



Legislation Details (With Text)

File #: Ord 11-70 **Version:** 3
Type: Ordinance **Status:** Passed
In control: City Council
Final action: 8/24/2011

Title: Preserving the status quo within a specified area in the vicinity of the University of St. Thomas pending the completion and report of a zoning study and possible action on that study, including amending the City's official controls to regulate the conversion of one- and two- and three-family homes into student housing.

Sponsors: Russ Stark

Indexes:

Code sections:

Attachments: 1. moratoriummap.pdf, 2. RES PH 11-1015 Thomas C Ernst Communication.pdf, 3. Ord 11-70 constituent emails.pdf, 4. Ord 11-70 WSNAC email.pdf, 5. Ord 11-70 constituent e-mail.pdf, 6. Ord 11-70 Smith email.pdf

Date	Ver.	Action By	Action	Result
8/31/2011	3	Mayor's Office	Signed	
8/24/2011	3	City Council	Adopted	Pass
8/17/2011	3	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
8/10/2011	2	City Council	Amended and Laid Over for Third Reading	Pass
8/3/2011	1	City Council	Amended and Laid Over for Second Reading	Pass

Preserving the status quo within a specified area in the vicinity of the University of St. Thomas pending the completion and report of a zoning study and possible action on that study, including amending the City's official controls to regulate the conversion of one- and two- and three-family homes into student housing.

The Council of the City of Saint Paul does hereby ordain:

Section 1.

Statement of Legislative Intent and Findings of the City Council: The Council of the City of Saint Paul, in Resolution 11-1406, requested the planning commission to undertake a zoning study regarding the conversion of residential structures in the City's traditional neighborhoods surrounding the campus of the University of St. Thomas ("UST") which describes itself as Minnesota's largest non-public institution of higher learning having, as of Fall, 2009, 5,943 undergraduates enrolled on its Saint Paul Campus.

As Minnesota's largest non-public institution of higher learning, UST presently provides on-campus housing for 44% of its undergraduate students: accordingly, the remaining 56% - approximately 3,325 students - reside off-campus. It is further estimated that 50% - approximately 1684 students - reside in "off-campus" housing in that general area surrounding the UST campus bounded by St. Clair Avenue on the south, and Fairview Avenue on the east. The Mississippi River is the western border south of Marshall Avenue, and Cretin Avenue is the western border north of Marshall Avenue. Interstate Highway 94 is the northern border east of Cretin Avenue, and Marshall is the northern border west of Cretin Avenue; and

The City's zoning ordinance, duly adopted pursuant to the City's delegated police powers under the Municipal Planning Act, contains various land-use district classifications including several classifications for residential-use districts established upon the Council's legislative determinations that zoning use classifications promote "public health, welfare, safety, morals and general welfare," are well planned, are expected to be somewhat permanent, and are in conformance with the City's Comprehensive Plan.

The Council finds that the City's residential zoning classifications given to the areas surrounding the UST campus are R2-R4 one-family and RT1-RT2 two-family districts primarily and include some RM2 multi-family districts which abut arterial or collector streets, as depicted on the zoning ordinance map which is attached and incorporated into this ordinance. It further states under these residential use classifications that the intent of one-family residential zoning districts is "to provide for an environment of predominantly low-density, one family dwellings" while the intent of the two-family districts is "to provide for an environment of predominantly low density one- and two-family dwellings" and, with respect to two-family dwellings more specifically, "[t]he district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from one-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization."

The Council finds that these predominately low-density residential classifications fit the description of "established neighborhoods" described in the Land Use Chapter of the City's Comprehensive Plan's variously as "residential areas of predominately single-family housing" or as being "characterized almost entirely by single-family homes and duplexes." The Council further notes that the Land Use Chapter states that stabilizing established neighborhoods is achieved through the use of existing, as well as new, zoning standards which are intended to maintain the prevailing character of existing neighborhoods and that the Chapter calls for maintaining the stability of established residential neighborhoods by encouraging establishment of new, higher density, residential development in and along the City's transit and commercial corridors.

The Council is from time to time informed that existing one- and two-family homes in the established neighborhoods surrounding UST are acquired either by real estate investors or, in some cases, by the parents of UST students, for the purpose of providing housing for students. The Council finds that because college students are logically "transient," the conversion of existing established neighborhood homes to provide housing for college students, notwithstanding whether those homes are purchased by real estate investors or the parents of UST students for the purpose of housing their children while attending UST, that these homes are rarely "owner" occupied and that the homes essentially become short-term rental property units.

The Council further finds that because college students tend generally to occupy homes for periods shorter than typical for occupants of owner-occupied homes, the student-tenants of these homes are highly likely to have a different lifestyle and outlook towards property stewardship and neighborhood living than do "non-transient" or more "permanent" neighborhood residents who largely, it is assumed, reside either in owner-occupied homes or are long-term renters.

