Quick Reference Guide

ACCESSORY DWELLING UNIT

Unified Development Code
153.300

Updated: February 2, 2024

Disclaimer: *This guide is designed as a reference to the most common questions about the City's regulations and is not a complete listing of all requirements that may apply to your particular situation. Please review the full text of the ordinance(s) and/or consult with city staff before making a significant investment of time or money in reliance upon this information.*

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Topic/ Issue	Code Reference	Summary/ Notes
Use Specific Regulations	153.300.030 Subd. 1 (A) I. – VI.	(A) Accessory Dwelling Unit. An Accessory Dwelling unit (ADU) shall comply with all the following standards: I. No more than one ADU is permitted on a lot. II. The ADU must be owned by the same owner or owners of the principal residential or commercial structure. III. No separate curb cut is permitted for the ADU. IV. The ADU must be connected to an approved on-site waste disposal system that is sized adequately to support the new ADU and the existing Principal Structure. V. The ADU is subject to the same zoning dimensional setbacks and height standards identified in the Base Zoning District. VI. When calculating density an ADU is not counted as a density unit.
Permit Requirements	153.300.030 Subd. 1 (A) VII.	VII. Administrative Permit Requirements: a. Recorded Covenant Required. Prior to issuance of the City's Administrative Permit authorizing an ADU, the owner(s) must file with Washington County Recorder's Office a covenant running from the owner(s) to the City of Scandia acknowledging the owner's agreement to restrict use of the principal and ADU in compliance with the requirements of this UDC. b. Covenant Requirements. The covenant must run with the land and is binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title or interest in the property. The covenant must be in a form prescribed by the Zoning Administrator and must include the legal description for the lot. The property owner(s) must return the original covenant with the recording stamp to the Zoning Administrator before the permit for the ADU is issued. c. Application. The owner must make a complete Application to the Zoning Administrator as described in Section [153.500.050 and 153.500.060] of this UDC. d. Notification. Upon the determination that a complete application has been submitted that the property is eligible to receive the required permit, the City will notify all property owners adjacent to the lot where the ADU is

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		proposed in writing of the application, and adjacent property owners will have seven (7) days in which to submit comments or concerns about the application. e. Revocation. If a permitted ADU or the property for which a permit has been issued fails to meet the requirements of the permit, or if a property for which a permit has been issued becomes ineligible for such permit, the permit may be revoked upon the determination by the Zoning Administrator that the noncompliance and/or ineligibility issues cannot or have not been resolved. If a permit is revoked, occupation of the unit by a person or persons other than the family occupying the principal dwelling unit shall cease within 60 days of the date of the revocation. f. Appeals. Determinations pertaining to the continuing compliance and/or eligibility of a permit or property for an ADU permit are subject to appeal to the City Council.
ADU Internal to Principal Structure	153.300.030 Subd. 1(A) IX.	IX. ADUs internal to Principal Structure. Accessory Dwelling Units that are internal to a principal structure shall comply with the following requirements: a. ADUs that are internal to a principal structure are permitted in all Zoning Districts. b. Internal ADUs are limited to 1,500 square feet in floor area. In no case shall the floor area of the internal ADU exceed the floor area of the first floor of the primary structure or accessory structure. c. The creation of the ADU must not create additional entrances facing the public street on the primary structure. d. The appearance or character of the principal building may not be significantly altered to create the ADU so that its appearance is no longer that of a single-family dwelling or principal use. e. The primary exterior materials of the ADU must match the primary exterior materials of the principal structure, unless it is located within an existing structure that does not match the primary structure. f. The ADU must abide by the primary structure setbacks.
Detached ADUs	153.300.030 Subd. 1(A) X.	X. Detached ADUs. Accessory Dwelling Units that are detached from the principal structure shall comply with the following requirements: a. ADUs that are located within a detached accessory buildings are permitted in all zoning districts. b. The footprint of the ground floor of a detached ADU must not exceed 1,000 square feet, and the total floor area of the ADUS may not exceed 1,500 square feet. When a lot includes a detached ADU, the combined floor area of the footprint of the detached ADU, and all other accessory structures on the lot must be consistent with the number and size of accessory structures permitted by Section [153.200.030]. c. The detached ADU must be sited in the rear or side yard of the primary residence, and may not be located closer to the road right-of-way than the principal structure without a variance unless the following conditions are met: i. The ADU must be consistent with Architectural Standards identified in Section [153.400.040]. ii. The ADU is at least 200 feet from the road right-of-way on lots of five (5) acres or more; and

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		iii. All setbacks are met. iv. Design Standards shall not apply to a unit that is located within a barn, silo, or historic structure. d. Design Standards for detached ADUs on lot sizes of 4 acres or less: i. The exterior finish material must match in type, size, and placement, to the exterior finish material of the principal building. ii. The ADU must be consistent with Architectural Standards identified in Section [153.400.040]. iii. The roof pitch shall match the predominant roof pitch of the principal building. iv. Design Standards shall not apply to a unit that is located within a barn, silo, or historic structure.
ADUs as Rentals	153.300.030 Subd. 1(A) VIII.	VIII. A lifetime, non-transferrable Accessory Dwelling Unit Occupancy Permit shall be required from the Zoning Administrator to allow an ADU to be rented. For purposes of this provision, a "rented" ADU is one that is being occupied by a person or persons other than the family occupying the principal dwelling unit. Each property owner seeking to rent an ADU or occupy an ADU while renting the principal dwelling unit, shall apply for a new Occupancy Permit. a. Conditions. The City may impose conditions on the issuance of an ADU occupancy permit. Such conditions shall be directly related to, and shall bear a rough proportionality to, potential impacts of the ADU.