



MEMORANDUM

SUBJECT: 1-4 Unit Housing Study Phase 2: Staff Review of Public Comment and Recommended Zoning Code Amendments

TO: Saint Paul Planning Commission

FROM: Comprehensive and Neighborhood Planning Committee

DATE: July 28, 2023

SUMMARY

This is the comprehensive memo that examines Planning Commission public comment on the proposed 1-4 Unit Housing Study Phase 2 amendments and recommends amendments to the public hearing draft (**Appendix E**). It includes details on the release of the proposed amendments and public hearing on April 14, 2023, an analysis of the themes that emerged from the public comments, a response to the Planning Commission's data request, the recommended amendments to the zoning code and zoning map, and a section on implementation support. It also includes the Planning Commission resolution with revised proposed zoning code text amendments.

Key recommended amendments to the public hearing draft include:

- Combine H1 and H2 zoning districts and apply most H2 standards
- Rename H3 zoning district to H2, apply most H3 standards, and expand district to planned H Line, Randolph/East 7th corridor, and high-frequency bus routes
- Adjust H1-H2 density and dimensional standards and table footnotes:
 - Reduced maximum heights to be closer to current standards (30' for RL-H1, 35' for H2 with 30' at side setbacks)
 - Altered system for determining minimum front setbacks to better consider adjoining setbacks (10' if adjoining setbacks are less than 15' or midpoint of 10' and the larger of the adjoining setbacks)
 - Expanded and adjusted density bonus (affordable rental option matches State LIRC requirements, option retaining existing residential structures, +2 unit for H1 and +1 unit for H2 for a maximum of 6 units in both districts)
- Adjust and reduce maximum lot coverage for surface parking spaces (10% for corner lots and lots adjoining alleys, 15% for all other lots)

- Reduce maximum lot coverage for cluster developments (5% greater than district standard to match lot coverage increase for density bonus)
- Additional building design standards for dwellings with up to six units
- Incentives for retaining existing residential structures (new density bonus option and two attached ADUs permitted)

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1. Release of Proposed Amendments

The Planning Commission released the staff memo and zoning code text amendments (draft ordinance) for public review and comment at the Planning Commission meeting on March 3, 2023. The Planning Commission asked the community's thoughts on five questions to help frame public comments on the draft ordinance. The [questions](#) are as follows (noting that additional explanatory text and list of resources for more details are omitted below):

1. Does this draft ordinance propose a zoning approach that supports more new housing options for all Saint Paul residents in a fair or neutral way? Why or why not?
2. Do you support creating two lower-density residential districts – the proposed H1 district (for areas currently zoned R1-R3) and proposed H2 district (for areas currently zoned R4-RT2) – or should the H1 and H2 districts be combined into one district that uses the proposed H2 standards?
3. Should more areas be rezoned to the proposed new H3 district? If so, which locations and why?
4. Does the draft ordinance strike the right balance of encouraging more neighborhood-scale housing to be developed over the long term on lots throughout the city, while also managing the pace of change to minimize potential displacement pressures on existing neighborhoods and residents? Why or why not?
5. Are there other policy goals that the City should consider incentivizing in the form of density bonuses?

2. Public Hearing and Comments

On April 14, 2023, a public hearing on the proposed 1-4 Unit Housing Study Phase 2 zoning text amendments was held during the regularly scheduled Planning Commission meeting. The period to submit written comments was open from March 3 to April 17, during which time, 61 emails were received at the study email address 1to4housingstudy@stpaul.gov or forwarded from other staff. Seventeen people spoke at the public hearing, including several that self-described as small developers. Of the written comments received, eight were received from a community organization (AARP, Center for Economic Inclusion, Family Housing Fund, Housing First MN, Metropolitan

Consortium of Community Developers, SEIU Healthcare Minnesota & Iowa, Sierra Club, and Sustain Saint Paul), five were received from district councils (Como Community Council, Highland District Council, Macalester Groveland Community Council, Southeast Community Organization, and Summit Hill Association), and 48 were received from community members.

Forty-seven written comments explicitly supported the proposed amendments, most of which offered suggestions for preferred edits and some of which shared their concerns; eleven did not explicitly support or oppose the proposed amendments and shared concerns and/or suggestions for preferred edits; three explicitly opposed the amendments and shared concerns. Many comments responded to one or more of the Planning Commission's [questions](#) for the community about the amendments. See **Appendix C** for the written public comments.

