

**CITY OF NORMAN, OKLAHOMA**

**CITY COUNCIL COMMUNITY PLANNING AND  
TRANSPORTATION COMMITTEE AGENDA**

**Municipal Building Conference Room  
201 West Gray**

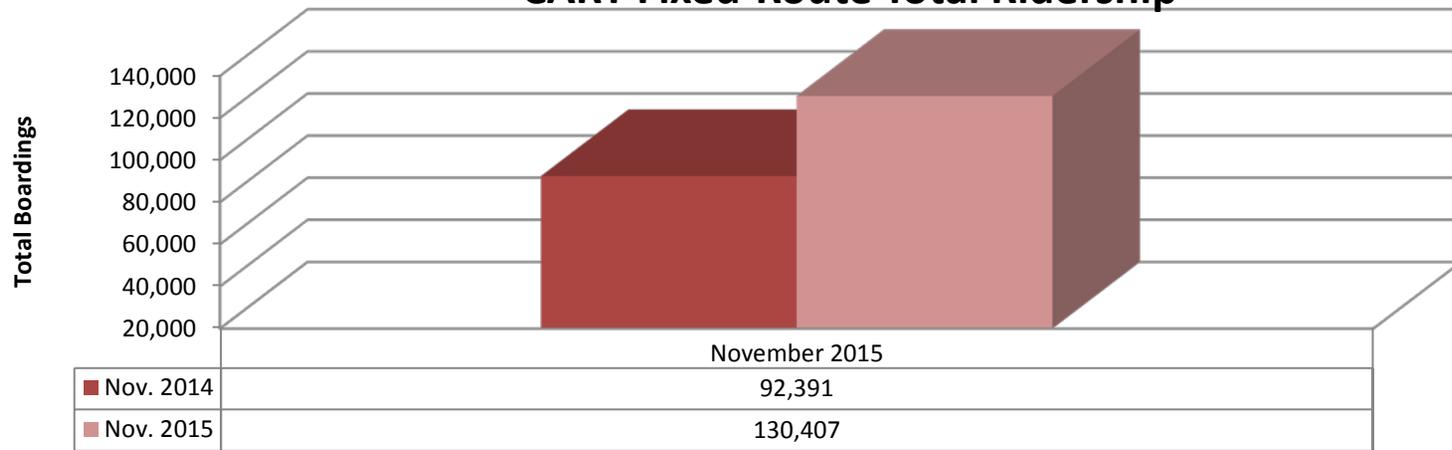
**Wednesday, March 2, 2016**

**4:00 P.M.**

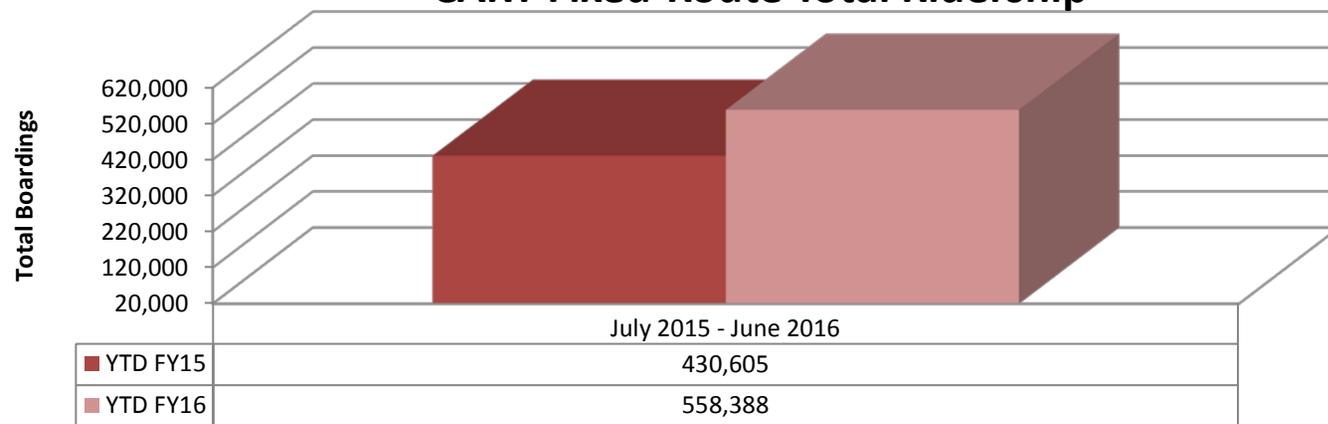
- 1. CLEVELAND AREA RAPID TRANSIT (CART) RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF NOVEMBER AND DECEMBER 2015 AND JANUARY, 2016.**
- 2. REQUEST FROM JIM AND ALICIA MAISANO TO NAME THE CAT PORCH AT THE ANIMAL WELFARE CENTER IN HONOR OF THEIR LATE DAUGHTER, SARA MAISANO.**
- 3. DISCUSSION REGARDING POSSIBLE AMENDMENTS TO THE R-3, MULTI-FAMILY DWELLING ZONING DISTRICT.**
- 4. MISCELLANEOUS PUBLIC COMMENTS.**

**ITEM 1**  
**CART REPORT**

## November 2015 CART Fixed-Route Total Ridership



## July 2015 - June 2016 (Year-to-Date FY16) CART Fixed-Route Total Ridership



CART Fixed Route	Nov. 2014	Nov. 2015	% Change	CART Fixed Route	YTD FY15	YTD FY16	% Change
Monthly Total	92,391	130,407	41%	Annual Total	430,605	558,388	30%

FY15: July 1, 2014 - June 30, 2015

FY16: July 1, 2015 - June 30, 2016

## **Community Planning & Transportation Committee**

### **CART Monthly Report, November 2015**

#### **CART – Ridership Report Summary**

- CART transported 130,407 passengers in November – a daily average of 6,786. November’s ridership is up 41% from the same month last year – an increase of 1,664 riders per day. This increase is the result of added service on Main Street and Alameda/E. Norman, a route change on the Research Route 42 that started in October 2014, the new Campus Corner route, new park & ride lots at Sooner Mall and Bethel Baptist Church, and encouragement to use LNC park & ride lot.
- Year to date ridership (July – November) is 558,388 – an increase of 30% from the same period last year.
- The only route with a significant decrease in ridership is Campus Loop (-23% YTD).
- For the one-week manual count in November, there were 396 riders who traveled with bicycles (1.0%) and 76 with wheelchairs (0.2%). Lindsey East carried the most passengers with bicycles (152) and Main Street carried the most with wheelchairs (38).

#### **CARTaccess – Ridership Report Summary**

- CART transported 2,596 CARTaccess riders in November – an average of 118 riders daily.
- For FY16 year to date, CARTaccess ridership is down 6%.
- CART continues to encourage CARTaccess riders who are able to ride free on CART fixed route.

#### **Planning**

- The results of the survey distributed to OU student, staff, and faculty in November by the OU Student Government Association and OU Parking and Transportation Services have been received. The results will be analyzed in the coming months.
- CART is evaluating on-board survey results for the Sooner Express and will begin surveying other CART routes in the spring.

#### **Marketing/Outreach**

- Dropped off over 50 Fill the Trolley boxes, CART’s annual toy drive, at participating OU departments. Boxes were picked up November 30 and December 1. Channel 5, the OU Daily, and the Norman Transcript covered the event.
- Began to make updates to Route Schedule and Transit Guide, will print off new copies in January with the changes.
- Updated CARTaccess booklet with new FTA approved policies and other relevant information.
- Updated website to inform riders of the upcoming holiday schedule

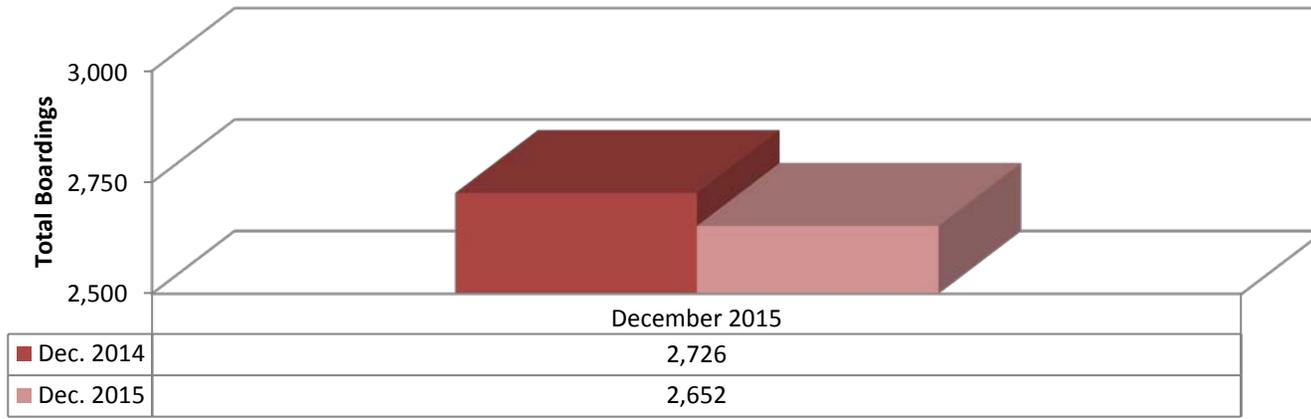
#### **Bus Stop Improvements.**

- CART has begun to install more Bus Stoppers and is evaluating lighting at bus stops to increase safety for passengers.
- CART is working on 5 permit applications to improve bus stop amenities.

