission of the background on this topic: amending this code language will match current use tables, minimum required parking spaces may be reduced to meet contemporary
standards, electric vehicle charging requirements will updated, and front yard requirements will be updated to reflect current building and yard setback requirements.

Gort went in more detail on each of these items, reviewing inconsistencies with current uses, and discussed modern best practices. He reviewed the City’s sustainability goals as well as discussed what other cities are doing in these areas that are noteworthy.

Staff is looking for feedback on:

- Does the Planning Commission agree with Staff researching these four primary updates to Section 113-151?
- What are some further areas that the Commission could recommend that Staff consider for updating Section 113-151?

Chair Ruby asked if there was data or specific sources on required parking spaces for apartments and apartment sizes. Ruby noted he was curious about what the responsibility, beyond EV installation, was of the property owner. Staff responded that numerous data sources and points would be gathered through the summer and noted that many places currently charge payment for EV charging.

Commissioner Ginis asked what the bigger picture goals were for addressing this portion of the zoning code. Staff responded that updating the use tables lead to new inconsistencies in the zoning code, additionally, the group has been discussing electric vehicle requirements for a few years and that addition parallels parking regulation updates. The conversation moved on to new developments and requiring conduit to be run so owners could install charging stations. Commissioner Brenna asked if staff was looking at the Green Steps City Guidelines. Staff went on to discuss this process, Golden Valley goals, and considerations before returning to the Commission with this topic. The discussion went on to discuss how Fire is involved with determination of driveway aisle size and parking regulations to ensure Fire Code is followed. Commissioner Segelbaum added there are incentives for developers to create items beyond requirements, and suggested too many requirements may not be ideal. He continued that it may be worth noting what areas can have parking eliminated, completely.

The conversation went on to discuss the increase in electric vehicles, teaming with electric companies, and projections on gas station needs as things progress.

Commissioner Johnson asked staff to clarify the 25/35ft setback requirements. Staff responded that front yard setbacks for all residential districts were 35ft, at some point R-3 and R-4 front yard setbacks were reduced to 25ft. The parking portion of the zoning code, cites the old setback distance restricts parking within 35ft. Updating the code aligns with the new setback requirements. Johnson asked if transit access and routes were factoring into this analysis and staff responded they were not. A transit-based reduction option as part of this, there isn’t enough transit accessibility data to move that direction.

Chair Pockl ended the televised portion of the meeting at 7:20pm.
6. **Council Liaison Report**  
**Council Member La Mere-Anderson** noted the recent actions taken by the City Council related to Planning, including approval of an Outdoor Service Area permit for Schuller’s, a subdivision on Harold Avenue, and new zoning language around mobile uses. She previewed topics for the upcoming Council Work Session including a conversation with the Robbinsdale School District superintendent, the role of the Human Services Commission, and a discussion of a site selection process for a new fire station. **Commissioner Ginis** asked for clarification around the current number of police officers.

7. **Other Business**  
None.

8. **Adjournment**  
**MOTION** by **Commissioner Johnson** to adjourn, seconded by **Commissioner Brookins** and approved unanimously by roll call vote. Meeting adjourned at 7:40 pm.

________________________________________

Andy Johnson, Secretary

Amie Kolesar, Planning Assistant
Date:       June 27, 2022
To:         Golden Valley Planning Commission
From:       Jason Zimmerman, Planning Manager
Subject:    Informal Public Hearing – Rezone Properties to Achieve Conformance with the 2040 Comprehensive Plan

Summary
Staff is requesting that four properties in two locations be considered for rezoning in order to come into conformance with the Future Land Use Map in the 2040 Comprehensive Plan.

Background
State statute requires that all zoning designations be updated to be consistent with the land uses identified in the Comprehensive Plan. Most properties have already been rezoned.

Analysis
The four properties under consideration represent two areas. The first is for a site along Golden Valley Road that currently contains an office building but that is guided for future multifamily use. The second is the Church of St. Margaret Mary, which was guided for mixed use as part of the light rail planning for the METRO Blue Line Extension. The 2040 Comprehensive Plan put forward these land use designations as part of the approved Future Land Use Map.

Both of these sites are examined in more detail below. Neither is considered ripe for redevelopment at this time.
Analysis

LDA Minnesota

The two parcels at 6100 Golden Valley Road house the offices for the Learning Disabilities Association of Minnesota. This site is surrounded to the north and east by medium density residential development (Hidden Village townhomes) and bounded by a railroad line to the west and Golden Valley Road to the south. Across Golden Valley Road are light industrial uses. The far side of the railroad tracks is developed with an apartment building.

The 2040 Comprehensive Plan designated this site a potential location for future medium scale housing. While there are no plans for redevelopment, and no indication that LDA Minnesota is contemplating a move, rezoning the property would be consistent with the Future Land Use Map and set the stage for a possible future housing development.

<table>
<thead>
<tr>
<th>Address</th>
<th>Current Use</th>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>6100 Golden Valley Road</td>
<td>Office</td>
<td>Office</td>
<td>Medium Density Residential (R-3)</td>
</tr>
<tr>
<td>PID 2811821330005</td>
<td>Office</td>
<td>Office</td>
<td>Medium Density Residential (R-3)</td>
</tr>
</tbody>
</table>
The initial route planned for the METRO Blue Line Extension would have taken the light rail line through the northeast corner of Golden Valley and would have included a station at Golden Valley Road and Theodore Wirth Parkway. As part of the extensive station area planning that was conducted, the site containing the Church of St. Margaret Mary was envisioned to have the potential to someday partially or entirely redevelop to include housing. City staff spoke with church leadership, who agreed that the change in guided land use from Institutional to Neighborhood Mixed Use would provide them with a number of options for the future should they ever wish to sell and/or redevelop.