Several themes emerged from the public comments. The order listed is not intended to reflect the number of comments received about each topic.

- A. Consolidate H1 and H2 zoning districts
- B. Expand H3 zoning district
- C. Expand density bonuses
- D. Affordability concerns
- E. Desire for streamlined procedures and more technical assistance
- F. Desire for local ownership and concerns about landlords
- G. Desire for incentivizing keeping existing homes and reducing teardowns
- H. Desire for more design standards
- I. Other suggestions related to zoning district mapping, code restructuring, and accessory building standards
- J. Concerns about environmental impacts
- K. Desire for stricter regulations and neighborhood impact concerns

3. Analysis of Public Comment

This section summarizes the comments organized into 11 different themes and provides a brief staff response to the topics discussed in each comment theme.

A. Consolidate H1 and H2 zoning districts

Responding to the Planning Commission's question about the need for two lower-density residential districts, H1 and H2, or one combined district (Question #2), many comments recommend that the H1 and H2 zoning districts be combined into one district that uses the H2 standards. Commenters do not see a compelling reason for the current R1-R3 districts to be zoned differently than R4-RT2 with more restrictive standards and a lower maximum number of units for internal lots. Comments express that a combined H1 and H2 would be a simpler, fairer, and more neutral approach to treat all current R1-RT2 districts the same. One comment expressed the desire to include the RL in the combined H1 and H2 zoning district.

[Response: *These comments are noted, and staff agrees that a combined H1 and H2 district would be simpler and fairer approach to rezoning the R1-RT2 zones and therefore recommends combining these districts (see **Section 5.A.** of this report for more details on the recommended amendments). The RL district is used only in a small portion of the Highwood area, characterized by extensive vegetative cover, relatively low soil depth-to-bedrock, and steep slopes, and is not consistently served by municipal sewer or water. The RL district is also located entirely within the Mississippi River Corridor Critical Area (MRCCA) and the Southeast Community Organization, the district council*

representing the only neighborhood in the city that contains the RL zoning district, was supportive of the proposed amendments of the district. The zoning district's unique characteristics lead to staff recommending maintaining the RL district.】

B. Expand H3 zoning district

Responding to the Planning Commission's question about the potential for more areas to be rezoned to H3 district (Question #3), many comments recommend that the H3 zoning district be expanded to a further distance than the proposed 1/8-mile from light rail and bus rapid transit (BRT) routes and neighborhood node intersections. Most suggest expanding to ¼-mile and one even suggests a ½-mile distance. Other suggestions for areas to be rezoned to H3 include along the planned H Line BRT route, bike routes like Pierce Butler Route, arterial streets, intersections of major arterial streets served by transit routes, such as Grand and Lexington, and the Summit Hill Association specifically requested a swath of RT1 zoning on a Lincoln Avenue parallel to Grand Avenue be rezoned H3.

[Response: *These comments are noted, and staff agrees that there is potential for an expansion of the proposed H3 zoning district. While staff agrees that ¼-mile is a common distance for walkability, expanding the H3 zoning district to include parcels within ¼-mile of light rail and BRT corridors and Neighborhood Nodes would result in approximately 27,900 more parcels being rezoned to the H2 district and more than 63% of the parcels currently zoned RL-RT2 being rezoned to the H3 district. The H3 district is the most intense district of the proposed low-medium density districts in this study, proposed to permit up to five dwelling units on a lot by-right (up to six with recommended changes to the district and proposed expansion of the density bonus) and it was not the intention that it would be the most prevalent of the proposed new zoning districts. Limiting the H3 area to 1/8-mile maintains the lowest density district(s) as the most prevalent and H3 would be distinct, special district reserved for parcels that can especially take advantage of the immediately-adjacent transit and Neighborhood Node amenities within two blocks.*

The suggestion of expanding the district to include parcels along bike routes is not necessarily supported by the Comprehensive Plan and staff does not recommend expanding the district to along bike routes at this time.

