



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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DATE: March 21, 2012
TO: Neighborhood Committee
FROM: Donna Drummond and Josh Williams, Planning Staff
RE: Student Housing Zoning Study

Introduction

In August, 2011, the City Council, via Ordinance 11-70 (Attachment B), requested that the Planning Commission conduct a zoning study regarding conversion of owner-occupied single-family homes and duplexes to college student rentals. The study request was accompanied by a moratorium on such conversions for a period of one year. The moratorium applies to the area bounded by Fairview, St. Clair, Mississippi River Boulevard, and I-94, excluding Town and Country Club and the residential area immediately to the north. The moratorium will expire on August 2, 2012.

Study Process

In late October, an open house was held at the Merriam Park recreation center to gather public input on the impacts of student housing on residential neighborhoods and to identify potential solutions to the problem. Approximately 50-75 people attended the open house, along with staff from DSI and PED, and Ward 4 Councilmember Russ Stark and his aide. Generally, open house attendees were in two categories: home owners concerned about the impacts of student housing and student behavior on quality of life and property values, and rental property owners either concerned about or in outright opposition to any restrictions on student rentals.

In addition, the planning staff has researched what other cities have done to address the impacts on neighborhoods of student rental housing. The results of the research and a recommended ordinance are included in the attached study.

Overview of Study Recommendations

An ordinance is proposed (Attachment A) that would:

- Establish a Student Housing Neighborhood Impact Overlay District, which is slightly larger than the moratorium area (see Figure 2);
- Define a student dwelling as a one or two-family dwelling requiring a certificate of occupancy in which at least one unit is occupied by 3 or more students (student is defined in the ordinance); and
- Require a minimum distance between student dwellings of 150 feet.

Existing student dwellings could remain, but new student dwellings would be required to be at least 50 feet (lot line to lot line) from any existing student dwelling. This minimum distance separation requirement would essentially prevent any new student dwellings within the overlay district. Restrictions would apply to rentals to students (as defined by the ordinance) only; rentals to non-students would not be restricted.

In addition to the ordinance, the zoning study recommends a broad range of potential additional approaches which could prevent or mitigate the negative impacts of student housing on residential neighborhoods. These additional approaches should be considered in addition to the ordinance, and are summarized below:

- Creating zones for new higher density student housing near or connected by transit to campuses (City);
- Providing more on-campus housing or requiring certain students to live on campus (universities);
- Dealing with student behavior issues through lease terms (landlord), education and outreach (university, community), enforcement (City – Police and Safety and Inspections departments); and
- Housing buy-back or incentive programs to convert some existing student rental housing back to owner-occupied (university, third-party).

Timeline and Schedule

The moratorium expires on August 2, 2012. A new ordinance needs to become effective on August 3rd at the latest. Ordinances become effective 30 days after publication in the Legal Ledger. In order to meet this timeline, the City Council must approve any final ordinance on June 27th. A Planning Commission recommendation would ideally be made on May 18th in order for the first of the required four ordinance readings to begin on June 6th.

Staff Recommendation

Staff recommends to the Neighborhood Committee that the Planning Commission release the study and draft ordinance for public review and schedule a public hearing for May 4, 2012.

- - D R A F T - -

Saint Paul Planning Commission: Student Housing Zoning Study (Mar. 2012)

Background and Geography

In August of 2011, the Saint Paul City Council enacted a one-year moratorium on the conversion of owner-occupied homes to rental in portions of the Highland Park, Macalester Groveland, and Merriam Park neighborhoods. Intended to temporarily prohibit the proliferation of new college/university student rental housing in neighborhoods of predominantly single-family and duplex housing, the moratorium applies in R1 (single-family) to RM2 (multi-family) zoning districts within an area bounded by Mississippi River Boulevard, Marshall Avenue, Interstate 94, Fairview Avenue, and St. Clair Avenue (**see Figure 1**). Accompanying the moratorium, the City Council requested that the Saint Paul Planning Commission study the issue and make recommendations regarding the regulation of student housing within the area of the moratorium.