While the proposed light rail route has now shifted into North Minneapolis, the site remains appropriate for potential future redevelopment. Rezoning the two parcels to Neighborhood Mixed Use would both allow the uses there to continue while providing options for the future.

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<th>Current Use</th>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>2225 Zenith Ave N</td>
<td>Church/school</td>
<td>Institutional - Assembly</td>
<td>Neighborhood Mixed Use</td>
</tr>
<tr>
<td>PID 1702924210002</td>
<td>Church/school</td>
<td>Institutional - Assembly</td>
<td>Neighborhood Mixed Use</td>
</tr>
</tbody>
</table>

**Recommended Action**
Staff recommends approval of amendments to the Zoning Map to rezone the four identified parcels to match the current land uses designations as outlined in the staff memo above.

**Attachments**
List of Affected Properties (1 page)
List of Affected Properties

<table>
<thead>
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Date: June 27, 2022
To: Golden Valley Planning Commission
From: Jason Zimmerman, Planning Manager
Subject: Informal Public Hearing – Amendments to the Future Land Use Map to Complete 2040 Comprehensive Plan Update

Summary
Staff is requesting that the Future Land Use Map adopted as part of the 2040 Comprehensive Plan be modified so that a handful of properties can be better categorized to align with the preferred zoning that exists today. These amendments could be viewed as housekeeping after additional analysis and, in some cases, public hearings were conducted.

Background
State statute requires that all zoning designations be consistent with the land uses identified in the Comprehensive Plan. Since the adoption of the 2040 Comprehensive Plan, the City has moved to rezone a number of properties on the Zoning Map to match the designations on the Future Land Use Map. However, in a handful of cases, the City has chosen to keep the existing zoning and instead go back and modify the future land use designation. This requires a Comprehensive Plan amendment, which is being proposed here as a final “clean up” in an effort to align the two maps.

The properties under consideration include:
1. Two properties along Winnetka Avenue near the Golden Valley Cemetery
2. Golden Valley Historical Society site on Golden Valley Road
3. The Family Partnership site on Xerxes Avenue North
4. KQRS PUD 93 on Lilac Drive North
5. Medley Hills Condominiums PUD 77 on Medicine Lake Road

Each of these is examined in more detail below. Of these five locations, only one is considered ripe for redevelopment.
Analysis

Winnetka Avenue North

The Future Land Use Map originally guided these two properties for Medium Density Residential. However, after receiving feedback from neighbors and the Planning Commission, the City Council voted to zone the two lots for Moderate Density Residential (R-2) instead – a slightly less intense use. The proposed land use change would bring the designation into alignment with the approved zoning.

This property owner of these two parcels has expressed interest in redevelopment. With the recent addition of rowhouses to the R-2 zoning district, this would now be a possibility for a new type of housing to replace the current uses (a single-family home and an office building).

<table>
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<th>Current Land Use</th>
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<tbody>
<tr>
<td>2415 Winnetka Ave N</td>
<td>Moderate Density (R-2)</td>
<td>Medium Density</td>
<td>Moderate Density</td>
</tr>
<tr>
<td>2445 Winnetka Ave N</td>
<td>Moderate Density (R-2)</td>
<td>Medium Density</td>
<td>Moderate Density</td>
</tr>
</tbody>
</table>
Golden Valley Historical Society

This site was anticipated to be designated as an Institutional - Civic use in the Comprehensive Plan. However, as the definitions for the revised Institutional Zoning subdistricts were developed, it was determined that the Historical Society would better fit the Institutional - Assembly category. The proposed land use change would bring the designation into alignment with the adopted zoning.

<table>
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<th>Current Land Use</th>
<th>Proposed Land Use</th>
</tr>
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<tbody>
<tr>
<td>6731 Golden Valley Rd</td>
<td>Institutional - Assembly</td>
<td>Institutional - Civic</td>
<td>Institutional - Assembly</td>
</tr>
</tbody>
</table>
The Family Partnership

This location on the east side of Theodore Wirth Park houses offices for The Family Partnership, a social service organization that provides support for families and children. The Future Land Use map designated this site for Office use. However, after talking with leadership at the organization, staff have learned that the site also houses a full-time preschool. This makes an Institutional - Assembly designation a better fit and would align with the existing zoning.

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<th>Proposed Land Use</th>
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<tbody>
<tr>
<td>1501 Xerxes Ave N</td>
<td>Institutional - Assembly</td>
<td>Office</td>
<td>Institutional - Assembly</td>
</tr>
</tbody>
</table>
This site was previously guided for Industrial use, but the expansion of Highway 100 and lot changes caused by MnDOT resulted in the creation of a PUD that included rezoning the property. The larger parcel, containing the radio antenna was zoned for Light Industrial; the smaller parcel was zoned Office. Given the PUD standards that were approved by the City Council in 2001, staff believes it is best to retain the existing zoning and adjust the guided land uses to match.