Policy LU-35 states, "Provide for multi-family housing along arterial and collector streets, and in employment centers to facilitate walking and leverage the use of public transportation", which could support the suggestion to expand H3 to include parcels along arterial streets. However, all the proposed zoning districts will allow for multi-family housing along arterial, collector, and local streets. The policy direction that links targeting higher-density development to Neighborhood Nodes and transit, rather than certain street classification, is consistent throughout the Comprehensive Plan and allows for more residents to take advantage of and support high-quality transit and existing and future walkable amenities like shops, services, civic and institutional uses, recreational facilities, and employment within a compact, mixed-use area. Additionally, development projects with higher numbers of housing units can result in higher rates of return that more appealing to developers, as indicated by the consultant's pro forma case studies comparing a new construction rental fourplex and sixplex, with a 6% return and 11% return, respectively. H3 lots larger than 5,000 sq. ft. that allow five or six units could be especially attractive as redevelopment projects. Limiting the proposed H3 district to a more limited area helps to manage displacement pressures on existing residents in support of Policy LU-4 (Invest in measures that minimize displacement in neighborhoods where the proximity to high-frequency transit has increased redevelopment pressure and/or housing costs).

Instead, staff recommends that the H3 district be expanded to parcels within 1/8 mile of bus routes in Metro Transit's high-frequency network that are not already planned as fixed rail or bus rapid transit

corridors, which includes bus routes 63 that runs along Grand Avenue and E. 3rd St and 64 that runs along Payne and Maryland as well as the planned H Line BRT that travels along the portion of route 3 that is part of the high-frequency network. See **Section 5.A.** of this report for more details on the recommendations.]

C. Expand density bonuses

Responding to the Planning Commission's question about the potential for other policy goals that should be incentivized with density bonuses (Question #5), comments recommend incentivizing energy-efficient practices and using clean energy and stormwater best management practices (BMPs), cooperative housing models or other models that promote local ownership and long-term affordability, and a greater level of affordability. Some express a desire for density bonuses available in all zoning districts in the study's scope, including RL and the proposed H3 district. Related to affordability, some comments support incentivizing units at a deeper level of affordability than the currently proposed incentive for providing units affordable at 80% of AMI. One comment specifically expresses the need for permanently affordable units and that requiring the affordability of the unit(s) for 15 years is not long enough.

[Response: These comments are noted, and staff agrees that there is potential for an expansion of the density bonuses. While staff agrees that the suggestions for policy goals to incentivize with density bonuses are positive outcomes to encourage, the zoning code is not the appropriate means for incentivizing the use of practices that could discontinue or change if the property owner changes, like energy-efficient practices and stormwater BMPs. Cooperative ownership models and other models that promote long-term affordability would already be able to take advantage of the proposed density bonuses if they include units affordable to households earning 80% of AMI or below. A system that incentivizes longer-term and permanent affordability can be difficult to administer at a municipal level especially if no public subsidy is provided to a project, and these comments resulted in staff evaluating how the proposed density bonus could be administered. With the State of Minnesota's Low-Income Rental Classification (LIRC) that offers qualifying low-income rental properties a class rate reduction in property taxes and the City's version of the program (the 4d Affordable Housing Incentive Program that offers rental owners one-time administrative grant assistance as well as 10-year qualification to the "4d" property tax classification for rental units) already in place, staff recommends that the density bonuses related to housing affordability be amended to more closely align with these and other related affordable housing programs.

*Staff recommends that the density bonus be expanded to the proposed H3 district, but not the RL district because of its unique characteristics, and that the density bonuses be adjusted to include a deeper level of affordability for rental properties and to encourage maintaining existing residential structures to reflect comment theme G. See **Section 5.A.3.** of this report for more information about the recommendations to density bonuses.]*

D. Affordability concerns

The desire for housing affordability was a common theme throughout the public comments. Some comments express concerns that the proposed zoning amendments would not lead to an increase in affordable housing and existing affordable housing would be demolished for higher-end, market-rate housing. Few comments shared concerns about the high cost to operate multi-unit housing and that the cost to develop multiple housing units on a lot would be inaccessible to many due to development costs. Some comments suggested ways to increase affordable housing by requiring affordable housing for developments that increase density, instituting a "no loss of affordable housing" to require developers to replace any naturally affordable housing units with an equivalent

number of equally affordable units when developing multi-unit projects, and waiving fees and provide subsidies for projects providing affordable housing. A few comments express the desire for more affordable housing funding sources and subsidies.