Understanding the Issue

There are nine college or university campuses located within the city of Saint Paul. Five of these institutions—Hamline University, Concordia University, St. Catherine University, Macalester College, and the University of Saint Thomas (UST)—are located proximal to or within the moratorium area (**see Figure 1**). While these institutions all provide some degree of housing on campus, limited capacity of on-campus housing and the preference of some students for off-campus housing options result in student demand for housing in the surrounding neighborhoods.

The conversion of housing to student occupancy, particularly the conversion of previously owner-occupied single-family and duplex housing, has substantially affected the character of the neighborhoods in and around the moratorium area and has had a negative impact on quality of life for many residents. Students tend to live at higher concentrations of adult residents as compared to rental housing as a whole. As a result, traffic and parking impacts tend to be greater than for rental housing in general. In addition, students as a population have a different lifestyle than the population as a whole, and in particular in comparison to families with young children. Students also are a transient population with respect to the neighborhoods they inhabit, and so have less connection to the long-term well-being of that neighborhood than more permanent residents may. As a result, noise can be an issue, and inattention to things like litter or property appearance can lead to negative associations with students and student housing for other residents. Finally, poor student behavior, exacerbated by alcohol use and abuse, can have a dramatic, negative impact on neighborhood livability. In general, these negative impacts associated with student housing are felt more acutely in lower-density neighborhoods, as the conversion of even a single unit measurably changes the make-up of the neighborhood.

- - D R A F T - -

Saint Paul Planning Commission: Student Housing Zoning Study (Mar. 2012)

DATA ON EXISTING STUDENT HOUSING

The exact number of students living in the areas of concern is not known. During Fall of 2010, 3,002 of 5,715 full-time undergraduate students at the UST Saint Paul campus lived off-campus. According to a report issued by the West Summit Neighborhood Advisory Committee (WSNAC), UST estimates the number of these students living within one mile of the UST campus number to be approximately 1,700, a number that has stayed relatively stable over the last 20 years despite an overall increase in undergraduate enrollment at the Saint Paul campus¹. Another 2,600 full time students from the other four nearby schools live off-campus, though not necessarily all in the surrounding neighborhoods.

City staff also analyzed several data sources, including informal records kept by UST of the locations of off-campus student housing, student housing locations identified by the Saint Paul Department of Safety and Inspections, Ramsey County parcel and land use data, and a study conducted by the UST Geography Department. UST records identified 426 dwelling units as student houses² within one mile of the UST campus. Excluding those students living in structures containing three or more units, this would put the number of students residing in single-family and duplex units in this area at 1,704 (assuming maximum legal occupancy of four students per unit).

Ramsey County records show 348 separate addresses in this same area where three or more units are located. Comparison to UST data shows 154 separate addresses (with a total unit count of 1665) with a least one-student occupied unit. Assuming two students per unit and only one student-occupied unit per address, this would mean at least another 308 students within a one-mile radius of the UST campus. However, this number is likely much higher.

This analysis suggests at least 2,000 UST students living in the neighborhoods within 1 mile of the UST campus, with the potential for higher numbers. This number is markedly higher than the UST estimate from the WSNAC report of around 1,700. It does not include any students from the other four nearby institutions who may be residing in the neighborhood.

Other data sets also suggest an incomplete picture of student housing in the area of concern. Comparison of the locations of student rentals identified by UST with a data set of student rentals compiled by the Saint Paul Department of Safety and Inspections (DSI) found substantial, but not complete, overlap. Within an area bounded by the Mississippi

¹ West Summit Neighborhood Advisory Committee, *Off-Campus and On-Campus Student Housing Study*, 2011

² Units in single-family or duplex homes, regardless of ownership; assumes both units in duplexes are student rentals.

- - D R A F T - -

Saint Paul Planning Commission: Student Housing Zoning Study (Mar. 2012)

River, I-94, Snelling Avenue, and Randolph Avenue (the same area studied by the UST Department of Geography, as discussed below), UST identified 478 student rental units and DSI identified 158, with 122 units appearing on both lists. These lists include all student dwelling units, regardless of structure size, type, or ownership.