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<tr>
<td>917 Lilac Dr N</td>
<td>Office</td>
<td>Industrial</td>
<td>Office</td>
</tr>
<tr>
<td>935 Lilac Dr N</td>
<td>Light Industrial</td>
<td>Industrial</td>
<td>Light Industrial</td>
</tr>
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</table>
Medley Hills Condominiums PUD 77

The Medley Hills Condominiums consist of 55 units in two buildings constructed on just under 3.5 acres of land. They were approved in 1998 via a PUD. The existing density is squarely within the range targeted by Medium Density (R-3) zoning district. There are no indications or expectations for redevelopment. The coding for High Density Residential on the Future Land Use Map was based on assumed density ranges which shifted during the approval process. The parcels should be guided for Medium Density Residential use to match the current zoning.

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<td>Medium Density Residential (R-3)</td>
<td>High Density Residential</td>
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<tr>
<td>9225 Medicine Lake Rd</td>
<td>Medium Density Residential (R-3)</td>
<td>High Density Residential</td>
<td>Medium Density Residential</td>
</tr>
</tbody>
</table>
Recommended Action
Staff recommends approval of amendments to the Future Land Use Map to guide the eight identified properties to match the current zoning designations as outlined in the staff memo above.

Attachments
List of Affected Properties (1 page)
Future Land Use and Zoning Maps (2 pages)
List of Affected Properties

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</tr>
</tbody>
</table>
Date: June 27, 2021
To: Golden Valley Planning Commission
From: Myles Campbell, Planner
Subject: Accessory Dwelling Units – Ordinance Discussion

Summary
The City Council has directed Planning Commission to examine new zoning regulations to allow for Accessory Dwelling Units within the R-1 and R-2 residential zoning districts.

This memo will continue our discussion and focus on draft language and restrictions on Accessory Dwelling Units. First examining which existing regulations would still be applicable for the use, which new regulations would apply unilaterally to ADUs in all forms and finally those regulations that would potentially apply to detached ADUs only.

Code Organization
In looking at zoning code, staff’s initial plan is to add the bulk of Accessory Dwelling Unit zoning regulations to a new section under Zoning Code Article IV. – Supplemental Regulations. Because ADUs will have at least some use-specific regulations, the intention here is to give them their own space in code and not force everyone who is reading the R-1 and R-2 district chapters to scroll past them if they’re looking for other information. A similar approach was used for the recently adopted regulations for manufactured home parks.

References to ADUs would still be provided in the specific zoning districts they are allowed in, as well as a code section citation and link to the Supplemental Regulations. As is implied by their name, ADUs would be considered an accessory use, and so would be listed under Sec. 113-88 (d) for R-1 zoning and 113-89 (d) for R-2. Accessory uses were not included in the summary use tables placed in code this past year, but it may make sense to have another reference to ADUs there. Unlike other accessory uses like in-home child care and home occupations, ADUs are a physical improvement to the home and could be considered a more significant accessory use because of this and the added residents.

Definitions for the zoning code are provided in code Sec. 113-1. There are cases of specific chapters having their own subsection for specific definitions, this could be handled either way,
although it may make sense to include definitions in the ADU chapter to make things easier for the reader.

For now, staff is not anticipating significant changes to other parts of code to accommodate the new use. Potentially new architectural and material standards may be added to Sec. 113-157, however it may make more sense depending on the requirements of such standards to simply include them with the other ADU-specific regulations. Previously, the Commission had wanted to avoid introducing R-1 zoned properties to the Materials section of code. Outside of the zoning code, there may need to be some coordination with staff such as the city clerk and public works to ensure that impacts on rental code or utility requirements are being updated to reflect ADUs being allowed under zoning.

**R-1 Site Regulations**
An important consideration for ADUs is how they will already be restricted by existing code language that regulates the usage of R-1 and R-2 single-family properties. Where applicable, applying the same standards for homes, ADUs, sheds and other structures makes sense, both from the perspective of not drastically impacting neighborhood aesthetics, but also more practically such as in limiting overall hardcover in an area.

From the existing code, the most immediate example would be to have the requirements for principal structures to apply to internal and attached ADUs. Since these types of ADUs are incorporated into the main home, they would have the same setbacks, building envelope, height, and sidewalk articulation requirements as the home. A comparable example today are attached decks, which are also considered part of the principal structure and which are subject to the same setback requirements.

Another set of existing code language that should remain applicable regardless of the type of ADU is the code restrictions on lot cover and impervious surface. Both are caps on the percentage of hard cover that can be on an individual lot. Impervious surface includes hard cover in all forms (structures, driveways, patios, pools, etc.) whereas lot cover only measures the percentage of permanent structures’ footprint.

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious</td>
<td>Up to 50% of the lot area</td>
<td>Up to 50% of the lot area</td>
</tr>
<tr>
<td>Lot Cover</td>
<td>&gt;10,000 sqft. lot = up to 30%</td>
<td>Up to 30% for single-family</td>
</tr>
<tr>
<td></td>
<td>6k-10k sqft. lot = up to 35%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&lt;6,000 sqft. lot = 30%</td>
<td></td>
</tr>
</tbody>
</table>

Using the standardized cap on lot cover is beneficial from a stormwater management perspective, in that adding an ADU still requires staying under the amount of hard cover allowed today. It also helps with enforcement and review since staff will only be reviewing for the single
set of lot cover standards as opposed to adding an additional level of review. This should also help to simplify the process of designing and applying for an ADU.