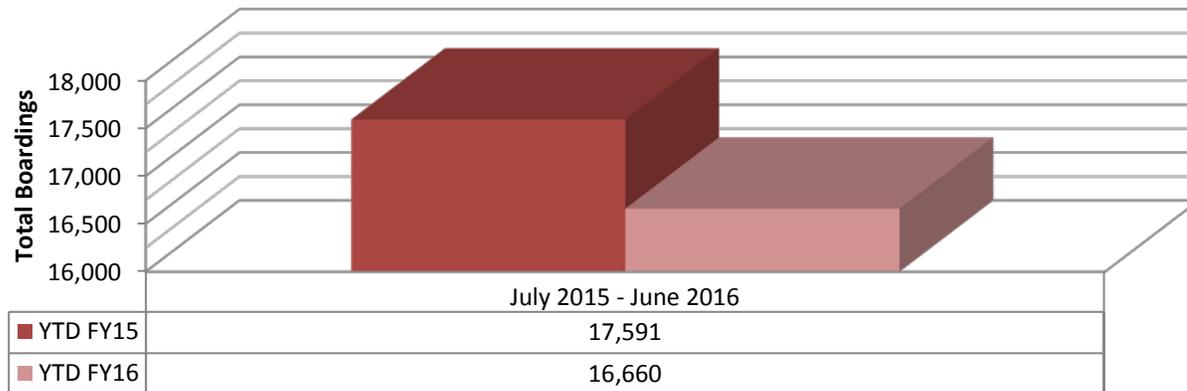
#### **New CDL Training Program**

- CART’s new Training Supervisor is working diligently on educating and hiring new drivers.

## December 2015 CARTaccess Total Ridership

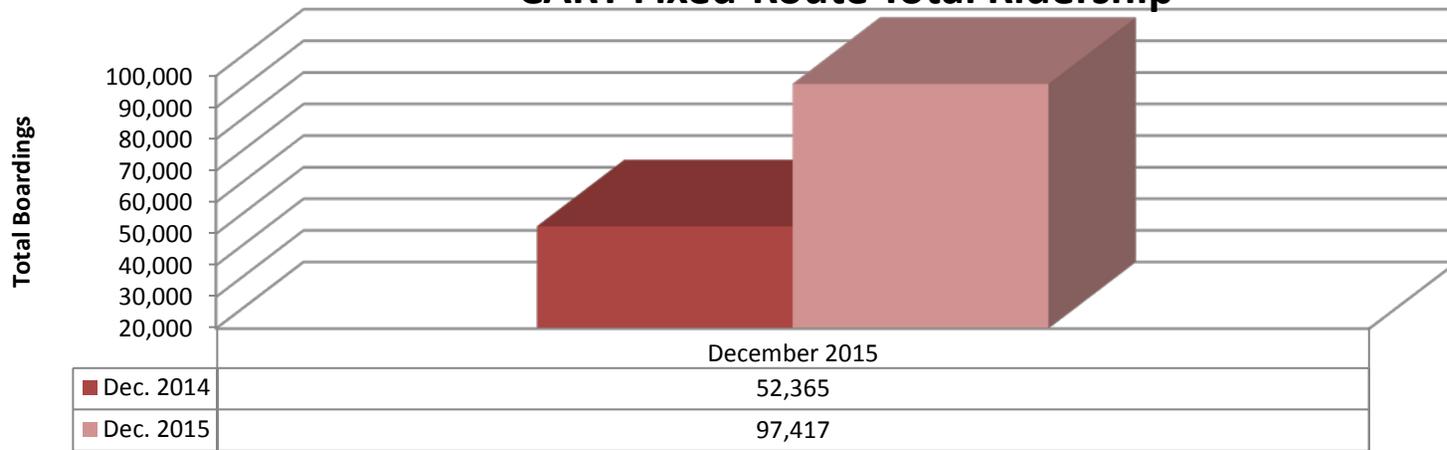


## July 2015 - June 2016 (Year-to-Date FY16) CARTaccess Total Ridership

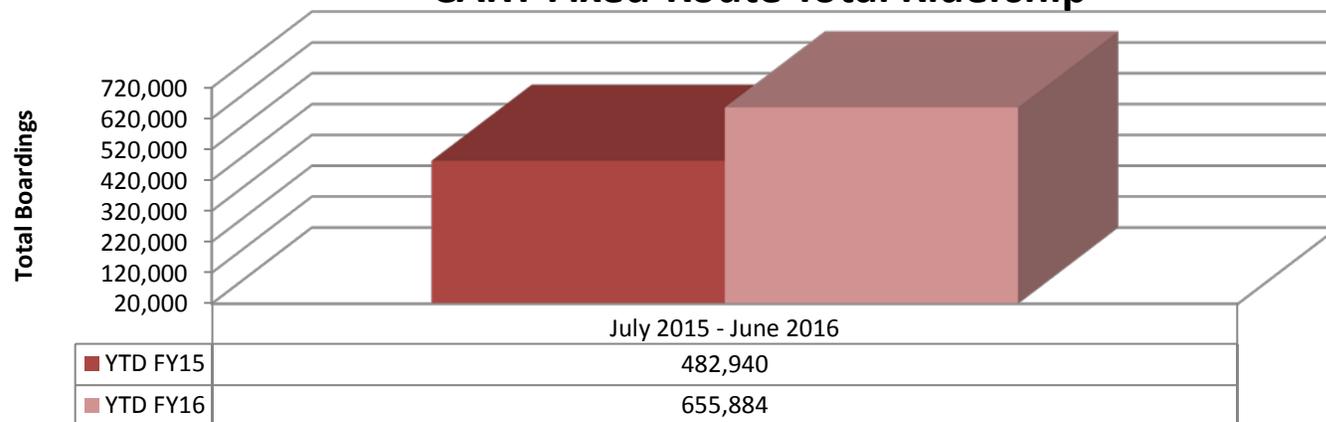


CARTaccess	Dec. 2014	Dec. 2015	% Change	CARTaccess	YTD FY15	YTD FY16	% Change
Monthly	2,726	2,652	-3%	Annual Total	17,591	16,660	-5%

## December 2015 CART Fixed-Route Total Ridership



## July 2015 - June 2016 (Year-to-Date FY16) CART Fixed-Route Total Ridership



CART Fixed Route	Dec. 2014	Dec. 2015	% Change	CART Fixed Route	YTD FY15	YTD FY16	% Change
Monthly Total	52,365	97,417	86%	Annual Total	482,940	655,884	36%

FY15: July 1, 2014 - June 30, 2015

FY16: July 1, 2015 - June 30, 2016

## **Community Planning & Transportation Committee**

### **CART Monthly Report, December 2015**

#### **CART – Ridership Report Summary**

- CART transported 97,417 passengers in December – a daily average of 5,531. December’s ridership is up 86% from the same month last year – an increase of 2,184 riders per day. This increase is the result of added service on Main Street and Alameda/E. Norman, a route change on the Research Route 42 that started in October 2014, the new Campus Corner route, new park & ride lots at Sooner Mall and Bethel Baptist Church, and encouragement to use LNC park & ride lot.
- Year to date ridership (July – December) is 655,884 – an increase of 36% from the same period last year.
- The only route with a significant decrease in ridership is Campus Loop (-13% YTD).
- For the one-week manual count in December, there were 386 riders who traveled with bicycles (1.0%) and 118 with wheelchairs (0.3%). Lindsey East carried the most passengers with bicycles (150) and Main Street carried the most with wheelchairs (51).

#### **CARTaccess – Ridership Report Summary**

- CART transported 2,652 CARTaccess riders in December – an average of 106 riders daily.
- For FY16 year to date, CARTaccess ridership is down 5%.
- CART continues to encourage CARTaccess riders who are able to ride free on CART fixed route.

#### **Planning**

- Prepared CART’s Grantee Information Request (GIR) for the FY2016 Triennial Review to FTA.

#### **CART Vehicles**

- Submitted request to FTA to transfer four 2000 Gillig buses from Fort Worth Transit Authority to CART to use until additional funding is received to order replacement vehicles.
- Received 3 new 2015 ADA minivans for CARTaccess service. Two of the minivans were purchased with FTA funds through ODOT. These vehicles will allow CART to provide more efficient service where a smaller vehicle can be used.
- Ordered one new 20 passenger Arboc Spirit of Mobility Low Floor CNG fixed route bus with FTA funds through ODOT that will arrive in the spring.

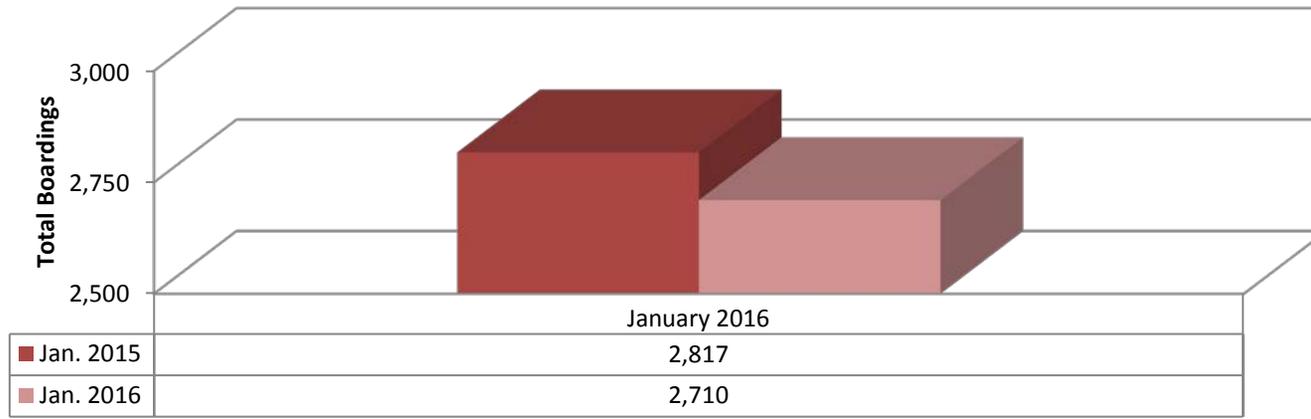
#### **Marketing/Outreach**

- Finished updating the CART Route Schedule and Transit Guide, will print off new copies in January with the changes.
- Met with a City of Norman Parks and Recreation specialist to discuss CART’s opportunity to participate in the City of Norman’s event Norman Quest Adventure Race. CART will provide free bus fare to participants on race day.
- Finished agreement with Memorial Presbyterian Church to begin CART’s third park and ride lot in the City of Norman, joining the Bethel Baptist Church Annex and Sooner Mall.