CONCENTRATION OF STUDENT HOUSING IN THE NEIGHBORHOOD

At issue is how the demand for student housing has been accommodated within the neighborhoods. Both anecdotal evidence and analysis of property records suggest that, despite large numbers of students already living in the neighborhood, there continues to be demand for new student rental units, particularly near the UST campus, where the housing stock is primarily single-family homes and duplexes. While exact numbers are not available, it is generally accepted that significant numbers of single-family homes and duplexes within this area have been converted from owner-occupied to rental, with many now housing college students. Visual analysis of the spatial distribution of known UST student housing location around the campus reinforces the notion that students place a premium on proximity to campus (see Figure 2).

UST GEOGRAPHY DEPARTMENT STUDY

These conclusions are congruent with the findings of a study conducted by the UST Department of Geography.³ The study examined the conversion of single-family and duplex homes between homestead and non-homestead status, as a proxy for owner-occupied and rental statuses, respectively. The report found that between 2002 and 2009, homes were converted from homestead to non-homestead at a rate notably higher than the city-wide average, and the neighborhood had changed from 14% non-homestead in 2002 to 25% non-homestead in 2009, with almost all of that increase due to an increase in residential non-homestead properties. Using UST enrollment data, the study identified only approximately 1,000 UST students living in the study area at 438 non-homestead properties, accounting for less than half of all residential non-homestead properties. While this would suggest that either students of other nearby institutions or non-students play a major role in driving demand for rental housing in the area, it should also be noted that it is not mandatory for students to provide local address information to UST, nor is the data verified in any way.

The report also looked at property values, and found that property values increased, with non-homestead properties having a mean value of \$366,000 compared to \$312,000 for homesteaded properties. Based on these findings, the report's authors concluded that while there was a significant increase in student rentals, that the overall impact on the housing market was to drive investment and was a positive one. However, this conclusion does not account for overall housing market factors, the value premium placed on income earning rental properties as opposed to owner-occupied

³ *University of St Thomas Student Housing Study 2010-2011*; Catherine Hanson (adjunct faculty) and Justin Riley (student). Available upon request.

- - D R A F T - -

Saint Paul Planning Commission: Student Housing Zoning Study (Mar. 2012)

properties, nor impacts to quality of life that may impact potential property buyers' decisions.

LOUIS SMITH STUDY

As a precursor to its own report and drawing on the data sets created by the UST Geography Department, the West Summit Neighborhood Advisory Committee (WSNAC) commissioned a study by Smith Partners⁴ to evaluate approaches for promoting livability and housing market stability in the neighborhoods around the UST campus. The Smith report concluded that conversion of owner-occupied housing to student rentals had occurred at levels that threatened to push the neighborhood into a self-reinforcing pattern of disinvestment and decline, a concept known as the "tipping point" theory.

While Saint Paul has an unusually high number of institutions of higher learning within its boundaries, it is by no means the only municipality to see impacts of student rentals on residential neighborhoods. In many cases, tipping point theory has been applied to explain how neighborhood change is driven by student housing. In 2005, the City of Milwaukee, working with the University of Wisconsin-Milwaukee to address impacts of student housing on neighborhoods near the campus, identified one-third of properties in absentee ownership as the tipping point above which neighborhood disinvestment and decline occurs⁵. A Nottingham (UK) planning document from 2007 outlines policies for reducing and maintaining student households as 25% or less of households in districts within the city⁶, with a goal of preventing neighborhood "imbalance" (the document cites the same litany of effects on neighborhood livability described in the following section of this report). A 2002 survey conducted near the University of Georgia also found that neighborhood streets appeared the healthiest when student rentals were 25% or less of properties.

Other communities have identified differing limits on the percentage of student housing necessary to preserve community identity. Ohio University performed outreach activities in surrounding neighborhoods in Athens, OH, and identified a goal of a target maximum of 40% student rentals. By contrast, communities in Glasgow and Fife, Scotland, have identified a maximum student rental rate per block of just 5% in order to maintain community balance. The National HMO (Homes in Multiple Occupancy) Lobby in the UK, which includes student rental houses, has identified 10% of households as student households and students as 20% of total populations as targets for maintaining community balance⁷.

⁴ Cite Smith Study

⁵ *A Strategy and Vision for the UWM Neighborhood*, City of Milwaukee, 2003 (pg. 38).

