



Legislation Text

File #: Ord 12-34, **Version:** 4

Amending Legislative Code Chapter 67 pertaining to student rental housing.

WHEREAS, as provided under Minn. Stat. § 462.357, Subd. 1, the City's residential-use zoning classifications are established upon legislative determinations that zoning use classifications 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; and

WHEREAS, the Council of the City of Saint Paul notes that the Land Use Chapter of the City's Comprehensive Plan calls for maintaining the stability of the City's established residential neighborhoods by encouraging new, higher density, residential development along the City's transit and commercial corridors; and

WHEREAS, the Council further notes that the Land Use Chapter states that stabilizing the City's established neighborhoods is achieved through the use of existing as well as new zoning standards which are intended to maintain the prevailing character of these neighborhoods variously described in the Comprehensive Plan as "residential areas of predominately single-family housing" or as being "characterized almost entirely by single-family homes and duplexes" (Land Use Strategy 1: Target Growth in Unique Neighborhoods) and;

WHEREAS, the City's zoning ordinance, duly adopted pursuant to the City's delegated police powers, contains various land-use district classifications including several classifications for residential-use districts; and

WHEREAS, within the zoning ordinance's various residential use classifications, it states that the intent of one-family residential zoning districts is "to provide for an environment of predominantly low-density, one-family dwellings" while the intent of the two-family district is "to provide for an environment of predominantly low density one- and two-family dwellings" and, with respect to two-family dwellings more specifically, "[t]he district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from one-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization;" and

WHEREAS, within the City's limits, there exists nine colleges, universities, and seminaries including the University of St. Thomas ("UST") which describes itself as Minnesota's largest non-public institution of higher learning having, as of Fall, 2009, 5,943 undergraduates enrolled on its Saint Paul Campus; and

WHEREAS, as Minnesota's largest non-public institution of higher learning, UST presently provides on-campus housing for 44% of its undergraduate students: accordingly, the remaining 56% - approximately 3,325 students - reside off-campus. It is further estimated that 50% - approximately 1684 students - reside in "offcampus" housing in that general area surrounding the UST campus bounded by St. Clair Avenue on the south, and Fairview Avenue on the east. The Mississippi River is the western border south of Marshall Avenue, and Cretin Avenue is the western border north of Marshall Avenue. Interstate Highway 94 is the northern border east of Cretin Avenue, and Marshall is the northern border west of Cretin Avenue; and

WHEREAS, the Council notes that the City's residential zoning classification for areas immediately surrounding the UST campus are primarily R2-R4 one-family and RT1-RT2 two-family districts as well as some scattered RM2 multi-family districts which abut arterial or collector streets, as depicted on the zoning ordinance maps which are attached and incorporated into this resolution, and the Council finds that the predominately low density residential zoning classifications surrounding the UST campus generally fit the

description of "established neighborhoods" as set forth in the Land Use Chapter of the Comprehensive Plan; and

WHEREAS, the Council is informed from time to time that one- and two-family homes in the established neighborhoods surrounding the UST campus are acquired either by real estate investors or, in some cases, by the parents of UST students, for the purpose of providing housing for students; and

WHEREAS, the use of neighborhood homes to provide housing for college students notwithstanding, the Council finds that because college students are logically "transient," homes occupied by college students, including those homes purchased by the parents of UST students for the purpose of housing their children while attending UST, are rarely "owner" occupied so that college students are essentially short-term rental property tenants; and

WHEREAS, because college students tend generally to occupy homes for periods shorter than typical for occupants of owner-occupied homes, the Council understands that student-tenants are highly likely to have a different lifestyle and outlook towards property stewardship and living within the community than would more "permanent" neighborhood residents who largely, it is assumed, reside in owner-occupied homes; and

WHEREAS, "permanent" residents from neighborhoods surrounding UST have expressed concern about problems associated with high concentrations of student occupied housing in established neighborhoods and, in particular, that concentrations of student occupied housing within an established neighborhood will, by the transient nature of student housing occupancies, operations, and use, disrupt the intent and purpose of the zoning code's one- and two-family zoning classifications for these established neighborhoods by overcrowding, excessive vehicular traffic, demand for available parking, noise, and other nuisance conditions, in contrast to other low density one- and two-family zoning districts which are not impacted by concentrations of student occupied rental housing; and

WHEREAS, whether neighborhood concerns associated with concentrations of student housing in the established neighborhoods surrounding UST are actual or perceived, the Council nevertheless finds that these concerns as expressed call into question whether the City's present official controls adequately protect the public health, welfare, and safety in these neighborhoods as well as whether the City's official controls are consistent with and will facilitate the goals of the City's Comprehensive Plan; and

WHEREAS, the Council therefore desired to take various steps to protect the health, welfare, and safety of the citizens within the area described above by implementing an interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4, and directed the planning commission to undertake a study of the impact of student housing in the said area, and to establish during the period the interim ordinance is in effect certain regulations whose purpose is to preserve the status quo of housing in the study area by generally prohibiting the conversion of one-family homes into two-family homes, prohibiting the conversion of owner-occupied homes into student housing, and limiting the legal occupancy within the study area of any residential dwelling unit with an R1-RM2 zoning classification; and

