



## Legislation Details (With Text)

**File #:** Ord 21-4      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 3/10/2021

**Title:** Amending the zoning code as recommended in the Definition of Family Zoning Study.

**Sponsors:** Amy Brendmoen

**Indexes:** Zoning

**Code sections:** Sec. 60.207. - F.

**Attachments:** 1. Family Definition - Planning Commission Memo 01.08.2021, 2. Appendix A - PC Resolution and original CNPC-recommended Text Amendments - 01.08.2021, 3. Appendix B - Occupancy Limits for a Residential Property, 4. Appendix C - Dwelling Size chart, 5. Appendix D - CC Res 18-1204 Zoning Study Request, 6. Appendix E - FHIC 2017 Addendum to 2014 Report pages 98-100 - definition of family, 7. Appendix F - Public comment - Planning Commission public hearing, 8. ORD 21-4 - Student Housing Study 12-4-2011, 9. Ord 21-4 - Harry Balley email 3-3-21, 10. Ord 21-4 - Jonathan Bream email 2-24-21, 11. ORD 21-4 - Joel Clemmer (Josh Williams) email 2-9-21, 12. Ord 21-4 KC Cox email, 13. Ord 21-4 - Carl Craven email 2-26-21, 14. Ord 21-4 - Erin Edzards email 3-1-21, 15. Ord 21-4 - Jon Fure, CapitalRiver Council email 3-1-21, 16. Ord 21-4 - Kerry Furtney email 3-1-21, 17. Ord 21-4 - Alexa Golemo-Macalester Groveland Community Council email 3-1-21, 18. Ord 21-4 - Elizabeth Wefel & Luke Hanson-Sustain St Paul email 3-2-21, 19. Ord 21-4 - Peter Hendricks email 3-3-21, 20. Ord 21-4 - Helen Holtti email 2-27-21, 21. Ord 21-4 Christine Johnson email, 22. Ord 21-4 - K. Jefferson email 2-27-21, 23. Ord 21-4 Margaret Wirth-Johnson email, 24. Ord 21-4 Bill Lindeke email, 25. Ord 21-4 - Judy Mahle Lutter email 2-26-21, 26. Ord 21-4 - Thomas Malone email 3-3-21, 27. Ord 21-4 - Missy McDonald and Michael McDonald email 3-1-21, 28. Ord 21-4 - Michael McDonald email 3-1-21, 29. Ord 21-4 - Kathryn McGuire email 3-2-21, 30. ORD 21-4 - Elaine Weber Nelson email 2-18-21, 31. Ord 21-4 - Loretta and Jim Nuessle email 2-25-21, 32. Ord 21-4 Loretta Nuessle email, 33. Ord 21-4 Chris Parker email, 34. Ord 21-4 - Terese Fink Peterson email 3-1-21, 35. ORD 21-4 - Andrea Lubov and Allan Schultz email 2-18-21, 36. Ord 21-4 - Catherine Spaeth email 2-27-21, 37. Ord 21-4 - Daniel Taylor email 3-2-21, 38. Ord 21-4 Daniel Taylor email, 39. Ord 21-4 Kelly Vinson-Taylor email, 40. Ord 21-4 - Susan S. Widmar email 2-21-27, 41. W6 Public Comment\_Loretta and Jim Nuessle\_Family Zoning Definition (26.Feb.2021), 42. Ord 21-4 Rachel Westermeyer email, 43. W6 Public Comment\_West\_Summit\_Neighborhood\_Advisory\_Report\_2011, 44. Ltr. City Council Members, 45. Drew Nelson\_Zoning\_Ward 3, 46. Letter from Peter Hendricks\_Ward 3, 47. MGCC recommendation re Ordinance 21-4 Amending the Zoning Code as recommended in the Definition of Family Zoning Study 03.01.2021, 48. Public Comments for Ord 21-04 Received by Ward 4, 49. Defination of Family Ordinance 3-1-2021, 50. MGCC recommendation re Ordinance 21-4 Amending the Zoning Code as recommended in the Definition of Family Zoning Study 03.01.2021, 51. Public Comments for Ord 21-04 Received by Ward 4, 52. W6 Public Comments for Ord 21-04

Date	Ver.	Action By	Action	Result
3/17/2021	1	Mayor's Office	Signed	
3/10/2021	1	City Council	Adopted	Pass
3/3/2021	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
2/24/2021	1	City Council	Laid Over to Third Reading/Public Hearing	
2/17/2021	1	City Council	Laid Over to Second Reading	

Amending the zoning code as recommended in the Definition of Family Zoning Study.

#### 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, City Council Resolution 18-1204 calls for a study of the Zoning Code definition of *Family* in order to explore ways to preserve housing that is affordable at all income levels, address racial, social, and economic disparities in housing, and increase density in residential districts; and

WHEREAS, on October 2, 2020, the Planning Commission passed Resolution 20-43 that initiated a zoning study to consider amendments to the Zoning Code pertaining to the definition of *Family* in Article 60.200 of the Zoning Code, and other connected regulations contained in the Zoning Code; and

WHEREAS, the Zoning Code definition of *Family* has been identified in the 2017 Addendum to the 2014 Regional Analysis of Impediments to Fair Housing Choice as a barrier to housing choice and potentially discriminatory; and

WHEREAS, the 2040 Comprehensive Plan, in Housing policy H-17, directs City staff to ensure that the regulatory definition of family and allowable dwelling types meet the needs of residents and reflect how people want to live, while meeting fair housing requirements; and

WHEREAS, on January 8, 2021, following a duly noticed public hearing that was held on November 13, 2020, the Saint Paul Planning Commission recommended the amendments to the definition of *Family* and related sections of the Saint Paul Zoning Code as proposed in the Definition of Family Zoning Study;