⁶ See: <http://www.nottinghamaction.org.uk/downloads/BBCSPD%20reissued%20March%2007.pdf>

⁷ See: <http://hmolobby.org.uk/39articles.pdf>

- - D R A F T - -

Saint Paul Planning Commission: Student Housing Zoning Study (Mar. 2012)

An appropriate balance of student housing as a percentage of households in a community varies depending on community or neighborhood characteristics. Much of the neighborhood in the area of the student housing moratorium is low-density residential, dominated by single-family homes. This environment is particularly sensitive to the changes in community character such that conversion of even a few homes on one block from owner-occupied to student rental can be significant. The 'tipping point' in the neighborhoods in the moratorium area may be as low as 10-15%.

Impacts

Specific impacts of student housing may be a function of inadequate property maintenance, over-occupancy and adult residential densities greater than that of the surrounding neighborhood, and/or poor student behavior. These impacts are related to some inherent qualities of student housing: It tends to be almost exclusively rental with absentee ownership (i.e., owner not living in a unit on the premises), the students occupying the housing are generally transient with respect to the neighborhood where it is located, and it tends to be geographically concentrated in neighborhoods proximal to, or at least convenient to, college campuses. These impacts may be more acute where student housing is concentrated and/or in lower-density residential neighborhoods.

Owners of student rental properties may not observe the same standards of property maintenance as residents of owner-occupied properties expect. This may be a function of lack of awareness of maintenance needs, or may reflect a desire on the part of property owners to minimize costs. It should be noted that the same potential issue exists with regard to rental properties as a whole.

Over-occupancy and density of adult housing may also be a problem, particularly in lower density residential neighborhoods. Identified student housing tends to have a higher rate of occupancy-limit violations than rental housing as a whole. Where over-occupancy is not an issue, the nature of occupancy may be. A household composed of two adults and two minors has a different (lesser) impact on its neighborhood, particularly in terms of traffic generation and parking demand, than does a household composed of four adults. Again, it should be noted that the same holds true for both student housing and rental housing as a whole. However, it should also be noted that student housing is almost always composed of all-adult households, in contrast to the renting households as a whole. The effects of over-occupancy and increased adult housing density are likely to be more keenly felt, as a function of the number of student housing units, in lower-density residential neighborhoods.

Finally, student behavior is often an issue. Young adults living away from parents for the first time sometimes exhibit behaviors—such as playing loud music or talking loudly at

- - D R A F T - -

Saint Paul Planning Commission: Student Housing Zoning Study (Mar. 2012)

late hours—that are a nuisance to surrounding residents. Such poor behavior is often magnified and augmented by alcohol consumption, leading to behaviors such as public urination and vomiting, or property destruction. Even where such flagrantly poor behavior is not an issue, the transient nature of student residents—they generally live off-campus in a community for no more than 3-4 years and often in a given unit for no more than one year—may be an issue. For example, most home or business owners will pick up trash left on the sidewalk in front of their property; the incentive to do so may not exist for a student renter who has no long term stake in the health of a neighborhood.

Responding to the Problem: Recommendations

While there are a wide-range of potential ways to address the neighborhood impacts associated with student housing, there are a relatively limited number of actions the City can take unilaterally, that is by virtue of its authority to regulate land use and enforce regulations regarding public health and safety. Moreover, the request from the City Council was specific to controlling proliferation of student housing in established neighborhoods composed of primarily single-family and duplex structures.

However, research conducted by staff to the Planning Commission suggests that mitigating the impacts of student housing requires a comprehensive solution. Restricting conversion of single-family and duplex homes can prevent concentration of student housing in certain neighborhoods, but it will not reduce the demand for student housing that is driving those conversions, nor will it address student behavior. But an ordinance change can be paired with other efforts to both regulate new student housing and recognize demand, while also mitigating the impacts of existing student housing. A comprehensive approach will not only employ a city's land-use and public health and safety authority, but also engage educational institutions, students and their parents, landlords, and even other neighborhood residents in creating solutions.

ORDINANCE RECOMMENDATION

The August 2011 request from the Saint Paul City Council was for the Planning Commission to explore options for limiting proliferation of student dwellings in R1-RM2 districts within the moratorium overlay area. Planning Commission staff explored a number of options for regulating student housing, including looking at ordinances used in other communities (see FURTHER RECOMMENDATIONS below). In drafting the recommended ordinance (**see Attachment A**), staff also considered how a new ordinance would best fit within the existing Saint Paul zoning code, as well as the existing inspection, regulatory, and enforcement context.

