

city of saint paul
planning commission resolution

file number 18-44

date June 1, 2018

WHEREAS, accessory dwelling units are a tool that allows for additional density in established neighborhoods, provides the opportunity for affordable and life-cycle housing, and can help build community wealth; and

WHEREAS, Policy 1.6 of the Land Use Chapter of the Saint Paul Comprehensive Plan states: “Explore the potential for accessory dwelling units in Established Neighborhoods;” and

WHEREAS, Policy 2.17 of the Housing Chapter of the Saint Paul Comprehensive Plan identifies accessory dwelling units as a housing type to allow the city’s aging population to age in place, while providing more affordable housing opportunities for singles and couples; and

WHEREAS, the Saint Paul Zoning Code is established to provide housing choice and housing affordability, to implement the policies of the Comprehensive Plan, and to promote and protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community; and

WHEREAS, Section 61.801(a) of the Zoning Code calls for periodic review of said code to reflect current City policies and to bring the Zoning Code up-to-date; and

WHEREAS, on February 7, 2018, the City Council called for a study to explore expanding where accessory dwelling units would be permitted in the city; and

WHEREAS, after adoption of the City Council resolution, additional district councils asked to be included in the study; and

WHEREAS, in response to these requests, the Planning Commission broadened the scope of the study to explore expansion of accessory dwelling units as a permitted use city-wide; and

WHEREAS, the Saint Paul Planning Commission held a duly noticed public hearing on April 21, 2018, regarding amendments to permit accessory dwelling units in the RL1 – RM2 and T1 – T3 zoning districts within the Mounds Park area of Planning District 4, and all of Planning Districts 1, 3, 7, and 9; and

WHEREAS, the Comprehensive and Neighborhood Planning Committee of the Saint Paul Planning Commission, having reviewed the public hearing testimony and a memorandum containing analysis provided by staff, provided a recommendation for consideration by the Saint Paul Planning Commission; and

moved by Risberg

seconded by _____

in favor Unanimous

against _____

WHEREAS, the Saint Paul Planning Commission, having reviewed the public hearing testimony and the Comprehensive and Neighborhood Planning Committee's recommendation, finds the proposed text amendments to be supported by the policies of the Saint Paul Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the following proposed amendments to the Legislative Code are recommended for approval by the Mayor and Council of the City of Saint Paul, and, should they be adopted, the City undertake a review of accessory dwelling units in four years.

The proposed zoning text amendments follow. Existing language to be deleted is shown by ~~strikeout~~. New language to be added is shown by underlining.

Chapter 65. Zoning Code – Land Use Definitions and Development Standards

ARTICLE VII. 65.900. ACCESSORY USES

Sec. 65.913. - Dwelling unit, accessory.

A secondary dwelling unit, subordinate to a principal one-family dwelling, within or attached to a one-family dwelling or in a detached accessory building on the same zoning lot.

Standards and conditions:

- (a) ~~Lot location. The lot shall be located within one-half (1/2) mile of University Avenue between Emerald Street and Lexington Parkway.~~
- (ba) Minimum lot size. For accessory dwelling units located in an accessory structure, the lot shall be at least five thousand (5,000) square feet in area.
- (eb) *Number of accessory units.* There shall be no more than one (1) accessory dwelling unit on a zoning lot.
- (ec) *Compliance with other city, local, regional, state and federal regulations.* Pursuant to section 60.109 of the Zoning Code, all accessory dwelling units must comply with city, local, regional, state and federal regulations.
- (ed) *Unit occupancy.*
 - (1) The total occupancy of the principal dwelling unit and accessory dwelling unit shall not exceed the definition of family in Section 60.207 allowed in a single housekeeping unit.
 - (2) The property owner of record shall occupy either the principal dwelling unit or the accessory dwelling unit as their permanent and principal residence. Using the form provided by the city, the property owner shall execute a declaration of land use restrictive covenants and owner's warranties creating certain covenants running with the land for the purpose of enforcing the standards and conditions of this subsection and file the same with the county recorder. The property owner must deliver an executed original of the declaration, which shall display its date and

document number of record, to the zoning administrator before any city building or zoning permits required for the accessory dwelling unit can be issued.

- (3) The property owner shall file an annual affidavit with the zoning administrator verifying continued owner-occupancy of the property as their permanent and principal residence. A fee shall be collected in accordance with section 61.302.
 - (4) At the request of the property owner and upon inspection finding the accessory dwelling unit has been removed, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit. Any and all filing costs shall be the responsibility of the property owner.
- (fe) *Unit size.* The floor area of the accessory unit shall be a maximum of eight hundred (800) square feet. If the accessory unit is located interior to the principal structure, the principal structure shall have a minimum floor area of one thousand (1,000) square feet and the accessory unit shall not exceed one-third ($\frac{1}{3}$) of the total floor area of the structure. For multi-story principal structures built prior to the enactment of this section, the maximum floor area of an accessory dwelling unit may be equal to that of the first floor, but shall be less than or equal to fifty (50) percent of the floor area of the structure.
- (gf) *Access and entrances.*
- (1) A walkway shall be provided from an abutting public street to the primary entrance of the accessory dwelling unit.
 - (2) Upper floor units within the principal structure shall have interior stairway access to the primary entrance of the unit. Secondary stairways required for fire safety may be located on the exterior of the side or rear of the building, but shall not be allowed on the front of the building.
 - (3) Exterior stairways shall be built of durable materials that match the finish of the principal structure or accessory building to which they are attached. Raw or unfinished lumber shall not be permitted.
- (hg) *Parking.* Provided that the minimum parking requirement for the principal one-family dwelling on the lot is met, no additional parking is required.
- (ih) *Ownership.* The accessory dwelling unit shall not be sold separately from the principal dwelling unit, and may not be a separate tax parcel.

Chapter 66. Zoning Code – Zoning District Uses, Density and Dimensional Standards

ARTICLE II. 66.200. RESIDENTIAL DISTRICTS

Sec. 66.221. – Principal uses.

Table 66.221, principal uses in residential districts, lists all permitted and conditional uses in the RL—RM3 residential districts, and notes applicable development standards and conditions.

Table 66.221. Principal Uses in Residential Districts

Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	Definition Development (d) Standards (s)
Residential								
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Accessory Uses								
Accessory use	P	P	P	P	P	P	P	(d), (s)
Dwelling unit, accessory	<u>P</u>	P	P	P	P	P		(d), (s)
Accessory retail service and office						C	C	(s)
Support services in housing for the elderly						P	P	(d), (s)