[Response: *These comments are noted. This study puts its emphasis on greater housing production, and the ways that a supportive zoning code can enable a greater range of housing developers to develop additional, small multifamily options. More 1-4-unit housing would provide more options and less scarcity overall in Saint Paul by increasing housing supply on the rental and ownership sides of the market. Adding to the supply will help to relieve upward pressure on housing prices, keeping prices more affordable over time. Some of these new units, whether in converted homes or new construction, may be naturally affordable to low- and moderate-income households, or become so over time as supply increases. The proposed density bonus also incentivizes the production of affordable housing and staff recommends that the density bonus to updated to differentiate between ownership and rental housing and require a deeper level of affordability for rental properties, in alignment with the State and City 4d programs, and be expanded the H3 district. See **Section 5.A.3.** of this report for more information about recommendations to density bonuses.*

A “no loss of affordable housing” requirement would be very difficult to administer and would likely demand housing subsidies that are in scarce supply. Evaluation of reduced fees for providing affordable housing as well how to provide more affordable housing funding sources is out of the scope of this zoning study.]

E. Desire for streamlined procedures and more technical assistance

Some comments express a desire for streamlined procedures and requirements and more technical assistance to help support new housing development. A few comments suggest further easing the permit process and reducing notice periods, hearings and the number of dedications and fee-in-lieu-of requirements. One comment suggests permit fees be tiered to promote density and reuse such as a reduced permit cost for development using the density bonus. Several comments brought up the need for technical assistance and suggest the City provide pre-approved plan sets for common lot and unit types that could be constructed by-right.

[Response: *These comments are noted. Amendments to the permit process and fees are not in the scope of this study. As part of implementation of the proposed amendments, staff plans to update the city’s website to make it easier for property owners and prospective developers to understand the zoning requirements, options for adding housing units to their property, and plans to offer technical assistance about the development process. Eventually, staff anticipates making pre-approved plans and other technical resources for housing types of common lot sizes available.]*

F. Desire for local ownership and concerns about landlords

Some comments express a desire to support local property ownership and express concerns about large corporations buying up existing housing stock and converting homeownership opportunities to poorly managed, expensive rental property. A small number of comments share a desire for owner-occupancy requirements and for only properties with homesteaders to be eligible for density increases.

[Response: *These comments are noted. In Phase 1 of this study, the owner-occupancy requirement that the property owner live in either the principal dwelling unit or the accessory dwelling unit (ADU) was removed because it was seen as a major barrier to ADU construction. Removal of owner-occupancy requirements is promoted nationally as a way to incentivize investment in small missing middle development, and an opportunity to gently increase neighborhood-scale housing in – as well as reverse*

the historic exclusivity of – single-family-only neighborhoods. These types of tenure requirements unnecessarily limit new housing development by limiting who can purchase a property in the future and would require the owner to sell the property if circumstances led to them to not be able to live on the property anymore. To work towards accomplishing the study's objectives and policy direction to increase housing choice and housing type equity in every neighborhood of the city as well as encourage and promote reuse of existing homes and infill development in existing neighborhoods, lots, and backyards and help address the housing shortage, staff recommends that there not be requirements for owner-occupancy or homesteading of properties to be eligible for density increases. Additionally, the risk of significant investor ownership increases may be moderating slightly as evidenced by the Federal Reserve Bank of Minneapolis¹ that demonstrates that Saint Paul's census tracts with the highest shares of investor-owned single-family rentals have peaked and are seeing a decrease or are stabilizing. Amendments to support local property ownership and that place limits on who can purchase a property is not in the scope of this study.]

G. Desire for incentivizing keeping existing homes and reducing teardowns

Several comments express a desire to maintain existing housing and to reduce teardowns of existing viable housing. Some suggestions for supporting this include incentivizing projects that maintain existing homes, increasing flexibility for rehabilitation to existing homes that add housing units, and potential penalties for tearing down existing housing.