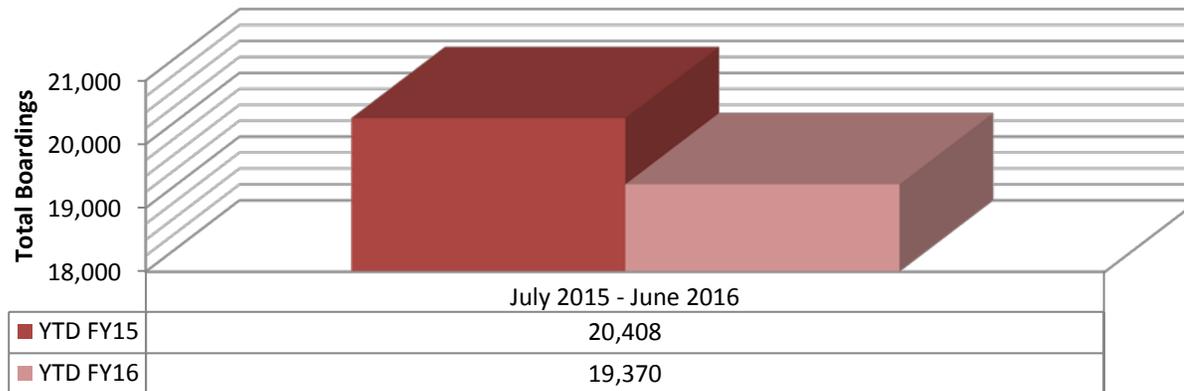
#### **Bus Stop Improvements.**

- CART has begun to install more Bus Stoppers and is evaluating lighting at bus stops to increase safety for passengers.
- CART submitted 3 permit applications to improve bus stop amenities. These locations are at Berry/Denison, Healthplex Pkwy/Heartplaza, and Stubbeman/Ridge Rd.

## January 2016 CARTaccess Total Ridership

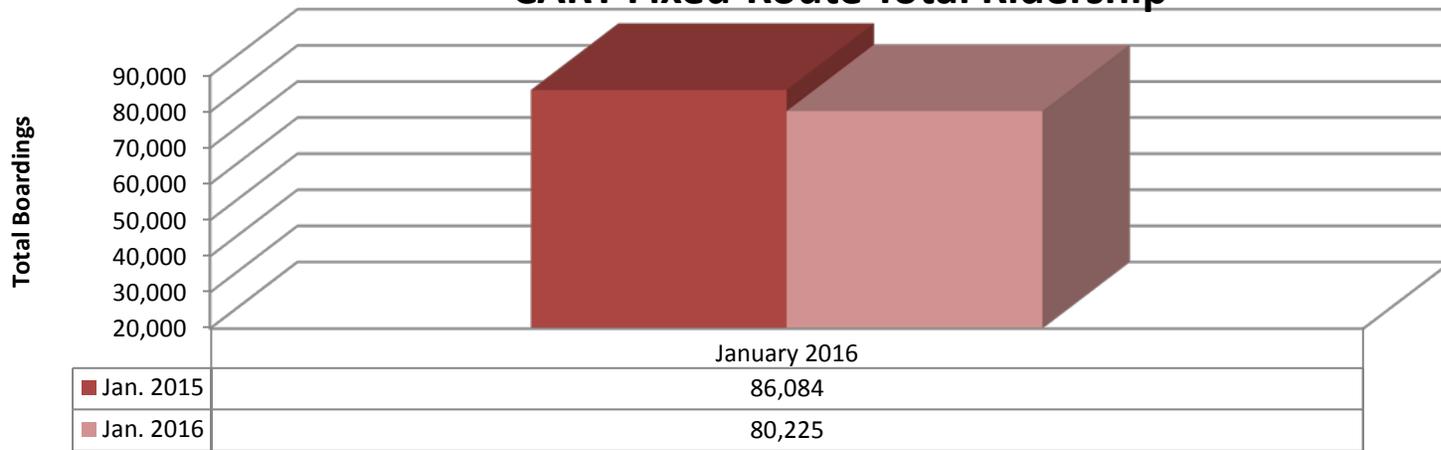


## July 2015 - June 2016 (Year-to-Date FY16) CARTaccess Total Ridership

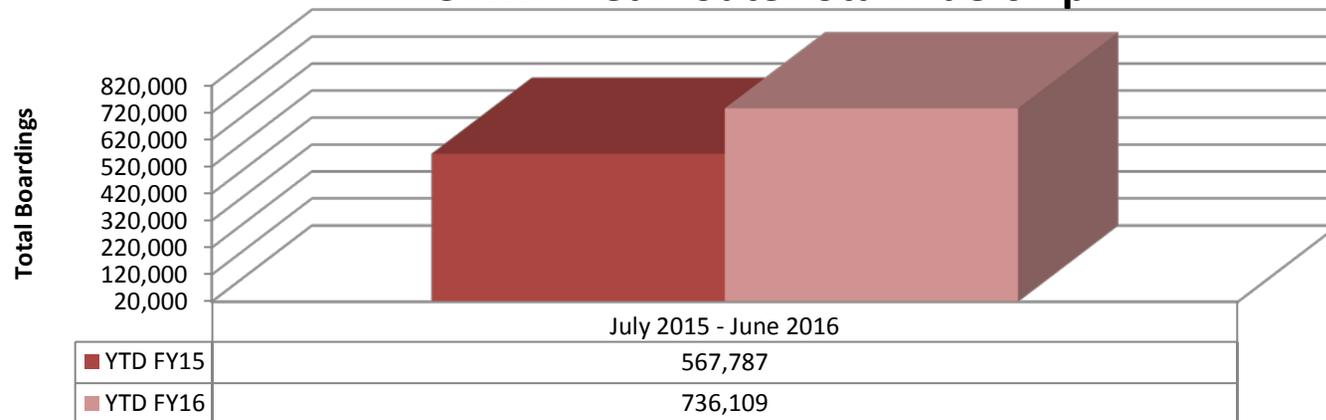


CARTaccess	Jan. 2015	Jan. 2016	% Change	CARTaccess	YTD FY15	YTD FY16	% Change
Monthly	2,817	2,710	-4%	Annual Total	20,408	19,370	-5%

## January 2016 CART Fixed-Route Total Ridership



## July 2015 - June 2016 (Year-to-Date FY16) CART Fixed-Route Total Ridership



CART Fixed Route	Jan. 2015	Jan. 2016	% Change	CART Fixed Route	YTD FY15	YTD FY16	% Change
Monthly Total	86,084	80,225	-7%	Annual Total	567,787	736,109	30%

FY15: July 1, 2014 - June 30, 2015

FY16: July 1, 2015 - June 30, 2016

## **Community Planning & Transportation Committee**

### **CART Monthly Report, January 2016**

#### **CART – Ridership Report Summary**

- CART transported 80,225 passengers in January – a daily average of 6,157. January’s ridership was down 7% from the same month last year, however the average daily has increased 1,960 (47%) to 6,157. The decrease in overall ridership can be attributed to five fewer regular service days in January 2016.
- Year to date ridership (July – January) is 736,109 – an increase of 30% from the same period last year.
- The only route with a significant decrease in ridership is Campus Loop (-16% YTD).
- For the one-week manual count in January, there were 204 riders who traveled with bicycles (3.2%) and 63 with wheelchairs (1.0%). Lindsey East carried the most passengers with bicycles (64) and Main Street carried the most with wheelchairs (31).

#### **CARTaccess – Ridership Report Summary**

- CART transported 2,710 CARTaccess riders in January – an average of 118 riders daily.
- For FY16 year to date, CARTaccess ridership is down 5%.
- CART continues to encourage CARTaccess riders who are able to ride free on CART fixed route.

#### **CART Vehicles**

- Four 2000 Gillig 40-foot buses were transferred from the Fort Worth Transit Authority to CART. Three vehicles will be used in regular service and one will be used for parts. These vehicles will be used until additional funding is received to order replacement vehicles.
- The new 20 passenger Arboc Spirit of Mobility Low Floor CNG fixed route bus will be delivered in March.

#### **Marketing/Outreach**

- CART is actively seeking new drivers at career fairs and other events, as well as placing ads in The Oklahoman and Norman Transcript, and the CART training supervisor is training new CDL drivers. To date, we have received 4 leads from The Oklahoman and one from the Norman Transcript.
- Route schedules and rider guides for 2016 arrived and were placed at strategic locations around Norman and on the buses.
- CART advertised use of new red minivans on social media to alert CARTaccess customers.
- CART participated in the Center for English as a Second Language (CESL) orientation on January 21 for new students. Staff provided an overview of CART services, demonstrated use of CART’s website, the Google language translator, and CARTgps.com, and answered travel trip questions from the students.

#### **Bus Stop Improvements.**

- The City of Norman has approved 4 bus stop permit applications. These improvements are currently in progress:
  - Main Street Route 10, Stop 8 – Advertising bench added to existing stop
  - Alameda/E. Norman Route 21,
    - Stop 71 - stop with shelter will be relocated from 12<sup>th</sup> St. NE to Main Street, east of 12<sup>th</sup> Ave. NE. The stop will continue to serve CSBI and Walmart, but in a safer location.
    - Stop 253 – at Ridge Road, next to Concord Missionary Baptist Church. New stop with ADA landing pad.
  - West Norman Link Route 20, Stop 247 –Heart Plaza on Healthplex Pkwy. New stop with advertising bench.
- Tyler Media is in the process of replacing the solar panels and batteries at all the CART bus shelters in Norman. The 1<sup>st</sup> shelter on 36<sup>th</sup> Av. NW (Stop 30 on the West Norman Link Route 20) has been completed. The new, larger solar panels combined with the new batteries will provide improved lighting at the bus shelters.

#### **CART Award**

- CART entered the Ridership and Expanded Service category of the Oklahoma Transit Association Awards and won first place at the awards banquet on February 4<sup>th</sup>.

**ITEM 2**

**REQUEST TO NAME CAT PORCH  
AT ANIMAL WELFARE CENTER**

February 10, 2016

To the Honorable Mayor and City Council  
City of Norman

Mayor Rosenthal,

I am writing this letter for myself and my wife, Alicia, as private citizens in the City of Norman. I would like to emphasize that my following comments are not associated with or on behalf of my employment with the City of Norman or my position at the Norman Police Department. Alicia and I are writing this letter to request a review and consideration to place a plaque on the cat porch at the Norman Animal Welfare Center in compliance with the *City of Norman, Citizen Recognition Policy*. This feature was added into the construction project and other items were purchased and fully paid for with donated funds in memory of our daughter, Sara.

