



CITY OF SAINT PAUL

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To: Planning Commission

From: Comprehensive & Neighborhood Planning Committee

Date: March 2, 2018

RE: Zoning Study to Amend Locational Standard of Accessory Dwelling Units

On February 7, 2018, the City Council passed a resolution initiating a zoning study to consider amending the locational standard for accessory dwelling units (ADUs) to include five additional areas of the city—Mounds Park area of Dayton's Bluff and Planning Districts 1 (Eastview-Conway-Battlecreek-Highwood), 3 (West Side), 7 (Thomas Dale), and 9 (West Seventh). (See Attachment 1 to review the initiation resolution.) Originally the study was limited to the Mounds Park area, but four district councils requested to be included in the study when they learned an expansion of the use was proposed.

ADU Expansion Zoning Study

Scope of the Study

Under § 65.913(a), ADUs can only be located within one-half mile of University Avenue between Emerald Street and Lexington Parkway. As there are already standards in place for this use adopted less than 1.5 years ago, this study will be limited to the locational requirements. The following narrative provides a brief background on ADUs in St. Paul, identifies the planning context for this work, analyzes the potential for ADUs in each of the five expansion areas, discusses neighborhood impacts from ADUs, identifies a community outreach strategy, and makes a recommendation to the Planning Commission.

Background

On September 14, 2016, the City Council adopted Ordinance 16-13 establishing ADUs as a permitted use in the R1-R4, RM1-RM2, and T1-T3 zoning districts and creating § 65.913(a-g), which established use standards related to location, minimum lot size, number of units, compliance with other regulation, unit occupancy, unit size, access and entrances, parking, and ownership. (See Attachment 2 for the ordinance language.) As the original ADU zoning study related to allowing for transit supportive densities and housing choice along the Green Line, the Planning Commission recommendation to the City Council included the area within one-half mile of University Avenue east of Lexington Parkway to Marion Street, but that area was removed from the final ordinance adopted by the City Council.

Only one ADU has been established since the adoption of the ordinance. However, there has been interested expressed by homeowners who live in areas of the city where it currently is not permitted.

Planning Context

The Comprehensive Plan supports studying the potential of implementing accessory dwelling units throughout the city. Land Use Policy 1.6 states: “Explore the potential for accessory units in Established Neighborhoods.” Established neighborhoods is a future land use category of the plan, and it guides the areas of the city that are predominated by residential uses. In addition, Housing Policy 2.17(b) states: “Explore via a zoning study, the potential for accessory units in existing neighborhoods” to support creativity in infill housing. In addition to citywide guidance, the District 1 Community Council’s Community Plan, which was adopted as an addendum to the City’s Comprehensive Plan, states: “Explore the potential for accessory dwelling units in all single-family residential zoning districts, including what impacts this would have on both the zoning districts and the community (H3.6).” District 7’s draft neighborhood plan calls for ADUs to be permitted.

ADU Analysis

Attached is a series of maps that identify parcels with single-family dwellings in each of the possible expansion areas. Staff used Ramsey County parcel data to complete this analysis. This analysis was not meant to definitively determine if a property meets the requirement, but to give a sense the number of properties it may affect.

There are three categories identified on the maps:

- *Likely to meet 5,000 sq. ft. standard:* Lot size is greater than or equal to 5,000 sq. ft.
- *Potential to meets 5,000 sq. ft. standard:* Lot size is such that if adjoining an alley of at least 14 feet in width, it may have sufficient lot area.^a
- *Unlikely to meet 5,000 sq. ft. standard:* Lot is than 5,000 sq. ft in area.

Expansion Area	Number of Zoning Lots that Meet the Lot Area Requirement (Rounded to the nearest 5)		
	Likely	Potential	Unlikely
Mounds Park	500	25	85
District 1	4,095	235	55
District 3	2,220	545	300
District 7	74	1,010	475
District 9	1,145	845	405

In Districts 1, 3, 7, and 9, several of the lots fall in zoning districts where ADUs are not permitted. This is most notable in District 1 in the Highwood area, which is zoned RL One-Family Large Lot.

^a Under § 63.101, lots that adjoin a dedicated public alley can include one-half the width of the alley is considered part of the lot.

Neighborhood Impacts from ADUs

The current ADU requirements were developed to minimize negative impact that are often cited by community members when discussing multifamily housing in single-family neighborhoods.

These include:

- *Overcrowding*: Occupancy limited to that which would meet the definition of one family under § 60.207^b of the zoning code.
- *Absentee landlords*: Owner occupancy requirement to mitigate issues associated with landlords who do not live on the premises.
- *Neighborhood character*: Disallowing external stairs to an upper floor unit on the front of the building to ensure that the character of the single-family house is maintained.