[Response: *These comments are noted, and staff recommends that the density bonuses be expanded to incentivize maintaining existing residential structures and that existing single-family homes be permitted to have two attached accessory dwelling units (ADUs), thus increasing flexibility for rehabilitation and additions to existing homes. See **Section 5.A.3.** of this report for more information about recommendations to density bonuses and **Section 5.C.3.** for details on the recommendation to ADU standards.*

Overall, the study's proposed amendments will make it easier to add housing units without demolishing the existing home by increasing zoning flexibility for infill behind (in the backyard), and to the side of, existing single-family homes and two- to four-unit homes. The proposed zoning districts standards and updates to the subdivision regulations increase flexibility to subdivide a lot in ways that could maintain the existing home (by allowing narrower lots and flag-shaped lots, for example), while adding additional ownership (or rental) housing behind or to the side of existing homes.

Given the high costs of land, demolition, and new construction, it is likely to be much easier financially to adapt or convert all or a portion of an existing residential structure to add one or more new dwelling units. Most of the consultant's rental pro forma case studies on vacant lots showed extremely low rates of return that make these projects not viable projects for larger-scale developers who are seeking to make a market rate return (15-18%). Some of these case studies involving demolition of a single-family home and new construction of 2-4 units do not even pencil financially, even with greater number of units theoretically permitted by zoning. Local homeowners, developers and/or investors with existing equity who are not looking to make a large return but want to improve their neighborhood and address the housing shortage are more likely to undertake these small rental and homeownership projects when they are financially feasible.]

¹ "Investor-owned homes ebb and flow in the Minneapolis-St. Paul region", Ky, K.-E., Starling, L., & Samuels, A, *Federal Reserve Bank of Minneapolis*, January 17, 2023, accessed June 29, 2023. <https://www.minneapolisfed.org/article/2023/investor-owned-homes-ebb-and-flow-in-the-minneapolis-st-paul-region>.

H. Desire for more design standards

Some comments suggest design guidelines or standards be applied to the neighborhood-scale housing types proposed to be more widely permitted or be applied to the developments taking advantage of the density bonus. A few mention the existing Traditional Neighborhood district design standards and the potential to apply them or a revised version of the standards to the new multi-family development in the districts, and others mention the District 14 and 15 design standards that should be maintained and applied to the entire city. One comment suggests incorporating universal design, accessibility, and visitability standards to help move towards creating living spaces that anticipate a household's changing needs, as well as the needs of family and guests, and are inclusive of all physical and cognitive abilities.

[Response: *These comments are noted, and staff agrees that additional design standards could help ensure that new housing is quality and fits in with the surrounding neighborhood. Staff recommends new building design standards, some inspired by the current Traditional Neighborhood design standards. See Section 5.C. of this report for details on the recommended amendments.*]

I. Other suggestions related to zoning district mapping, code restructuring, and accessory building standards

A few individual comments suggest a specific change that does not fit into a common theme shared by multiple commenters. Related to the accessory building standards, one comment suggests that the three-building maximum and 1,200 square feet (sq. ft.) footprint maximum is redundant with the proposed 40-50% lot coverage for principal and accessory buildings and will be difficult to meet for cluster developments that will likely have garages, a community building, and maintenance or utility building. The comment supports a percentage that allows coverage to scale with the property size and that the restrictions to non-dwelling accessory buildings be eliminated. One comment questions the proposal that some properties be rezoned to H3, including the properties along the steep slopes along W. 7th Street near Highland Park Golf Course, Highland Park Golf Course itself, and the Town and Country Club, where the far ends of the property are not near transit routes or Neighborhood Nodes. One comment suggests restructuring zoning code sections 66.231 (Residential District Dimensional Standards table) and 66.232 (Maximum lot coverage) to add maximum lot coverage provisions into the Residential District Dimensional Standards table and separate table notes for RL-H3 from RM1-RM3.

[Response: *These comments are noted. Staff finds it important to specifically limit the development of non-dwelling accessory buildings by maintaining the three-building maximum and 1,200 sq. ft. footprint maximum in addition to the proposed lot coverage for principal and accessory buildings to avoid an overabundance of non-dwelling accessory buildings and large amount of lot coverage dedicated to buildings not used for housing.*

