

ORDINANCE NO. 1528

CITY OF BURNSVILLE, MINNESOTA

**AN ORDINANCE AMENDING TITLE 10, ZONING,
CHAPTER 7, GENERAL PROVISIONS, OF THE CITY CODE**

**THE CITY COUNCIL OF THE CITY OF BURNSVILLE, MINNESOTA,
ORDAINS:**

SECTION 1. Title 10 – Zoning, Chapter 7 – General Provision, Section 52, Accessory Dwelling Units (ADU), is hereby amended in its entirety by adding the underlined language and deleting the ~~strikethrough~~ language as follows:

10-7-52: ACCESSORY DWELLING UNITS (ADU):

- (A) Purpose: The City recognizes the need to encourage alternate housing types based on current housing trends. There is an increased desire to support multi-generational housing. This provision is intended to accommodate single family residential property owners who wish to invest in their homes and add value while providing alternative housing options within the City. The purpose of this subdivision is to permit and regulate permanent accessory dwelling units (ADU) only as a permitted accessory use subject to the regulations set forth herein. The minimum lot size in R-1 and R-1A Zoning Districts ensures that additional housing will have less impact on neighboring properties. By allowing only those accessory dwelling units that are in compliance with all of the performance standards of this subdivision, the character and quality of existing neighborhoods will be protected.
- (B) Performance Standards: No property within a Single-Family Residential District shall have more than one dwelling unit, except an ADU may be permitted as an accessory use to a single family dwelling when the following requirements are met:
1. The primary residence must be located on a lot within an R-1 or R-1A Zoning District.
 2. All applicable state shoreland and watershed district requirements are met.
 3. Attached ADUs shall meet the principal structure setback requirements for the underlying zoning district.
 4. Detached ADUs shall meet the accessory building setback requirements for the underlying zoning district.
 5. Detached ADUs shall not count towards the maximum number of accessory buildings and structures allowed on a property as outlined in section 10-7-4 of this chapter.

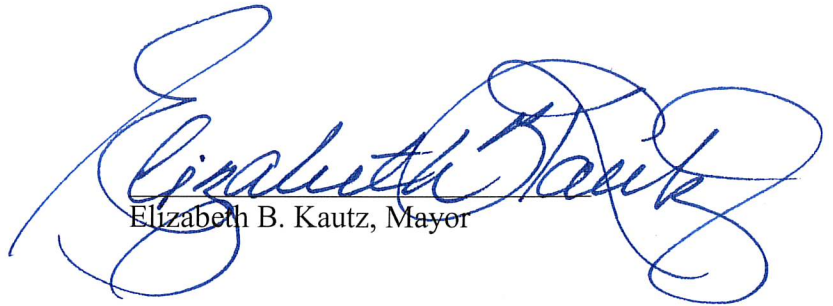
6. The property owner must reside in either the primary residence or the ADU as their permanent residence. The property owner must reside in the home not less than one hundred eighty five (185) days per calendar year, and during which period the subject property continues to be the applicant's legal and principal residence.
7. An ADU may not be subdivided or otherwise segregated in ownership from the primary residence structure.
8. The primary single family dwelling unit shall meet subsection [10-12-1](#)(A) of this title related to minimum dwelling size.
9. ADUs in combination with the associated single family dwelling unit shall comply with all City Code requirements for single-family dwellings.
10. An ADU's footprint and total floor area shall be no more than fifty percent (50%) of the primary dwelling unit footprint or total floor area. An ADU's total floor area shall not be less than three hundred (300) square feet.
11. An ADU shall be designed and maintained as to be consistent and with the architectural design, integrated materials, style, appearance and character of the primary residence as a single-family residence.
12. A detached ADU shall not extend beyond the height of the primary residence.
13. The ADU shall contain no more than two (2) bedrooms.
14. One off-street parking space (enclosed or on a driveway) shall be required for the ADU. A minimum garage of four hundred forty (440) square feet shall be maintained for the primary residence as required by subsection [10-7-26](#)(H)1 of this chapter.
15. No more than one ADU shall be permitted on a lot or parcel and only one address per parcel.
16. If the exterior door for the ADU is on the same wall as the primary residence front door then the two (2) doors shall be separated a minimum of twenty feet (20') apart.
17. ADUs shall be constructed on a permanent foundation with no wheels.
18. The primary residence and ADU shall be constructed and maintained in compliance with the property maintenance regulations set forth in this Code.
19. The primary residence and ADU shall be served by one shared Municipal water, sanitary sewer, gas and electric utility service. Except in the R-1A Zoning District, if not served by sewer and water the primary residence and ADU shall meet the private well and septic requirements according to section [10-13-5](#) of this title.

(C) Permit And License Requirements: It is unlawful for a property owner to construct or allow occupancy within an ADU that does not comply with all of the foregoing requirements:

1. Building Permit Required: An ADU as permitted in this chapter shall be constructed and maintained in accordance with all State laws, State Building, Plumbing, Electrical, Mechanical, and Fire Code regulations and City Code requirements.
2. Rental License Required: If the ADU is rented or leased then the property owner shall be responsible for meeting the requirements in title 3, chapter 28 of this Code. (Ord. 1456, 5-22-2018)

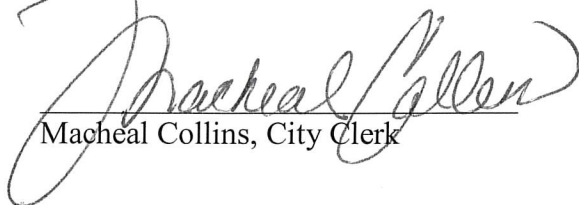
SECTION 2. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 6th day of October, 2020, by the City Council of the City of Burnsville, Minnesota.



Elizabeth B. Kautz, Mayor

ATTEST:



Macheal Collins, City Clerk