



Legislation Text

File #: Ord 23-57, **Version:** 1

Amending specific sections of the Legislative Code pertaining to zoning regulations to allow micro-unit dwellings as an accessory use to religious institutions.

STATEMENT OF FINDINGS BY THE CITY COUNCIL

WHEREAS, the Saint Paul Zoning Code, found in chapters 60 through 69 of the Saint Paul Legislative Code, is established to promote and to 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, to address current technology and market conditions, and to bring the zoning code up to date; and

WHEREAS, the City of Saint Paul passed an Interim Ordinance in 2022 that was extended in 2023 and will expire on January 1, 2024, to permit the establishment and operation of a demonstration “recreational camping area” land use consisting solely of “recreational park trailers” for residential occupancy purposes only on the property of Mosaic Christian Community, commonly known as 540 Wheelock Parkway East, for the purpose of informing the zoning study of alternative residential housing product types and possible amendments to the Zoning Code; and

WHEREAS, the State of MN passed Article 11, Sec.57, which becomes effective on January 1, 2024, and regulates Sacred Communities and Micro-Unit Dwellings (2023 MINN. STAT. §327.30) and authorizes religious institutions to provide permanent micro-unit housing to people who are chronically homeless, extremely low-income, or who are designated volunteers; and

WHEREAS, the Metropolitan Council forecasted the City’s population will grow by at least 12,700 households by 2040, and the Planning Commission finds that the production of a diversity of housing options, including non-conventional residential housing products; and

WHEREAS, the 2040 Comprehensive Plan, Housing Goal H-49, invites the City to “consider amendments to the Zoning Code to permit smaller single-family houses... to facilitate the creation of small-home development types, such as pocket neighborhoods and cottage communities”; and

WHEREAS, because local government micro-unit dwelling zoning ordinances must meet all requirements described in Minn. Stat. § 327.30, the Planning Commission finds that defining this use as Micro-unit Dwellings Accessory Use to a Religious Institution and regulating it as a permitted accessory use with standards is consistent with the state requirements; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 13, 2023 regarding the potential amendments and held the record open for written comments through October 16, 2023; and

WHEREAS, in a memo dated October 26, 2023, the Comprehensive and Neighborhood Planning Committee submitted a report to the Planning Commission in which recommendations and a rationale for amending specific sections of the Legislative Code were set forth; and

WHEREAS, on October 27, 2023, the Planning Commission, based upon the Comprehensive and Neighborhood Planning Committee’s report and all the testimony received from the October 13, 2023, public

hearing, duly submitted its recommendation to amend certain sections of the Legislative Code, incorporated into the Micro-Unit Dwellings, Accessory Use to a Religious Institution Study to the Mayor and City Council for its review and consideration; and

WHEREAS, a public hearing before the City Council having been duly conducted at which all interested parties were given an opportunity to be heard, and having considered all the testimony and recommendations concerning the proposed zoning text amendments, including the Planning Commission's minutes and the Comprehensive and Neighborhood Planning Committee's memorandum and their rationale for the recommended Legislative Code amendments which the Council finds persuasive and thus hereby incorporates by reference into this ordinance for the specific purpose of articulating the Council's reasons and rationale for enacting the recommended amendments as set forth below in Sections 1-3, in addition to any other reasons the Council might articulate on the record in adopting these amendments the Council, having considered all the facts and recommendations concerning the proposed zoning amendments and pursuant to the authority granted by and in accordance with the procedures set forth in Minnesota Statutes Sec. 462.357 states as follows:

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN

SECTION 1

Legislative Code Chapter 61. Zoning Code-Administration and Enforcement is hereby amended as follows:

ARTICLE IV. 61.400. SITE PLAN REVIEW

Sec. 61.402. Site plan review by the planning commission.

- (a) Plan to be submitted. A site plan shall be submitted to and approved by the planning commission before a permit is issued for grading or the erection or enlargement of any building except one- and two-family dwellings, and including the following:
- (1) Any development of one- and two-family residences which together exceed two (2) acres (87,120 square feet) in area.
 - ...
 - (5) Any industrial use in an ~~IR~~ IT, I1, I2, or I3 district abutting a residential district.
 - ...
 - (15) Cellular telephone antennas that require a new equipment building.
 - (16) Religious institution accessory micro-unit dwellings.

