Ordinance No. ___-20

Orderance regarding accessory dwelling units

The City of St. Louis Park does ordain:

Whereas, the City Council has the strategic priority “St. Louis Park is committed to providing a broad range of housing and neighborhood-oriented development,” and

Whereas, the Housing Plan in Chapter 5 of the 2040 Comprehensive Plan identifies the following strategies related to increasing the diversity of housing types:

- Create a broad range of housing types to provide more diverse and creative housing choices to meet the needs of current and future residents.
- Review existing policies, programs and regulations to remove barriers to innovative and creative housing options.
- Ensure new housing policies promote fair and equitable housing choices.
- Allow for accessory housing units in all low-density residential areas.

Now, therefore be it resolved that the following amendments shall be made to the City Code:

Section 1. Chapter 36, Section 36-4 of the St. Louis Park City Code is hereby amended to add the following text.

Short-term rental means leasing a residential dwelling unit or accessory dwelling unit for a term of less than one month.

Section 2. Chapter 36, Article III General Provisions of the St. Louis Park City Code is hereby amended to add the following text.

Section 36-70. Short-term rental. No person shall offer for occupancy or enter into an agreement to allow a dwelling unit, or any other portion of their property, to be used as a short-term rental in a manner not otherwise permitted in the zoning district.

Section 3. Chapter 36, Section 36-142 (a) of the St. Louis Park City Code is hereby amended to add the following text to the list of descriptions of residential uses.

(9) Accessory dwelling unit means a dwelling unit complying with the Minnesota State Building Code; which is located within a principal single-family residential dwelling or in an accessory structure to a single-family residential dwelling. The types of accessory dwelling unit include the following:
   a. An attached accessory dwelling unit is located within a principal residential dwelling.
b. A detached accessory dwelling unit is located as a freestanding building on the same lot as the principal residential dwelling.

Section 4. Chapter 36, Section 36-162 (d) (4) of the St. Louis Park City Code is hereby amended to delete the following strikethrough text and add the following underlined text.

e. Accessory buildings shall not be used for dwelling purposes shall also comply with the regulations set forth in Section 36-162 (e) regarding accessory dwelling units.

Section 5. Chapter 36, Section 36-162 (d) (1) of the St. Louis Park City Code is hereby amended to delete the following strikethrough text and add the following underlined text.

(a) Accessory buildings shall be erected or located within the back yard or side yard as defined in subsection (b) above, except that an accessory building designed and used as a garage may be located within a side yard unless it abuts a street. No accessory buildings shall not be located in the front yard as defined in subsection (b) above.

Section 6. Chapter 36, Section 36-162 (d)(3) of the St. Louis Park City Code is hereby amended to delete the following strikethrough text and add the following underlined text.

a. Accessory buildings – Shall not exceed 15 feet in height. The maximum height may be increased to twenty four 24 feet where the primary exterior materials of the accessory building match the primary exterior materials of the principal building and the roof pitch matches the primary roof pitch of the principal building, and provided the wall height shall not exceed 9 feet from the floor to the top plate.

Section 7. Chapter 36, Section 36-162 (d) (2) a. of the St. Louis Park City Code is hereby amended to delete the following strikethrough text and add the following underlined text.

a. The total cumulative ground floor area of all accessory buildings on single-family lots and on non-conforming two-family lots in the R-1, R-2 and R-3 Districts shall not exceed the smaller of 800 square feet or 25 percent of the back yard. This provision shall not prohibit the construction of either a detached garage or a detached accessory dwelling unit, or a combination thereof, that is no greater than 576 square feet in area provided there are no other accessory buildings.

Section 8. Chapter 36, Section 36-162 (d) (5) of the St. Louis Park City Code is hereby amended to add the following underlined text.

(5) Accessory buildings as part of the principal building – Accessory buildings located less than six feet from a principal building on the same lot, measured from the
nearest projection of each building, shall be considered part of the principal building for the purpose of applying provisions of this chapter.

Section 9. Chapter 36, Section 36-162. Restrictions and performance standards. of the St. Louis Park City Code is hereby amended to delete the strikethrough text and add the following underlined text and section breaks are indicated with “****”

(e) Accessory dwelling units. Accessory dwelling units complying with all the following conditions:

(1) Accessory dwelling units shall only be permitted on single-family lots.

(2) There shall be no more than one (1) accessory dwelling unit permitted per lot.

(3) Occupancy of the single-family lot, including both the principal dwelling unit and the accessory dwelling unit, shall be limited to no more than one family and up to two persons who are boarders/roomers or reside in one of the dwelling units.

(4) The initial construction of an accessory dwelling unit shall only occur on a property that is occupied by the property owner as their primary residence.

(5) The accessory dwelling unit shall not be sold independently of the principal residential dwelling and may not be a separate tax parcel.

(6) Accessory dwelling units that are attached to the principal dwelling unit shall be no more than 40% of the gross floor area of the single-family dwelling.

(7) Accessory dwelling units that are detached from the principal residential structure shall comply with the regulations for accessory structures in Division 4 Residential District Regulations, and must comply with the following additional requirements:

a. Detached accessory dwelling units shall be located a minimum of 15 feet from any rear lot line unless the rear lot line is adjacent to an alley, in which case it may be located five (5) feet from the rear lot line.

b. Detached accessory dwelling units shall have greater than 200 square feet of floor area.

c. Balconies and decks above the ground floor shall not face an interior side yard or a rear yard not abutting an alley. Rooftop decks for an accessory dwelling unit shall not be allowed.