It is currently proposed that parcels within 1/8 of a mile of either Neighborhood Node intersections or fixed rail and bus rapid transit (BRT) corridors, including the Green Line, A Line, Gold Line, Purple Line, Riverview, and G Line be rezoned to the proposed H3 district. Staff recognizes that some of the proposed H3 parcels such as the golf courses are very large, in which some portion of the lot is further from 1/8 mile of these transit routes and neighborhood node intersections. If these properties were to change use and be redeveloped, master and/or site redevelopment planning that would determine appropriate zoning would occur. To consistently apply H3 zoning with the intention of including properties in close access to Neighborhood Nodes and transit, staff recommends that these parcels remain to be rezoned to H3, except for the parcels designated as the Major Parks and Open Spaces future land use in the 2040 Comprehensive Plan. Staff recommends that these Major Parks and Open Spaces, which includes Highland

*Park Golf Course and Lake Phalen and surrounding open space, be zoned to the lower density district, H1. The Town and Country Club is designated as the Urban Neighborhood future land use like most of the properties proposed to be rezoned in this study; therefore, staff maintains the recommendation that it be rezoned to H3 to apply H3 consistently. Staff acknowledges that there are several properties along the steep slopes adjacent to the planned Riverview corridor along W. 7th Street that are located at a distance substantially further than the intended 1/8-mile walking distance from the Riverview corridor due to the topography and limited street connections. Because of these characteristics, staff recommends that these lots not included in the H3 district. See **Section 6** of this report for more details on the recommended zoning map.*

Staff agrees that moving the provision for maximum lot coverage to Residential District Dimensional Standards table would improve navigability of the code and recommends this amendment. While the table is currently visually separated for the RL-H3 districts and the RM1-RM3 districts, the tables notes are shared between all these districts, applying to both sets of districts. To avoid redundancy in the code, staff recommends maintaining that these table notes apply to both sets of districts.】

J. Concerns about environmental impacts

Several comments express concerns about potential environmental impact related to loss of green space and trees and stormwater management. One comment encourages the City to plan for urban wildlife corridors and upgraded parks to pre-settlement conditions, pass other ordinances that prohibit and remove buckthorn and designate Saint Paul as a Dark Sky City, and allow for areas of each yard to be put into pollinator and rain gardens and vegetable plots to keep water on site. Another comment incorrectly expressed that the proposed changes to RL would eliminate the Mississippi River Corridor Critical Area protections. Some question if the proposed maximum lot coverage standard for all buildings of 40-50%, 20% paving for surface parking spaces, and the open, uncovered porches, decks, and patios that are not subject to the lot coverage maximum leaves enough pervious surface to manage stormwater and maintain infiltration on a property. Other comments express concern for stormwater runoff damaging adjacent properties. One comment recommends that the allowed paving materials for all parking spaces, driveways, and off-street parking facilities be updated to include gravel, which can be permeable under certain conditions.

[Response: *These comments are noted, and staff believes that the updated recommendations based on these comments will help to mitigate environmental impacts of proposed zoning amendments as discussed in detail below. While evaluating suggested environmental initiatives like urban wildlife corridor planning, parks planning, and other ordinances are out of the scope of this zoning study, property owners are encouraged to keep water onsite and are permitted to include pollinator and rain gardens and vegetable plots. Staff confirms that the proposed changes to the RL zoning district would not impact critical area protections as the area is still a part of the Mississippi River Critical Corridor Area (MRCCA) and would remain subject to those regulations. In response to the recommendation that gravel be a permitted paving material for parking spaces, driveways, and off-street parking facilities, staff in the Departments of Public Works and Safety and Inspections confirm that gravel of any type is not an appropriate material. The City requires parking and driving surfaces to have a “durable and dustless” surface. This requirement ensures that loose paving materials and dirt are not tracked onto public streets, where they can impair traction and negatively impact water quality. Loose gravel surfaces would potentially allow for rainwater infiltration but would not provide a durable parking surface. A more compacted gravel/sand/dirt mix—typically known as “Class V” and used as a base for most paved roads and as the driving surface for unpaved roads in some rural areas, does not allow for significant rainwater infiltration and would also lead to tracking of material onto public streets.*

