



Legislation Details (With Text)

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**Title:** Discussion on changes to Accessory Dwelling Unit Ordinance

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1 - ADU Ordinance Language 5-13-19 from City v.8MB mark-up, 2. 2 - ADU Ord. passed on first reading, 3. 3 - ADU Ordinance Language for 5-7-19 CC Mtg

| Date | Ver. | Action By | Action | Result |
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**City Council Meeting Date:** May 21, 2019

**To:** Mayor and City Council  
City Administrator

**From:** Mitzi Baker, Community Development Director  
Scott Tempel, City Planner

Discussion on changes to Accessory Dwelling Unit Ordinance

**Action Requested:**

The Northfield City Council holds discussion on the proposed ordinance revision and provides guidance to staff.

**Summary Report:**

On January 8, 2019, the City Council passed Ordinance 1000 (Attachment 3) on first reading, with a request for clarification on certain items. Staff subsequently performed more analysis and public outreach and provided additional options to Council. Following the April 9, 2019 Council work session, staff developed a REVISED Ordinance for consideration (Attachment 2). To the extent possible, the revisions incorporate direction received during the April 9<sup>th</sup> work session discussion. Below is the information provided at the last meeting in response to items that would benefit from clarification.

**UPDATE:**

After the last work session, staff has deleted some language that caused confusion. Removing section (j) is intended to eliminate some confusion and use of terms not currently in the MN State Building Code or local ordinances, while maintaining flexibility in housing types so long as they conform to applicable building codes as specified in the definition for Accessory Dwelling Unit. The updated ordinance is included as Attachment 1.

**Measuring area of structure:**

Several questions arose regarding methods for measuring structure, terms and what areas of a building are/are not included. Terms previously referenced in this discussion include “gross living area” and “living area”. “Gross Living Area” is a term that is applied by Rice County and conveys the livable space above grade (excludes basements).

Following the most recent Council discussion on the topic, staff reviewed options for terminology and concluded the best course is to use language consistent with terms that currently exist in the Northfield Land Development Code (LDC) if they meet the need. The LDC includes and defines the term “Gross Floor Area”. *To avoid confusion and maintain consistency with defining and calculating the area of structures throughout the City, staff recommends use this term and definition as it presently exists. Below is an excerpt from the LDC and identifies specifically what area is calculated in the gross floor area of a structure.*

**Floor Area, Gross - Article 9, Northfield Land Development Code**

The sum of the gross horizontal areas of several floors of a building, measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, floor area shall include the following:

- Basement space if at least one-half of the basement story is above the established curb level or, where the curb level has not been established, above the average level of the finished grade;
- Elevator shafts and stairwells at each floor;
- Floor space used for mechanical equipment where the structural headroom exceeds seven and one half feet, except equipment open or enclosed, located on the roof, i.e., bulkheads, water tanks and cooling towers;
- Attic floor space where the structural headroom exceeds seven and one half feet;
- Interior balconies and mezzanines; and
- Enclosed porches, but not terraces, breezeways, and screened porches.

**ADU’s and Churches**

The Zoning District Tables in the LDC do not list ADU’s as permitted in the C2-B or I1-B (Commercial and Industrial) Zoning Districts. There was concern about whether churches in these zoning districts could have ADU’s since they are not generally compatible with residential uses.

**Compatibility:**

The topic of compatibility (what it is and what it is not) came up at the ADU Open House several times. This topic and judgement can be subjective. Some communities prepare guidance on determining compatibility, yet do not attempt to define a prescriptive requirement. The context of projects differ, as do design options, preferences and decisions. The following description was found on the internet and is an example of how consideration of compatibility can be applied. It is a good example of recognizing compatibility is not a measure of being same or similar, but an ability to co-exist.

*...development or re-development which may or may not be the same as or similar to existing development, but that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an acceptable risk to environmental and/or human health.  
Compatibility should be evaluated in accordance with measurable/objective standards, where they exist, and is divided into two types:*

- i) Land Use Compatibility - includes criteria such as, but not limited to: noise, vibration, air quality (e.g. odors, dust and other air emissions), traffic, safety, wind, sunshading, and the potential for serious adverse health impacts on humans and animals;*
- ii) Design Compatibility - includes criteria such as, but not limited to: scale, height, massing,*

*articulation, architectural elements such as cladding materials, windows and type of roof, landscaping, fencing and context.*

**Fire and Emergency Access:**

Staff researched the State Fire Code and contacted the Fire Safety Supervisor for the MN State Fire Marshal. According to State Fire Code F.D. Access - MSFC 503.1.1, F.D. access roads are not required when the road serves two or fewer Group R-3 (single-family homes) or Group U (garages, barns, sheds, etc.) occupancy buildings. Nor does the requirement to get apparatus within 150 ft. of all portions of the building apply. A typical old town lot is 165' deep.

Code Section Fire Protection Water Supplies MSFC 507.5.1, requires any portion of a building to be within 300 ft. of a hydrant. The City of Northfield's hydrant spacing follows fire code and should meet all requirements.

The current ADU policy does not conflict with fire code, nor will the proposed revisions.

**Tentative Timelines:**

The Ordinance will be scheduled for second reading on June 4, 2019, unless the Council specifies a different date for this item.