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TO: Planning Commission

FROM: Comprehensive Planning Committee

DATE: December 11, 2015

RE: Green Line TN Zoning Study Follow Up: Accessory Dwelling Units

Introduction

The Green Line (formerly Central Corridor)/Traditional Neighborhood Zoning Study Follow Up study considers provisions for accessory dwelling units (ADUs) and density bonuses. As these are two separate issues, it was determined the most effective way to bring these items forward through the Planning Commission process is by breaking the study into two more manageable elements. The first element that is being brought forward is accessory dwelling units.

Accessory Dwelling Units

Accessory dwelling units (ADUs) are a tool that can be used to produce and maintain affordable housing options that may appeal to residents looking to downsize but stay in the neighborhood, generate additional income by renting one of the units, or create life-cycle housing options for family members. In 2004, city-wide ADU provisions were proposed alongside the creation of the Traditional Neighborhood zoning districts. The ADU provisions were removed by the City Council in response to public testimony, particularly from residents in areas where large lots would have allowed for ADUs, such as along Summit Avenue and Mississippi River Boulevard, and the City Council asked for additional study. The concept of and interest in ADUs has since been included in the Housing and Transportation Chapters of the Comprehensive Plan and adopted city plans covering the Green Line corridor. ADUs can be used as a means to achieve infill housing goals[1], particularly in an area with improved transportation, increasing density and housing investment.

From the perspective of a low or moderate-income person, ADUs can provide an alternative to renting an apartment in a multifamily building or buying (or renting) a single-family home (both of which can be cost prohibitive). An ADU may give a renter direct access to privately owned green space, a benefit typically associated with homeownership. Owner-occupancy in one unit (either the ADU or the principal

[1] Housing policy 2.17 in the Housing Chapter of the Comprehensive Plan calls for a zoning study to explore the use of ADUs in existing neighborhoods. Policy 2.3 in the Transportation Chapter calls for creative infill housing in transit corridors in order to increase transit-supportive density and housing choices; ADUs are listed as one type of infill housing.

structure) would support family-oriented housing options. In addition, the income from an ADU can provide existing homeowners some insurance against the anticipated increase in property taxes from rising home values.

Study Background

The direction for this study came out of the Central Corridor/Traditional Neighborhood (CCTN) Zoning Study that began in 2010 and was adopted on April 20, 2011. The CCTN study resulted in the rezoning of hundreds of parcels along the Green Line to ensure consistency with adopted city plans. In addition, the study resulted in the creation of the T4 Traditional Neighborhood zoning district, a high density, mixed use district, intended for use in fixed rail corridors. The majority of the property included in the study area was rezoned to T2, T3, or T4 Traditional Neighborhood or IT Industrial Transitional.

During the course of the CCTN study there was significant interest in including measures for affordable housing and ways to ensure that a mixture of incomes and housing types remained and were expanded upon in the corridor. Staff recommended the use of accessory dwelling units (a concept included in the Comprehensive Plan and more recently the *Central Corridor Development Strategy*, adopted in 2010) and density bonuses as tools to add to the housing mix in the corridor and exchange density for the inclusion of affordable units. The resolution adopting the CCTN study recommendations (Ordinance #11-27) directed further study of the use of accessory dwelling units, density bonuses and regulations around liner retail. Staff worked with a consultant to research the topics and come up with recommendations as a starting point for discussion. After reviewing the consultant report and discussion with Councilmembers, it was determined that there was no interest in pursuing requirements for liner retail at this time.

Staff brought this item in conjunction with the density bonus recommendations to the Comprehensive Planning Committee on July 9, 2013, and returned to the Committee on August 6, 2013, to provide follow up information. At the August meeting, staff said that they intended to take the proposed language to discuss with the district councils along the Central Corridor and would then return to the Comprehensive Planning Committee to make a final recommendation and request that it be forwarded to the Planning Commission.

In the two years since that direction was given, staff has presented this information to Councilmember Thao and Council President Stark, as their wards are most affected by this proposed zoning text amendment to allow accessory dwelling units along the Central Corridor. Staff has also discussed the proposed revisions with the executive directors of Capitol River, Hamline-Midway, St. Anthony Park, Summit-University District Councils ,and the Frogtown Neighborhood Association, and presented the revisions to the land use committee at the St. Anthony Park and Union Park District Council. A presentation to the land use committee of Hamline-Midway is scheduled for January 2016.