Outreach Strategy

Staff has reached out to the district councils that are affected by this study to set up presentations. Those presentations will be taking place during the months of March and April, prior to the proposed Planning Commission public hearing. An Open Saint Paul forum will be opened to receive general input from residents on the topic.

Recommendations:

Attached to this report are zoning amendments that support the following recommendations:

1. Addition of Mound Park area of District 4 and all of Districts 1, 3, 7 and 9 to § 65.913(a).
2. Amendment § 66.221 to permit ADUs in the RL One-Family Large Lot zoning district.

Requested Commission Action

The Comprehensive and Neighborhood Planning Committee recommends the Planning Commission release this zoning study for public comment and to set a public hearing date for April 20, 2018. As the Comprehensive Plan policy guides the City to look at this issue for all Established Neighborhoods, the Committee recommends that comment be invited from all neighborhoods in the city to determine the level of interest in making this a provision of the zoning code that applies citywide.

Attachments:

City Council Resolution

ADU Code Language

ADU Analysis Maps

Proposed Text Amendments

^b One or two persons or parents, with their direct lineal decedents and their adopted or legally cared for children (and including the domestic employees thereof) together with not more than two persons not so related...and four or fewer persons living in such housekeeping unit shall be considered a separate family for the purposes of this code.



Legislation Details (With Text)

File #: RES 18-162 **Version:** 3 **Name:**
Type: Resolution **Status:** Passed
In control: City Council
Final action: 2/7/2018

Title: Directing the Planning Commission to undertake a zoning study to determine whether accessory dwelling units should be permitted in the Mounds Park, and Planning District 1 (Eastview, Conway, Battle Creek and Highwood Hills), Planning District 3 (West Side), Planning District 7 (Thomas-Dale), and Planning District 9 (West Seventh) areas and regulated under § 65.913(a).

Sponsors: Jane L. Prince

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/14/2018	3	Mayor's Office	Signed	
2/7/2018	1	City Council		

Directing the Planning Commission to undertake a zoning study to determine whether accessory dwelling units should be permitted in the Mounds Park, and Planning District 1 (Eastview, Conway, Battle Creek and Highwood Hills), Planning District 3 (West Side), Planning District 7 (Thomas-Dale), and Planning District 9 (West Seventh) areas and regulated under § 65.913(a).

WHEREAS, on September 19, 2016, the City of Saint Paul approved adding dwelling units as an accessory use in the RL, R1-R4, RT1, RT2, RM1-RM3, and T1-T4 zoning districts; and

WHEREAS, under §65.913(a) accessory dwelling units are limited to one-half mile of University Avenue between Emerald Street and Lexington Parkway; and

WHEREAS, Land Use Policy 1.6 and Housing Policy 2.17(b) of the Comprehensive Plan support a zoning study to explore accessory units in Established Neighborhoods; and

WHEREAS, residents of the Mounds Park, and District 1, District 3, District 7, and District 9 areas have expressed interest in allowing ADUs in that those parts of the city; and

WHEREAS, future land use in the Mounds Park and District 1, District 3, District 7, and District 9 residential areas are guided Established Neighborhood in the Comprehensive Plan; and

WHEREAS, Policy H3.6 of the District 1 Community Council Community Plan states: "Explore the potential for accessory dwelling units in all single-family residential zoning districts, including what impacts this would have on both the zoning districts and the community;" and

WHEREAS, Mounds Park is generally described as the area bound by Interstate 94 to the north, Highway 61 to the east, and Mounds Boulevard to the south and west; and District 1 is generally described by as the area

bound by Minnehaha Avenue to the north and west, McKnight Road to the east, Red Rock Road to the south, the Mississippi River to the west to Warner Road to Highway 61 to Birmingham Street up to Minnehaha Avenue; District 3 is generally described as the area bound by the Mississippi River to where Annapolis Street, if extended, meets the Mississippi River except for the area bound by Sidney Street to the north, Bidwell Street to the east, Annapolis Street to the South, and Charlton Street to the west; District 7 is generally described as the area bound by Burlington Northern Rail to the north, Interstate 35E to the east, University Avenue to the south and Lexington Parkway to the West; and District 9 is generally described as the area bound by Interstate 35E to the north, Kellogg Boulevard to Robert Street to the northeast, the Mississippi River to Interstate 35E to the northeast to the southwest, Interstate 35E to Shepard Road to Homer Street to West Seventh to Interstate 35E;

NOW, THEREFORE, BE IT RESOLVED, that the City Council requests that the Planning Commission complete a zoning study to consider permitting ADUs in Mounds Park, and Planning District 1, District 3, District 7, and District 9 areas.