Residents from neighborhoods surrounding UST have expressed their concerns to the Council about problems associated with high concentrations of student occupied housing in established neighborhoods. The Council is particularly concerned that concentrations of student occupied homes within an established neighborhood will, by the transient nature of student housing occupancies, operations, and use, disrupt the intent and purpose of the zoning code's one- and two-family zoning classifications in these established neighborhoods by overcrowding, excessive vehicular traffic, demand for available parking, noise, and other nuisance conditions, in contrast to other low density one- and two-family zoning districts which are not impacted by concentrations of student occupied housing.

Whether concerns associated with concentrations of student housing in the established neighborhoods surrounding UST are actual or perceived, the Council nevertheless finds that these concerns as expressed call

into question whether the City's present official controls adequately protect the public health, welfare, and safety in these neighborhoods as well as whether the City's official controls are consistent with facilitating the goals of the City's Comprehensive Plan.

Accordingly, the Council desires to take steps necessary to protect the public's health, welfare, and safety within that area surrounding the UST campus described below by enacting an interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4, and directing the planning commission to undertake a study of the impact of student housing in the said area and, during the period the interim ordinance is in effect, establishing certain regulations whose purpose is to preserve the status quo of housing in the study area by prohibiting the conversion of one-family homes into two-family homes and two-family homes into three-family homes, prohibiting the conversion of owner-occupied homes into student occupied housing, and limiting the legal occupancy within the study area of any residential dwelling unit with an R1-RM2 zoning classification.

Section 2

During Pendency of Zoning Study, Interim Moratorium and Interim Regulations Imposed. Based upon the findings set forth in Section 1 and the necessity to maintain the status-quo in the study area while the planning commission's zoning study is underway the Council, pursuant to Minn. Stat. § 462.355, Subd.4, hereby directs the planning commission to undertake and prepare a formal zoning study and report regarding options to regulate student housing in R1-RM2 residential zoning districts in the area of the City described below before the expiration of the interim ordinance under the time provided in Minn. Stat. § 462.355, Subd. 4 or until such earlier time as the Council has taken action on the recommendations contained in the study.

Pending the Council's receipt of the planning commission's formal study and report regarding options to regulate student housing in the R1-RM2 zoning districts in the area described below and pursuant to Minn. Stat. § 462.355, Subd. 4, no city department shall take any action which would approve or otherwise facilitate any of the following, including the issuance of building permits or certificates of occupancy, until the Council acts upon the said report:

1. the conversion of any one-family home into a two- or three-family home, or conversion of a two-family home into a three-family home.
2. the conversion of any one-family, two-family or three family home presently owner occupied, into a home exclusively occupied by students, except in the case of an existing two- or three-family home where the owner (s) named in the records of the Ramsey County Department of Property Taxation actually resides in one of the dwelling units.

Further, during the effective dates of this interim ordinance and only within the limits of the interim ordinance study area, the legal occupancy of a residential dwelling unit in any R1-RM2 zoning district shall be limited to one (1) or two (2) persons or parents, along with their direct lineal descendants and adopted or legally cared for children, together with not more than one (1) person not so related.

Further, this Interim Ordinance shall not apply to properties that were pending sale on August 5, 2011 with a fully executed purchase agreement on that date and the sale of the property closes between the buyer and seller on that purchase agreement as provided in the purchase agreement.

Finally, during the zoning study, the planning commission is hereby requested to direct planning commission staff to consult with staff from the department of safety and inspections, in the interest of protecting the public's health, welfare and safety, for the purpose of developing a separate ordinance which would require licensing student rental housing and a separate ordinance providing for the periodic inspection and occupancy certification of rental student housing.

Zoning Study Area Defined. For the purpose of this interim zoning ordinance, the area subject to this interim

ordinance as well as the area of the zoning study shall be as follows: beginning at a point at the intersection of the centerline of Cretin Avenue and the Interstate 94 right-of-way, then generally east southeast along the Interstate 94 right-of-way to its point of intersection with the centerline of Fairview Avenue; then generally southerly along the centerline of Fairview Avenue to its point of intersection with the centerline of St. Clair Avenue; then westerly along St. Clair Avenue to its point of intersection with the centerline of Mississippi River Boulevard; then following the centerline of Mississippi River Boulevard, generally northward along Mississippi River Boulevard to its point of intersection with the centerline of Marshall Avenue; then east along the centerline of Marshall Avenue to the centerline of Cretin Avenue; then north along the centerline of Cretin Avenue to the point of beginning at the intersection of the centerline of Cretin Avenue and the Interstate 94 right-of-way; as depicted on the map attached hereto and incorporated herein as exhibit "1."

Section 3.

This interim ordinance shall take effect and be in force thirty (30) days after its passage, approval and publication. For the purpose of complying with the time limit on interim ordinances imposed under Minn. Stat. § 462.355, Subd. (4), and in conformance with City Charter § 6.05, the effective date of this interim ordinance is the effective date of the "bridge" resolution adopted under Resolution 11-1406. Upon the effective date of this interim ordinance, the regulatory effect of Resolution 11-1406 shall terminate with no additional action by this Council and this interim ordinance shall remain in effect until the effective date of any Council action taken on any recommendation contained in the zoning study or the conclusion of the time period permitted under Minn. Stat. § 452.355, Subd. 4.