

ORDINANCE NO. 24-XX

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 113 OF THE FALCON HEIGHTS CITY
CODE ALLOWING ACCESSORY DWELLING UNITS, UPDATING PARKING
MINIMUMS, AND GENERAL ADMINISTRATIVE EDITS

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION I. The following definitions in Section 113-3 of the City Code of Falcon Heights, Minnesota, are hereby added, amended to read, or deleted as follows (Deletions are shown with a strikethrough. Additions are underlined):

Accessory building means a subordinate building, ~~or a portion of the main building,~~ which is located on the same lot as the main building and the purpose of which is clearly incidental to that of the principal building.

Accessory dwelling unit means a second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. This definition includes accessory dwelling units constructed in connection with a private garage, a private garage converted into an accessory dwelling unit, or a newly constructed detached building located on the same lot as a single-family dwelling.

Dwelling, ~~multiple multifamily, or apartment building,~~ means a residential building, or portion of a building, ~~contained~~ containing two three or more dwelling units which may or may not be served by a common entrance.

Dwelling, seasonal, ~~means a residential building not capable of yearround occupancy due to nonwinterized construction or inadequate nonconforming yearround on-site sewer treatment systems.~~

Dwelling, single-family, means a dwelling designed exclusively for and occupied by one family.

Dwelling unit, accessory. See accessory dwelling unit.

Family means an individual or two or more persons each related by blood, marriage, domestic partnership, adoption, or foster care arrangement living together as a single housekeeping unit, or group of not more than four persons not so related, maintaining a common household, ~~exclusive of servants.~~

Garage, private, means a detached ~~one-story~~ accessory building or portion of the principal building, including a carport, which is used primarily for the storing of passenger vehicles, trailers, recreational vehicles, or farm trucks.

Governing body means the city council of the City of Falcon Heights, Minnesota.

Home occupation ~~means any gainful occupation or profession, engaged in by the occupant only, of a dwelling and carried on within a dwelling unit and not in any accessory building.~~ means an occupation carried on in a dwelling unit by the resident thereof, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

SECTION II. Section 113-174(d) of the City Code of Falcon Heights, Minnesota, is hereby amended to add a new subsection (16) to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

(16) Accessory dwelling units as provided in section 113-240.

SECTION III. Section 113-177(g)(2) of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

(2) Maximum principal building height two stories or 254-feet, except as provided by section 113-243 of this chapter. Accessory buildings are subject to section 113-240.

SECTION IV. Section 113-178(g)(2) of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

(2) Maximum principal building height two stories or 254-feet, except as provided by section 113-243 of this chapter, three stories or 35 feet maximum allowed by CUP or PUD. Accessory buildings are subject to section 113-240(f).

SECTION V. Section 113-209(f)(3) of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

(3) The following prepared by LHB for lot 1, block 1:

Architectural site plan w/landscape layout dated August 18, 2014;

First floor plan dated August 18, 2014;

Yard storage building - Color option 1 dated July 28, 2014 or yard storage building - Color option 2 dated August 18, 2014;

Exterior elevations - Color option 1 dated August 18, 2014 or exterior elevations - Color option 2 dated July ~~***~~28, 2014.

SECTION VI. Subsection (e), (f) and (o) of Section 113-240 of the City Code of Falcon Heights, Minnesota are hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- (e) *Yard setbacks; building locations.* The corner side yard setback for accessory buildings, including garages and accessory dwelling units, shall adhere to the setback requirement for principal buildings as described in section 113-174(e)(2) (20 percent of the lot width). The rear yard and interior side yard setbacks shall be those required for garages and accessory buildings on interior lots. Lots smaller than 75 feet wide shall have a minimum corner side yard setback requirement of not less than fifteen feet. Garages on these lots may be located closer than 15 feet from the corner side lot line if the vehicular access door does not face the side street. In no case shall a garage or other accessory building be located within the corner side yard.
- (f) *Height limitations.* No accessory building in a residential district shall exceed the height of the principal building. No detached garage in a residential district shall exceed 15 feet in height, unless it contains an accessory dwelling unit. A detached garage containing an accessory dwelling unit may not exceed two stories or 25 feet in height, whichever is lesser in height.
- (o) *Prohibited use.* No accessory building or structure shall be used for living purposes or as a dwelling unit, unless it is an authorized accessory dwelling unit under this chapter.

SECTION VII. Section 113-240 of the City Code of Falcon Heights, Minnesota is hereby amended to add a new subsection (u) to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- (u) *Accessory dwelling units.* Accessory dwelling units shall conform to the following standards where allowed as a permitted accessory use:
 - (1) An accessory dwelling unit shall be located on a lot occupied by a single-family dwelling.
 - (2) No more than one accessory dwelling unit shall be allowed on a lot.
 - (3) Either the principal dwelling unit or the accessory dwelling unit shall be owner-occupied and both dwelling units shall be under unified ownership. The accessory dwelling unit may not be sold independently of the principal dwelling unit and may not be a separate tax parcel.
 - (4) An accessory dwelling unit may be attached to, detached from, or internal to a single dwelling unit building. Accessory dwelling units attached or internal to a single dwelling unit building must be fully separated from the principal dwelling unit by means of a wall or floor and have a separate entrance than the principal dwelling unit. The separating wall may have a door connecting the accessory dwelling unit to the principal dwelling unit.
 - (5) Only one unit, either the accessory dwelling unit or principal dwelling unit, may be rented at one time. For the purposes of this provision, a “rented” accessory dwelling

unit is one that is being occupied by a person or persons other than the family occupying the principal dwelling unit. Rented accessory dwelling units must comply with all provisions outlined in chapter 105, article iv.