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 (½) mile of University Avenue between Emerald Street and 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 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.
- (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 ($\frac{1}{3}$) of the total floor area of the structure.

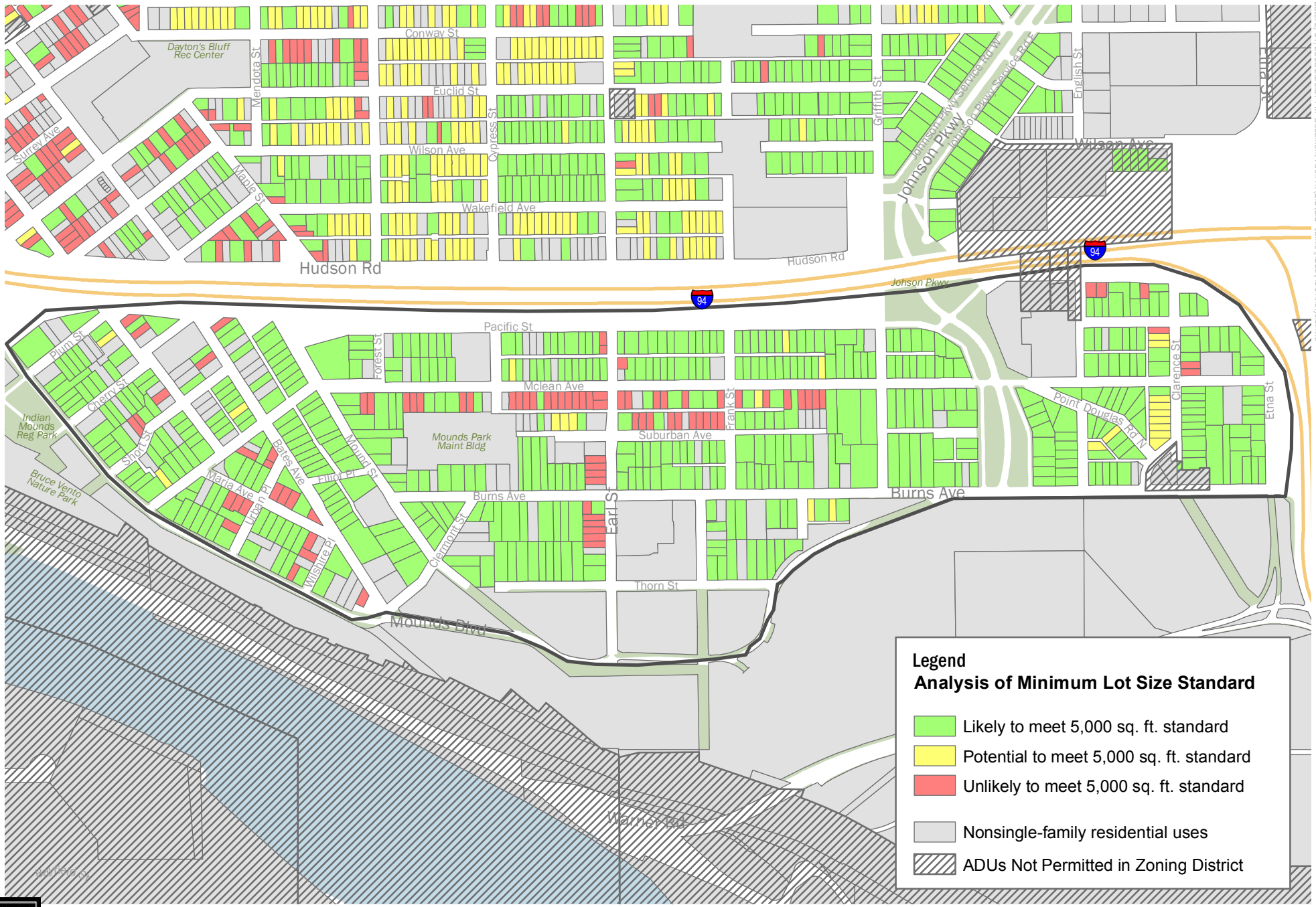
(g) *Access and entrances.*

- (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.