Relying on existing code language where able is ideal because its what homeowners have already been referring to it for any existing projects or home maintenance, and in that it is designed to ensure sufficient amounts of pervious surface, spacing between homes, etc. that are expected in these districts. That said there are cases where additional new regulations will be required in order to manage ADUs, either generally or in regard to detached ADU structures.

**Universal ADU Regulations**
Under this category of additional regulation would be those requirements that apply to all ADUs, regardless of whether they are considered attached, internal, or detached.

**Purpose Statement**
While not a regulation, the majority of sections within the zoning code relating to a topic have a purpose statement as to why they are covered and allowed under code. Given that the decision to provide ADUs as a housing option relates back to the housing goals of the Comprehensive Plan, staff would expect these goals to make their way in to the purpose statement.

**Additional Parking**
When discussed previously and examining most suburban communities existing code, requiring 1-3 additional parking spaces for an ADU is a common requirement. This requirement would apply regardless of ADU style, although there’s room for further discussion on whether to set a flat increase in parking or set it on another standard. Given that most homes have a garage and a driveway that count towards off-street parking, staff does not see an issue with requiring parking as creating a barrier to implementation.

**Floor Area Limit**
It is very common in other zoning codes to see references to Floor-Area-Ratio (FAR). Similar to our lot cover requirement, FAR is the measurement of a building's floor area in relation to the size of the lot/parcel that the building is located on. Unlike our code, it accounts more multiple floors of housing in its percentage.

In almost every community, a similar formula is used to restrict the overall floor area of the ADU, but rather than comparing to the area of the lot, it is in comparison to the existing single-family home. For example, in Minnetonka the ADU is restricted to a floor area of 35% of the main home or 950 sq. ft., whichever less. This is the principal tool that controls the overall scale of the ADU and differentiates it from a two-family home.

While this is a tool that restricts the size of the ADU and its footprint, it is better to not think of this as a tool for limiting impervious surface, which is already accounted for in the respective zoning district chapters. Additionally, there will be cases such as with basement conversion ADUs where impervious surface will not be increased by the ADU addition. In cases where home area is
converted to provide the ADU, the majority of communities include this floor area in the floor area calculation.

In addition to a maximum floor area, some communities also set a minimum (usually around 300 sq. ft.). This could be to ensure a livable space for the ADU interior, or to reduce visual clutter for having a number of small detached structures. One other potential benefit staff sees is for use in the case of a variance being applied for relating to an ADU. If a variance is requested for something like a setback/lot cover in order to create an ADU, but an ADU of the minimum floor area could be built without a variance, this would provide staff and the board of zoning appeals with a solid piece of code to use in recommending denial for the larger structure. Variances are obviously case-dependent, but this could be an important factor in addressing desire to increase an ADU footprint despite code restrictions.

*Exterior Finish/Aesthetic*
As mentioned this could fall under code Sec. 113-157, Architectural and Material Standards, or in the supplemental regulations for ADUs. This decision likely comes down to how prescriptive the code is. A few require only that the ADU match the finish of the main home, this could be addressed along with other ADU regulations. Staff anticipates this will likely be the path to take, as introducing certain percentages of materials to be used could create its own issues with having a cohesive appearance for the lot.

There are additional considerations here though that do not require involved calculations of material percentages. For example, some municipalities restrict ADUs by requiring that the entrance be from a side or rear yard, so as to preserve the appearance of the main home’s front façade as “single-family” in character. Another fairly common example is to match the roofline of the home, and to take other steps to promote cohesive design.

*Minimum Lot Size*
A little under half of communities included in the Family Housing Fund ADU poll set a minimum lot size requirement for lots to be eligible for an ADU. As discussed in previous meetings, staff is not fully convinced this is necessary. A minimum lot size’s purpose is to exclude certain lots from having ADUs due to not having enough land area available. This is already managed through a combination of other restrictions we would place on a new ADU, such as setbacks, lot cover, additional parking and the maximum/minimum floor area limitations. Smaller lots would have greater difficulty meeting these requirements due to having less available area to build, but would no be outright ineligible by virtue of lot area.

*Owner Occupancy*
Initially a popular inclusion in most local ADU codes, a requirement that the property owner live in either the main home or the ADU, rather than renting both out, was intended to mitigate impacts of renters on neighborhoods. In theory an owner on-site would be better situated to respond to issues around noise, maintenance, etc.
Minneapolis and Saint Paul have since examined removing the requirement, under the argument that it decreases the demand for ADUs by setting a restriction on the use of the property. Staff is open to direction on this item, and is in part waiting to see results from the community outreach on ADUs to see where concerns may arise for property owners. While it does set limits on the use of the property, its inclusion may make sense if we see a large concern from the public on ADU impacts, both as a way to ensure a responsible party on-site and in having some “rate-control” aspects in terms of ADU adoption.

**Detached ADU Regulations**

Unlike with attached or internal ADUs, where the simplest control is to apply the setbacks and height restrictions of the main home to preserve consistent appearance, detached ADUs are more challenging to regulate for. Most people would consider detached ADU to be more “visible” than attached ADUs, despite almost always being required to be located to the rear of a home. Additionally, the Planning Commission has previously noted some concerns with applying the existing restrictions for detached accessory structures (such as sheds, gazebos and garages) to detached ADUs.

