



**CITY OF OAK GROVE COUNCIL MEETING
Accessory Dwelling Unit (ADU) WORK SESSION
CITY COUNCIL CHAMBERS
19900 NIGHTINGALE ST. NW
Monday, October 10, 2022, at 6:00 PM**

- 1. ADU Discussion**
- 2. Adjournment**



CITY OF OAK GROVE REQUEST FOR COUNCIL ACTION

DEPARTMENT: Planning

MEETING DATE: April 11, 2022

TITLE OF REQUEST: Ordinance 22-5 Accessory Dwelling Units (ADUs)

BACKGROUND AND SUPPLEMENTAL INFORMATION:

The City Council formed a subcommittee in 2021 to create a draft ordinance amendment to allow for Accessory Dwelling Units (ADU's) in the City. The subcommittee was made up of two planning commissioners (Untereker and Farah) and two city council members (Tradewell & Wylie). A citywide survey was open in 2021 for residents to give input on ADUs and we received 395 responses. A summary of the survey results is attached. The survey results minus the comments were published in the [Summer 2021 newsletter](#). A draft ordinance amendment is attached for your review. Most of the proposed requirements for ADUs begin at the bottom of page 5 of the ordinance amendment document.

The way the proposed amendment is structured in order to build a detached ADU you must have enough square footage left for accessory structures on your lot. See Section 109-194((g)1-8 to see the breakdown by lot size. If a property can't meet the requirements for a detached ADU they may be able to attach one to the house or inside the house.

A notice of public hearing was published in the Winter 2022 newsletter, posted on the city website and at all posting locations.

The Planning Commission held a public hearing on the proposed ordinance amendment on February 17th and continued the discussion on March 17th before voting 3-2 to recommend approval to the City Council. Four residents including Council Member Wylie people spoke at the public hearing and were captured in the February 17 and March 17 Planning Commission minutes.

Some of the items the Planning Commission discussed and weren't in total agreement on were the ability to rent out ADUs and code enforcement. The City doesn't currently have a rental registration program or licensing requirement. If approved, property owners with ADU's are subject to all of the same code requirements (noise, nuisance, etc.) as single-family residential properties in regards to code enforcement.

The City Council may adopt ordinance 22-5 to approve the proposed ordinance amendment as recommended by the Planning Commission or modify the proposed amendment. The City Council may also table the ordinance amendment or send back to the Planning Commission to work on it further.

SOURCE OF FUNDING: NA

REQUESTED COUNCIL ACTION: Consider Adopting Ordinance 22-05 and publishing a summary of the ordinance.

ORDINANCE NO. 22-05

CITY OF OAK GROVE
COUNTY OF ANOKA
STATE OF MINNESOTA

**AN ORDINANCE AMENDING CHAPTER 101 AND CHAPTER 109, BY
AMENDING CHAPTERS 101.3 AND 109.194 THERETO, REGULATING
ACCESSORY DWELLING UNITS IN THE CITY OF OAK GROVE**

THE CITY COUNCIL OF THE CITY OF OAK GROVE, ORDAINS AS FOLLOWS:

Section 1. City Code Section 101.3 is hereby amended as follows (deletions shown as ~~strike~~throughs and additions shown in **bold/underline**):

Section 101.3 Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sec. 101-3. - Definitions.

Accessory Dwelling Unit (ADU): ADUs are an accessory use to a primary dwelling. ADUs have their own entrance, kitchen, living area and bathroom. ADUs can be located within a home, attached to a home or as a detached structure in a backyard.

Section 2. City Code Section 109-92 is hereby amended as follows (deletions shown as ~~strike~~throughs and additions shown in **bold/underline**):

Sec. 109-92. – A, Agricultural District

(c) *Accessory Uses.*

- (1) Private garage and accessory buildings per section 109-191 (4).
- (2) Accessory uses as normally and customarily associated with agricultural production.
- (3) One roadside stand offering for sale only those products grown on premises, provided that such stand does not exceed ~~in~~ **an** area of 500 square feet; is located in conformance with yard regulations; and proper provisions are made for adequate off-street parking and access.

(4) **Accessory dwelling unit (ADU) per section 109-194 (o).**

Section 3. City Code Section 109-94 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-94. – LG-1, LG-2, and LG-3, Lake George Single-Family Residential Districts.