WHEREAS, following a duly noticed public hearing held before the City Council on March 3, 2021 where all interested parties were afforded the opportunity to be heard, the Council considered all the facts, recommendations, and testimony regarding the proposed zoning amendments, pursuant to the authority granted by and in accordance with the procedures set forth in Minnesota Statutes § 462.357;

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN

#### SECTION 1

**Legislative Code Chapter 60.** Article II. - 60.200. General Definitions, is hereby amended as follows:

#### **Sec. 60.205. - D.**

*Dwelling unit.* A building or part thereof that provides complete living facilities, including bathroom and kitchen facilities, for the exclusive and unhindered use of one household. One (1) or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with a single complete kitchen facility (stove and/or oven, refrigerator, and sink), sleeping area, and bathroom provided within the unit for the exclusive use of a single household.

**Sec. 60.207. - F.**

*Family.* ~~See Household. One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four (4) or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.~~

**Sec. 60.209. - H.**

*Household.* Six (6) or fewer adults, and minor children in their care, living together in a dwelling unit.

SECTION 2

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

**ARTICLE II. 65.100. RESIDENTIAL USES**

**Sec. 65.111. - Dwelling, one-family**

A building designed exclusively for and occupied exclusively by one (1) ~~family~~ household in one (1) dwelling unit.

*Standards and conditions in TN1-TN2 traditional neighborhood districts:*

...

**Sec. 65.112. - Dwelling, two-family.**

A building designed exclusively for or occupied exclusively by no more than two (2) ~~families~~ households living independently of each other in two (2) separate dwelling units.

**Sec. 65.113. - Dwelling, multiple-family.**

A building, or portion thereof, designed exclusively for occupancy by three (3) or more ~~families~~ households living independently of each other in individual dwelling units.

...

**Sec. 65.151. Adult care home.**

...

*Standards and conditions:*

- (a) In residential and T1 traditional neighborhood districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~four~~ six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.

**Sec. 65.152. - Community residential facility, licensed correctional.**

...

*Standards and conditions:*

...

- (b) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than ~~four (4)~~ six (6) adult residents, except in B4-B5 business districts where it shall be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.

...

- (e) In residential and T1 traditional neighborhood districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~four (4)~~ six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.

**Sec. 65.155. - Overnight shelters.**

...

*Condition:*

The facility shall be a minimum distance of six hundred (600) feet from any other of the following congregate living facilities with more than ~~four (4)~~ six (6) adult residents: overnight shelter, supportive housing facility, licensed correctional community residential facility, emergency housing facility, or shelter for battered persons.

**Sec. 65.158. - Roominghouse.**

~~(1) A dwelling unit that provides living and sleeping arrangements for more than four (4) unrelated individuals for periods of one (1) week or longer; or~~

~~(2) A residential structure or dwelling unit that provides single room occupancy (SRO) housing as defined in CFR section 882.102 to more than four (4) unrelated individuals~~ six (6) adults; or

~~(3) A building housing more than four (4) unrelated individuals~~ six (6) adults that has any of the following characteristics shall be considered and regulated as a roominghouse:

...

*Standards and conditions:*

- (a) In residential and T1 traditional neighborhood districts, a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~four (4)~~ six (6) guest rooms. In T2-T4 traditional neighborhood, BC community business (converted), and industrial districts the density shall be regulated as for multifamily uses.

**Sec. 65.160. - Shelter for battered persons.**

...

*Standards and conditions for shelters for battered persons serving more than ~~four (4)~~ six (6) adult facility residents and minor children in their care:*

- (a) In residential, traditional neighborhood, Ford and OS-B2 business districts, a conditional use permit is required for facilities serving more than ~~four (4)~~ six (6) adult facility residents and minor children in their care.
- (b) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than ~~four (4)~~ six (6) adult residents: shelter for battered persons, supportive housing facility, licensed correctional community residential facility,

emergency housing facility, or overnight shelter.

...

- (e) In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~four (4)~~ six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.

#### **Sec. 65.161. - Sober house.**

A dwelling unit occupied by more than ~~four (4)~~ six (6) persons, all of whom are in recovery from chemical dependency and considered handicapped under the Federal Fair Housing Act Amendments of 1988, that provides a non-institutional residential environment in which the residents willingly subject themselves to written rules and conditions, including prohibition of alcohol and drug use (except for prescription medications obtained and used under medical supervision), intended to encourage and sustain their recovery.

#### **Sec. 65.162. - Supportive housing facility.**

*Standards and conditions:*

- (a) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than ~~four (4)~~ six (6) adult residents, except in B5B4-B5 business districts where it shall be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.
- (b) In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2 residential, T1 traditional neighborhood, OS-B3 business and IT-I2 industrial districts, the facility shall serve sixteen (16) or fewer facility residents.

...

### **ARTICLE VII. 65.900. ACCESSORY USES**

#### **Sec. 65.913. - Dwelling unit, accessory.**

...

- (d) *Unit occupancy.*

- (1) The total occupancy of the principal dwelling unit and accessory dwelling unit shall not exceed the definition of family household in section 60.2097 ~~allowed in a single housekeeping unit.~~

### **SECTION 3**

**Legislative Code Chapter 67.** Article VII. - 67.700. SH student housing neighborhood impact overlay district, is amended as follows:

#### **Sec. 67.702. - Student dwellings.**

Within the SH student housing neighborhood impact overlay district, a student dwelling is a one- or two-family dwelling requiring a fire certificate of occupancy in which at least one (1) unit is occupied by three (3) or ~~four (4)~~ more students.

#### SECTION 4

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