<table>
<thead>
<tr>
<th>Detached Accessory Structures</th>
<th>Side Setback</th>
<th>Rear Setback</th>
<th>Structure Setback</th>
<th>Max Height</th>
<th>Area Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>5’</td>
<td>5’</td>
<td>10’</td>
<td>10’ (sidewall)</td>
<td>800 sqft. max per structure, 1,000 sqft. max total</td>
</tr>
<tr>
<td>R-2</td>
<td>5’</td>
<td>5’</td>
<td>10’</td>
<td>10’ (sidewall)</td>
<td>Single-Family: 800 sqft. max per structure, 1,000 sqft. max total</td>
</tr>
</tbody>
</table>

**Setbacks**

The major balancing act with detached ADUs will likely be setback requirements. On the one hand, 5’ is not leaving much room between the ADU and adjacent properties. This could lead to issues with individual ADUs creating more nuisance for surrounding properties due to noise, or a perceived lack of privacy. On the other side, communities that set very strict setback requirements for detached ADUs, such as St. Louis Park who required 25’ from the rear property line, can do more harm than good. Stricter setbacks may discourage ADU development due to existing detached structures like garages being built at the existing setback, meaning that the new ADU would be a separate structure. It also means that detached ADUs would be more centralized on the lot, potentially appearing out of place, and impacting the amount of usable rear yard space for other amenities (green space, patios, play structures, etc.)

Staff is more comfortable with striking a balance here, increasing the minimum setback from 5’ on both side and rear property lines, but not being as restrictive to where the home must be centered in the rear yard.

The other setback restriction currently in place under zoning code is a 10’ setback from other structures. This serves both an aesthetic purpose, to avoid crowding, but also a practical one. 10’
of separation has benefits from a fire safety perspective, mitigating the ability for flames to jump between structures, and allowing enough space for firefighters to access both structures from all sides.

**Height**

While many examples of ADUs in urban settings use the case of an over-garage apartment, this would require a drastic change to the allowed height for detached structures. An increase to height could apply only to ADUs, and not other structures like garages, but the amount of increase needed would likely be a significant change from code today.

Instead of providing a large bump in allowed height to permit second story ADUs, staff is considering a more modest increase from the existing 10' height limit to provide more flexibility in design for single-story ADUs. 10’ from the floor to top plate is more restrictive for a living space then it is for a shed or garage, and is less than all other communities allow for ADU height.

<table>
<thead>
<tr>
<th>City</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golden Valley</td>
<td>10’</td>
</tr>
<tr>
<td>Burnsville</td>
<td>15’</td>
</tr>
<tr>
<td>Crystal</td>
<td>22’</td>
</tr>
<tr>
<td>Inver Grove Heights</td>
<td>25’</td>
</tr>
<tr>
<td>Minneapolis</td>
<td>21’</td>
</tr>
<tr>
<td>Plymouth</td>
<td>15’</td>
</tr>
<tr>
<td>Richfield</td>
<td>14’</td>
</tr>
<tr>
<td>Roseville</td>
<td>15’</td>
</tr>
<tr>
<td>St. Louis Park</td>
<td>15’/24’ a</td>
</tr>
<tr>
<td>St. Paul</td>
<td>25’</td>
</tr>
<tr>
<td>Stillwater</td>
<td>20’</td>
</tr>
<tr>
<td>White Bear Lake</td>
<td>15’</td>
</tr>
</tbody>
</table>

*Added height is allowed where exterior finish and roofline matches principal structure*

Increasing the allowed height for ADUs to 12’ to top plate, or 15’ total height, would provide the ability to design the ADU with higher ceilings, but would not be enough to do a two-level design, mitigating the concerns from commissioners on the effect of that height on neighbors’ privacy.

**Area Limitation**

Currently, code sets both an individual area limit and an overall area limit on accessory structures. The combined area limit also incorporates things like attached garage space, and staff’s best guess is that the intention here is to limit yards from becoming cluttered with sheds, garages, and other accessory buildings.

Working with this limit will likely be a challenge for detached ADUs. If a site already has a modestly sized 22’x22’ two-car garage and a 200’ sq. ft. shed, that would leave only 316 sq. ft. for a detached ADU, just above the minimum size in most communities.
For staff, it makes sense to provide some relief to property owners for this requirement, either through additional allowed area specifically for ADUs, or to only count a percentage or portion of the ADU floor area towards the overall accessory structure limit. Remember that ADUs will still be beholden to lot cover and impervious surface requirements for the lot, and so even in allowing additional area, they would still not be able to exceed those limits on hard surface. Additionally, ADUs will still be subject to the max floor area calculation based on the home itself.

**Combined Detached Regulations**

Staff’s ultimate recommendation on detached ADUs will largely be dependent on community feedback from the ongoing survey and those comments received from the public in advance of the public hearing. Preliminarily, if the City chooses to allow detached ADUs, staff could foresee an ordinance that gives some room for the use in terms of a bump in allowed height and overall accessory structure area, while counterbalancing these with stricter side and rear setback requirements. Depending on if Planning Commission or City Council wanted to be involved in reviewing these types of ADUs, a conditional use permit requiring City approvals could be another means of confirming that such structures would not disrupt the local neighborhoods they would be entering.

**Engagement and Timeline Update**

Commissioners may have seen the article in Golden Valley’s City newsletter for May/June on Accessory Dwelling Units. As of June 23, 249 individual responses to the survey had been collected. The survey will continue to run until July 1 and communications staff has planned some additional web posts to follow up on the topic and direct more traffic to the survey.