(c) *Accessory Uses.*

- (1) Keeping of animals, subject to [chapter 4](#);
- (2) Gardening and other horticultural uses;
- (3) Private garages and accessory building per [section 109-194\(g\)\(8\)](#); ~~and~~
- (4) Open, off-street parking (unlicensed or inoperable vehicles are prohibited); **and**
- (5) **Accessory dwelling unit (ADU) per section 109-194 (o).**

Section 4. City Code Section 109-96 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-96. – SRF, Single Family Residential District.

(c) *Accessory Uses.*

- (1) One roadside stand offering for sale only those products grown on the premises and regulated within the A district.
- (2) Open, off-street parking (unlicensed or inoperable vehicles are prohibited). In MPGCC, commercial vehicles in excess of 10,000 pounds gross weight are prohibited. Motor homes, recreational vehicles, and trailers over 20 feet long are prohibited. They may be on the premises for up to six days per year, not more than three days at a time, to facilitate loading, unloading, and minor repair or maintenance. Commercial vehicles, recreational vehicles, and trailers not prohibited above must be parked on blacktop or concrete surfaces screened from view by the golf course, adjacent property owners, and public streets.
- (3) Gardening and other horticulture.

(4) Private garage and accessory building, per [section 109-194](#). In a MPGCC, only one accessory building not exceeding 144 square feet of total building floor area with a maximum sidewall height of eight feet as measured on the inside of the building between the finished floor elevation and the bottom of the roof truss.

(5) **Accessory dwelling unit (ADU) per section 109-194 (o).**

Section 5. City Code Section 109-194 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-194. - Accessory buildings, structures and uses.

- (a) No accessory building or private garage shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is an accessory.
- (b) Any new home shall have a garage as an accessory use, whether such garage is attached or detached.
- (c) An attached garage may be remodeled for use as living quarters integrated with an existing home, provided that an attached or detached garage is constructed concurrently with such building remodeling or there is an existing detached garage or accessory building which is in compliance with the dimensional standards contained in subsection (h)(1) of this section.
- (d) No accessory building or detached private garage shall be located nearer the front lot line than the principal building except when the lot is three acres or greater and the existing principal building is located a minimum of 200 feet from the front lot line. Then the accessory building or detached private garage may be located closer to the front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling's setback. In the case of a corner lot, the front lot line shall be located on the side on which the principal building is addressed. The remaining lot side with street frontage shall meet the minimum front yard setback of 40 or 50 feet on roads classified as collector and arterial. See *Lot line* in section 101-3.
- (e) Accessory buildings shall not be the focal point of the property and the material and/or architecture must be complementary to the principal structure.
- (f) No accessory building or detached private garages shall exceed the elevation of the principal building on a lot, except as permitted by section 109-191 (4). However, on lots of 1½ acres or more, the total building height shall not exceed **16** feet from the natural ground level, or the maximum elevation of the principal building, whichever is highest.
- (g) Requirements for accessory buildings with total acreage to include to the center of the road.
 - (1) Construction of any accessory buildings pursuant to this section shall require a building permit except as follows:
 - a. No building permit shall be required for a storage building that is equal to or less than 200 square feet in floor area and not more than 12 feet in height.