In summary, planning staff is recommending that there be a 150 ft. distance requirement between student dwellings within a defined neighborhood impact overlay

- - D R A F T - -

Saint Paul Planning Commission: Student Housing Zoning Study (Mar. 2012)

district, generally defined as the area bounded by Mississippi River Boulevard, Marshall Avenue, Cretin Avenue, Interstate 94, Snelling Avenue, Summit Avenue, Fairview Avenue, and Saint Clair Avenue (see Figure 2). This is slightly larger than the current moratorium area and is based on the pattern and concentration of existing student dwellings. A student dwelling is defined as a one- or two-family dwelling requiring a fire certificate of occupancy in which at least one unit is occupied by three (3) or more students. Existing student dwellings that do not meet this distance requirement are grandfathered in and become legally non-conforming.

FURTHER RECOMMENDATIONS

The following is a list of various approaches that other cities have taken to help mitigate the proliferation of single-unit and duplex conversions and more generally address the issue of student housing in neighborhoods surrounding universities. The list represents both potential alternatives to the recommended ordinance as well as tools and approaches that could be implemented along with the ordinance in a more comprehensive approach.

City Zoning Approaches:

- Restrict student housing (occupancy limits, conditional reviews, distance separation requirements, zoning district restrictions); this approach has been used throughout the country. The challenge is to craft ordinances that are effective, legally defensible, and not overly-broad. Also, this approach generally will not impact existing student housing.
 - In 2005, a Greensburg, PA city ordinance required that student homes not be within 500 feet of another student home. Homes in the downtown district are exempt from this requirement. The Greensburg PA ordinance also includes: occupancy limits, definition of a 'student', and landlord registration requirements.
 - Duluth, MN reviews all new rental housing within 1.5 miles of the University.
 - Newark, DE; Rooming houses must be 10 lot-widths apart.
 - The definition of a student home in Newark, DE does not include "RM zoning-permitted boarding houses or rooming houses; nor shall they include the taking of non-student, non-transient boarders or roomers in any residence district; nor shall they include single-family detached, semi-detached, or row dwellings within the following subdivisions or fronting on the following streets. . . ."
 - West Chester, PA: Rooming houses must be 400 ft. apart and are a special exception.
 - Altoona, PA: student house is a special exception, with a 4x lot width separation.

- - D R A F T - -

Saint Paul Planning Commission: Student Housing Zoning Study (Mar. 2012)

- Charlottesville, VA; 3 unrelated persons allowed in University overlay districts, 4 unrelated persons allowed elsewhere.
- Poughkeepsie, NY: limits 3 unrelated persons per student household, 4 for all other households.
- Restrict the definition of a family
 - Needs to be non-discriminatory, broad enough to include unmarried and/or same sex partners. Exemptions can be written into ordinance.
- Reduce the number of unrelated persons allowed
 - Macomb, IL; East Lansing, MI; Salisbury, MD; Lawrence, KS; Lincoln, NE; Bloomington, IN.
- Accommodate higher-density student housing where appropriate; this approach has been used effectively in Milwaukee, WI, Austin TX, and to some extent in Minneapolis. There are limited opportunity sites in Saint Paul in the area of concern.
 - Designate areas for higher density student housing near transit (Austin TX, Milwaukee, WI).

City Permitting Approaches:

- Require landlords to take responsibility. A city, by virtue of its police powers, can also play a role in encouraging or requiring landlords to help mitigate impacts.
 - Gainesville, FL employs a point system which can lead to revocation of the rental license for problem properties. Adopting such a system would require a rental licensing program, which Saint Paul does not currently have.
 - Bethlehem, PA requires both tenants and landlords to sign supplemental agreements regarding conduct and property upkeep.
- Public posting (e.g., on city website) of information on legal number of occupants or which properties are licensed.

City Enforcement Approaches:

- Reduce impacts of student housing through stepped-up enforcement of:
 - housing and fire safety codes,
 - reducing nuisance crimes,
 - nuisance ordinances,
 - pre-existing occupancy rules (Saint Paul allows no more than four unrelated adults).
- This approach is resource intensive, and will not alone solve problems. Level of enforcement, inspections, fees may vary. These tools may address a range of issues, but generally do not address the question of density of student housing as long as occupancy rules are followed.