Initial plans were to cover survey results at the July 11 meeting of the Planning Commission, but due to renovations at City Hall, this meeting has been cancelled, so review of survey results will occur on the July 25 meeting.

From that meeting, we’ll discuss what seems reasonable for additional meetings/discussion. Staff’s first preference would be to have the informal public hearing on accessory dwelling units no later than the second meeting in August, so as to leave sufficient time for City Council review, and potential revision requests before next year, so that any code adopted can be in place with time for residents to plan for building season.

**Action Request**

This item is not a public hearing or voting item.

**Attachments**

Draft Language for portions of ADU code (3 pages)
ADU info by City, Family Housing Fund – 2019 (3 pages)
Sec. 113-88. - Single-Family Residential (R-1) Zoning District.

(d) Accessory Uses. The following accessory uses shall be permitted in the R-1 Zoning District:

1. When the property owner resides in the dwelling, rental of single sleeping rooms to not more than two people for lodging purposes only.
2. In-home child care licensed by the State.
3. Accessory Dwelling Units associated with a single-family home, as regulated by Section 113-159.
4. Home occupations, as governed by the following requirements:

Sec. 113-89. - Moderate Density Residential (R-2) Zoning District.

(d) Accessory Uses. The following accessory uses shall be permitted in the R-2 Zoning District:

1. When the owner resides in the dwelling, rental of single sleeping rooms to not more than two people per dwelling for lodging purposes only.
2. In-home child care licensed by the State.
3. Accessory Dwelling Units associated with a single-family home, as regulated by Section 113-159.
4. Home occupations, as governed by the following requirements:

Sec. 113-151. - Accessory Dwelling Units

(a) Purpose. The purpose of this section is to allow for and regulate the location, placement, design, and use of Accessory Dwelling Units (ADU). Accessory Dwelling Units shall be allowed for the following purposes:

1. More efficient utilization of the existing single family housing stock in the city;
2. Enjoyment of the benefits of rental income, decreased housekeeping responsibilities or the companionship of tenants by persons residing in houses which are too large for their present needs;
3. Provision of housing which allows privacy and independence for older family members;
4. Preservation of property values and maintenance of the character of existing single family neighborhoods; and
5. Provision of housing for live-in employees, such as nannies.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.
(1) Accessory Dwelling Unit - A smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home.

(2) Living Space - the area within a house which is suitable for human habitation including suitable finished basement areas but excluding garages, services areas and unfinished portions of the building.

(3) Owner - the person who holds fee title or is a bona fide purchaser under a contract for deed of the property.

(4) Attached ADU – An accessory dwelling unit which involves an addition to the principal structure of a lot to allow for the new secondary unit.

(5) Internal ADU – An accessory dwelling unit in which a portion of the existing principal structure is converted for use as a new secondary unit.

(6) Detached ADU – An accessory dwelling unit which is stand-alone from the principal structure, or which is incorporated into an existing stand-alone accessory structure.

(c) General Regulations. Accessory dwelling units shall not be created or used except in conformity with the following requirements:

(1) Accessory dwelling units shall only be allowed on lots zoned for R-1 or R-2 zoning and which have a single-family home present.

(2) There shall be no more than one accessory dwelling unit allowed per lot.

(3) The owner must have permanent residence established at the property and reside in either the principal or accessory dwelling.

(4) The accessory dwelling unit shall not be sold independently of the principal residential dwelling and may not be a separate tax parcel.

(5) A minimum of one additional off-street parking space shall be provided for the accessory dwelling unit in addition to those required for the principal dwelling. The creation of the accessory dwelling unit by conversion of garage space shall not reduce the home’s provided off-street parking below the minimum requirements listed in Section 113-151 of zoning code.

(6) No accessory dwelling unit shall be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city.

(7) All other provisions of zoning code relating to single-family dwelling units shall be met unless specifically amended by this code section.

(d) Attached and Internal ADUs. Accessory dwelling units incorporated with the principal dwelling shall be subject to the following requirements;

(1) The floor area of the accessory dwelling unit shall be no more than 35 percent of the home’s gross living area, or 950 square feet, whichever is less. In the case of internal accessory dwelling units, the area being converted for use shall be included in this calculation of gross living area.

(2) The accessory dwelling unit shall have a minimum floor area of 250 square feet.

(3) Exterior changes to the home shall not substantially alter the single-family character of the structure.

(e) Detached ADUs. Stand-alone accessory dwelling units shall be subject to the following requirements;

(1) Detached accessory dwelling units shall be located no less than ten feet from a side or rear lot line.
(2) Detached accessory dwelling units shall be restricted to a maximum height of 12 feet, as measured from the floor to the top horizontal component of a frame building to which the rafters are fastened (known as the "top plate").

(3) Rooftop decks are not permitted in conjunction with a detached accessory dwelling unit.

(4) For the purposes of meeting the area limitations established for accessory structures in the R-1 and R-2 zoning districts, only half of the total floor area of the accessory dwelling unit shall be used.