- b. Storage buildings 196 square feet or less existing prior to enactment of the ordinance from which this section is derived shall be legally nonconforming.
- (2) On lots 1.49 acres and less, the total building floor area for accessory buildings shall not exceed 1,200 square feet, and the sidewall height shall not exceed 12 feet as measured on the inside of the building between the finished floor elevation and the bottom of the roof truss. Not more than one accessory building, **not more than one 700 sq. ft. accessory dwelling unit (ADU)**, and up to two 120-square foot storage buildings/sheds and one private garage (attached or detached) shall serve a principal building.
 - (3) On lots of 1.50 to 2.49 acres, the total building floor area for accessory buildings shall not exceed 1,800 square feet, and the sidewall height shall not exceed 16 feet as measured on the inside of the building between the finished floor elevation and the bottom of the roof truss. Not more than one accessory building, **not more than one 700 sq. ft. accessory dwelling unit (ADU)**, and up to two 120-square foot storage buildings/sheds and one private garage (attached or detached) shall serve a principal building.
 - (4) On lots of 2.50 to 3.99 acres, the total building floor area for accessory buildings shall not exceed 2,400 square feet, and the sidewall height shall not exceed 16 feet as measured on the inside of the building between the finished floor elevation and the bottom of the roof truss. Not more than two accessory buildings, **not more than one 700 sq. ft. accessory dwelling unit (ADU)**, and up to three 120-square foot storage buildings/sheds and one private garage (attached or detached) shall serve a principal building.
 - (5) On lots of 4.00 to 5.99 acres, the total building floor area for accessory buildings shall not exceed 3,600 square feet and the sidewall height shall not exceed 16 feet as measured on the inside of the building between the finished floor elevation and the bottom of the roof truss. Not more than two accessory buildings, **not more than one 700 sq. ft. accessory dwelling unit (ADU)**, and up to three 120-square foot storage buildings/sheds and one private garage (attached or detached) shall serve a principal building.
 - (6) On lots of 6.00 to 9.99 acres, the total building floor area for accessory buildings shall not exceed 5,000 square feet and the sidewall height shall not exceed 16 feet as measured on the inside of the building between the finished floor elevation and the bottom of the roof truss. Not more than two accessory buildings, **not more than one 700 sq. ft. accessory dwelling unit (ADU)**, and up to three 120-square foot storage buildings/sheds and one private garage (attached or detached) shall serve a principal building.
 - (7) On lots of ten acres or larger, the total building floor area for accessory buildings shall not exceed 9,000 square feet and the sidewall height shall not exceed 16 feet as measured on the inside of the building between the finished floor elevation and the bottom of the roof truss. Not more than three accessory buildings, **not more than one 700 sq. ft. accessory dwelling unit (ADU)**, and up to four 120-square foot storage buildings/sheds and one private garage (attached or detached) shall serve a principal building.
 - (8) On lots located in a master planned golf course community (MPGCC) or the Lake George 3 (LG-3) zoning district, the total building floor area shall not

exceed 144 square feet, and the height shall not exceed eight feet. Only one such building shall be allowed per lot. Such buildings require a building permit.

- (9) On lots abutting Lake George, one water-oriented accessory building in accordance with article VIII of this chapter may be constructed to be included in the total maximum number of allowed accessory buildings per lot.
- (h) Requirements for detached garages.
 - (1) A detached private garage size shall contain not less than 576 square feet total building floor area. An accessory building used for vehicle storage as permitted in subsection (c) of this section shall contain not less than 576 square feet of floor area. A detached garage shall not exceed 1,200 square feet.
 - (2) Detached private garages shall be of woodframe construction and shall be of similar design and building materials as the principal building, including, but not limited to, siding and the pitch of the roof, and shall not be the focal point on the property. In cases where the roof pitch of the principal building cannot be determined, the roof pitch shall be the minimum required by the uniform building code. Detached private garages shall incorporate building materials used on the principal building.
- (i) No accessory building or detached private garage may be placed on an easement.
- (j) Proposed accessory buildings which meet the definition of the term "agricultural building" in Minn. Stats. § 326B.103, subd. 3 may be exempt from the requirement to obtain a building permit but are subject to all standards of this section, with the exception of size restrictions and total number restrictions. A site plan must be submitted and administratively approved by the building official or city administrator or designee prior to commencing construction on any accessory which qualifies as an agricultural building.
- (k) Semi-trailers, truck boxes, and similar storage containers are prohibited on lots containing less than seven acres. Temporary uses may be allowed with city council approval for up to 60 days within an 18-month period. On lots containing more than seven acres, no more than two such storage containers shall be allowed.
- (l) No home occupation shall be conducted in any accessory building without a permit.
- (m) Lean-tos attached to an existing structure shall be included into the allowable square footage of a building and will be subject to the square footage restrictions based on lot sizes as permitted in subsections (g)(2)—(7) of this section.
- (n) A storage building that is equal to or less than 240 square feet in floor area and not more than 12 feet in height shall be allowed per lot and shall not be included in the maximum number of accessory buildings allowed per lot.