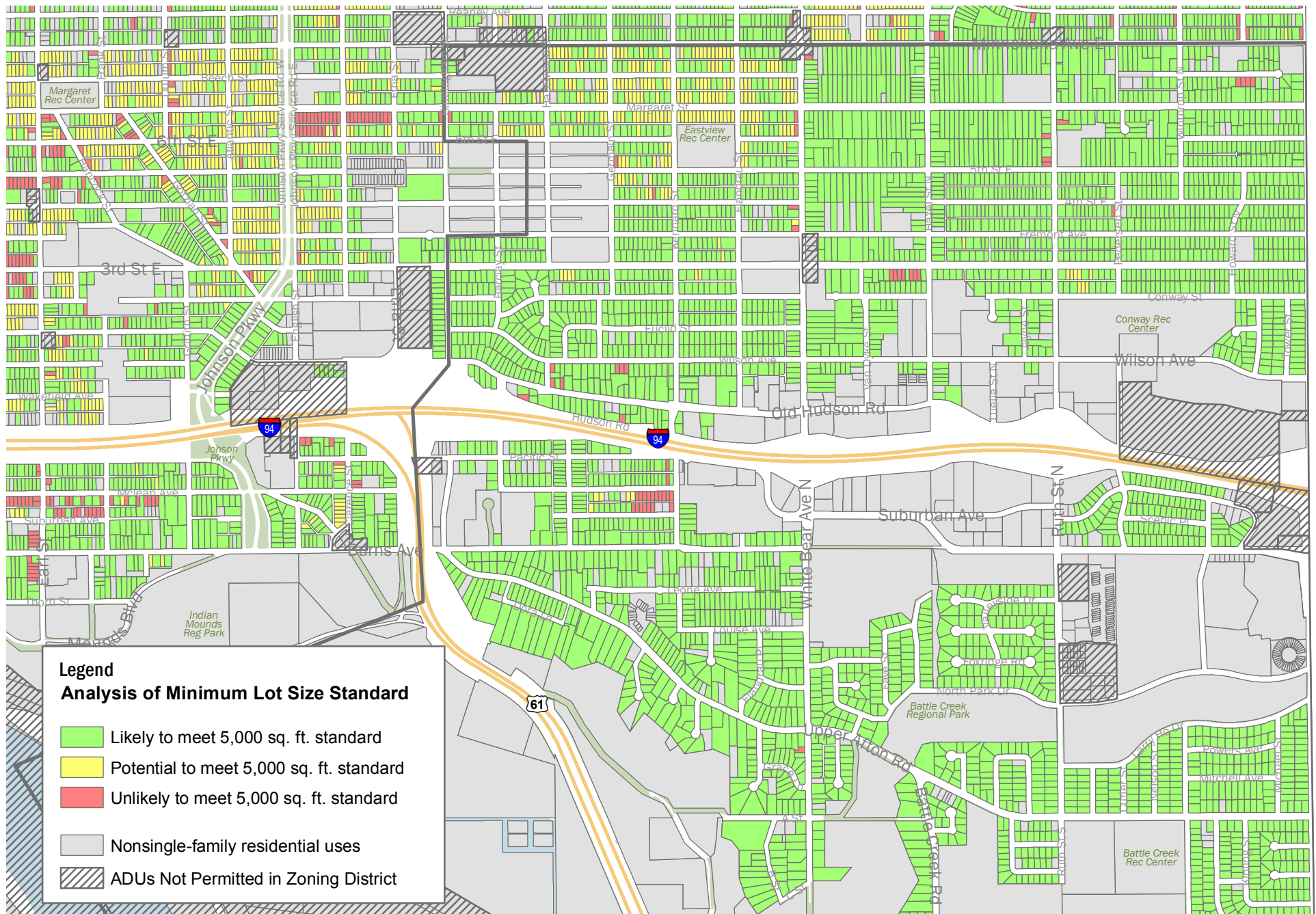
(Ord 16-13, § 3, 9-14-16)



Accessory Dwelling Unit Analysis - Mounds Park

February 2018

Note: This map was prepared for analytical purposes only. A property-by-property analysis needs to be completed to determine if a specific property meets the lot area standard.