(5) The detached accessory dwelling unit shall be designed and use materials which complement and match the existing principal dwelling or an accessory structure to which it is attached.
<table>
<thead>
<tr>
<th>Local Cities</th>
<th>Where are ADUs allowed?</th>
<th>Special Permit Required?</th>
<th>Parking for ADU</th>
<th>Owner Occupancy</th>
<th>Water/ Sewer</th>
<th>Min. Lot Size</th>
<th>Lot Coverage</th>
<th>Min. ADU Size</th>
<th>Max. ADU Size</th>
<th>Type</th>
<th>Ordinance Section</th>
<th>Notes</th>
<th># Built or legalized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apple Valley</td>
<td>In R-1 zoning district</td>
<td>Conditional Use Permit</td>
<td>2 off-street for the ADU and 2 off-street for the main home</td>
<td>Yes</td>
<td>Must connect to main house</td>
<td>40,000 SF</td>
<td>Cannot exceed 35%</td>
<td>300 SF</td>
<td>Shall be no larger than 40% of the main home's footprint</td>
<td>Attached, Internal</td>
<td>155.382</td>
<td>ADU occupancy limited to 3 people; ADUs must be two bedrooms or fewer</td>
<td>2</td>
</tr>
<tr>
<td>Bloomington*</td>
<td>In R-1 and RS-1 zoning districts</td>
<td>Primary home must have 4 off-street parking spaces</td>
<td>Yes</td>
<td>Must connect to main house</td>
<td>11,000 SF</td>
<td>300 SF</td>
<td>960 SF or 33% of the 4-season living area of the main home</td>
<td>Attached, Internal</td>
<td>§ 21.302.03</td>
<td>ADU occupancy limited to 2 people; ADUs must be two bedrooms or fewer</td>
<td>1 permitted and constructed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burnsville</td>
<td>In R-1 and R-1A zoning districts</td>
<td>1 off-street for the ADU and 2 off-street for the main home</td>
<td>Yes</td>
<td>Must connect to main house: If not on municipal lines, must meet private well and septic standards</td>
<td>10,000 SF for attached 1 acre for detached</td>
<td>300 SF</td>
<td>960 SF or 33% of the footprint of the main home</td>
<td>Attached, Detached, Internal</td>
<td>10.7.52</td>
<td>ADUs must be two bedrooms or fewer; require park dedication and utility fees</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chaska</td>
<td>In Planned Unit Developments</td>
<td>Yes</td>
<td></td>
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<td></td>
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<td></td>
<td>Chapter V, Subsection 515.23, Subdivision 3</td>
<td></td>
</tr>
<tr>
<td>Crystal</td>
<td>In R-1 and R-2 zoning districts</td>
<td>1 additional for the ADU</td>
<td>No</td>
<td>Can be connected to property or utility main</td>
<td>6,000 SF</td>
<td></td>
<td></td>
<td></td>
<td>Shall not exceed 50% of the finished floor area of the primary home</td>
<td>Attached, Detached, Internal</td>
<td></td>
<td>ADU occupancy limited to 2 people; ADUs must be two bedrooms or fewer</td>
<td>1 permitted</td>
</tr>
<tr>
<td>Eagan</td>
<td>In Estate and R-1 zoning districts</td>
<td>Annual Registration</td>
<td>2 off-street for the ADU and 2 off-street for the main home</td>
<td>Yes</td>
<td>Must connect to main house</td>
<td></td>
<td>Cannot exceed 20%</td>
<td>300 SF</td>
<td>960 SF or 33% of the 4-season living area of the main home</td>
<td>Attached, Detached, Internal</td>
<td>Section 11.70, subdivision 32</td>
<td>ADU occupancy limited to 2 people; ADUs must be two bedrooms or fewer</td>
<td>1 constructed and 1 legalized</td>
</tr>
<tr>
<td>Inver Grove Heights</td>
<td>In the A, B-1, B-2, R-1A, R-1B, and R-1C zoning districts</td>
<td>2 off-street for the ADU and 1 off-street for the main home</td>
<td>Yes</td>
<td>Must share with main house</td>
<td>1 acre for detached</td>
<td>250 SF</td>
<td>1,000 SF</td>
<td>Attached, Detached, Internal</td>
<td>10.18.1</td>
<td>ADU occupancy limited to 3 people</td>
<td></td>
<td>5 registered</td>
<td></td>
</tr>
<tr>
<td>Lakeville</td>
<td>In RS-1, RS-2, RS-3, and RS-4 zoning districts and Planned Unit Developments</td>
<td>3 garage stalls for the ADU and main home</td>
<td>Must share with main house</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 permitted</td>
</tr>
<tr>
<td>Long Lake</td>
<td>In the R-1, R-1A, R-2, R-3, and R-4 zoning districts</td>
<td>Conditional Use Permit</td>
<td>2 for the ADU</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Cannot be rented to non-family members</td>
</tr>
<tr>
<td>Local Cities</td>
<td>Where are ADUs allowed?</td>
<td>Special Permit Required?</td>
<td>Parking for ADU</td>
<td>Owner Occupancy</td>
<td>Water/ Sewer</td>
<td>Min. Lot Size</td>
<td>Lot Coverage</td>
<td>Min. ADU Size</td>
<td>Max. ADU Size</td>
<td>Type</td>
<td>Ordinance Section</td>
<td>Notes</td>
<td># Built or legalized</td>
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</tr>
<tr>
<td>Minneapolis</td>
<td>As an accessory to a permitted or conditional single-family or two-family dwelling.</td>
<td></td>
<td>0 for the ADU, 1 space each for other units</td>
<td>Yes</td>
<td>Connect to main home or the street</td>