Our daughter Sara was murdered on June 27, 2013, in a domestic violence incident. She was only 23 years old, but she had a full life during that time and touched the hearts in a lot of peoples' lives. Sara also had a very large spot in her heart for animals. She had two pets at home and she treated them like her children. She had a Chihuahua named Cora and a Tabby cat named Henry. She cared for them and pampered them to a level that any animal would be completely pleased. Alicia and I are now caring for Sara's orphaned pets and will continue to treat them with the same special care and love that she dedicated to them. I will share a little background about Sara's love for animals to help support our request to display a plaque on the cat porch at the Norman Animal Welfare Center.

From the earliest moments, I can recall how Sara displayed her compassion for animals when she was just a little girl. She was helping Alicia in the yard, but they could not fill the bird feeder because we were out of bird seed. Sara looked up with her big baby eyes drooping so sadly and said "But the little birdies are starving." Of course, we went out and got a bag of bird seed. More recently, when she was visiting a friend at a local apartment complex she found a goose at the complex pond with a wing that was missing. It appeared to have been attacked by a dog. She caught the goose and drove it to Wild Care in Noble to see if they could save its life. Sara called back on several occasions and checked on the condition of the goose.

If Sara saw an unattended dog or cat along the road, she would want to stop and try to get it. She would say it needed food or water and wanted to help it. Even if you pointed out to her that the pet had a collar on, she would reply that it may be lost and needed help finding its way home. Fortunately, Sara knew she could not take in and care for every dog or cat she saw, but she would make sure we knew she wanted to help them. Otherwise, I think our house would have been well over the pet limit.

Sara loved animals so much that she got a job and worked at the Westwood Veterinary Hospital. She felt this was one of the greatest jobs she had because she got to work with animals and help treat the sick or injured animals. She worked at this job while she obtained her training in phlebotomy. Prior to her death, she had begun working for Norman Regional Hospital as part of the lab services area, expanding her aspiration of helping others to helping care for people too. She especially like working with the small children who had to have blood drawn. She had a unique calming attitude which eased their stress.

Sara was always loving and caring for others and especially for animals. She was a member of Human Society and PETA. She wanted to volunteer at the Norman Welfare Center, but I joked with her and told her I had put her name on the "Do Not Adopt" list because we already had the maximum number of pets allowed. Mainly, I was afraid that some puppies or kittens would accidentally fall into her pocket and end up at the house.

Sara was a caring person who showed her overwhelming care for others, even in her last hours of life. On the day she was murdered, she had gone to spend the night with a co-worker that she worked with in the lab at Norman Regional Hospital because they both had an 8 a.m. shift the next day. That evening, for some reason the co-worker's boyfriend became enraged and uncontrollable. He forced the two girls onto their knees in the kitchen floor and began to beat them with his fists and the butt of a shotgun. The co-worker testified at the murder's trial about Sara's selfless actions. She testified about how Sara, more than once, leaned over in front of her to block his attacks and pleaded for him to stop beating her friend. As they fled into a spare bedroom to try to seek safety, Sara's friend was knocked out from a blow to her head that caused a skull fracture and Sara was shot in the head and killed.

Alicia and I did not want Sara to simply be remembered as "that young girl that was murdered". We wanted her to be remembered for her love and caring for others, and especially for animals. Having worked closely with the development of the design for the renovation of the Norman Animal Welfare Center I have talked about the project at home on many occasions. When the construction bids came in higher than expected, features had to be deleted from the project to save costs and to be able to obtain a construction contract. One item that was cut from the project was a feature that Sara loved and had commented many times about how nice it would be. The feature was a cat porch or sunroom by the front doors where the cats could go into and play or just lay in the sun. Sara thought that area would be great for the cats to get fresh air and sunshine and would allow the cats to be seen by everyone coming into the center and would increase their chances for placement into a new forever home.

As a tribute to Sara and as a way to keep her love and caring for animals on-going, Alicia and I decided to obtain the funds and ensure that the cat porch part of the project can be added back into the building design. The City of Norman graciously allowed donations to be made directly to the Norman Animal Welfare Center in Sara's name. It was always understood that all the donated funds collected in Sara's name would be used at the Norman Animal Welfare Center to improve the quality of care for the animals at the center while they were waiting for new forever homes.

In the beginning, the cat porch was the goal we wanted to accomplish. It was estimated that the total cost for the cat porch would be about \$9,000 to add the feature back into the project. There were two components needed for this concept to work. The first would be the installation of the awning over the front entry doors to the shelter, which also serves as the roof for the cat porch. The second is the actual construction of the concrete flooring and a screened enclosure area for the cats to use.

Donations began to come in and were tracked to ensure that all the funds would be utilized for the cat porch. Many friends, family members and citizens asked us what they could do to help honor Sara. We simply asked that they assist with the project because of how much she loved animals. It was obvious that any items funded from the donations would be added improvements in the renovation of the Norman Animal Welfare Center, would help improve adoptions and would assist in dogs and cats finding that perfect forever homes. Overall the project would benefit the entire City of Norman for many years to come.

The donations received exceeded our initial goal. More than \$21,000 was donated to the Norman Animal Welfare Center for Sara. We were able to fund the full cost of the cat porch, upgrade both dog and cat kennels, and purchase cat furniture for the multi-cat rooms. On May 13, 2014, the Council approved the appropriation of the donated funds which had been made in Sara's name specifically for the addition of the cat porch to the construction project, but also the balance of the funds to be used to purchase other items for the center. I have attached a copy of Change Order #5, where the funds for the cat porch were appropriated. The balance of the funds were also appropriated for use on additional items. The Norman Animal Welfare Center was able to upgrade ALL the dog and cat kennels in the adoption area from wire mesh fronts and changed them to glass fronts. This change makes the kennels more pleasing to look at, makes it easier to see the animals inside, and helps with the marketing of the animal when people are visiting the center seeking an animal to adopt. (Photos of the modified kennels attached.) In addition, there was enough funds to purchase "cat furniture" to go into the open area rooms for displaying adoptable cats. Those rooms are large rooms in which 5-6 cats can be free roaming inside the room and they can play or rest on the fixtures. People seeking to adopt a cat can go into the room and interact with the cats. (Photos attached.)

We have had a plaque made and inscribed to give a snapshot overview of Sara's love for animals and about how and why the cat porch feature was added into the construction project. (Photo attached.) We are requesting approval to place the plaque on the outside screen of the cat porch so it will be visible to those patrons coming to the Norman Animal Welfare Center. The language in the plaque is not just about Sara, but also includes the recognition to all of those who made a donation and who shared Sara's love for the animals at the center.

In accordance with the *City of Norman's Citizen Recognition Policy* we believe that the plaque should be allowed and request approval for the placement of the plaque. The plaque would not be to name the building, but would only be to recognize and commonly referred to as the "cat porch" for which donations were specifically accepted, with the acknowledgement of the City. On the plaque, we have referenced the 6'x14' cat porch area as "Sara's Solarium" since it is a place where the cats can go outside and enjoy the sun light. In the City's Citizen Recognition Policy, under the section for *Contribution Dedication Guidelines*, line 2-B clearly states that dedication opportunities may be extended for projects not budgeted and for which other funding is not designated and a 100% contribution is made in order for the project to be implemented. As previously stated, this portion of the building design and construction had been fully removed from the project in steps to save building costs so that a contract could be obtained for the construction of the remainder of the building. There were no plans for the City of Norman to seek additional funds to have this feature in the construction or to be added to the building in the future. In fact, had the area not been constructed as the building was constructed, the concrete slab floor, awning and access door into the area would not have been present to add the feature at a later time.

In addition, line 3 of the policy allows for public recognition for minor items such as benches, trees, refuse cans, flag poles, fountains or other similar items. The policy states that those items are not subject to the guidelines and policies in the *City of Norman's Citizen Recognition Policy*. This small area, even though attached to the building, would be no more intrusive than a flag pole or a fountain. If viewed as such, then formal approval is not needed to place the plaque on the solarium's screen.

In addition, the plaque reflects the worst tragedy that can happen in a domestic violence situation, a senseless murder. Domestic violence and its prevention is a topic that the City of Norman and many

other community organizations have strived to prevent. The City of Norman has annually supported awareness of domestic violence issues in the form of a Resolution proclaiming the month of October as Domestic Abuse Awareness Month. If approved, the plaque would be a permanent reminder to all who see it about the critical issues associated with domestic abuse.

Alicia and I express our deepest and sincere thank you for your consideration of this request. If approved, the plaque would provide a loving legacy for Sara and would show her overwhelming desire to help others and the dedicated love that she had for animals and also the support of family, friends and Norman citizens who supported the project through their generous donations.

A handwritten signature in black ink that reads "Jim Maisano". The signature is written in a cursive, flowing style.

Jim and Alicia Maisano

1527 Charles Street  
Norman, OK  
Ward 8

Attachments: Plaque requested to be displayed  
Cat room furniture purchased 1  
Cat room furniture purchased 2  
Cat room furniture purchased 3  
Alicia with cat on cat room furniture  
Cat kennels, with upgraded glass fronts  
Dog kennels, with upgraded glass fronts  
Text Copy R-1314-127  
Page 4, Citizen Recognition Policy



## *Sara's Solarium*

Sara Elisabeth Maisano was murdered on June 27, 2013 in a domestic violence incident. Sara was only 23 years old, but she touched the hearts of many peoples' lives.

As a tribute to Sara's tragic loss of her life and as a way to keep her love of animals on-going, numerous family members, friends, and citizens have joined together and donated funds to enable this Solarium to be added to the renovation project.

This area reflects not only Sara's love for the care and well-being of animals housed in the Animal Welfare Center, and her hope of their successful adoption into a new home, but also the same love for the animals from all those who donated to the project.















# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

File Number: R-1314-127

<b>File ID:</b> R-1314-127	<b>Type:</b> Resolution	<b>Status:</b> Consent Item
<b>Version:</b> 2	<b>Reference:</b> Item No. 23	<b>In Control:</b> City Council
<b>Department:</b> Police Department	<b>Cost:</b> \$21,103.00	<b>File Created:</b> 04/24/2014
<b>File Name:</b> Appropriation from the Animal Control Account	<b>Final Action:</b>	

**Title:** RESOLUTION NO. R-1314-127: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$21,103 FROM THE ANIMAL CONTROL LIABILITY ACCOUNT WHICH HAD BEEN DONATED TO BE USED TO PROVIDE UPGRADES TO THE ANIMAL WELFARE RENOVATION PROJECT INCLUDING THE ADDITION OF A CAT PORCH AND TO PURCHASE FURNISHINGS FOR THE GROUP CAT ROOMS.

**Notes:** ACTION NEEDED: Motion to adopt or reject Resolution No. R-1314-127.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 05/13/2014

**Agenda Number:** 23

**Attachments:** R-1314-127.pdf, Donations for Cat Porch.pdf

**Project Manager:** Deputy Chief Maisano

**Entered by:** kathy.lamar@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File R-1314-127

Body

**BACKGROUND:** Sara Maisano had a love for animals and their humane treatment. After Sara passed away, the Maisano family asked that donations be accepted by the Norman Animal Welfare Center in Sara's name to be dedicated to the expansion and renovation project currently underway at the Animal Welfare Center .

**DISCUSSION:** Family, friends, citizens and others who shared a love for pets like Sara made donations in Sara's name to the Animal Welfare Center in the amount of \$21,103. Working with Cooley Construction, a price of \$10,000 was negotiated to add the cat porch back into the overall construction project. This contract modification will be requested in a separate change order. The staff at the Animal Welfare Center will utilize the remaining funds to make other upgrades to the construction project and/or to purchase other beneficial items such as furnishings for the group cat rooms.

**STAFF RECOMMENDATION:** It is recommended that \$21,103 be appropriated from Other/Animal Control account (010-0000-227.24-31) and be distributed to the following accounts: \$10,000 into Construction (project BG0246; account 050-9699-441.61-01) and \$11,103 into Minor Equipment & Tools/Other (project PD0010; account 010-6070-441.36-99).

- (A) Involvement in a leadership role in civic organizations which are devoted to community improvement.
  - (B) An active leadership role in developing and implementing programs directed to the improvement of the visual aesthetic appearance of the community at the commercial, public, or residential level.
  - (C) An active leadership role in developing programs and/or facilities for collecting, promoting, and retaining the many aspects of the natural or historical heritage of the community.
  - (D) An active leadership role in developing programs and the facilities directed toward the improvement of community, social, and health needs as well as programs directed toward humanitarian purposes.
3. Preference may be given to names of long established local usage and names that lend dignity to the facility to be named.
  4. Names selected shall be of enduring, honorable fame, not notoriety, and shall be commensurate with the significance of the facility.
  5. Names with connotations which, by contemporary community standards, are derogatory or offensive shall not be considered.
  6. Names must be tasteful and non-controversial. The name should be no more than three words preceding the designation (i.e., Park, Building, Room, Field, Complex, etc.).

#### Contribution Dedication Guidelines

1. Displays of public recognition in the name of an individual shall be considered for interior features or a portion or special section of a building, facility, or park area as a condition of a gift of cash or property or to honor meritorious service and leadership over a period of time.
2. The following are guidelines for which a dedication opportunity may be extended.
  - (A) There shall be a \$50,000 contribution or 10% of total cost, whichever is greater, in either cash or property.
  - (B) Projects not budgeted and for which other funding is not designated may require a 100% contribution in order to be implemented and a naming opportunity considered.
  - (C) For major capital projects, a specifically tailored plan of donor recognition and dedication may be submitted to the City Council Planning Committee for review and recommendation to City Council.
3. Displays of public recognition for such minor items as benches, trees, refuse cans, flagpoles, water fountains, or similar items are encouraged and are not subject to these guidelines or procedures. Current and appropriate signage guidelines will apply.
4. Nothing in this policy shall preclude the City from entering into a contractual agreement with other governmental, non-profit, and private entities to undertake a significant public-private venture that depends upon the participation of multiple funding sources and may include the

## **ITEM 3**

# **POSSIBLE AMENDMENTS TO R-3 ZONING**



**TO:** Community Planning and Transportation Committee Members

**FROM:** Susan Connors, AICP, Director of Planning and Community Development

**DATE:** February 26, 2016

**RE:** Possible Amendments to the R-3 Zoning District

### **BACKGROUND**

At the December 9<sup>th</sup> Community Planning and Transportation Committee meeting, the members discussed requiring maximum parking standards in the R-3 zoning district. However, as the discussion continued the topic moved to the issue of having too many people living in certain types of structures, mostly private dormitories built as duplexes, and the number of cars that accompany that use.

The Committee asked staff to research and create a definition for dormitories and to provide a map where the Center City Form Based Code could be expanded to include a larger area that is currently zoned R-3 and prohibit dormitories in that area.

### **MAPPING OF R-3 ZONED AREAS**

Two maps are attached. They both show the Center City boundary and properties zoned R-3. One has the streets identified and the other shows the platted lots. The R-3 zoned areas in the Center City Form Based Code (CC FBC) are distributed among three different districts in the CC FBC, the Neighborhood Middle Frontage, the Townhouse/Small Apartment Frontage and the Detached Frontage. Each of these frontages has different uses allowed, and other regulations also vary among the three frontages.

The uses permitted in the R-3 Zoning District are: detached single-family dwelling, family day care home, general purpose farm or garden, home occupation, two-family dwelling, single-family dwelling and a garage apartment, apartment houses and accessory buildings.

### **DISCUSSION**

After reviewing the definition of dormitory found in the ordinances of other college towns and cities and in the dictionary, there was not a definition that seemed to approach the solution that the Committee discussed in December. Most other cities that we looked at did not approach the solution to student overcrowding in this manner. Legal staff will continue to research this and have additional information available at the Committee meeting.

office memorandum

A list of definitions that were found during staff's research are attached including "dormitory", "boarding house", "rooming house", and "fraternity and sorority house"

Staff's research uncovered several ways that other cities are controlling off-campus student housing. An article titled "What Other College Communities Have Done" is attached. It lists several regulatory actions aimed to preserve the single-family residential character of a campus neighborhood such as restricting the definition of family, issuing residential parking permits, targeting disorderly houses and limiting occupancy based on parking availability.

In addition to that article we found other options being used:

In St. Paul, MN the University of St. Thomas, the largest private college in Minnesota, committed to a housing "buyback" program of 30 houses over 10 years in which the University buys houses being rented to students in the neighborhood and resells them to willing buyers with restrictions on the deed that the houses can only be owned by owner-occupants. St. Paul City Council also adopted an ordinance that limits in specific areas the number of single-family and duplex homes that can be rented to students by requiring a minimum distance of 150 feet between existing and new student homes (Student Housing Overlay District is attached). This program requires landlord registration which is not allowed in Oklahoma. Many cities have landlord registration and are able to enforce other regulations from that data base.

Raleigh, NC established an Overlay Zone to limit the number of single-family rental properties in a given residential neighborhood. Although not clearly stated, this was most likely preceded by landlord registration.

Fort Collins, CO has a land use designation for an "Extra Occupancy Rental House". An Extra Occupancy Rental House conversion requires compliance with a set of regulations. The definition is "a building or portion of which is used to accommodate, for compensation, four (4) or more tenants, boarders or roomers. It is not necessary for a family or owner to occupy the house. The word compensations shall include compensation in money, services or other things of value".

### **AMENDMENTS TO THE EXISTING R-3 ZONING DISTRICT**

The existing R-3 zoning district can be modified in minor ways to make it more difficult to place large duplexes on lots. Some possible changes to the existing R-3 zoning district could include the following:

1. Increase the required amount of pervious surface on a lot which would decrease the allowed impervious surface amount.
2. Decrease the percentage of allowable building coverage.

3. Limit the number of off-street parking spaces that are allowed and at the same time create permitted parking on the street. Limit the number of on-street parking permits allotted to each lot.
4. Increase the size of a lot necessary for multi-unit buildings. (This lot size could still be achieved by combining lots.)