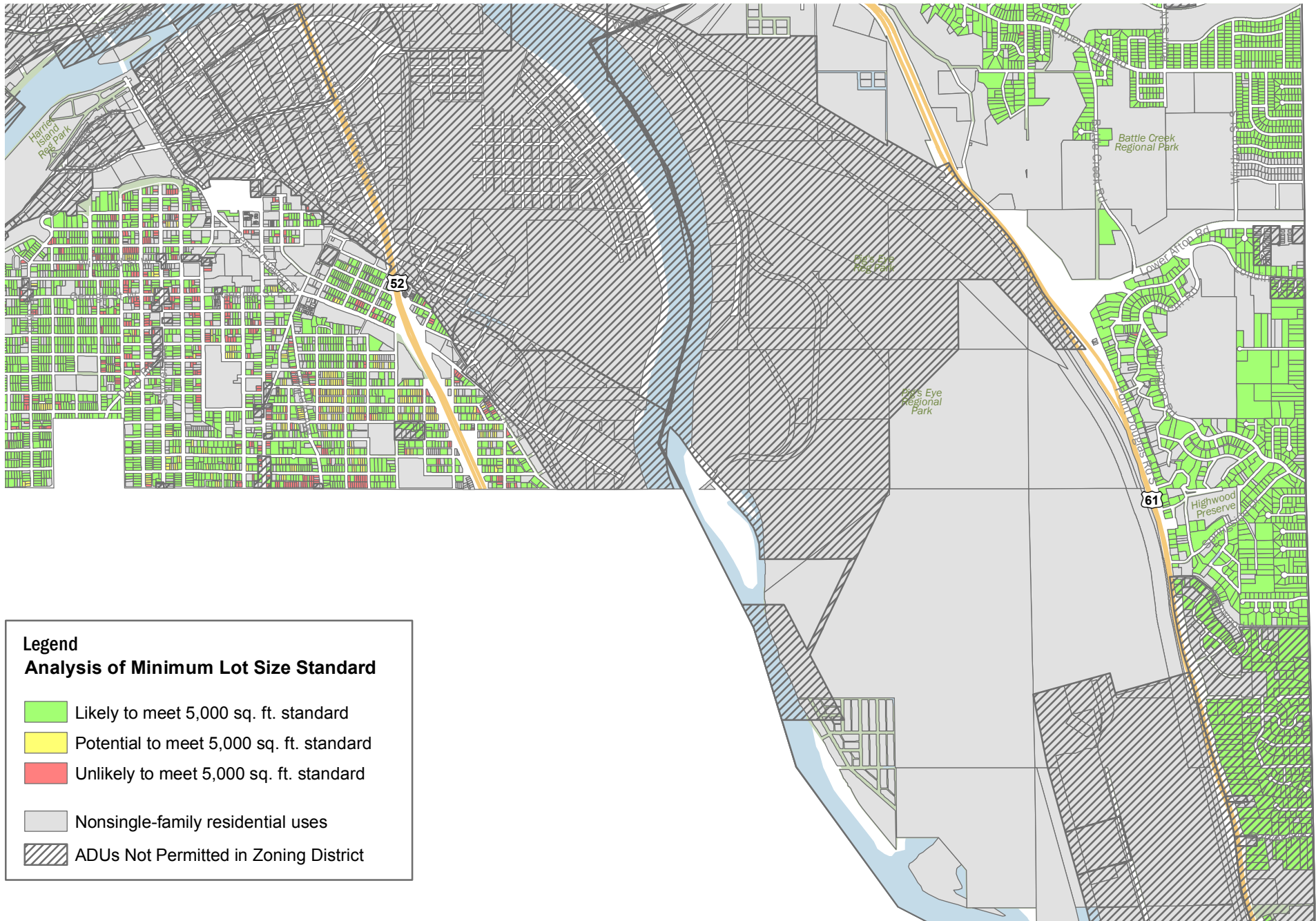
Accessory Dwelling Unit Analysis - District 1 (Battlecreek - Highwood): Map 1

February 2018

Note: This map was prepared for analytical purposes only.
A property-by-property analysis needs to be completed to
determine if a specific property meets the lot area standard.

