



## Legislation Details (With Text)

**File #:** Ord 16-13      **Version:** 3  
**Type:** Ordinance      **Status:** Passed  
**In control:** City Council  
**Final action:** 9/14/2016

**Title:** Amending Chapters 61, 63, 65, and 66 of the Saint Paul Legislative Code pertaining to establishing accessory dwelling units as a permitted use in the R1-RM2 and T1-T3 zoning districts within one-half mile of University Avenue between Emerald Street and Marion Street (amended to Lexington Parkway).

**Sponsors:** Russ Stark

**Indexes:**

**Code sections:** Sec. 61.302. - Application forms and fees., Sec. 63.501. - Accessory buildings., Sec. 66.221. - Principal uses., Sec. 66.321. - Principal uses.

**Attachments:** 1. Planning Commission Report, 2. Planning Commission Resolution, 3. Table 66.221, 4. Table 66.321, 5. Foster email, 6. Fan email, 7. Warns email, 8. Stout testimony, 9. Hovland email, 10. Herman email, 11. Plagens email, 12. Hovland email2, 13. Albrecht email, 14. Schroefer Letter, 15. Broussard email, 16. Emails re ADUs

Date	Ver.	Action By	Action	Result
9/16/2016	3	Mayor's Office	Signed	
9/14/2016	3	City Council	Adopted As Amended	Pass
9/7/2016	2	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
7/20/2016	1	City Council	Continue Public Hearing	Pass
6/15/2016	1	City Council	Continue Public Hearing	Pass
6/8/2016	1	City Council	Laid Over to Third Reading/Public Hearing	
6/1/2016	1	City Council	Laid Over to Second Reading	

Amending Chapters 61, 63, 65, and 66 of the Saint Paul Legislative Code pertaining to establishing accessory dwelling units as a permitted use in the R1-RM2 and T1-T3 zoning districts within one-half mile of University Avenue between Emerald Street and Marion Street (amended to **Lexington Parkway**).

WHEREAS, accessory dwelling units are a tool that allows for additional density in established neighborhoods that provide the opportunity for affordable and life-cycle housing and can generate additional rental income for property owners; and

WHEREAS, Policy 2.17 of the Housing Chapter of the Comprehensive Plan calls for a zoning study to explore the use of accessory dwelling units in existing neighborhoods and Policy 2.3 in the Transportation Chapter calls for creative infill housing in transit corridors in order to increase transit-supportive densities; and

WHEREAS, the Saint Paul Zoning Code, found in chapters 60 through 69 of the Saint Paul Legislative Code, is established to provide housing choice and housing affordability, to implement the policies of the comprehensive plan, and 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 and to bring the Zoning Code up-to-date; and

WHEREAS, the City Council called for further study of accessory dwelling units, density bonuses, and liner retail as a result of the Central Corridor Zoning Study ; and

WHEREAS, the Saint Paul Planning Commission held a duly noticed public hearing on February 5, 2016, regarding amendments to permit accessory dwelling units in the R1 - RM2 and T1 - T3 zoning districts within one-half mile of University Avenue and develop standards for this accessory use; and

WHEREAS, the Comprehensive 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

WHEREAS, on April 29, 2016, the Planning Commission, based upon the Comprehensive Planning Committee's report and all the testimony received from the February 5, 2016 public hearing, duly submitted its recommendation to amend certain sections of the Zoning Code to allow accessory dwelling units within one-half mile of University Avenue between Emerald Street and Marion Street to the Mayor and City Council for its review and consideration, and requested that these amendments be reviewed in four years; 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 Planning Committee's memorandum and their rationale for the recommended Zoning 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 Section 1, 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

Section 61.302 of the Saint Paul Legislative Code is hereby amended to read as follows:

**Sec. 61.302. - Application forms and fees.**

...

- (c) *Fee for permits, approvals and accessory dwelling unit use subject to annual review condition.* A holder of a conditional use permit, nonconforming use permit or variance, which the planning commission, board of zoning appeals or city council, has approved subject to annual review, and owner of an accessory dwelling unit required to submit an annual affidavit, shall pay to the department of safety and inspections, at the time the zoning administrator provides notice of the annual review ~~to the permit holder~~, an annual review fee in the sum of sixty dollars (\$62.00).

SECTION 2

Section 63.501 of the Saint Paul Legislative Code is hereby amended to read as follows:

**Sec. 63.501. Accessory buildings and uses.**

....

(e) In any RL - RM2 residential districts area, accessory buildings on a zoning lot with residential use shall not exceed fifteen (15) feet in height; provided, however, that accessory buildings with a flat or shed roof style shall not exceed twelve (12) feet in height. ~~Carriage house dwellings~~ The height of an accessory building containing a dwelling unit shall not exceed of twenty-five (25) feet or the height of the principal structure, whichever is less.

*Exception:* Accessory building heights shall not apply to property within designated heritage preservation sites and districts ~~nor to designated historic sites~~. In these cases appropriate building heights for accessory structures shall be determined through the design review process to ensure that heights are acceptable and in keeping with the scale and style of development on the property.

....

### SECTION 3

Section 63.913 of the Saint Paul Legislative Code is hereby amended to read as follows:

#### **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 ~~Marion Street~~ Lexington Parkway.
- (b) Minimum lot size. The lot shall be at least five thousand (5,000) square feet in area.
- (c) Number of accessory units. There shall be no more than one (1) accessory dwelling unit on a zoning lot.
- (d) 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.
- (e) 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 Sec. 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.

- (f) 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 (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.
- (g) 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.
- (h) Parking. Provided that the minimum parking requirement for the principal one-family dwelling on the lot is met, no additional parking is required.
- (i) Ownership. The accessory dwelling unit shall not be sold separately from the principal dwelling unit, and may not be a separate tax parcel.

**Secs. 65.9143 - 65.919. Reserved.**

SECTION 4

Table 66.221 of the Saint Paul Legislative Code is hereby amended to read as follows:

[amended per attached table "Table 66.221"]

SECTION 5

Table 66.321 of the Saint Paul Legislative Code is hereby amended to read as follows:

[amended per attached table "Table 63.321"]

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.