SECTION 2

Legislative Code Chapter 65. Zoning Code- Land Use Definitions and Development Standards is hereby amended as follows:

ARTICLE VII. 65.900. ACCESSORY USES

Sec. 65.916-65.918 65.919. Reserved.

Sec. 65.919. Micro-unit dwellings accessory to a religious institution.

Mobile residential dwellings established on or adjoining the grounds of a religious institution's principal worship location that meet the requirements of Minnesota Statutes, section 327.30, for the purpose of providing permanent housing for chronically homeless persons, extremely low-income persons, and designated volunteers.

Standards and conditions

- (a) Micro-unit dwellings accessory to a religious institution must meet all requirements of Minnesota Statutes,

section 327.30. For the purposes of this section, the definitions in Minnesota Statutes, section 327.30 apply.

- (b) A site plan meeting the requirements of Leg. Code § 61.402 must be submitted and approved before building permits are issued. Micro-unit dwellings accessory to a religious institution must not be established in a required yard except a rear yard and must be set back a minimum of ten (10) feet from all property lines; they are not subject to minimum lot area per unit and floor area ratio standards.
- (c) Concurrent with submission of the site plan, the religious institution must provide a written plan approved by the religious institution's governing board that outlines:
 - (1) Disposal of water and sewage from micro-units if not plumbed;
 - (2) A proposed design of the sanitary system for the micro-units, if not connecting to the principal building's sanitary sewer system;
 - (3) Parking and lighting;
 - (4) Access to units by emergency vehicles;
 - (5) Protocols for security and conduct of residents; and
 - (6) Safety protocols for severe weather.
- (d) Annually, the religious institution must submit to the Department of Safety and Inspections written certification that the institution's micro-unit dwellings comply with the eligibility requirements in Minnesota Statutes, section 327.30.

SECTION 3

Legislative Code Chapter 66. Zoning Code- Zoning District Uses, Density and Dimensional Standards is hereby amended as follows:

ARTICLE II. 66.200. RESIDENTIAL DISTRICTS

Sec. 66.221. Residential district ~~Principal~~ uses table.

Table 66.221, ~~principal uses in residential districts~~ uses, 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~~ Uses

<i>Use</i>	<i>RL</i>	<i>H1</i>	<i>H2</i>	<i>RM1</i>	<i>RM2</i>	<i>RM3</i>	<i>Definition (d) Standards (s)</i>
[...]							
Civic and Institutional Uses							
Cemetery, mausoleum	C	C	C	C	C		(s)
College, university, seminary, similar institution of higher learning	C	C	C	C	C	C	(d), (s)
Community center	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Day care	P	P	P	P	P	P	(d), (s)
Golf course	C	C	C	C	C		(s)
Public library	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	
Religious institution	P	P	P	P	P	P	(d)
School, primary & secondary	P	P	P	P	P	P	
[...]							

Accessory Uses							
Accessory use	P	P	P	P	P	P	(d), (s)
Dwelling unit, accessory	P	P	P	P	P		(d), (s)
<u>Micro-unit dwellings accessory to a religious institution</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(d), (s)
Retail service and office, accessory					C	C	(s)
Support services in housing for the elderly					P	P	(d), (s)

P - Permitted use

C - Conditional use requiring a conditional use permit

Notes to table 66.221, principal uses in residential districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS

Sec. 66.321. Traditional neighborhood district ~~Principal~~ uses table.

Table 66.321, ~~principal uses in traditional neighborhood districts uses~~, lists all permitted and conditional uses in the T1-T4 traditional neighborhood districts, and notes applicable development standards and conditions.

Table 66.321. ~~Principal Uses in Traditional Neighborhood Districts~~ Uses

Use	T1	T2	T3	T4	Definition (d) Standards (s)
[...]					
Civic and Institutional Uses					
Club, noncommercial		P	P	P	(d)
College, university, seminary, similar institution of higher learning	P	P	P	P	(d)
Community center	P	P	P	P	(d), (s)
Day care	P	P	P	P	(d), (s)
Homeless services facility	P/C	P/C	P/C	P/C	(d), (s)
Museum	P/C	P	P	P	(s)
Public library	P	P	P	P	
Public and private park, playground	P	P	P	P	
Religious institution	P	P	P	P	(d)
School, primary & secondary	P	P	P	P	
Trade school, arts school, dance school, etc.	P	P	P	P	
[...]					
Accessory Uses					
Accessory use	P	P	P	P	(d), (s)
Dwelling unit, accessory	P	P	P		(d), (s)
<u>Micro-unit dwellings accessory to a religious institution</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(d), (s)

P - Permitted use

C - Conditional use requiring a conditional use permit

Notes to table 66.321, principal uses in traditional neighborhood districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

ARTICLE IV. 66.400. BUSINESS DISTRICTS

Sec. 66.421. Business district Principal uses table.