0 0.15 0.3 0.6
Miles



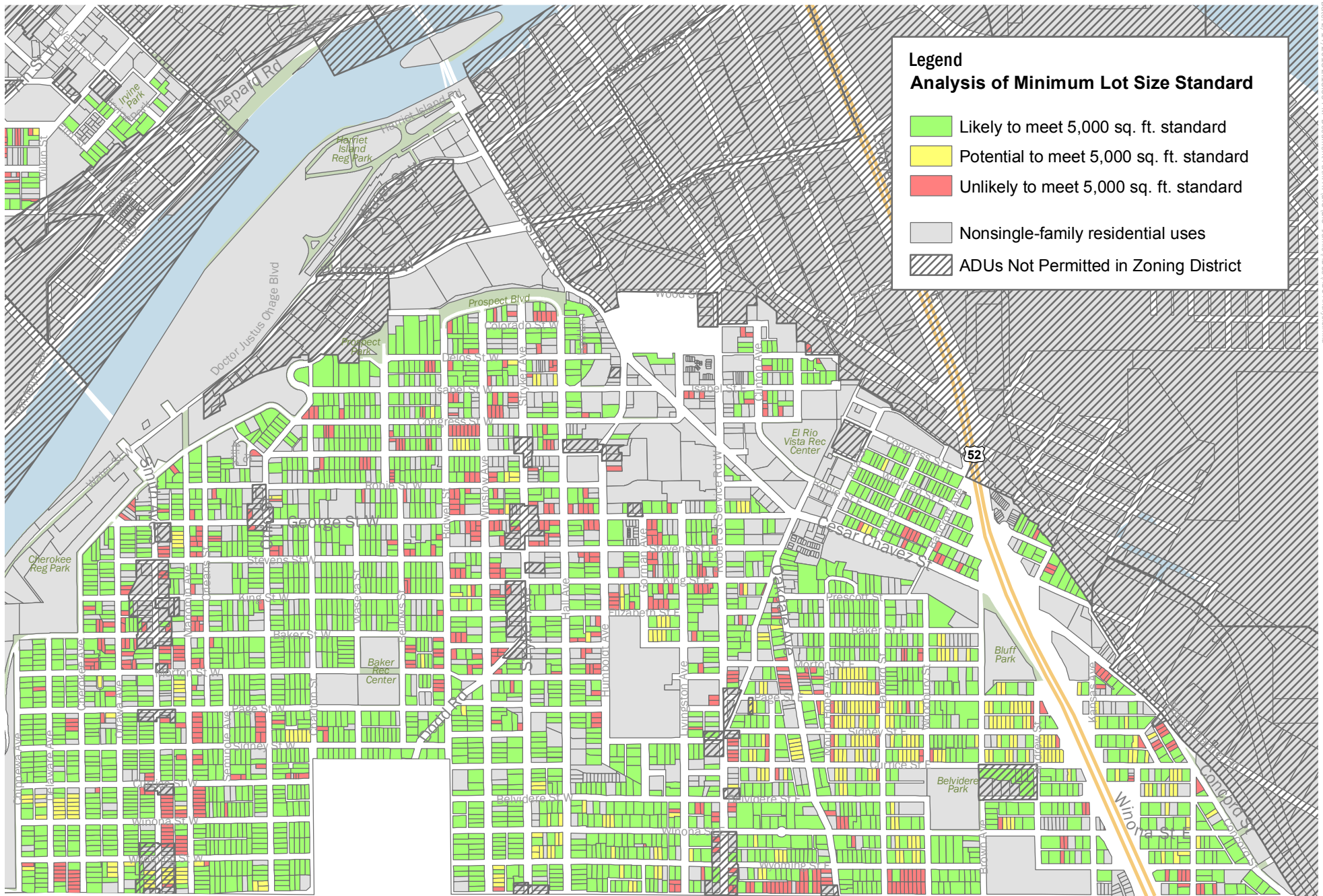


Accessory Dwelling Unit Analysis - District 1 (Battlecreek - Highwood): Map 2

February 2018

Note: This map was prepared for analytical purposes only.
A property-by-property analysis needs to be completed to
determine if a specific property meets the lot area standard.





Legend
Analysis of Minimum Lot Size Standard

- Likely to meet 5,000 sq. ft. standard
- Potential to meet 5,000 sq. ft. standard
- Unlikely to meet 5,000 sq. ft. standard
- Nonsingle-family residential uses
- ADUs Not Permitted in Zoning District