- - D R A F T - -

Saint Paul Planning Commission: Student Housing Zoning Study (Mar. 2012)

City-Imposed Requirements for Universities:

- City-imposed campus housing requirements might also be a solution. Staff research did not turn up any examples of this approach elsewhere. However, Saint Paul already regulates aspects of college/university development and operation through conditional use permits; subject to legal review by the City Attorney's Office, the City could potentially require a college or university to provide a prescribed amount of housing on campus as a reasonable condition of a conditional use permit.
- Require/provide more on-campus housing, special programs to encourage ownership, buyback programs.

Schools-Based Approach:

- Educating students regarding acceptable behavior and the impacts of poor behavior should be part of any solution. Parents, student organizations, and neighbors can also play a role.
- Impose penalties for poor behavior. UST in particular has such a mechanism in place, but its effectiveness has been questioned by some.
- Require first and second year students to live on-campus, provide alternative (to dormitories) choices for on-campus housing, or simply provide more on-campus housing relative to student population.
- "Turn back" houses and duplexes that have been converted to student rentals. As part of the 2004 conditional use permit which authorized the expansion of the University of St. Thomas (UST) campus, UST was required to buy, rehab, and sell with deed restrictions requiring owner-occupancy 30 student rental houses; approximately 18 houses have been turned back to date. An alternative approach would be for a school to provide financial incentives to faculty and staff (or others) to purchase and occupy homes in the neighborhoods adjacent to the campus.

Landlord Based Approach:

- Require better tenant behavior. Lease terms which allow eviction of problem tenants are one potential tool. Use of such a tool can be encouraged by schools (through promotion or endorsement of landlords meeting certain standards), neighborhood organizations, or even student groups. This would be an alternative to a City-imposed approach.

Parents of students, neighbors, and student groups:

- Encourage and model better behavior and community engagement. Examples of potential strategies include educational programs, informal outreach between neighbors and students, and student service projects (for example, a UST student-group recently led a neighborhood trash pickup). These strategies would generally be pursued in cooperation with schools.

- - D R A F T - -

Saint Paul Planning Commission: Student Housing Zoning Study (Mar. 2012)

Questions may be directed to Josh Williams of the Department of Planning & Economic Development at josh.williams@ci.stpaul.mn.us or 651-266-6659.

ORDINANCE
CITY OF SAINT PAUL, MINNESOTA

Presented by _____

1 ARTICLE [VII OR VIII]. 67.X00. SH STUDENT HOUSING NEIGHBORHOOD IMPACT OVERLAY DISTRICT

2

3 **Sec. 67.X01**

4

5 *Purpose.* The SH student housing neighborhood impact overlay district is intended to ameliorate the
6 impact of dedicated student housing within and preserve the character of predominantly one- and two-
7 family dwelling neighborhoods.

8

9 **Sec. 67.X02**

10

11 *Established boundaries.* The boundaries of the SH student housing neighborhood impact overlay district
12 shall be as shown on the official zoning map, generally the area bounded by Mississippi River Boulevard,
13 Marshall Avenue, Cretin Avenue, Interstate 94, Snelling Avenue, Summit Avenue, Fairview Avenue, and
14 Saint Clair Avenue.

15

16 **Sec. 67.X03**

17

18 *Student dwellings.* Within the SH student housing neighborhood impact overlay district, a student
19 dwelling is a one- or two-family dwelling requiring a fire certificate of occupancy in which at least one unit
20 is occupied by three (3) or more students. For the purposes of this article, a student is an individual who
21 is enrolled in or has been accepted to an undergraduate degree program at a university, college,
22 community college, technical college, trade school or similar and is enrolled during the upcoming or
23 current session, or was enrolled in the previous term, or is on a scheduled term break or summer break
24 from the institution.

25

26 **Sec. 67.X04**

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28 *Standards and conditions.* Within the SH student housing neighborhood impact overlay district, the
29 following standards and conditions shall apply for student dwellings:

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31 (a) A student dwelling shall be located a minimum of one hundred and fifty (150) feet from any other
32 student dwelling located on a different lot, measured by the shortest distance between the two lots
33 on which the student dwellings are located.

