Legislation Details (With Text)

File #:	Ord 18-28 **Version:** 2		
Type:	Ordinance	**Status:**	Passed
		In control:	City Council
		Final action:	10/17/2018

Title: Amending Chapters 65 and 66 of the Legislative Code pertaining to Accessory Dwelling Units.

Sponsors: Amy Brendmoen, Samantha Henningson

Indexes:

Code sections:

Attachments: 1. City Council Resolution, 2. Planning Commission Report (final), 3. Planning Commission Minutes 4-20-2018, 4. Written Testimony, 5. Planning Commission Resolution, 6. Table 66.221, 7. Union Park District Council Letter 05-02-18, 8. Macalester Grove Community Council Letter, 9. SPAAR ADU Support Letter to St. Paul City Council, 10. HDC Resolution in Support of ADUs 07192018, 11. D1 Letter of Support 8-1-18, 12. SHA Comment ADU Ordinance 8.10.18, 13. SHA - ADU public comments, 14. MN-OZA Letter, 15. FHFund Letter - ADUs - Saint Paul Aug 2018, 16. ACOA Support ADU August 2018, 17. ADU Presentation City Council (final)), 18. Arlandson letter re ADUs, 19. Comment rec'd by Council re ADUs, 20. ADU Amendment 10-10-18

Date	Ver.	Action By	Action	Result
10/26/2018	2	Mayor's Office	Signed	
10/17/2018	2	City Council	Adopted As Amended	Pass
10/10/2018	1	City Council	Amended and Laid Over for Final Adoption	Pass
9/26/2018	1	City Council	Laid Over to Final Adoption	Pass
9/12/2018	1	City Council	Laid Over to Final Adoption	Pass
8/15/2018	1	City Council		
8/15/2018	1	City Council		
8/8/2018	1	City Council	Laid Over to Third Reading/Public Hearing	
8/1/2018	1	City Council		

Amending Chapters 65 and 66 of the Legislative Code pertaining to Accessory Dwelling Units.

WHEREAS, accessory dwelling units are a tool that allows for additional density in established neighborhoods, provide 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 Comprehensive Plan states: “Explore the potential for accessory dwelling units in Established Neighborhoods;” and

WHEREAS, Policy 2.17 of the Housing Chapter of the 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 couple; 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, 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, the Saint Paul Planning Commission held a duly noticed public hearing on April 20, 2018, regarding amendments to permit accessory dwelling units in the RL - 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 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 that would allow accessory dwelling units citywide, eliminate the minimum lot area requirement for accessory dwelling units within the principal structure, and permit accessory dwelling units in the RL one-family large lot residential district; and

WHEREAS, the Saint Paul Planning Commission, having reviewed the public hearing testimony and the Comprehensive Planning Committee's recommendation, finds the proposed text amendments to be supported by the policies of the Comprehensive Plan; 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 Sections 1 and 2, 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 65 of the Saint Paul Legislative Code is hereby amended to read as follows:

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, with the property owner of record occupying either the principal dwelling unit or the accessory dwelling unit as their permanent and principal residence.

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Standards and conditions:

~~(a) *Lot location.* The lot shall be located within one-half (½) mile of University Avenue between Emerald Street and Lexington Parkway.~~

(a~~b~~) *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.

(b~~c~~) *Number of accessory units.* There shall be no more than one (1) accessory dwelling unit on a zoning lot.

(c~~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.

(d~~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 definitional requirement of owner occupancy andstandards 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, , and identifying the owner-occupied dwelling unit. 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.

(e~~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 (⅓) 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.

(f~~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.

(g~~h~~) *Parking.* Provided that the minimum parking requirement for the principal one-family dwelling on the lot

is met, no additional parking is required.

(hi) *Ownership.* The accessory dwelling unit shall not be sold separately from the principal dwelling unit, and may not be a separate tax parcel.

SECTION 2

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.

[See attached table.]

…

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

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