(0) The following requirements shall govern all accessory dwelling units (ADUs):

- (1) Not more than one ADU shall be allowed on a single-family lot;**
- (2) An ADU is permitted within a principal single family dwelling or in a detached accessory structure in the A, LG1, LG2, MPGCC and SFR districts;**

- (3) 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 lot, or after construction of the principal structure;
- (4) A detached ADU shall be counted towards the total number of allowed accessory structures on a parcel;
- (5) An ADU must be clearly a subordinate part of the principal single family dwelling unit on the lot, and the ADU living area shall not be more than 700 square feet in size;
- (6) No more than one sleeping room shall be allowed in an ADU;
- (7) ADUs shall be compatible with the primary dwelling exterior materials.
- (8) ADUs (in combination with their associated principal single family dwelling unit) must conform to all City Code requirements for single family dwellings, including but not limited to setback, height, impervious surface, and accessory structure standards;
- (9) Detached ADU's must be located 40' from the side yard and a maximum 50' from the primary dwelling;
- (10) In addition to the parking required for the principal single family dwelling unit, there shall be one off-street parking space provided for or in the ADU;
- (11) The property owner must reside in the principal single family dwelling unit or in the ADU;
- (12) A property may not be subdivided or otherwise segregated to provide separate ownership of an ADU;
- (13) The principal single family dwelling unit and ADU shall have one postal address;
- (14) An ADU must have its own cooking, sleeping, and sanitary facilities;
- (15) The principal single family dwelling unit and ADU may be served by a single well, septic system, and municipal water, sanitary sewer, gas and/or electric utility service line, but separate meters for the respective utilities are allowed;
- (16) The ADU and the associated principal single family dwelling unit must meet all current state building, plumbing, electrical, mechanical, and fire code provisions including emergency vehicle access to the ADU.

(17) **A certificate of occupancy from the Building Official must be issued before an ADU can be inhabited.**

Section 6. City Code Section 109-214 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-214. – Residential and Commercial/industrial districts; shoreland ordinance.

[AMEND TABLE TO ADD]-

Accessory Dwelling Unit (ADU) in square feet= 700

Section 7. This ordinance shall be effective immediately upon its passage and publication.

Passed and adopted this 11th day of April 2022, by the City Council of the City of Oak Grove.

Dan Denno, Mayor

Attest:

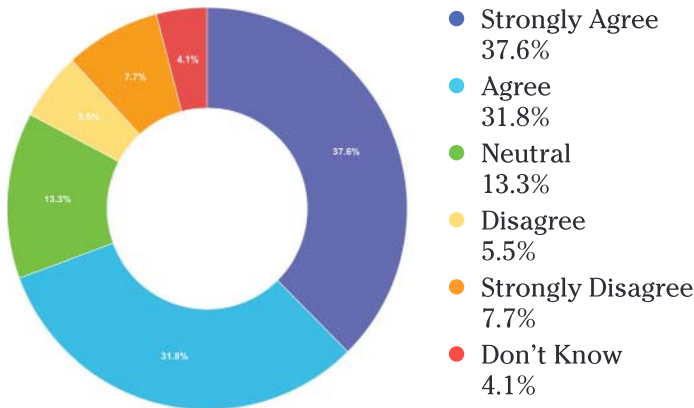
Jessica Rieland, City Clerk

(Seal)

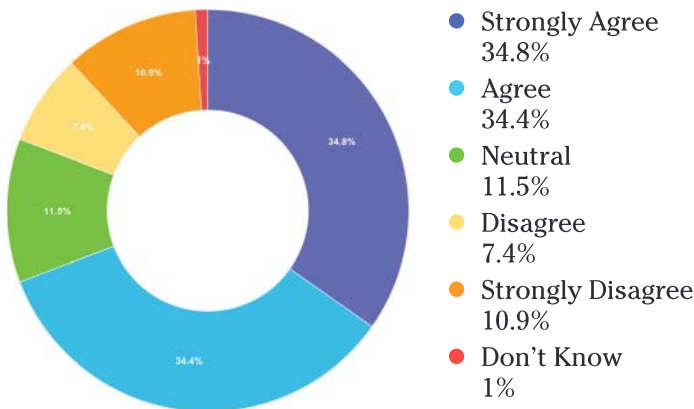
Accessory Dwelling Units

Accessory Dwelling Units (ADU) are also commonly known as granny flats, mother-in-law apartments, etc. They can be located in an existing house or a detached structure in the backyard and sometimes above a garage. They usually have their entrance, kitchen, living area, and bathroom. The ADU subcommittee has met a couple times and reviewed the survey results. The committee will forward a draft ordinance to the Planning Commission later this summer for consideration. The draft ordinance will be published on the City's website and public hearings will be held to discuss the ordinance. The information will be published on the ADU section of the City's website.