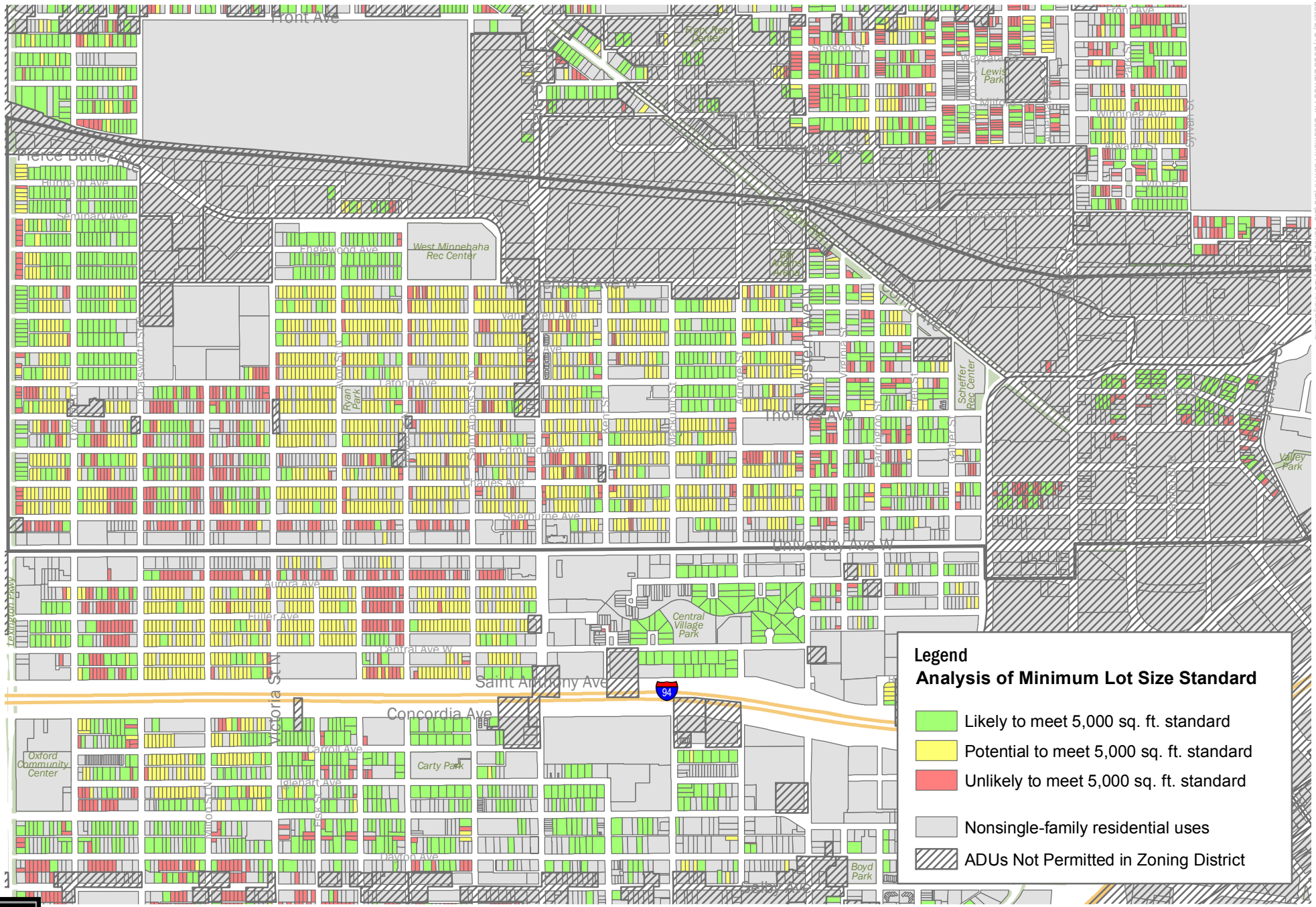


Accessory Dwelling Unit Analysis - District 3 (West Side)

February 2018

Note: This map was prepared for analytical purposes only. A property-by-property analysis needs to be completed to determine if a specific property meets the lot area standard.





