



## Legislation Text

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**File #:** Ord 22-27, **Version:** 2

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Approving an interim ordinance requesting a Planning Commission study to undertake a zoning study of non-conventional residential housing unit products.

An interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4 requesting the Planning Commission to undertake a zoning study of non-conventional residential housing unit products as an alternative means to supplement traditional housing construction methods and, while maintaining the overall status-quo of the current residential housing standards and conditions, permitting, in conjunction with such a study, the temporary establishment, regulation, and operation of an alternative residential housing-unit product demonstration project during the pendency of this study for the purpose of informing the study of alternative residential housing-unit products.

### **Section 1. Statement of City Council Findings Regarding Current Residential and Future Housing Needs**

WHEREAS, the Zoning Code defines various residential land uses by occupancy, specifies the zoning districts in which residential occupancies are permitted, and establishes zoning standards which regulate these permitted uses and occupancies; and

WHEREAS, residential land use categories and standards are enacted based upon reports and recommendations received from the Planning Commission so that land in the City is used in a planned, orderly manner in furtherance of the intent of the Zoning Code and the goals of the Comprehensive Plan; and

WHEREAS, the 2040 Comprehensive Plan, at Housing Goal H-49, in pertinent part, 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, the Planning Commission is currently taking steps to examine residential housing use types to potentially increase housing unit opportunities which could meet the Metropolitan Council’s forecasted need for additional housing units including, the adoption of City Council Resolution No. 18-1204 which calls for “setting an ambitious goal for production of new housing over the next ten years with at least one-third of units affordable at 30-50% Area Median Income” and Planning Commission Resolution No. 21-20 which initiated the present “1-4 Unit Infill Housing Zoning Study to consider amendments to the Zoning Code pertaining to one-family, two-family, and townhouse residential zoning districts and accessory dwelling units, and other related regulations contained in the Zoning Code” which is now underway; and

WHEREAS, the Metropolitan Council has forecasted that the City’s population will grow by at least 12,700 households by 2040 which, the City Council finds, requires the production of additional residential housing units in the City; and

### **Section 2. Statement of the City Council’s Legislative Intent Regarding Residential Housing Needs**

WHEREAS, the City Council is advised and therefore finds that there may be residential housing product

options presently available which could provide immediate access to housing, especially for those persons lacking the means to access “conventional” housing unit product categories which the current Zoning Code implicitly contemplates; and

WHEREAS, the City Council is also advised that some potential but non-conventional residential housing product options are not viable as permanent housing options under the Zoning Code’s present residential occupancy use standards and conditions; and

WHEREAS, the City Council finds that providing residential housing options, including provisions for non-conventional residential housing products as a possible means to help address the City’s need for additional residential housing units in furtherance of the Comprehensive Plan Housing Goal H-49 could be in the public’s interest, provided, such housing options protect the health and safety of occupants well as the health, welfare and safety of the general public; and

WHEREAS, the City Council, pursuant to Minn. Stat. § 462.355, Subd.4, therefore requests the Planning Commission to immediately initiate a study of the Zoning Code’s current residential housing regulations for the purposes of determining whether non-conventional residential housing product options can and should be incorporated into the Zoning Code as a permitted residential occupancy type and provide a report to the City Council on the same together with any proposed Zoning Code text amendments necessary to permit and regulate non-conventional residential housing product, if so recommended; and

### **Section 3. Demonstration Residential Housing Proposal**

WHEREAS, the City Council is informed that it has been proposed that a portion of property owned by the Mosaic Christian Community [hereinafter “Mosaic” or “Mosaic Community Church”] located on property commonly known as 540 Wheelock Parkway East, could be used as the location for an alternative residential housing product site which could be made available in a relatively short period of time, especially to persons lacking the means to access conventional housing unit product types that are permitted under the Zoning Code’s present residential occupancy standards; and

WHEREAS, the City Council has been informed that the type of alternative residential housing units proposed at the Mosaic site are not permitted under the City’s present Zoning Code and, further, the City Council is informed that the construction methods utilized in these alternative residential housing units do not meet the regulatory requirements for permanent, single-family occupancy under the 2020 Minnesota Residential Code which the City is obligated to enforce and, as a result, this demonstration housing unit proposal would not meet current zoning or buildings standards for a residential occupancy use; and