34

35 (b) Parking shall be provided in accordance with the requirements of article 63.200 for new structures.

36

City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560



Legislation Details (With Text)

File #: Ord 11-70 **Version:** 3 **Name:**
Type: Ordinance **Status:** Passed
In control: City Council
Final action: 8/24/2011

Title: Preserving the status quo within a specified area in the vicinity of the University of St. Thomas pending the completion and report of a zoning study and possible action on that study, including amending the City's official controls to regulate the conversion of one- and two- and three-family homes into student housing.

Sponsors: Russ Stark

Indexes:

Code sections:

Attachments: moratoriummap.pdf, RES PH 11-1015 Thomas C Ernst Communication.pdf, Ord 11-70 constituent emails.pdf, Ord 11-70 WSNAC email.pdf, Ord 11-70 constituent e-mail.pdf, Ord 11-70 Smith email.pdf

Date	Ver.	Action By	Action	Result
8/31/2011	3	Mayor's Office	Signed	
8/24/2011	3	City Council	Adopted	Pass
8/17/2011	3	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
8/10/2011	2	City Council	Amended and Laid Over for Third Reading	Pass
8/3/2011	1	City Council	Amended and Laid Over for Second Reading	Pass

Title

Preserving the status quo within a specified area in the vicinity of the University of St. Thomas pending the completion and report of a zoning study and possible action on that study, including amending the City's official controls to regulate the conversion of one- and two- and three-family homes into student housing.

Body

The Council of the City of Saint Paul does hereby ordain:

Section 1.

Statement of Legislative Intent and Findings of the City Council: The Council of the City of Saint Paul, in Resolution 11-1406, requested the planning commission to undertake a zoning study regarding the conversion of residential structures in the City's traditional neighborhoods surrounding the campus of 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.

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 "off-campus" 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

The City's zoning ordinance, duly adopted pursuant to the City's delegated police powers under the Municipal Planning Act, contains various land-use district classifications including several classifications for residential-use districts established upon the Council's 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.

The Council finds that the City's residential zoning classifications given to the areas surrounding the UST campus are R2-R4 one-family and RT1-RT2 two-family districts primarily and include some RM2 multi-family districts which abut arterial or collector streets, as depicted on the zoning ordinance map which is attached and incorporated into this ordinance. It further states under these residential use classifications 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 districts 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."

The Council finds that these predominately low-density residential classifications fit the description of "established neighborhoods" described in the Land Use Chapter of the City's Comprehensive Plan's variously as "residential areas of predominately single-family housing" or as being "characterized almost entirely by single-family homes and duplexes." The Council further notes that the Land Use Chapter states that stabilizing established neighborhoods is achieved through the use of existing, as well as new, zoning standards which are intended to maintain the prevailing character of existing neighborhoods and that the Chapter calls for maintaining the stability of established residential neighborhoods by encouraging establishment of new, higher density, residential development in and along the City's transit and commercial corridors.

The Council is from time to time informed that existing one- and two-family homes in the established neighborhoods surrounding UST 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. The Council finds that because college students are logically "transient," the conversion of existing established neighborhood homes to provide housing for college students, notwithstanding whether those homes are purchased by real estate investors or the parents of UST students for the purpose of housing their children while attending UST, that these homes are rarely "owner" occupied and that the homes essentially become short-term rental property units.

The Council further finds that because college students tend generally to occupy homes for periods shorter than typical for occupants of owner-occupied homes, the student-tenants of these homes are highly likely to have a different lifestyle and outlook towards property stewardship and neighborhood living than do "non-transient" or more "permanent" neighborhood residents who largely, it is assumed, reside either in owner-occupied homes or are long-term renters.

Residents from neighborhoods surrounding UST have expressed their concerns to the Council about problems associated with high concentrations of student occupied housing in established neighborhoods. The Council is particularly concerned that concentrations of student occupied homes 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 in 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 housing.

Whether 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 facilitating the goals of the City's Comprehensive Plan.