Comparison of Saint Paul to Other Metropolitan Area Cities

The City of Saint Paul currently allows very limited application of accessory dwelling units. Carriage house dwelling, defined as an accessory dwelling above a detached garage, is a conditional use in the RL – RM3 and T1 – T2 districts, a permitted use in the T3 district, and only allowed in existing buildings that had space originally built for domestic help. In addition, to receive a conditional use permit the applicant would need to get a petition signed by two-thirds of the property owners within 100 feet of the carriage house dwelling.

Many cities within the Metropolitan Area allow for accessory dwelling units. Overall, each city has taken a slightly different approach to the implementation of ADUs. See Attachment B for the comparative tables. Minneapolis has the most comprehensive policy, allowing for the city-wide development of ADUs

on residentially zoned lots with both one-family and two-family dwellings. Units can be developed interior to the principal structure, attached to the principal structure, or within an accessory building. Others polices are much more restrictive and only allow more specific applications of ADUs.

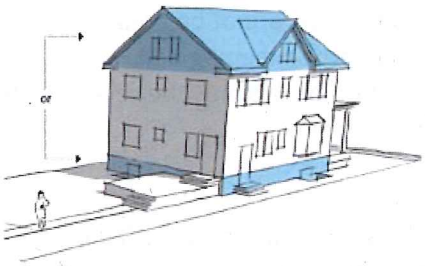
Proposed Accessory Dwelling Unit Amendments

Proposed amendments to the zoning code would establish accessory dwelling units as a permitted accessory use in the R1 – RM2 and T1 – T3 zoning districts. In order to be developed, the used would need to meet a series of standards and conditions, including conditions related to lot location, minimum lot size, number of accessory units, unit occupancy, unit characteristics, access and entrances, parking, and ownership. See Attachment C for the proposed code language.

Types of Accessory Dwelling Units

There are three basic types of accessory dwelling units—those *internal* to the principal structure, those *attached* to the principal structure, and those *detached* from the principal structure (located within an accessory building). Attachment A shows examples of each of those types of units.

Internal



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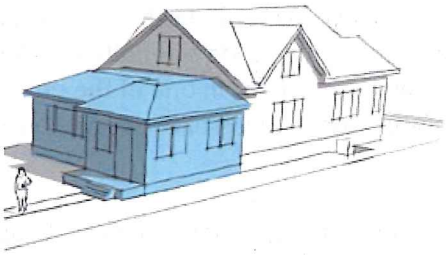
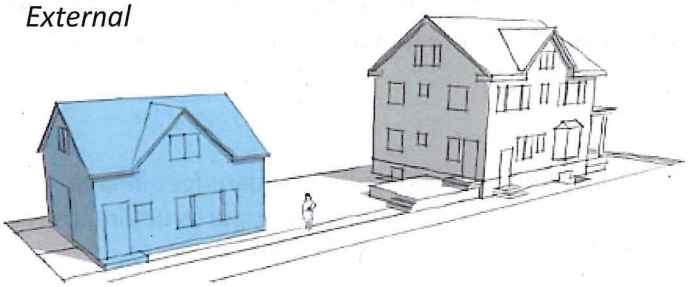


External



Graphic Credit: City of Minneapolis

Lot Location

The lot upon which an ADU is located must be located within one-half mile of University Avenue between Emerald and Marion Streets. This area was chosen because one-half mile is often used to identify transit catchment area for light rail projects. It typically represents a 10-minute walk at three miles per hour, which is often the limit for a rider's willingness to walk to transit.[2]

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[2] Erick Guerra and Robert Cervero. Is a Half-Mile Circle the right standard for TODs? Spring 2013. Available at http://www.accessmagazine.org/articles/spring-2013/half-mile-circle-right-standard-tods/

Lot Size

The smallest lot size for a new residential lot requirement a one-family dwelling in a residential zoning district is 5,000 sq. ft.[3] Lots smaller than this are less compatible with the addition of an accessory dwelling unit.