WHEREAS, the City Council is however also informed that the size and construction methods utilized for the proposed housing units could meet a private industry accredited standard for “recreational park trailers” which, in pertinent part, are described by the industry standard set forth in American National Standard Institute (“ANSI”) Standard A119.5, as “[A] trailer type unit that is primarily designed to provide temporary living quarters for recreational camping, travel or seasonal use that ... [is] built on a single chassis mounted on wheels ...;” and

WHEREAS, the City Council is informed and therefore finds that a land use definition describing a zoning district in which recreational park trailers might logically be used to provide “living quarters,” is not listed as either a permitted or conditional use in the Zoning Code and, therefore, pursuant to Leg. Code § 66.101(c), any use not listed in the Zoning Code as either a permitted or conditional in any zoning district is a prohibited use; and

WHEREAS, however, the City Council is informed and therefore finds, provided a land use designation

permitting a “recreational camping area” use is enacted, a “recreational camping area” site occupied by recreational park trailers could be deemed a permitted use for zoning purposes; and

WHEREAS, Minn. Stat. § 462.355, Subd. 4 provides in relevant part that an “interim ordinance may regulate ... any use ... within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective” and, further provides that such interim regulations may be extended for no more than “an additional 18 months.”; and

WHEREAS, the City Council finds that an interim ordinance to permit and regulate, pursuant to Minn. Stat. § 462.355, Subd. 4, an alternative residential housing product use at the Mosaic site, while such housing products are studied in actual use, is in the interest of the general public; and

WHEREAS, Minn. Stat. § 327.14, Subd. 8 defines a “recreational camping area” in pertinent part as “[Any] area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more ... recreational camping vehicles free of charge or for compensation”; and

WHEREAS, recreational camping areas are regulated exclusively under various Minnesota laws including Minn. Stat. § 327.15 which requires recreational camping areas to be operated under license of the Minnesota Department of Health [“MDH”], pursuant to MDH standards; and

WHEREAS, Minn. Stat. § 327.16 requires an operator of a recreational camping area to apply for and obtain from the MDH an approved recreational camping area operation plan; and

WHEREAS, the City Council finds that permitting a “recreational camping area” by interim ordinance under Minn. Stat. § 462.355, Subd. 4, for the limited purpose of facilitating the use of “recreational park trailers” as alternative residential housing units at the Mosaic site in order to evaluate whether “recreational park trailers” in a “recreational camping area” can viably provide residential housing units in relatively short order, especially for persons lacking means to access conventional housing unit types, and further provided that such recreational park trailers are located in a state licensed recreational camping area, such an interim use can more fully inform the Planning Commission’s zoning study of alternative residential housing products and any recommendations that may be forthcoming from that study with respect to amending the City’s official controls; and

WHEREAS, provided further that the demonstration recreational camping area is operated in a manner consistent with the occupancy regulations and standards established under this interim ordinance, in order to protect the City’s planning process and the health, safety and welfare of the City’s citizens, the City Council finds that enactment of this interim ordinance is in the public interest; now, therefore,

**THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN:**

**Section 4.  
Interim Ordinance: Enactment**

A. Pursuant to Minn. Stat. § 462.355, Subd.4 the City Council hereby enacts this Interim Ordinance 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, commonly known as 540 Wheelock Parkway East, for the purpose of informing the Planning Commission zoning study of alternative residential housing product types and possible amendments to the Zoning Code arising out of such study as may permit alternative residential occupancy types or facilitate the creation of alternative residential occupancy classifications such as “pocket neighborhoods” or “cottage communities” in furtherance of Housing Goal H-49 set forth in the 2040 Comprehensive Plan; and

B. In addition to any other statements on the record made during or introduced into the record by the City Council at the public hearing of this matter, the various recitals and statements of the City Council, as set forth above in Sections 1-3 of this interim ordinance, are incorporated herein by reference as the City Council's formal statement of its legislative reasoning for enacting this interim ordinance

**Section 5.**  
**Interim Ordinance: Standards and Conditions**

A. The operation of the demonstration land use at 540 Wheelock Parkway East, as authorized by this interim ordinance, is subject to the following standards and conditions:

1. Before any recreational park trailer on this site may be occupied for human habitation, the recreational camping area must be duly licensed by the MDH. A copy of the approval report associated with the MDH license shall be provided to the City's building and zoning officials upon the issuance of the license by the Department of Health. The operator of the recreation camping area shall abide by the terms and conditions of the MDH license. Notwithstanding the effective dates of a MDH license for this recreational camping area, the recreational camping area use enabled by this interim ordinance shall terminate upon the expiration of this interim ordinance.