Accordingly, the Council desires to take steps necessary to protect the public's health, welfare, and safety within that area surrounding the UST campus described below by enacting an interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4, and directing the planning commission to undertake a study of the impact of student housing in the said area and, during the period the interim ordinance is in effect, establishing certain regulations whose purpose is to preserve the status quo of housing in the study area by prohibiting the conversion of one-family homes into two-family homes and two-family homes into three-family homes, prohibiting the conversion of owner-occupied homes into student occupied housing, and limiting the legal occupancy within the study area of any residential dwelling unit with an R1-RM2 zoning classification.

Section 2

During Pendency of Zoning Study, Interim Moratorium and Interim Regulations Imposed. Based upon the findings set forth in Section 1 and the necessity to maintain the status-quo in the study area while the planning commission's zoning study is underway the Council, pursuant to Minn. Stat. § 462.355, Subd.4, hereby directs 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 in the area of the City described below before the expiration of the interim ordinance under the time provided in Minn. Stat. § 462.355, Subd. 4 or until such earlier time as the Council has taken action on the recommendations contained in the study.

Pending the Council's receipt of the planning commission's formal study and report regarding options to regulate student housing in the R1-RM2 zoning districts in the area described below and pursuant to Minn. Stat. § 462.355, Subd. 4, no city department shall take any action which would approve or otherwise facilitate any of the following, including the issuance of building permits or certificates of occupancy, until the Council acts upon the said report:

1. the conversion of any one-family home into a two- or three-family home, or conversion of a two-family home into a three-family home.
2. the conversion of any one-family, two-family or three family home presently owner occupied, into a home exclusively occupied by students, except in the case of an existing two- or three-family home where the owner (s) named in the records of the Ramsey County Department of Property Taxation actually resides in one of the dwelling units.

Further, during the effective dates of this interim ordinance and only within the limits of the interim ordinance study area, the legal occupancy of a residential dwelling unit in any R1-RM2 zoning district shall be limited to one (1) or two (2) persons or parents, along with their direct lineal descendants and adopted or legally cared for children, together with not more than one (1) person not so related.

Further, this Interim Ordinance shall not apply to properties that were pending sale on August 5, 2011 with a fully executed purchase agreement on that date and the sale of the property closes between the buyer and seller on that purchase agreement as provided in the purchase agreement.

Finally, during the zoning study, the planning commission is hereby requested to direct planning commission staff to consult with staff from the department of safety and inspections, in the interest of protecting the public's health, welfare and safety, for the purpose of developing a separate ordinance which would require licensing student rental housing and a separate ordinance providing for the periodic inspection and occupancy certification of rental student housing.

Zoning Study Area Defined. For the purpose of this interim zoning ordinance, the area subject to this interim ordinance as well as the area of the zoning study shall be as follows: beginning at a point at the intersection of the centerline of Cretin Avenue and the Interstate 94 right-of-way, then generally east southeast along the Interstate 94 right-of-way to its point of intersection with the centerline of Fairview Avenue; then generally southerly along the centerline of Fairview Avenue to its point of intersection with the centerline of St. Clair Avenue; then westerly along St. Clair Avenue to its point of intersection with the centerline of Mississippi River Boulevard; then following the centerline of Mississippi River Boulevard, generally northward along Mississippi River Boulevard to its point of intersection with the centerline of Marshall Avenue; then east along the centerline of Marshall Avenue to the centerline of Cretin Avenue; then north along the centerline of Cretin Avenue to the point of beginning at the intersection of the centerline of Cretin Avenue and the Interstate 94 right-of-way; as depicted on the map attached hereto and incorporated herein as exhibit "1."

Section 3.

This interim ordinance shall take effect and be in force thirty (30) days after its passage, approval and publication. For the purpose of complying with the time limit on interim ordinances imposed under Minn. Stat. § 462.355, Subd. (4), and in conformance with City Charter § 6.05, the effective date of this interim ordinance is the effective date of the "bridge" resolution adopted under Resolution 11-1406. Upon the effective date of this interim ordinance, the regulatory effect of Resolution 11-1406 shall terminate with no additional action by this Council and this interim ordinance shall remain in effect until the effective date of any Council action taken on any recommendation contained in the zoning study or the conclusion of the time period permitted under Minn. Stat. § 452.355, Subd. 4.