Legend
Analysis of Minimum Lot Size Standard

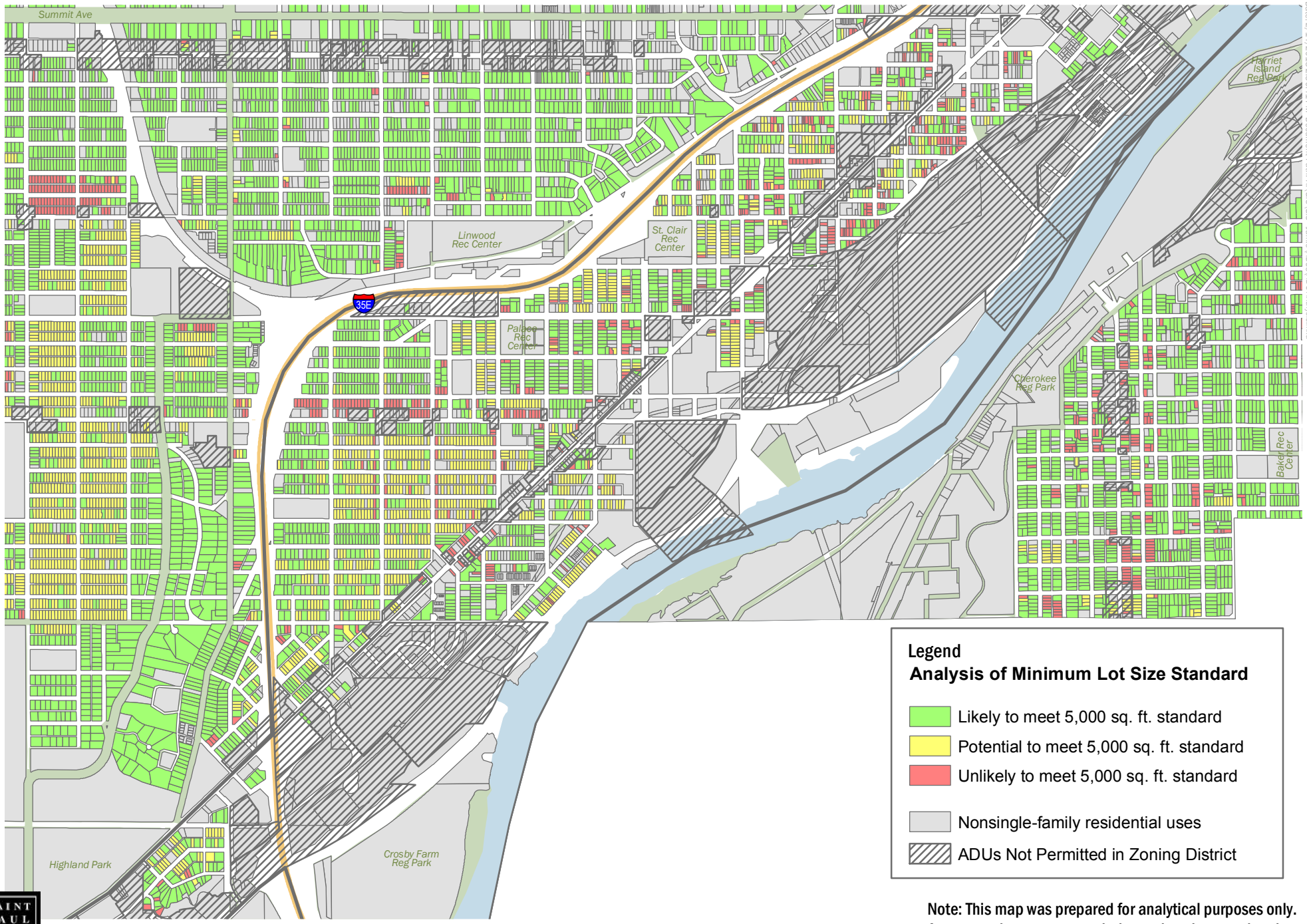
- Likely to meet 5,000 sq. ft. standard
- Potential to meet 5,000 sq. ft. standard
- Unlikely to meet 5,000 sq. ft. standard
- Nonsingle-family residential uses
- ADUs Not Permitted in Zoning District

Note: This map was prepared for analytical purposes only. A property-by-property analysis needs to be completed to determine if a specific property meets the lot area standard.



Accessory Dwelling Unit Analysis - District 7 (Thomas Dale)

February 2018



Legend
Analysis of Minimum Lot Size Standard

- Likely to meet 5,000 sq. ft. standard
- Potential to meet 5,000 sq. ft. standard
- Unlikely to meet 5,000 sq. ft. standard
- Nonsingle-family residential uses
- ADUs Not Permitted in Zoning District

Note: This map was prepared for analytical purposes only. A property-by-property analysis needs to be completed to determine if a specific property meets the lot area standard.



Accessory Dwelling Unit Analysis - District 9 (West Seventh)

February 2018

Accessory Dwelling Unit – Zoning Text Amendments

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 in one of the following areas:

(1) Green Line area: Within one-half (½) mile of University Avenue between Emerald Street and Lexington Parkway.

(2) Mounds Park area: The area bound by Interstate 94 to the north, Highway 61 to the east, and Mounds Boulevard to the south and west back to Interstate 94.

(3) Planning District 1: The area bound by Minnehaha Avenue to the north and west, McKnight Road to the east, Red Rock Road to the south, the Mississippi River to the west to Warner Road to Highway 61 to Birmingham Street up to Minnehaha Avenue.

(4) Planning District 3: The area bound by the Mississippi River to where Annapolis Street, if extended, meets the Mississippi River except for the area bound by Sidney Street to the north, Bidwell Street to the east, Annapolis Street to the south, and Charlton Street to the west.

(5) Planning District 7: The area bound by Burlington Northern Rail to the north, Interstate 35E to the east, University Avenue to Rice Street, to Aurora Avenue to Marion Street to University Avenue to Lexington Parkway on the south and Lexington Parkway to the west to the Burlington Northern Rail.

(6) Planning District 9: The area bound by Interstate 35E to the north, Kellogg Boulevard to Robert Street to the northeast, the Mississippi River to Interstate 35-E to the northeast to the southwest, Interstate 35E to Shepard Road to Homer Street to West Seventh to Interstate 35E.

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.

Table 66.221. Principal Uses in Residential Districts

Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	Definition Development (d) Standards (s)
Residential								
....								
Accessory Uses								
Accessory use	P	P	P	P	P	P	P	(d), (s)
Dwelling unit, accessory	<u>P</u>	P	P	P	P	P		(d), (s)
Accessory retail service and office						C	C	(s)
Support services in housing for the elderly						P	P	(d), (s)