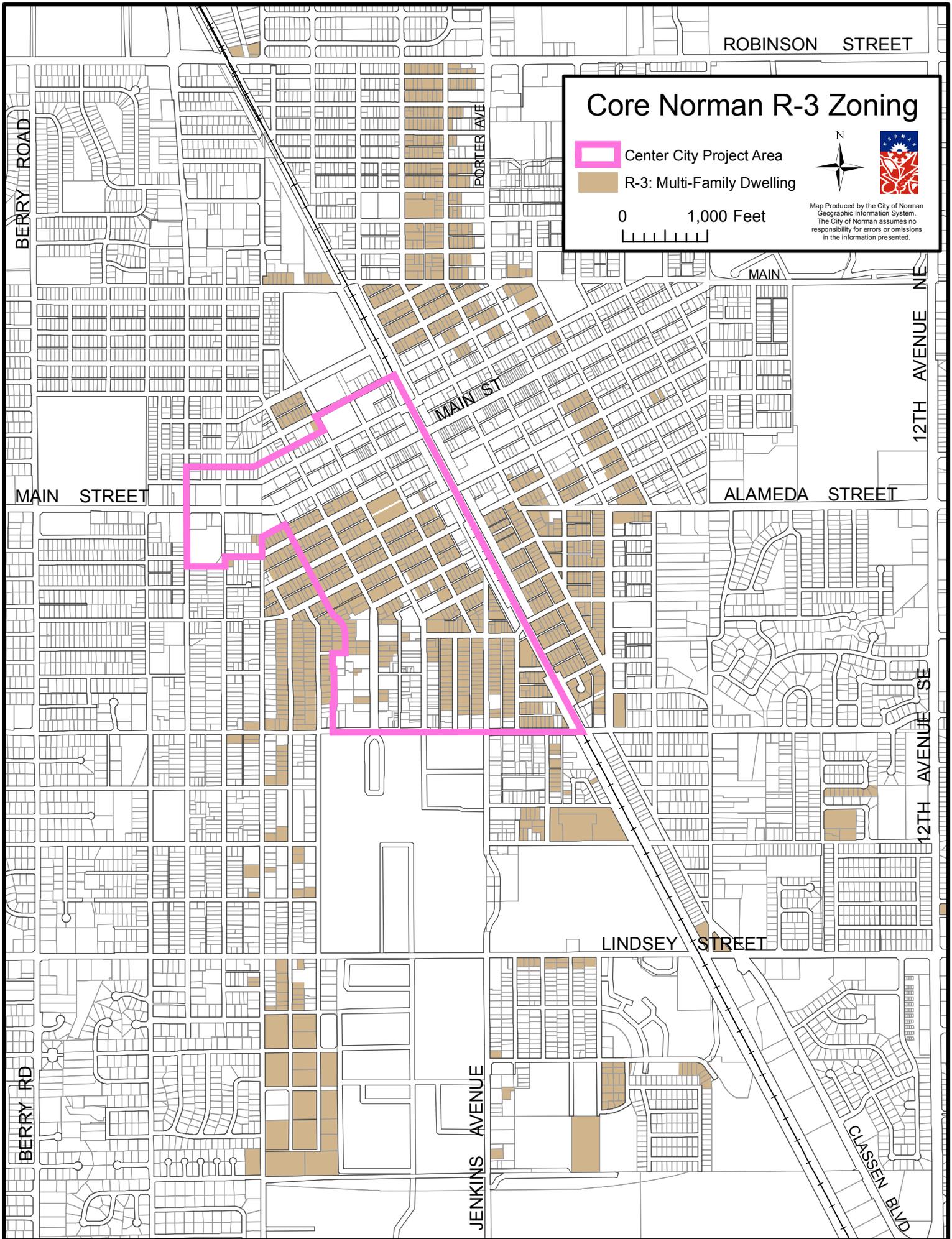
The CC FBC is incorporating other ways to manage development on a lot such as:

1. Requiring all buildings to be built at the property line.
2. Requiring all parking to be behind the building.
3. Establishing parking maximums.
4. Restricting curb cuts.
5. Creating specific rules about how buildings address each other in the neighborhood manners section of the CC FBC.

## **CONCLUSION**

The following are the main suggestions, based on our research, which could change the character of development in the neighborhoods currently zoned R-3:

1. The adoption of the CC FBC
2. Set a maximum off-street parking number
3. Institute on-street parking permits and limit the number that are allocated to each lot
4. Define a private commercial dormitory and restrict where it can be located
5. If necessary, modify percentage requirements for impervious surface and building coverage
6. Increase lot sizes required for multi-unit buildings.

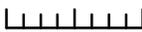


ROBINSON STREET

# Core Norman R-3 Zoning

-  Center City Project Area
-  R-3: Multi-Family Dwelling



0 1,000 Feet  


Map Produced by the City of Norman  
Geographic Information System.  
The City of Norman assumes no  
responsibility for errors or omissions  
in the information presented.

BERRY ROAD

PORTER AVE

MAIN

MAIN ST

12TH AVENUE NE

MAIN STREET

ALAMEDA STREET

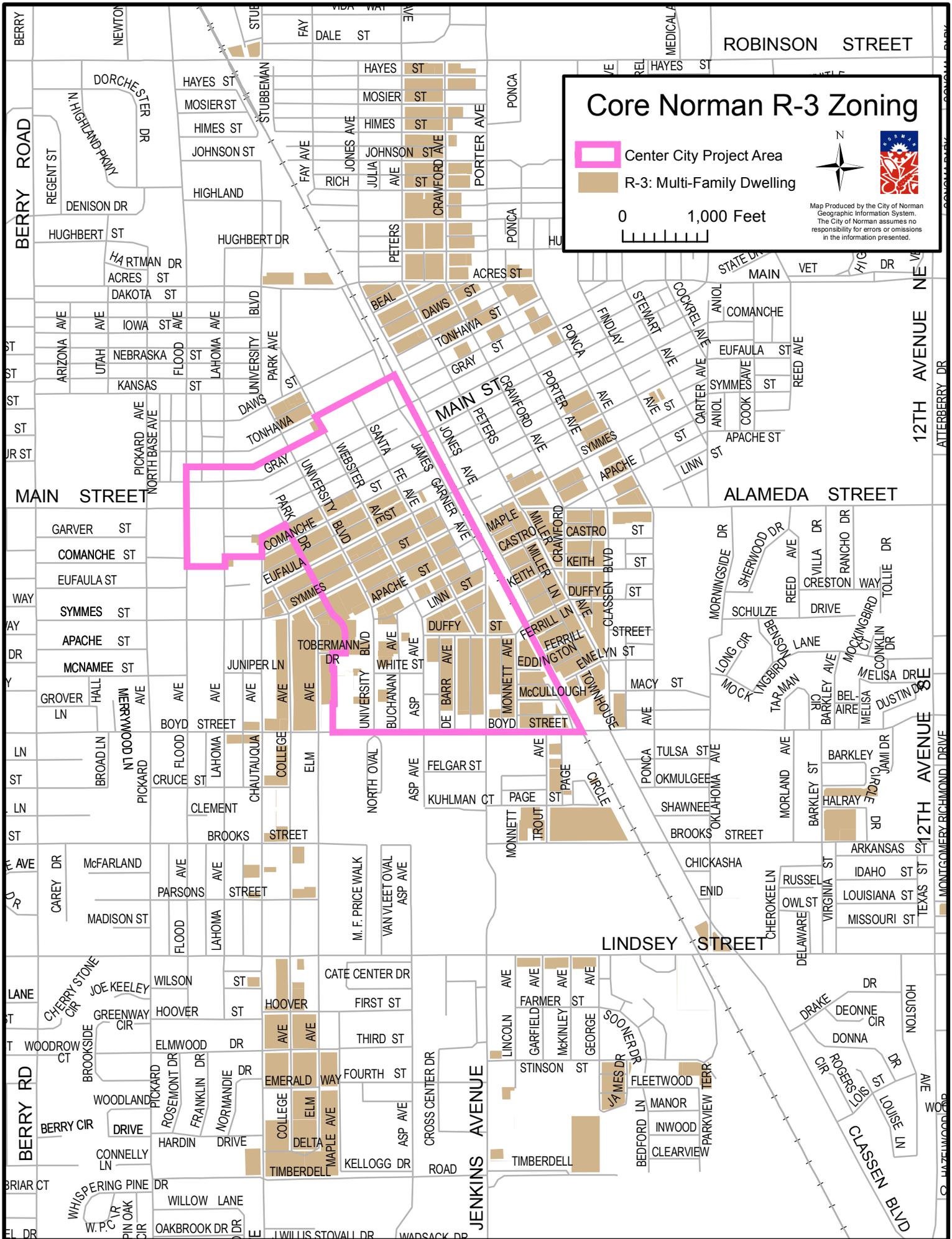
12TH AVENUE SE

LINDSEY STREET

BERRY RD

JENKINS AVENUE

CLASSEN BLVD



# Core Norman R-3 Zoning

-  Center City Project Area
-  R-3: Multi-Family Dwelling



0 1,000 Feet



Map Produced by the City of Norman  
 Geographic Information System.  
 The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.

## **DEFINITIONS**

### **Boulder, CO**

Dormitory means a building intended or used principally for long-term sleeping accommodations only by students of a college, university, or other public, quasi-public, or private institution. A common kitchen and common rooms for social, media, entertainment, and recreation purposes may also be provided.

Boarding house means an establishment where, for direct or indirect compensation, lodging, with or without meals, is offered for one month or more. A boarding house does not include a fraternity or sorority.

### **Lawrence, KS**

Dormitory. A Building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals and in which there are more than eight (8) sleeping rooms or 16 sleeping accommodations. As such the rooms are let on a weekly or monthly basis or for greater period of time and are not available to the general public on a nightly basis as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building, provided that the main entrance to these facilities is from within the Building.

### **Columbia, MO**

Dormitory. A building devoted exclusively to living facilities, in which each person residing in each living unit shall be a duly registered student in any accredited school, college or university, the spouse of such student, or a management employee. Such living facilities may contain sleeping rooms for use of one or more persons, provided that there is at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

Boardinghouse or lodging house. A building occupied as a single housekeeping unit, where lodging or meals are provided for five (5) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients; or a building occupied as a group home by five (5) or more persons, each of whom is either a recovering alcoholic or a recovering drug addict.

### **Fort Collins, CO**

Dormitory shall mean a building used as group living quarters for students or religious adherents as an accessory use for a bona fide college, university, boarding school, seminary, convent, monastery or other similar institutional use.

Fraternity and sorority houses shall mean residences housing students in organizations established primarily to promote friendship and welfare among the members (i.e., Greek-letter social fraternities and similar organizations), and which residences are affiliated with Colorado State University.

### **Durham, NC**

**Commercial Dormitory:** A structure specifically designed for a long term stay by students of a college, university, or non-profit organization for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

**Boarding House:** A building, other than a hotel, rooming house, or bed and breakfast inn, containing at least four, but not more than nine guest rooms. At least one meal is provided to guests. Individual guest rooms shall not contain kitchens.

**Rooming House:** A building other than a motel, hotel, bed and breakfast inn or boarding house, containing at least four, but not more than nine guest rooms. A rooming house shall not contain kitchen facilities within the guest rooms, and no meals are served to guests.

### **Denton, TX**

**Boarding or Roominghouse.** A dwelling in which meals and lodging or just lodging are furnished for compensation to more than four (4) but fewer than twenty (20) persons. Provision for meals may be made, provided cooking is done in a central kitchen and not in individual rooms or suites.

**Dormitory:** A dwelling unit designed to be occupied by at least fifty (50) students or residents of a school, college, university, or similar institution, with sleeping accommodations, common gathering rooms, and may include group cooking and dining facilities designed to service the entire residency of the dormitory.

**Fraternity or Sorority House:** A dwelling unit in which members of a fraternity or sorority assemble or reside.

### **Dictionary.com**

Dormitory: a building, as at a college, containing a number of private or semiprivate rooms for residents, usually along with common bathroom facilities and recreation areas.