2. To the satisfaction of the City's building and zoning officials, the recreational camping area operator must provide, from a duly recognized accreditor, written certification that the recreational park trailers intended for occupancy in the subject recreational camping area specifically meet ANSI standard A119.5 inclusively. This documentation must be provided at the same time or prior to issuance of the MDH license for the subject recreational camping area. Notwithstanding any written certification that the recreational park trailers intended for occupancy in the recreational camping area meet ANSI standard A119.5 inclusively, human occupancy of recreational park trailers on the Mosaic site shall terminate upon the expiration of this interim ordinance unless the recreational park trailers are brought into compliance with the 2020 Minnesota Residential Code regulations for permanent, single-family occupancy housing units. In the event a new edition of either the 2020 Residential Code regulations for permanent, single-family occupancy housing units, or the 2020 Minnesota State Building Code, is adopted containing standards specifically applicable to recreational park trailers, such new addition(s) to either or both codes will be deemed the applicable code standards to which the Mosaic site's recreational park trailers shall be brought into compliance for permanent single-family residential housing occupancy purposes.

3. Licensing of the recreational camping area by the MDH notwithstanding, the operator of this recreational camping area must also apply for and receive approval from the City's Department of Safety and Inspections of a site plan for the recreational camping area and any other area within the Mosaic site impacted or utilized for recreational camping area purposes. The site plan must meet the standards of Leg. Code § 61.400 - .402.

4. In addition to the standards set forth under paragraph A(1- 3) of this section, use of this demonstration recreational camping area must abide by the following additional standards and conditions:

a. The site must provide its occupants with access to potable water and electric utilities at all times, day or night, whether by connecting the recreational park trailer units to any existing utility services in compliance with the 2020 Minnesota Residential Code, Minnesota Electrical Code, Minnesota Plumbing Code, and Minnesota Fuel and Gas Code or by providing the residents access to the Mosaic site's existing principal structure and any existing on-site common kitchen facilities and toilet, bathing, and laundry facilities provided such facilities meet applicable standards under the 2020 Minnesota Codes set forth in this paragraph or as required

by any other applicable Minnesota Code.

b. The site must be insured independently of Mosaic's church premises with a copy of the Mosaic site's certificate of insurance provided to the City's Department of Safety and Inspections.

c. Submit for review, approval, and incorporation into the site plan required under paragraph A(3) above the following:

i. Provisions for adequate parking, lighting, and access to individual residential units by emergency vehicles.

ii. each recreational park trailer unit shall also meet the following technical requirements:

A. be no more than 400 gross square feet excluding loft space;

B. be built on a permanent chassis and anchored to pin foundations with engineered fasteners;

C. have a plumbed toilet, self-contained toilet, or other toilet waste treatment device demonstrably acceptable for year-round use to the MDH and/or Minnesota Pollution Control Agency;

D. have either an electrical system that meets NFPA 70 NEC, section 551 or 552 as applicable or a low voltage electrical system that meets ANSI/RVIA Low Voltage Standard, current edition;

E. install and maintain smoke and carbon monoxide detectors;

F. all recreational park trailer units connected to utilities such as water, sewer, gas, or electric, must obtain any permit required for that connection;

G. all recreational park trailers containing installed appliances and/or fixtures for plumbing, heating, lighting, ventilation, must meet applicable codes. Any subsequent modification to or installation of such appliances and fixtures must be permitted and inspected by the City for code and life safety compliance;

H. all recreational park trailer units must be set back on all sides by at least ten feet from other buildings, structures or other all recreational park trailer units and 25 feet from property lines.

~~5. Protocols for conduct within the Mosaic site by its residents and volunteers and overall site security including:~~

~~a. No exterior burning of any kind, and no fires intended for recreational purposes.~~

## **Section 6. Interim Ordinance: Effective Dates.**

(A). This interim ordinance shall take effect and be in force thirty (30) days after its passage, approval, and publication.

(B). For the purpose of complying with the time limits on interim ordinances under Minn. Stat. § 462.355, Subd. (4), and in conformance with City Charter § 6.05, the effective date of this interim ordinance shall be the effective date of the “bridge” resolution adopted under City Council File No. \_\_\_\_\_.

(C). Upon the effective date of this interim ordinance, the regulatory effect of the bridge resolution under City Council File No. \_\_\_\_\_ shall terminate with no additional action by this City Council.

(D). This interim ordinance shall remain in effect until the effective date of any City Council action taken based upon the recommendation resulting from the said zoning study or upon the conclusion of any time permitted under Minn. Stat. § 452.355, Subd. 4.