Staff recognizes the importance of reducing impervious surface coverage to manage stormwater and support infiltration. Accordingly, reductions in the proposed maximum lot coverage standards have been incorporated into the recommendations. The recommendations are based on MnDOT Drainage Manual guidelines for pipe sizing that assume a maximum impervious surface coverage of 65%; this amount also corresponds with general national standards. The maximum lot coverage for parking space paving is recommended to be reworked to also include driveways and provide two different maximum lot coverages based on whether or not a lot has access to a public alley. The maximum lot coverage for parking space paving (now including driveways) is also recommended to be reduced below the public hearing draft proposal of 20%. Staff also recommends that the proposed maximum building coverage for all buildings be reduced for cluster developments to allow for an overall lower impervious surface coverage when paired with the newly reduced maximum surface parking lot coverage. Because of the inherent added regulatory burden and likely resulting marginal increase to impervious surface on a lot, staff at this time does not recommend changes to the regulations that exempt open, uncovered porches, decks, and patios of a certain height above the grade from lot coverage maximums. See **Section 5.B.** of this report for more detailed recommendations of changes to surface parking lot coverage and cluster developments.

Bigger picture, staff believes that the updated recommendations based on Planning Commission public hearing comments would help to mitigate environmental impacts of proposed zoning amendments by:

- **Carefully managing increases in impermeable land to be close to what is currently permitted by the zoning ordinance related to **maximum lot coverage of buildings** (in single family districts, a maximum of 35% for principal, single-family homes plus 35% of the rear yard for accessory buildings such as ADUs and garages) **and maximum lot coverage of parking pavement** (maximum 15% of lot or 1,000 square feet, whichever is less). Significantly, there are currently no maximum building lot coverages in the zoning code for RT1 two-family and RT2 townhome district, but both H1 and H2 do contain a proposed building lot coverage maximum (45-50%). Similarly, there is also currently no maximum building lot coverage for principal buildings in RL, but the proposed RL standards do include a proposed building lot coverage maximum of 40%. Currently, maximum lot coverage of parking paving applies only to one-family and two-family dwellings and includes only surface parking spaces and not driveways. The proposed standards apply the maximum lot coverage to lots with up to 6 principal dwelling units and also include driveways in the calculation. It could be argued that the potential localized pollution of waters in Saint Paul will be negligible due to the fact that the above standards hew closely to existing standards, and in some cases, newly-introduce maximum building coverage limits where they didn't exist before;²**
- **Supporting local, incremental and minor densification of existing developed urban lots that are largely not significant sites of wildlife habitat.** When conducting environmental review, city staff often find important but limited habitat for Rusty-patched Bumblebee, Northern Long-Eared bat, Blanding's turtle and a few other federally- or state-listed threatened or endangered species within the City limits. However, all these species are most likely to occur in larger areas of natural habitat, as opposed to, smaller, previously developed and highly-disturbed urban lots which are generally not ideal habitat for such species. Rusty-patched Bumblebees can exist in certain urban

² The EPA has studied and found that for a same amount of housing development, higher-density development generates less stormwater runoff per house at all scales and at all time-series build-out examples. For the same amount of development, higher-density development also produces less impervious cover than low-density development. Additionally, for a given amount of growth, lower-density development affects more of the watershed. *Protecting Water Resources with Higher-Density Development*, US Environmental Protection Agency, 2006. See <https://www.epa.gov/smartgrowth/protecting-water-resources-higher-density-development>.

settings but require an abundance of flowering plants/shrubs and overwintering habitat, both generally almost as sparse in maintained turf grass as they are in paved areas. Finally, the alternative to accommodating more housing in already-developed urban areas is the construction of housing growth in previously undeveloped areas in the region, which will lead to more destruction of suitable habitat for these important species;

- **Increasing the financial viability of more frequent transit service and other less carbon-intensive forms of transportation given the higher number of potential households within Saint Paul neighborhoods that could live in missing middle housing and result in greater demand for such modes.** While it is theoretically possible that more households could lead to greater localized pollution of air in Saint Paul due to potential greater single occupancy auto use, the proposed zoning changes may actually have the opposite effect: both residents of Saint Paul and residents of multifamily housing more broadly have lower than average car-ownership rates. Moreover, increased residential density can make transit more efficient by increasing potential ridership along any given route, which may support increased levels of service over time.