Table 66.421, principal uses in business districts uses, lists all permitted and conditional uses in the OS-B5 business districts, and notes applicable development standards and conditions.

Table 66.421. Principal Uses in Business Districts Uses

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Standards (s)
[...]								
Civic and Institutional Uses								
Club, noncommercial				P	P	P	P	(d)
College, university, seminary, or similar institution of higher learning	P	P	P	P	P	P	P	(d), (s)
Community center	P	P	P	P	P	P	P	(d), (s)
Day care	P	P	P	P	P	P	P	(d), (s)
Homeless services facility		P/C	P/C	P/C	P	P	P	(d), (s)
Museum						P	P	
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Religious institution	P	P	P	P	P	P	P	(d)
School, primary & secondary	P	P	P	P	P	P	P	
Trade school, arts school, dance school, etc.	P	P	P	P	P	P	P	
[...]								
Accessory Uses								
Accessory use	P	P	P	P	P	P	P	(d), (s)
Dwelling unit, accessory			P					(d), (s)
Micro-unit dwellings accessory to a religious institution	P	P	P	P	P	P	P	(d), (s)

P - Permitted use

C - Conditional use requiring a conditional use permit

Notes to table 66.421, principal uses in business districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

ARTICLE V. 66.500. INDUSTRIAL DISTRICTS

Sec. 66.521. Industrial district Principal uses table.

Table 66.521, principal uses in industrial districts uses, lists all permitted and conditional uses in the IT-I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts Uses

Use	IT	I1	I2	I3	Definition (d) Standards (s)
[...]					
Civic and Institutional Uses					
Club, noncommercial	P	P	C		(d)

College, university, seminary, similar institution of higher learning	P	P	C		(d), (s)
Community center	P	P	C		(d), (s)
Day care	P	P	C		(d), (s)
Homeless services facility	P	P			(d), (s)
Museum	P	P	C		
Public library	P	P	C		
Public and private park, playground	P	P	P		
Religious institution	P	P	C		(d)
School, primary & secondary	P	P	C		
Trade school, arts school, dance school, etc.	P	P	C		
[...]					
Accessory Uses					
Accessory use	P	P	P	P	(d), (s)
Micro-unit dwellings accessory to a religious institution	P	P	P		(d), (s)

P - Permitted use

C - Conditional use requiring a conditional use permit

Notes to table 66.521, principal uses in industrial districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

ARTICLE IX. 66.900. FORD DISTRICTS

Sec. 66.921. Ford district use table.

Table 66.921, Ford district uses, lists all permitted and conditional uses in the F1-F6 Ford districts, and notes applicable development standards and conditions.

Table 66.921. Ford District Uses

Use	F1	F2	F3	F4	F5	F6	Definition (d) Standards (s)
[...]							
Civic and Institutional Uses							
Club, fraternal organization, lodge hall		P	P	P	P		(d)
College, university, specialty school		P	P	P	P	P	(d), (s)
Community center	P	P	P	P	P	P	(d), (s)
Day care	P	P	P	P	P	P	(d), (s)
Homeless services facility			P/C	P/C	P/C	P/C	(d), (s)
Public library, museum	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	
Religious institution	P	P	P	P	P	P	(d)
School, primary & secondary		P	P	P	P	P	
[...]							
Accessory Uses							

Accessory use	P	P	P	P	P	P	(d), (s)
Dwelling unit, accessory	P	P	P	P	P		(d), (s)
<u>Micro-unit dwellings accessory to a religious institution</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>

P - Permitted use

C - Conditional use requiring a conditional use permit

Notes to table 66.921, Ford district uses:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

SECTION 4

This ordinance shall become effective thirty (30) days after its passage, approval, and publication.