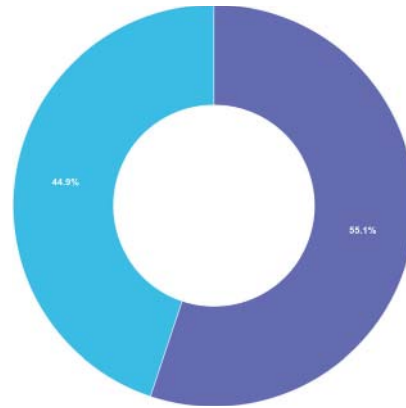
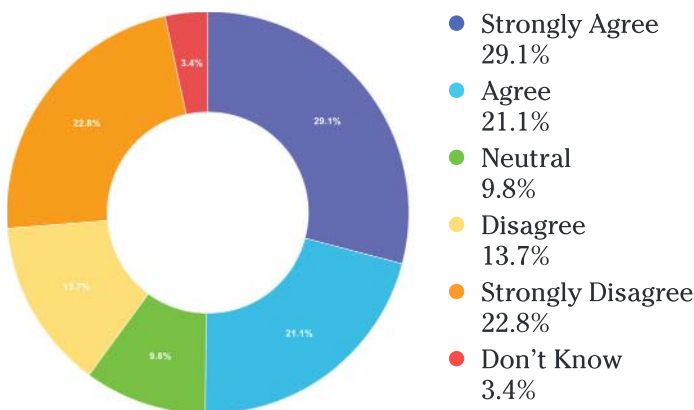
I would support interior ADUs (inside an existing house).



I would support attached ADUs to the existing house.



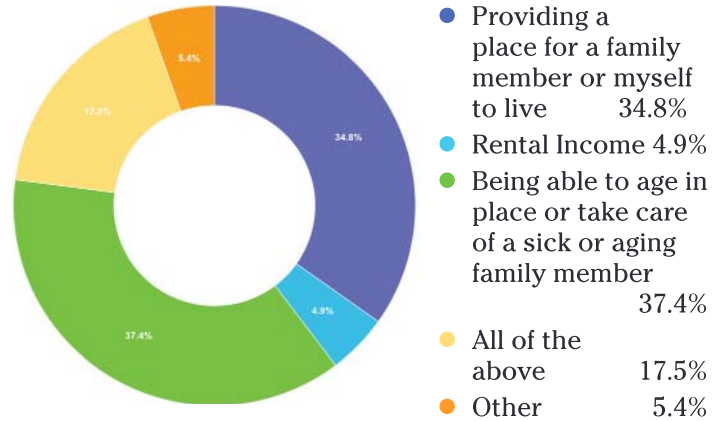
I would support detached ADUs in the back yard.



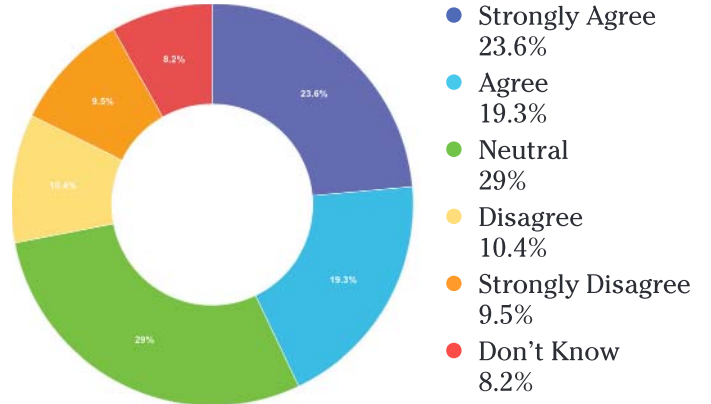
If ADUs were allowed in Oak Grove, I would be interested in adding one to my property.

- Yes 55.1%
- No 44.9%

What do you see as the most important benefit of having an ADU on your property?



Either the primary house or ADU should be owner-occupied for the entire year.



If ADUs were allowed in the City what do you see as potential issues constructing one on your property.