(e)(f) Parking and storing of vehicles
(1) Except as provided in subsections (e)(f)(2) and (e)(f)(8) of this section, no motor vehicle, recreational vehicle, commercial vehicle, or trailer shall be permitted to stand or park in any R district which exceeds any of the following:

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(2) One recreational vehicle which exceeds any of the limits set forth in subsection (e)(f)(1) of this section and is owned by the occupant of the premises can be parked in the back yard area if:

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(3) The following provisions shall apply to the parking and storage of vehicles on residential parcels in the R-1, R-2 and R-3 districts:

a. No more than three vehicles can be parked or stored outside an enclosed building at a single-family residence on a lot that contains a single-family residence. For a duplex, six vehicles can be parked or stored outside. If there are more than three persons residing at a single-family dwelling, inclusive of an accessory dwelling unit or a boarder, who have valid state driver’s licenses showing the residence addresses on the lot, then the total number of vehicles allowed to be parked outside is increased to a number equal to the number of licensed drivers residing at the property not to exceed five vehicles. The provisions of this subsection shall not apply during snow emergencies.

b. No more than two non-passenger vehicles can be parked on a residential lot outside of an enclosed building. Except as permitted in subsection (e)(f)(2) of this section, vehicles shall be stored on a designated parking space. Non-passenger vehicles cannot be parked or stored in a front yard or a side yard abutting a street except as allowed under subsection (e)(f)(3)g of this section.

c. Only commercial vehicles which do not exceed any of the size requirements under subsection (e)(f)(1) of this section and are designed exclusively for on-street use can be parked on residential lots outside an enclosed building. Commercial vehicles shall be parked only within a garage or on a designated parking space and cannot be parked or stored in a front yard or a side yard abutting a street except as permitted under subsection (e)(f) (3)g of this section.

d. Except as permitted in subsection (e)(f)(2) of this section, all vehicles must be stored on a surface improved for driveway purposes with an approved paving surface.
e. No more than one recreational vehicle which exceeds the size requirements in subsection (e)(f)(2) of this section can be parked on a residential lot outside an enclosed building.

f. No non-passenger vehicle can be parked within five feet of an interior side lot line or rear lot line.

g. No non-passenger vehicle can be parked within the front yard or within a side yard abutting a street except where designated parking space is permitted under subsection 36-361(k)(11). Under no circumstances can a non-passenger vehicle which exceeds the size limitations in subsection (e)(f)(1) of this section be parked in a front yard.

Section 10. Chapter 36, Section 36-162 (e) (3) a. of the St. Louis Park City Code is hereby amended to delete the strikethrough text and add the underlined text as follows.

a. No more than three vehicles can be parked or stored outside an enclosed building at a single-family residence on a lot that contains a single-family residence. For a duplex, six vehicles can be parked or stored outside. If there are more than three persons residing at a single-family dwelling, inclusive of an accessory dwelling unit or boarders/roomers, who have valid state driver's licenses showing the residence addresses on the lot, then the total number of vehicles allowed to be parked outside is increased to a number equal to the number of licensed drivers residing at the property not to exceed five vehicles. The provisions of this subsection shall not apply during snow emergencies.

Section 11. Chapter 36, Section 36-163. R-1 single-family residence district (e) Accessory Uses of the St. Louis Park City Code is hereby amended to add the following text:

(16) Accessory dwelling unit which complies with the provisions of Section 36-162 (e) and which is not used for short-term rental purposes.

Section 12. Chapter 36, Section 36-164. R-2 single-family residence district (e) Accessory Uses of the St. Louis Park City Code is hereby amended to add the following text:

(15) Accessory dwelling unit which complies with the provisions of Section 36-162 (e) and which is not used for short-term rental purposes.

Section 13. Chapter 36, Section 36-165. R-3 two-family residence district (e) Accessory Uses of the St. Louis Park City Code is hereby amended to add the following text:

(16) Accessory dwelling unit which complies with the provisions of Section 36-162 (e) and which is not used for short-term rental purposes.
Section 14. Chapter 36, Table 36-361 (a) Off-Street Parking Areas of the St. Louis Park City Code is hereby amended to delete the following strikethrough text and add the following underlined text and section breaks are indicated with “***”:

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Parking Spaces</th>
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<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single family dwelling</td>
<td>Two spaces per dwelling unit. Additional spaces are not required for a boarder or an accessory dwelling unit. One additional space is required if boarders are accommodated.</td>
</tr>
</tbody>
</table>

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| Two family           | Two spaces per dwelling unit. Additional spaces are not required for boarders/roomers or an accessory dwelling unit. One additional space is required if boarders are accommodated. |

Section 15. This ordinance shall take effect fifteen days after its publication.

<table>
<thead>
<tr>
<th>First Reading</th>
<th>October 5, 2020</th>
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<tbody>
<tr>
<td>Second Reading</td>
<td>October 19, 2020</td>
</tr>
<tr>
<td>Date of Publication</td>
<td>October 22, 2020</td>
</tr>
<tr>
<td>Date Ordinance takes effect</td>
<td>November 6, 2020</td>
</tr>
</tbody>
</table>

Reviewed for administration: Adopted by the City Council October 19, 2020
Thomas K. Harmening, City Manager

Attest:

Melissa Kennedy, City Clerk

Approved as to form and execution:

Soren Mattick, City Attorney