WHEREAS, on August 10, 2011, the City Council adopted Resolution 11-1406, directing the Planning Commission to "undertake and prepare a formal zoning study and report regarding options to regulate student housing in R1-RM2 residential zoning districts;" and

WHEREAS, on May 4, 2012, the Planning Commission held a public hearing on the Student Housing Zoning Study, including the draft SH Student Housing Neighborhood Impact Overlay District; NOW THEREFORE,

THE CITY COUNCIL OF SAINT PAUL DOES HEREBY ORDAIN

Section 1

That Legislative Code Chapter 67 Zoning Code - Overlay Districts is hereby amended as follows:

ARTICLE VII. 67.700. SH STUDENT HOUSING NEIGHBORHOOD IMPACT OVERLAY DISTRICT

Sec. 67.701. Establishment; intent.

The SH student housing neighborhood impact overlay district is established as shown on the official zoning map, generally the area bounded by Mississippi River Boulevard, Marshall Avenue, Cretin Avenue, and Interstate 94, Snelling Avenue, Summit Avenue, Fairview Avenue, and St. Clair Avenue, to ameliorate the impact of dedicated student housing within and preserve the character of predominantly one- and two-family dwelling neighborhoods.

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 unit is occupied by three (3) or four (4) students. For the purposes of this article, a student is an individual who is enrolled in or has been accepted to an undergraduate degree program at a university, college, community college, technical college, trade school or similar and is enrolled during the upcoming or current session, or was enrolled in the previous term, or is on a scheduled term break or summer break from the institution.

Sec. 67.703. Standards and conditions.

Within the SH student housing neighborhood impact overlay district, the following standards and conditions shall apply for student dwellings:

- (a) A student dwelling shall be located a minimum of one hundred fifty (150) feet from any other student dwelling located on a different lot, measured as the shortest distance between the two lots on which the student dwellings are located.
- (b) Parking shall be provided in accordance with the requirements of article 63.200 for new structures.

Sec. 67.704. Registration and establishment period.

The owner(s) of an existing building possessing either a valid fire certificate of occupancy or provisional fire certificate of occupancy and which, at any time within the eighteen (18) month period immediately preceding the effective date of this ordinance, met the definition of a student dwelling under this ordinance shall submit a written application to register the building within one hundred-twenty (120) days of the effective date of this ordinance to the Department of Safety and Inspections ("DSI"). Upon receipt of the written registration application DSI shall determine whether the building's fire certificate of occupancy or provisional fire certificate of occupancy is valid as of the date of the registration application. Upon such determination, DSI shall issue a written certification to the building's owner(s) of the building's status as an existing student dwelling. Certification shall not unreasonably be withheld. DSI shall establish written standards for verifying and documenting a building as an existing student dwelling prior to the certification of any building under this ordinance and provide a copy to a building owner upon request.

Sec. 67.705. Ineligible properties.

All properties lacking either a fire certificate of occupancy or provisional fire certificate of occupancy or which exceed occupancy limits, as defined in Legislative Code §60.207. F., at the time this ordinance is adopted

shall be ineligible for registration and establishment as an existing student dwelling during the registration and establishment period.

Sec. 67.706. Establishing new student dwellings.

Establishing new student dwellings. After sixty (60) days following the conclusion of the registration and establishment period under this ordinance, additional properties may be registered and established as new student dwellings, subject to the standards and conditions specified in Legislative Code §67.703(a-b). A process for reviewing proposed new student dwellings shall be established by the Department of Safety and Inspections. The owner of a building deemed ineligible for establishment as a student dwelling may apply for a variance under Legislative Code §61.601, as applied.

Sec. 67.707. Tracking and renewal of registered and established student dwellings.

The Department of Safety and Inspections shall maintain a current list of all registered and established student dwellings which shall be made available at the office of the Department of Safety and Inspections upon request. All student dwellings shall have and maintain a fire certificate of occupancy that identifies the property as a student dwelling. All student dwellings shall be subject to all terms and conditions of Chapter 40 of this Code, and will be subject to renewal of status as student dwellings on a schedule to be determined by the Department of Safety and Inspections but no less frequently than specified in Legislative Code §40.05. At the time of renewal, properties shall be subject to verification of status as a student dwelling, based on the written standards established by the Department of Safety and Inspections.

Sec. 67.708. Revocation of status as registered and established student dwellings.

The Department of Safety and Inspections may remove properties from the list of registered and established student dwellings under the following circumstances;

- a) suspension or revocation of fire certificate of occupancy
- b) residence by more than four (4) students in any unit
- c) residence by less than three (3) students for ~~a period of one calendar year or longer~~ more than twenty-four (24) of the preceding thirty-six (36) months.

A revocation of student dwelling status may be appealed to the Board of Zoning Appeals pursuant to Legislative Code §61.701 (a-c).

Section 2

That this ordinance shall take effect and be in force thirty (30) days from and after passage, approval and publication.