<td>300 SF</td>
<td></td>
<td>Internal: 800 SF not to exceed the first floor of the main home. Attached: 800 SF Detached: 1,300 SF (incl. parking area) or 16% of the lot area. Footprint not to exceed 676 SF or 10% of the lot area, not to exceed 1,000 SF</td>
<td>Attached, Detached, Internal</td>
<td>537.11</td>
<td></td>
<td>−120 permitted and built</td>
<td></td>
</tr>
<tr>
<td>Minnetonka</td>
<td>In R-1 and R-2 zoning districts</td>
<td>Conditioned Use Permit</td>
<td>Determined on a case by case basis</td>
<td>Yes</td>
<td>Must connect to main home</td>
<td></td>
<td></td>
<td>No more than 35% of the gross living area of the home, including the ADU or 950 SF, whichever is smaller.</td>
<td>Attached, Internal</td>
<td>Section 300.16.3.d</td>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plymouth</td>
<td>Within residential subdivisions in RSF-R, RSF-1, RSF-2, and PUD zoning districts, that have received preliminary plat approval on or after June 1, 2001 and that include 10 or more single-family lots.</td>
<td></td>
<td>2 off-street for the ADU</td>
<td>Yes</td>
<td>Detached must connect to utility main</td>
<td></td>
<td></td>
<td>Shall not exceed the gross floor area of the main home or 1,000 SF, whichever is less</td>
<td>Attached, Detached</td>
<td>2190.04</td>
<td>Can only be constructed at the same time as the primary home, as part of a subdivision of 10 or more homes</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Richfield</td>
<td>In R and R-1 zoning districts</td>
<td></td>
<td>3 off-street spaces required</td>
<td>Yes</td>
<td>Attached and Internal may connect to home</td>
<td>300 SF</td>
<td></td>
<td>800 SF or the gross floor area of the principal dwelling, whichever is less</td>
<td>Attached, Detached, Internal</td>
<td>814.05 Subd. 8, 518.05 Subd. 8</td>
<td>Detached units are only allowed as part of a garage.</td>
<td>2 existing</td>
<td></td>
</tr>
<tr>
<td>Roseville</td>
<td>In the LDR-1 zoning districts</td>
<td></td>
<td>1 additional off-street space for the ADU</td>
<td>Yes</td>
<td>Attached and Internal may connect to home</td>
<td>300 SF</td>
<td></td>
<td>650 SF or 75% of the 4-season living area of the main home</td>
<td>Attached, Detached, Internal</td>
<td>11.011.12.B.1</td>
<td>ADU occupancy limited to 2 people; ADUs must be one bedroom or fewer</td>
<td>5, 2 of which were legalized; 1 in processing</td>
<td></td>
</tr>
<tr>
<td>Shoreview</td>
<td>In RE and R-1 zoning districts</td>
<td>Accessory Apartment Permit</td>
<td>3 off-street spaces required</td>
<td>Yes</td>
<td>Must share with main house</td>
<td>500 SF</td>
<td></td>
<td>No more than 30% of the building's total floor area or greater than 800 SF</td>
<td>Attached, Detached, Internal</td>
<td>207.01</td>
<td>ADUs must be two bedrooms or fewer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. Paul</td>
<td>R1-R4, RT1, RT2, RM1, RM2</td>
<td>Annual affidavit of owner-occupancy</td>
<td>No additional spaces if principal home meets minimum parking requirement</td>
<td>Yes</td>
<td>Must connect to principal home</td>
<td>5,000 SF</td>
<td></td>
<td>800 SF, if interior to the principal structure, the principal structure must be at least 1,000 SF and the ADU must not exceed 1/3 of the total floor area</td>
<td>Attached, Detached, Internal</td>
<td>Chapters 61, 63, 65, and 86</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Cities</td>
<td>Where are ADUs allowed?</td>
<td>Special Permit Required?</td>
<td>Parking for ADU</td>
<td>Owner Occupancy</td>
<td>Water/ Sewer</td>
<td>Min. Lot Size</td>
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<td>Max. ADU Size</td>
<td>Type</td>
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</tr>
<tr>
<td>Stillwater</td>
<td>In TR, CTR, and RB zoning districts</td>
<td>In CTR and RB: Special Use Permit</td>
<td>4 off-street for the ADU and main house</td>
<td>No</td>
<td>Can be connected to property or utility main</td>
<td>TR and RB: 10,000 SF CTR: 15,000 SF</td>
<td>CTR: 500 SF, one story attached or 720 SF above a detached garage RB: 850 SF</td>
<td>TR and CTR: Attached, Detached, Internal RB: Detached, above garage</td>
<td>Sec. 31-501</td>
<td>16 approved, but likely more that were permitted by right in RB</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White Bear Lake</td>
<td>Where single-family homes are permitted</td>
<td>Conditional Use Permit Annual Certificate of Occupancy renewal</td>
<td>Determined on a case by case basis</td>
<td>Yes</td>
<td>Can be connected to property or utility main</td>
<td>200 SF for the first occupant plus 100 SF for each additional occupant 880 SF or 40% of the habitable area of the main home</td>
<td>880 SF or 40% of the habitable area of the main home Attached, Detached</td>
<td>Section 1302.125</td>
<td>Maximum of 4 occupants</td>
<td>10 permitted</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Updated policy is currently under consideration as of February 2019