# What Other College Communities Have Done

## *Examples of Regulatory Actions to Preserve the Single-Family, Residential Character of a Campus Neighborhood*

West Urbana is not alone in trying to preserve its single-family residential neighborhood. The May 2002 issue of *Zoning News*, a publication of the American Planning Association, discusses “How Communities Address the Problems of Students Living Off-Campus.” It lists effective strategies to reverse the “encroachment of student rental housing into nearby single-family neighborhoods and the negative effects of this encroachment.”<sup>1</sup> Research by members of the West Urbana Neighborhood Association details solutions other college communities have implemented to achieve these goals.<sup>2</sup> What follows are examples from which we can extrapolate and learn.

**Restrict the Definition of Family** “The most common method of attempting to deal with over-occupation of rental properties in a single-family district.”

Example of a “functional family” from Ann Arbor, MI: “... functional family means a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.”<sup>3</sup>

The restrictive family definition needs to be non-discriminatory and broad enough to include two unrelated partners and same-sex partners. Specific exceptions can be included in such an ordinance: e.g., in-home childcare; elderly care; sabbatical renters; exchange students, etc. Towns that have passed such an ordinance, and the year of passage include:

- ◆ Macomb, IL, 2001
- ◆ Ann Arbor, MI [Survived challenges at the State Supreme Court level, 2001]
- ◆ East Lansing, MI, 1997
- ◆ Burlington, VT, 2001
- ◆ Salisbury, MD, 2003
- ◆ Binghamton, NY, [Survived challenges at the State Supreme Court level, 2000]

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<sup>1</sup> Craig Raborn: “Coping with Colleges: How Communities Address the Problems of Students Living Off-Campus.” *Zoning News*, May 2002, p1-6. [Quote, p.1] Other quotes from this article, unless otherwise indicated.

<sup>2</sup> Research was conducted over the last several years and may not be 100% accurate.

<sup>3</sup> Chapter 55, Zoning Code. Also at: <http://www.ci.ann-arbor.mi.us/Planning/codes/ch55-all.html>

**Reduce the Number of Unrelateds** [currently 4 in Urbana]. Provide a sunset provision which requires that any current rentals will have to conform to the new occupancy rate within a specified number of years. Examples of the number of permitted unrelateds in other communities and when current level enacted are:

- ◆ Carbondale, IL, 2, 1974
- ◆ Normal, IL, 2, long-standing
- ◆ Macomb, IL, 2, 2001
- ◆ Columbus, OH, 2, long-standing
- ◆ Madison, WI, 2, long-standing
- ◆ East Lansing, MI, 2, 1997
- ◆ Salisbury, MD, 2, 2003. Included a sunset provision of 3 years for existing rentals.
- ◆ Lawrence, KS, 3, 2003
- ◆ Provo, UT, 2, 2003
- ◆ Lincoln, NE, 2 [Survived challenges at the State Supreme Court level, 1997]
- ◆ Bloomington, IN, 3 [Survived challenges at the State Supreme Court level, 2003]
- ◆ Allentown, PA: Student overlay district, limiting the number of unrelateds permitted in this district compared to other parts of town. [Upheld in court challenges.]

**Enforce Codes and Standards** Ordinances to encourage compliance with existing codes include:

- ◆ Bethlehem, PA: Tenant & Landlord must sign supplementary agreement that stipulates an understanding of legal # of occupants; obligations of landlord for maintenance; obligations of decent conduct by tenants.
- ◆ Gainesville, FL: Requires rental occupancy permit to be maintained on premises.
- ◆ Iowa City, IA: Have info disclosure form on responsibilities and # occupants. Post legal # occupants for every rental property on the Web.
- ◆ West Lafayette, IN: Nuisance inspector who inspects key neighborhoods 3-4/x daily. Has resulted in a major change in appearance of area.

### **Issue Residential Parking Permits**

- ◆ Manhattan, KS: issues two permits per property at nominal fee. Overnight parking in neighborhoods near campus prohibited without a permit.
- ◆ Newark, DE: No more than 2 residential parking permits will be issued per address for any non-owner occupant single-family type dwelling requiring a rental permit.
- ◆ Columbus, OH: Limits number of ‘stacked’ cars in a driveway; also limits to area devoted to parking and maneuvering of vehicles in the University District Overlay to 35% of lot to prevent the “auto salvage yards” syndrome.
- ◆ Eugene, OR: One permit per address, with a limited number of additional permits for a 2-hour parking limit only.

- ◆ East Lansing, MI: 24/7 program in select neighborhoods, which limits number of permits [up to 3 or 4, depending on area] per address. No on-street parking 2am-5am. Grandfathered businesses exempted.
- ◆ Bloomington, IN: Limits number of permits issued to Greek houses in the neighborhood. Greek Houses do not receive visitor passes.

**Inspect Rentals and License Landlords** “Safe rental housing and a record of responsible parties for each property are additional benefits of such a program.”

- ◆ Columbia, MO: Requires certificate of compliance, HVAC inspection, and city inspection. Registration and inspection fees required.
- ◆ Gainesville, FL: Yearly fee for rental properties. Website promotion of licensed properties. Landlord point system, in which revocation of license possible for non-compliance [passed 2003].
- ◆ Iowa City, IA: requires rental permit [fee assessed every 3 years per structure and per number of bedrooms] and one-time Certificate for Structure Compliance [one-time fee].
- ◆ West Lafayette, IN: Requires certification of all rental housing. Annual fee of \$300 per structure in 2002, and additional per-unit fee. Different fees depending on whether owner-occupied, # of relateds and/or unrelateds, and multi-housing/single-family unit, etc.
- ◆ East Lansing, MI: Annual inspections.
- ◆ Boulder, CO: Baseline and safety inspections required. Fines up to \$2000 if unlicensed. Exempted properties include: owner-occupied or sabbatical rentals.

**Implement Rooming House Programs** These programs may be permitted in certain zones or overlay districts and may be prohibited in single-family districts.

- ◆ Adopt ordinance making a Student Rental Home a use by special exception
  - ◆ West Chester, PA
  - ◆ Merrion Township, PA
- ◆ Limits on density of student houses:
  - ◆ West Chester, PA: bans new student housing within 400’ of other such housing.
  - ◆ Newark, DE: student homes must be at least 10 lot-widths apart.

**Target Disorderly Houses** Minimizing nuisance and over-occupancy violations. Drafting ordinances to preserve the spirit of single-family zoning.

- ◆ East Lansing, MI: Landlord fined daily if over-occupied. Landlord must prove tried to evict. Can fine landlord or tenant. If there are too many noise violations, the landlord is notified and ultimately liable. \$1,000 fines and possible incarceration for serious repeat noise violations. Enforced twice and never needed subsequently, as of 2004.
- ◆ Columbus, OH: Owner liable for over-occupancy.
- ◆ West Lafayette, IN: Requires Occupancy Affidavit, which must be displayed on premises. Fines of \$1000-\$2500 imposed on landlord for over-occupancy. Owner and tenants must sign occupancy affidavit.

- ◆ Springfield, IL: Website of landlords with excessive violations. [http://www.springfield.il.us/CITY\\_GOV/ComServ/TopTen.htm](http://www.springfield.il.us/CITY_GOV/ComServ/TopTen.htm)
- ◆ Ames, IA: Aggressive enforcement of over-occupancy. Landlords and tenants found in violation of the occupancy limit for their area will be fined \$500 for the first violation and \$750 for additional violations.
- ◆ Carbondale, IL: Second offense for over-occupancy: fine owner and tenants. Burden is on the owner to inform tenants of legal occupancy rate. Burden of proof on residency is on the tenant.
- ◆ Bloomington, IN: Everyone on lease gets a ticket if there is a noise complaint, whether present or not at party.
- ◆ Boulder, CO: violation for over-occupancy and nuisance violations can be up to \$2,000 and 90 days in jail.
- ◆ Manhattan, KS: If tenants get more than 2 serious violations within a year, the city can shut down the rental house.
- ◆ Normal, IL; Boulder, CO; Ft. Collins, CO; Ames, IA; Tuscaloosa, AL; and Blacksburg, VA: ban of indoor [upholstered] furniture outside, “based on national fire safety standards and tragedies that have occurred with fires on porches or with waterlogged furniture causing collapse of the structure. Couches outdoors also attract vagrants who may find them a nice place to sleep and smoke.”
- ◆ Eugene, OR: Requires bike storage – number depending on type of building and number of units.
- ◆ West Chester, PA: For drinking offenses, can impose the maximum state penalty – loss of driver’s license.

## **Other Solutions**

### **Encourage Owner-Occupancy and Responsible Management**

- ◆ East Lansing, MI: Occupancy limits based on dwelling size and whether owner-occupied.
- ◆ West Lafayette, IN: rental registration program assigns different category of fees and fines for rental properties, depending on whether or not it is owner occupied. Properties with out-of-town owners must have a local manager if property owner lives outside of designated area [e.g., city or county limits].
- ◆ Carbondale, IL, Ann Arbor, MI, and Boulder, CO: Must have a local agent to manage property, even if owned by out-of-town parent.
- ◆ Ann Arbor, MI: UMich has Website listing of approved landlords.
- ◆ East Lansing, MI: Considering buying back rental licenses and converting rentals back to single-family, owner-occupied properties [as of 2004].

### **Limit Occupancy Based On Parking Availability**

- ◆ East Lansing, MI. Under consideration.

## **Reverse Grandfathered Non-Conforming Uses**

- ◆ Tallahassee, FL: Elimination of non-conforming status for properties that have had three or more violations of a rental housing ordinance during a six-month period.
- ◆ Bloomington, IN: Require all owners to register, and rescind non-conforming status if they do not register.
- ◆ Utah: Abandonment and Amortization of Nonconforming Uses: “The right to continue a nonconforming use may be lost if the use is abandoned for a period of time. State law does not define the period of time so it must be done by municipal ordinance. Most municipal zoning ordinances allow six months to one year of non- use, after which the property cannot be used except in conformity with the current zoning ordinance.” Elsewhere, applies towards abatement of nuisances.
- ◆ Mason County, IL: “Whenever a nonconforming use has been discontinued for a period of 12 months, such use shall not thereafter be reestablished, and use thereafter shall conform to the provisions of this ordinance.”
- ◆ Elgin, IL: “Multi-Family Conversion Program” with funding to encourage conversion of grandfathered properties back to single-family.

