



## Legislation Text

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**File #:** Ord 11-4, **Version:** 2

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An interim ordinance regulating the conversion of single-family homes in the District 9 Planning District.

An interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4, preserving the status quo within a specified area of the District 9 Planning District pending the completion and report of a zoning study and possible action on that study, including amending the City's official controls, regarding the conversion of residential structures, originally constructed as single-family homes, into two- and three-family homes.

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 Council File No. 10-911, requested the planning commission to undertake a zoning study regarding the conversion of residential structures, originally constructed as single-family homes, into two- and three-family homes within an area of the City's District 9 Planning District and, therefore, pursuant to Minn. Stat. § 462.355, Subd. (4), duly initiated an interim ordinance regulating such conversions until the completion of the commission's study and any Council action based upon the study.

The purpose of this interim ordinance is to fulfill the requirements of City Charter § 6.05 it being understood that the effective period of this interim ordinance, in order to comply with the time limit set forth in Minn. Stat. § 462.355, Subd. (4), shall be from the effective date of Council File No. 10-911 and for twelve (12) months thereafter unless the Council should act upon a study recommendation at an earlier date.

The need for this interim ordinance is based upon the following findings of the Council and those under Council File No. 10-911 which are incorporated herein by reference:

- That the City's zoning ordinances, duly adopted pursuant to its delegated police powers, contain various land-use district classifications including several classifications for residential-use districts which are defined by minimum lot-area per dwelling-unit density standards.
- That as provided under Minn. Stat. § 462.357, Subd. 1, the City's residential land-use zoning classifications are established upon legislative determinations that these use classifications will 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.
- That as required by Minn. Stats. §§ 462.355, Subd. 1a and 473.864, Subd. 2, the City, on February 24, 2010, duly updated its Comprehensive Plan.
- That the updated Comprehensive Plan's Land Use Chapter sets forth various strategies to guide land use decisions including strategies related to the maintenance of the City's Established Neighborhoods and, to that end, Land Use Strategy 1.5 specifically provides that the City should maintain the character of Established Neighborhoods which, the Plan notes, are characterized almost entirely by single-family houses and duplexes.
- That on July 7, 2010, the City adopted a new District 9 Area Plan as an addendum to the Comprehensive

Plan.

- That the District 9 Area Plans Housing Strategies calls for the preservation and improvement of existing housing and, specifically, calls for an assessment of impacts on Established Neighborhoods caused by converting single-family dwellings into multi-family dwellings.
- That the City Council is generally aware, and accordingly finds for the purposes of this interim ordinance, that Established Neighborhoods with residential structures originally constructed as single-family homes which are subsequently been converted into duplex or triplex homes often have serious adverse affects where these converted homes are no longer owner occupied or where converted homes are unoccupied for extended periods of time.
- That the District 9 Area Plans Housing Strategies calls for a study of that area within District 9 bounded by Grand Avenue to the North, Interstate 35E to the Northwest, Smith Avenue to the East, Shepard Road to the Southeast and Grace Street to the South, for the purpose of assessing the impact of converting single-family homes into multi-family residences and, further, to consider whether down-zoning in the described area will prevent future changes in the condition of this Established Neighborhood by prohibiting single-family home conversions and, accordingly, preserve the prevailing character of this Established Neighborhood as is consistent with the updated Comprehensive Plans Housing Chapter Strategy 2.1 which states Maintain the vitality and high quality of life in existing stable neighborhoods.

## Section 2

**Interim Moratorium Imposed During Pendency of Zoning Study.** Based upon the findings set forth in Section 1 or otherwise incorporated above and the necessity to maintain the status-quo of residential housing units in the said study area while the planning commissions zoning study is underway, the issuance of zoning and building permits or other City approvals which would ~~permit an existing single-family home to be converted into a two- or three-family dwelling~~ allow additional dwelling units to be added to an existing single-family or duplex dwelling shall be, pursuant to Minn. Stat. § 462.355, Subd.4, immediately and temporarily prohibited in the interests of the public health, welfare, and safety until such time as the zoning study called for under Council File No. 10-911 has been completed and the Council has taken action on any recommendations contained therein or the conclusion of the time permitted under Minn. Stat. § 462.355, Subd.4.

**Zoning Study Area Defined.** For the purpose of this interim zoning ordinance, the area of study shall be that area in the District 9 Planning District commencing at the middle point of the intersection of Grand Avenue and the I-35E R/O/W line; then easterly along the middle line of Grand Avenue to its junction with the middle point of Smith Avenue; then southerly along the middle line of Smith Avenue to its intersection with the middle point of Cliff Street; then generally southwesterly along Cliff Street to that point where Cliff Street turns to the west but, for the purpose of establishing the interim ordinance study boundaries, the boundary line shall continue generally southwestwardly along an imaginary line from where Cliff Street turns to the west to that point marking the intersection of the middle lines of Grace Street and Western Avenue; then westerly along the middle line of Grace to its intersection with the I-35E R/O/W line; then generally back northeasterly along the I-35E R/O/W line to the point where the said R/O/W line intersects with the middle line of Grand Avenue.

## Section 3

This interim ordinance shall take effect and be in force thirty (30) days after its passage, approval and publication and upon its effective date, the interim zoning regulations imposed in Council File No. 10-911 are hereby discharged.