Recommendation: The lot must be at least 5,000 sq. ft. in area.

Unit Occupancy

Unit occupancy is one of the important distinctions between a duplex or two-family dwelling and an ADU. A frequent requirement in many ordinances limits the number of people that can reside in both units to something less than two families. The rationale behind this regulation is to ensure that a single-family lot will not be overcrowded and negatively impact the surrounding properties. In this proposal, the number of people allowed to live in the principal unit and ADU in total would be that of a family in a single "housekeeping unit[4]". This would allow, for example, a property to contain two adults and their children and two additional people or four unrelated adults. In addition, many ADU ordinances require that the property owner reside in one of the units. The logic behind this requirement is that if the property owner lives on the property with their tenant, they will find tenants that will not be disruptive. Other pitfalls of absentee landlordism might also be avoided.

Recommendations:

1. The total occupancy of both the principal and accessory unit cannot be greater than allowed under the zoning code's definition of family for a single housekeeping unit.
2. The owner must live in one of the units, and a declaration of this must be recorded with Ramsey County prior to the issuance of any building or zoning permits.

Unit Size

ADUs are meant as a supplemental unit and not a second full-sized house or large flat on a zoning lot, but needs to be large enough to provide for decent living conditions for those living in the space. To ensure this, the proposal sets the minimum unit size for the ADU at 300 sq. ft. and the maximum size at 800 sq. ft. Should the ADU be located within the principal structure, the unit could only occupy one-third of the floor area of the principal structure. This requirement would prevent smaller one-family dwellings from becoming even smaller units, and ensure that adequate living space would be available to both units.

Recommendations:

1. The accessory unit must be between 300 and 800 square feet in area.
2. If the accessory dwelling unit is located within a principal structure, the accessory unit can only occupy one-third of the floor area of the principal structure.

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[3] Footnote b of § 66.231 states: "in calculating area of a lot that adjoins a dedicated public alley, for the purposes of applying lot area and density dimension requirements, one-half the width of such alley adjoin the lot shall be considered as part of the lot."

[4] § 60.207 F. defines family as "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."

Access and Entrances

Having an access to and from the city street is needed for those living or visiting the ADU. Under this proposal, a walkway must be provided from the city street to the new unit. In addition, the stairway up to a second floor unit must have stairs that are interior to the building in which the unit is located. The purpose of this is to have a safe access point that is protected from the elements to the unit. This also avoids unattractive external stairs on the principal or accessory structure that could detract from the character an area predominated by one-family dwellings.

Recommendations:

1. There must be a walkway provided from an abutting public street to the primary entrances of the accessory dwelling unit.
2. Upper floor units must have interior stairs to the entrance of the unit.

Parking:

Under the proposal, no additional parking would be required if the minimum parking requirement is met for the principal one-family structure. Since the number of occupants is capped at that allowed under the definition of family for one "household unit" the impact on parking from an accessory dwelling unit is not very different from that of a the one-family dwelling.

Recommendation: No additional parking spaces required if requirement is met for the principal one-family dwelling.

Ownership:

As the ADU is an accessory use to the principal use of the one-family dwelling, the ADU should not be sold separately from the principal unit.

Recommendation: The accessory dwelling unit cannot be sold separately from the principal dwelling unit.

Committee Recommendation:

The Comprehensive Planning Committee recommends that the Planning Commission release this study for a public hearing to be held on Friday, February 5, 2016.

Attachments:

A. Examples of Accessory Dwelling Units
B. ADU Requirements Comparison Table
C. Proposed Zoning Text Revision

Attachment A: Examples of Accessory Dwelling Units

Attachment B: ADU Requirements Comparison Tables

City	Approval Process	Standards
Apple Valley	Conditional Use Permit in R-1 (By Right in PUDs)	• R-1 or PUD • Minimum lot size 40,000 sq. ft. • Property owner may not be absent for more than 180 days a year • At least 300 sq. ft., not more than 40% of primary residence area, can petition for larger if still "clearly subordinate to principal dwelling" • Lot coverage shall not exceed 35% • Only within or attached to primary residence, not detached • Two off street parking spaces • Only 3 allowed per half mile radius • Entrance to ADU not on same side of building as primary entrance
Burnsville	Not Permitted	"No cellar, basement, tent, trailer or accessory building shall at any time be used as an occupied dwelling."
Bloomington	Permitted	• R-1 or RS-1 • Minimum site size 11,000 sq. ft. • Must have 4 off-street spaces, 2 of which in garage • Must be internal or attached, no detached • Must be constructed to allow conversion of ADU back to single-family residence in the future • At least 300 sq. ft., but less than 960. Floor area not to exceed 44% of principal unit
Brooklyn Park	Not permitted	• Ability to development two-family dwellings in R-4
Chanhassen	Temporary/Need-based Variance	• Temporary only • There is a demonstrated need based upon disability, age or financial hardship. • Shared utility services
Coon Rapids	Not permitted	

City	Approval Process	Standards
Eagan	Permitted	• R-1 (1) • Minimum site size 12,000 sq. ft. • Property owner must reside 185 days out of year • At least 300 sq. ft., not larger than 960 or 33% of primary residence footprint • Lot coverage must be ≤20% w/ ADU • Must be internal or attached, not detached • Max 2 persons 2 bedrooms • 4 off street parking spaces • Exterior entry for ADU on different side of house than primary entrance
Eden Prairie	Not permitted	Allow property owners to rent out space in an existing principal structure, but cannot be fully closed off from the principal unit—must be accessible via a door (no full dividing wall).
Farmington	Conditional Use Permit	• "A dwelling unit which is subordinate to a permitted principal one-family residence in terms of size, location and appearance and located on the same lot therewith." • A-1, R-2, R-3, • Max 1,800 sq. ft. • 1 off street parking spot per dwelling unit
Inver Grove Heights	Permitted	• No minimum lot size for units within principle structure • Allows in detached structures, min lot size 1 acre, 250 sq. ft. min max of 1000 sq. ft. • 2 additional parking spaces off street in addition to one space that is required by all
Lakeville	Not Permitted	"Except as may be expressly allowed by this title, no garage, tent, accessory building or motor home shall at any time be used as living quarters, temporarily or permanently. Tents, playhouses or similar structures may be used for play or recreational purposes."
Long Lake	Conditional Use Permit	"A separate dwelling, requiring a conditional use permit, constructed on an undivided single family lot for the sole use by the occupants of the principal building, including their relatives and non-paying guests. All regular lot requirements of the zoning district shall be met by the ADU."

City	Approval Process	Standards
Maple Grove	Not permitted	Allow for "living quarters" for property staff in RA.
Maplewood	Not permitted	
Minneapolis	Conditional Use Permit	**For all ADUs** • Minimum GFA is 300 sq. ft. • Minimum width of side yard with a principal entrance facing the interior lot line is 15 ft. or 22 ft. with a driveway • Must occur with a permitted or conditional single- or two-family dwelling • No more than one ADU on zoning lot • Must not create a separate tax parcel • Balcony must not face an interior side yard • Rooftop deck are not allowed on ADU • Property owner must occupy one dwelling on the lot **If ADU is within principal structure:** • Cannot exceed 800 sq. ft. in GFA • Must be on one level • Shall not result in an additional entrance facing the street • Stairway to ADU must be enclosed **If ADU is attached to principal structure:** • Cannot exceed 800 sq. ft. in GFA • Must be on one level • Shall not result in an additional entrance facing the street • Stairway to ADU must be enclosed • Exterior materials must match that of the principal structure **If ADU is detached from principal structure:** • Height of the accessory structure must be the lesser of 20 ft. or the height of the principal structure • Cannot exceed 1,000 sq. ft. in area • Interior side yard must be at least 3 ft. • Rear yard may be reduced to 3 ft. • ADU must be 20 ft. from principal structure • Exterior materials must be durable • At least 10% of the total area of the façade must have windows • Exterior stairway is allowed if the finishes match that of the accessory structure