- (6) The accessory dwelling unit must comply with all current Minnesota State Building Code provisions as they apply to single family dwelling buildings.
- (7) An accessory dwelling unit shall be assigned a unique address identifier to differentiate it from the principal dwelling. All accessory dwelling units shall be identified by "Unit A" following the primary property address. It shall be the responsibility of the property owner to inform the United States Postal Service (USPS) of the new address.
- (8) A detached accessory dwelling unit may be located above a detached garage or within a separate, existing or newly constructed, accessory building meeting the standards for accessory buildings established in this section.
- (9) Home occupations meeting the definitions and requirements of section 113-391 are permitted in accessory dwelling units.
- (10) Dimensional standards for all accessory dwelling units shall conform to the following guidelines:
 - a. The maximum height of an accessory dwelling unit shall meet the requirements as set forth in section 113-240(f).
 - b. An accessory dwelling unit shall include at least 250 square feet of living area, up to a maximum of 1000 square feet of living area, but in no case shall an accessory dwelling unit exceed 75% of the principal dwelling's four-season living area (exclusive of the accessory dwelling unit). For the purposes of this provision, "living area" shall include kitchen areas, bathrooms, living rooms, bedrooms (including the closet with defines the bedroom), and other rooms, and shall exclude utility rooms, hallways, entryways, storage areas, and garages.
 - c. An accessory dwelling unit shall not occupy more than 40 percent of the area of a required rear yard.
 - d. An accessory dwelling unit must meet all setback standards as outlined in section 113-174.
 - e. An accessory dwelling unit shall include a maximum of two bedrooms.
 - f. All accessory dwelling units shall meet the standards for principal buildings; notwithstanding this requirement, detached accessory dwelling units shall not be located closer to the front property line than the principal building.
- (11) The entryway to a detached accessory dwelling unit shall be connected to a street or alley frontage with an improved walkway.
- (12) An accessory dwelling unit shall be constructed so as to be compatible with the existing principal dwelling, as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping.

SECTION VIII. Section 113-310(1)(b) of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- b. At least two ~~and not more than four~~ parking spaces are required for each dwelling unit. At least one of the parking spaces must be enclosed.

SECTION IX. Section 113-310(2)(e) of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- e. Off-street parking spaces required (one space equals 350 square feet) shall be as follows for:

Multiple-family dwellings. At least ~~two~~one parking spaces per dwelling unit except that ~~two~~one and ~~one-half~~quarter parking spaces per dwelling unit are required for multiple units of ten or less that abut no parking (on street curb) zones. ~~At least one-half of the required spaces shall be enclosed unless the property abuts an alley. (Garage requirements may be waived for apartment projects designed and intended for occupancy by low income families.)~~ Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements. In the event the final calculation of parking spaces includes half a parking space, the total number of parking spaces should be rounded up.

SECTION X. Section 113-313 of the City Code of Falcon Heights, Minnesota is hereby deleted in its entirety.

SECTION XI. Section 113-314(b) of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- (b) *Parking for seating facilities.* In stadiums, sport arenas, churches and other places of public assembly, in which patrons or spectators occupy benches, pews or other similar seating facilities, each ~~2420~~ inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this chapter.

SECTION XII. Section 113-315(c) of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- (c) *Signs.* No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and/or electric vehicle charging, and such signs shall not be a part of permitted advertising space. Signs shall conform to zoning district regulations.

SECTION XIII. Section 113-315(r) of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- (r) *Off-street parking requirements.* Off-street parking spaces required (one space equals 350 square feet) shall be as follows unless the city determines, based upon a professional analysis of parking for any specific use, that a reasonable parking ratio for such use should be otherwise:
- (1) One- and two-family residences. At least two ~~Two~~ spaces per dwelling unit, ~~but not to exceed four per unit.~~ Accessory dwelling units used in conjunction with a single-family residence are not required to have additional parking added to the standard single-family residence parking requirement.
 - (2) Multiple-family dwellings. At least ~~two~~ one parking spaces per dwelling unit except that ~~2½~~ one and one-quarter parking spaces per dwelling unit are required for multiple units of ten or less that abut no parking (on street curb) zones. ~~At least one half of the required spaces shall be enclosed. (Garage requirements may be waived for apartment projects designed and intended for occupancy by low income families.)~~ In the event the final calculation of parking spaces includes half a parking space, the total number of parking spaces should be rounded up.
 - (3) Churches, theaters, auditoriums, mortuaries, and other places of assembly. One space for each ~~three~~ five seats or for each ~~five~~ ten feet of pew length. Based upon maximum design capacity.

SECTION XIV. Section 113-369(b) of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- (b) No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior above or accessory building shall be used at any time as a dwelling unit; unless authorized as an accessory dwelling unit under this chapter.

SECTION XV. Section 113-370(b)(6) of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- (6) In single-family residential districts (R-1), closed refuse or garbage containers, so long as they are stored in a side yard, adjacent to the residence, and shall not be placed in the front yard of the residence. ~~not visible from the street.~~

SECTION XVI. Section 113-378 of the City Code of Falcon Heights, Minnesota is hereby deleted in its entirety.

SECTION XVII. Section 113-379 of the City Code of Falcon Heights, Minnesota is hereby deleted in its entirety.

SECTION XVIII. Section 113-391(d)(6) of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- (6) No home occupation shall be permitted within an accessory building, unless the accessory building is permitted as an accessory dwelling unit (as defined in this chapter).

SECTION XIX. Section 113-392 of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

No cellar, garage, tent, trailer, basement, or unfinished home or accessory building, shall be used as a dwelling unit, unless it is an authorized accessory dwelling unit under this chapter.

SECTION XX. Effective date. This ordinance is effective immediately upon its passage and publication.

ADOPTED this _____ day of _____ 2024, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Randall C. Gustafson, Mayor

ATTEST:

Jack Linehan, City Administrator