**Establish A Conservation District Or Overlay Zones to Discourage Demolition Of Historic Properties** and insure new development is architecturally compatible with existing fabric of the neighborhood.

- ◆ Portland, OR, 1977
- ◆ Cambridge, MA, 1983
- ◆ Raleigh, NC, 1988
- ◆ Lake Forest, IL, 1990
- ◆ Arlington, VA, 1998
- ◆ Palos Verdes, CA, 1998
- ◆ Austin, TX, 1999
- ◆ Arlington, VA, 1999
- ◆ Boulder, CO, 2002
- ◆ Chapel Hill, NC

**Develop Deed Restrictions and Covenants** for specified neighborhoods

- ◆ Newark, DE: Limits on number of student homes permitted: “A student home is permitted on a lot only if any portion of the lot is no closer to any portion of another student home, than a distance determined by multiplying times 10 the required lot width for a single-family detached dwelling in the zoning district in which the proposed student home is located.”<sup>4</sup>

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<sup>4</sup> <http://www.udel.edu/towngown/HousingRentalGuide.html>



# City of Saint Paul

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

## Signature Copy

Ordinance: Ord 12-34

*Effective 8-8-12*

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File Number: Ord 12-34

Amending Legislative Code Chapter 67 pertaining to student rental housing.

WHEREAS, as provided under Minn. Stat. § 462.357, Subd. 1, the City's residential-use zoning classifications are established upon 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; and

WHEREAS, the Council of the City of Saint Paul notes that the Land Use Chapter of the City's Comprehensive Plan calls for maintaining the stability of the City's established residential neighborhoods by encouraging new, higher density, residential development along the City's transit and commercial corridors; and

WHEREAS, the Council further notes that the Land Use Chapter states that stabilizing the City's established neighborhoods is achieved through the use of existing as well as new zoning standards which are intended to maintain the prevailing character of these neighborhoods variously described in the Comprehensive Plan as "residential areas of predominately single-family housing" or as being "characterized almost entirely by single-family homes and duplexes" (Land Use Strategy 1: Target Growth in Unique Neighborhoods) and;

WHEREAS, the City's zoning ordinance, duly adopted pursuant to the City's delegated police powers, contains various land-use district classifications including several classifications for residential-use districts; and

WHEREAS, within the zoning ordinance's various residential use classifications, it states 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 district 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;" and

WHEREAS, within the City's limits, there exists nine colleges, universities, and seminaries including 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; and

WHEREAS, 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 "offcampus" 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

WHEREAS, the Council notes that the City's residential zoning classification for areas immediately surrounding the UST campus are primarily R2-R4 one-family and RT1-RT2 two-family districts as well as some scattered RM2 multi-family districts which abut arterial or collector streets, as depicted on the zoning ordinance maps which are attached and incorporated into this resolution, and the Council finds that the predominately low density residential zoning classifications surrounding the UST campus generally fit the description of "established neighborhoods" as set forth in the Land Use Chapter of the Comprehensive Plan; and

WHEREAS, the Council is informed from time to time that one- and two-family homes in the established neighborhoods surrounding the UST campus 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; and

WHEREAS, the use of neighborhood homes to provide housing for college students notwithstanding, the Council finds that because college students are logically "transient," homes occupied by college students, including those homes purchased by the parents of UST students for the purpose of housing their children while attending UST, are rarely "owner" occupied so that college students are essentially short-term rental property tenants; and

WHEREAS, because college students tend generally to occupy homes for periods shorter than typical for occupants of owner-occupied homes, the Council understands that student-tenants are highly likely to have a different lifestyle and outlook towards property stewardship and living within the community than would more "permanent" neighborhood residents who largely, it is assumed, reside in owner-occupied homes; and

WHEREAS, "permanent" residents from neighborhoods surrounding UST have expressed concern about problems associated with high concentrations of student occupied housing in established neighborhoods and, in particular, that concentrations of student occupied housing 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 for 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 rental housing; and

WHEREAS, whether neighborhood 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 and will facilitate the goals of the City's Comprehensive Plan; and

WHEREAS, the Council therefore desired to take various steps to protect the health, welfare, and safety of the citizens within the area described above by implementing an interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4, and directed the planning commission to undertake a study of the impact of student housing in the said area, and to establish during the period the

interim ordinance is in effect certain regulations whose purpose is to preserve the status quo of housing in the study area by generally prohibiting the conversion of one-family homes into two-family homes, prohibiting the conversion of owner-occupied homes into student housing, and limiting the legal occupancy within the study area of any residential dwelling unit with an R1-RM2 zoning classification; and

WHEREAS, on August 10, 2011, the City Council adopted Resolution 11-1406, directing 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;" and

WHEREAS, on May 4, 2012, the Planning Commission held a public hearing on the Student Housing Zoning Study, including the draft SH Student Housing Neighborhood Impact Overlay District; NOW THEREFORE,

THE CITY COUNCIL OF SAINT PAUL DOES HEREBY ORDAIN

Section 1

That Legislative Code Chapter 67 Zoning Code - Overlay Districts is hereby amended as follows:

ARTICLE VII. 67.700. SH STUDENT HOUSING NEIGHBORHOOD IMPACT OVERLAY DISTRICT

**Sec. 67.701. Establishment; intent.**

The SH student housing neighborhood impact overlay district is established as shown on the official zoning map, generally the area bounded by Mississippi River Boulevard, Marshall Avenue, Cretin Avenue, and Interstate 94, Snelling Avenue, Summit Avenue, Fairview Avenue, and St. Clair Avenue, to ameliorate the impact of dedicated student housing within and preserve the character of predominantly one- and two-family dwelling neighborhoods.

**Sec. 67.702. Student dwellings.**

Within the SH student housing neighborhood impact overlay district, a student dwelling is a one- or two-family dwelling requiring a fire certificate of occupancy in which at least one unit is occupied by three (3) or four (4) students. For the purposes of this article, a student is an individual who is enrolled in or has been accepted to an undergraduate degree program at a university, college, community college, technical college, trade school or similar and is enrolled during the upcoming or current session, or was enrolled in the previous term, or is on a scheduled term break or summer break from the institution.

**Sec. 67.703. Standards and conditions.**

Within the SH student housing neighborhood impact overlay district, the following standards and conditions shall apply for student dwellings:

- (a) A student dwelling shall be located a minimum of one hundred fifty (150) feet from any other student dwelling located on a different lot, measured as the shortest distance between the two lots on which the student dwellings are located.
- (b) Parking shall be provided in accordance with the requirements of article 63.200 for new

structures.

**Sec. 67.704. Registration and establishment period.**

The owner(s) of an existing building possessing either a valid fire certificate of occupancy or provisional fire certificate of occupancy and which, at any time within the eighteen (18) month period immediately preceding the effective date of this ordinance, met the definition of a student dwelling under this ordinance shall submit a written application to register the building within one hundred-twenty (120) days of the effective date of this ordinance to the Department of Safety and Inspections ("DSI"). Upon receipt of the written registration application DSI shall determine whether the building's fire certificate of occupancy or provisional fire certificate of occupancy is valid as of the date of the registration application. Upon such determination, DSI shall issue a written certification to the building's owner(s) of the building's status as an existing student dwelling. Certification shall not unreasonably be withheld. DSI shall establish written standards for verifying and documenting a building as an existing student dwelling prior to the certification of any building under this ordinance and provide a copy to a building owner upon request.

**Sec. 67.705. Ineligible properties.**

All properties lacking either a fire certificate of occupancy or provisional fire certificate of occupancy or which exceed occupancy limits, as defined in Legislative Code §60.207. F., at the time this ordinance is adopted shall be ineligible for registration and establishment as an existing student dwelling during the registration and establishment period.

**Sec. 67.706. Establishing new student dwellings.**

*Establishing new student dwellings.* After sixty (60) days following the conclusion of the registration and establishment period under this ordinance, additional properties may be registered and established as new student dwellings, subject to the standards and conditions specified in Legislative Code §67.703(a-b). A process for reviewing proposed new student dwellings shall be established by the Department of Safety and Inspections. The owner of a building deemed ineligible for establishment as a student dwelling may apply for a variance under Legislative Code §61.601, as applied.

**Sec. 67.707. Tracking and renewal of registered and established student dwellings.**

The Department of Safety and Inspections shall maintain a current list of all registered and established student dwellings which shall be made available at the office of the Department of Safety and Inspections upon request. All student dwellings shall have and maintain a fire certificate of occupancy that identifies the property as a student dwelling. All student dwellings shall be subject to all terms and conditions of Chapter 40 of this Code, and will be subject to renewal of status as student dwellings on a schedule to be determined by the Department of Safety and Inspections but no less frequently than specified in Legislative Code §40.05. At the time of renewal, properties shall be subject to verification of status as a student dwelling, based on the written standards established by the Department of Safety and Inspections.

**Sec. 67.708. Revocation of status as registered and established student dwellings.**

The Department of Safety and Inspections may remove properties from the list of registered and established student dwellings under the following circumstances;

- a) suspension or revocation of fire certificate of occupancy
- b) residence by more than four (4) students in any unit

- c) residence by less than three (3) students for a period of one calendar year or longer more than twenty-four (24) of the preceding thirty-six (36) months.

A revocation of student dwelling status may be appealed to the Board of Zoning Appeals pursuant to Legislative Code §61.701 (a-c).

Section 2

That this ordinance shall take effect and be in force thirty (30) days from and after passage, approval and publication.

At a meeting of the City Council on 6/27/2012, this Ordinance was Passed.

**Yea:** 5 Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, and Councilmember Thune

**Nay:** 2 Councilmember Bostrom, and Councilmember Tolbert

**Vote Attested by**   
**Council Secretary** Trudy Moloney

**Date** 6/27/2012

**Approved by the Mayor**   
Chris Coleman

**Date** 7/3/2012