City	Approval Process	Standards
Minnetonka	Conditional Use Permit for an Accessory Apartment	"Accessory Apartment" - a self-contained unit of housing located within the confines of an existing single family house and used as a separate housekeeping unit. The term shall also include instances in which one of the units lacks complete kitchen or bathroom facilities or in which there is internal physical access between the units or in which the units share common space or facilities, unless the persons residing in both portions of the building live as a single housekeeping unit. No external ADUs
Plymouth	Permitted in new subdivisions	• Must be located over attached or detached garages • Must be built at same time of principal structure • No more than 1 ADU per lot • Owner occupancy required in either the ADU or primary unit • Rental license required for ADU • 2 off-street parking spaces required • ADU shall not exceed 1,000 sq. ft.
Richfield	Permitted	• New rental license • Minimum 300 sq. ft. maximum 800 sq. ft. or GFA of principal dwelling, whichever is less. • No additional entrances on side facing public street • Detached only as part of an approved accessory garage structure • Converted garage space must be replaced • 3 off-street parking spaces
Roseville	Permitted	• Permitted in only the LDR-1 (low density residential) district (>=11,000 sq. ft.) • ADU has own address • Minimum 300 sq. ft., maximum 650 sq. ft. or 75% of principal dwelling whichever is smaller. • 1 bedroom maximum • 1 additional off street parking space • Detached needs own walk path to front door • Occupancy permit required, very stringent and requires notice of neighbors, expires upon transfer to new owner
St. Louis Park	Not permitted	

City	Approval Process	Standards
St. Paul	Conditional Use Permit	• Must have originally been built as a carriage house dwelling to house domestic employees • Applicant must obtain a petition signed by 2/3rds of property owners within 100 ft.
Stillwater	Permitted	• Lot size must be at least 10,000 sq. ft. (TR and RB districts) or 15,000 sq. ft. (CTR districts) • Minimum and max sizes of detached units, parking (always at least 4 off street), and entrance considerations vary by district
White Bear Lake	Conditional Use Permit	• Only internal, not above a garage, could be attached. • Min 200 sq. ft. for 1 occupant, 100 sq. ft. for each additional occupant • Max 880 sq. ft. or 40% of principal home
Woodbury	Not Permitted	

Attachment C: Proposed Zoning Text Revisions

Chapter 65. Zoning Code – Land use Definitions and Development Standards

ARTICLE V. 63.500. ACCESSORY BUILDINGS

Sec. 63.501. Accessory buildings and uses.

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(e) In ~~any~~ RL – RM2 residential districts ~~area~~, accessory buildings on a zoning lot with residential use shall not exceed fifteen (15) feet in height; provided, however, that accessory buildings with a flat or shed roof style shall not exceed twelve (12) feet in height. ~~Carriage house dwellings~~ Accessory buildings containing a dwelling unit shall not exceed twenty-five (25) feet in height.

Exception: Accessory building heights shall not apply to property within designated heritage preservation sites and districts ~~nor to designated historic sites~~. In these cases appropriate building heights for accessory structures shall be determined through the design review process to ensure that heights are acceptable and in keeping with the scale and style of development on the property.

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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.

Standards and conditions:

(a) *Lot location.* The lot shall be located within one-half (1/2) mile of University Avenue between Emerald Street and Marion Street.

(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) *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.

(e) *Unit size.* The floor area of the accessory unit shall be a minimum of three hundred (300) square feet and a maximum of eight hundred (800) square feet. If the accessory unit is located interior to the principal structure, the accessory unit shall not exceed one-third (1/3) of the total floor area of the structure.

(f) *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 shall have interior stairway access to the entrance of the unit.

(g) *Parking.* Provided that the minimum parking requirement for the principal one-family dwelling on the lot is met, no additional parking is required.

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

Secs. 65.9143 – 65.919. Reserved.

Chapter 66. Zoning Code – Zoning District Uses, Density and Dimensional Standards

ARTICLE II. 66.200. RESIDENTIAL DISTRICTS

Table 66.221. Principal Uses in Residential Districts.

Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	Development Standards
Accessory Uses								
Accessory use	P	P	P	P	P	P	P	(d), (s)
Dwelling unit, accessory		P	P	P	P	P		(d), (s)
Accessory retail service and office						C	C	(s)

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ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS

Table 66.321. Principal Uses in Traditional Neighborhood Districts.

Use	T1	T2	T3	T4	Development Standards
Accessory Uses					
Accessory use	P	P	P	P	(d), (s)
Dwelling unit, accessory	P	P	P		(d), (s)