The city has relatively low rates of auto ownership, with many households characterized as one or zero car households: 12.5% of City households have no vehicle, and 38.9% of households have only one vehicle available; together, these are over 54% of households.³ The vast remainder (one third or 33%) are two-vehicle households. Additionally, more units on a site or block does not always result in substantially more cars. National data shows that on average, apartment residents own fewer cars than single-family homeowners, with the latter averaging two cars per household compared with only one for the former. In fact, the Institute of Transportation Engineers finds that single-family housing generates more automobile trips per household and therefore more traffic than apartments, or more than any other type of housing.⁴

In sum, as opposed to greater use of single occupancy vehicles that tend to be correlated with detached, single-family housing, more low- or no-car households could instead lead to greater demand for transit and other environmentally-friendly forms of transportation which could increase transit service and encourage usage of other, multi-modal forms of transportation over time, with a self-reinforcing cycle that is a win for air quality. Finally, the regional implications of less spread-out growth on air quality are also very impactful - as transportation is a very big cause of climate change (31% of emissions come from transportation per the City's Climate Action and Resiliency Plan), and many regional trips impact Saint Paul's air quality given the city's location on the axis of major interstates and state highways.]

K. Desire for stricter regulations and neighborhood impact concerns

Several comments express a desire for stricter regulations than proposed and concerns about potential impacts to the neighborhood related to neighborhood character, parking, noise, and access to sunlight, air, and open space. Like the few comments expressing a desire for owner-occupancy requirements, a small number suggest limiting the proposed standards to apply only to certain "opportunity areas" in the city or only to projects that add housing units to limit development. Some comments express concerns about new construction and additions to existing homes exceeding what is neighborhood-scale and not fitting in with existing neighborhoods. Related to the proposed minimum front yard setback standards, there are concerns about the proposed

³ American Community Survey, B25044 TENURE BY VEHICLES AVAILABLE; 2021: ACS 1-Year Estimates Detailed Tables, Universe: Occupied housing units

⁴ "Overcoming Opposition to Multifamily Rental Housing," Mark Obrinsky and Debra Stein, Joint Center for Housing Studies, Harvard University, p. 8. Accessed 2.26.23 at https://www.jchs.harvard.edu/sites/default/files/media/imp/rr07-14_obrinsky_stein.pdf.

minimum 10' or 15' front setback not maintaining continuity with the surrounding homes on the block and in some cases, allowing homes to be built in front of existing homes. Related to the proposed minimum side yard setback standards, there are concerns about the proposed minimum 5' setbacks when paired with taller building heights limiting solar access. One comment suggests applying a side wall height limit, such as the sidewall height limit currently in place for planning districts 14 and 15, to the entire city. Related to the proposed height maximum, there are concerns about the proposed 30' maximum height (35' with stepping back a distance equal to additional height) for H1, 35' (40' with stepping back a distance equal to additional height) for H2, and 40' for H3. One comment suggests removing the proposed provision for H1 and H2 that allows 5' in additional height (allowing a maximum height of 35' or 40') and instead implementing lower maximum heights. A few comments question the logistics of the proposed changes that would permit more housing and question where snow will be stored, trash and recycling bins will be located, and how addressing and access to homes behind homes will be addressed.

[Response: *These comments are noted. One of the objectives of the study is to increase housing type equity by allowing greater opportunities for neighborhood-scale housing (e.g., duplexes, triplexes, fourplexes, townhomes, cluster developments) in every neighborhood of the city. Comprehensive Plan policy directs the permitted housing types in urban neighborhoods to be expanded to include duplexes, triplexes, town homes, small-scale multifamily and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living as well as to increase housing choice across the city to support economically diverse neighborhoods by pursuing policies and practices that maximize housing and locational choices for residents of all income levels. Limiting increased flexibility to only apply to a certain area or owner-occupied properties is not consistent with this policy direction, and well-understood national best practice to apply by-right missing middle housing opportunities across a broad range of the city. A zoning code that expands lower-density housing options can result in gentle density increase as housing construction occurs. Greater density across the city supports the financial viability of effective transportation alternatives like frequent transit service, which provides an opportunity for less dependence on privately-owned cars as the most frequent form of transportation, as well as the financial viability of amenities that many enjoy in their neighborhoods like restaurants, retail, and other businesses and employment opportunities.*

*Staff acknowledges that the proposed minimum front yard setback of 10' or 15' could result in buildings being constructed substantially closer to the front property line than buildings on neighboring properties, depending on the setbacks of neighboring properties, which vary greatly throughout the city, and recommends a change to how the minimum front setback is calculated to better consider the front setbacks of adjacent existing homes. Staff acknowledges the desire for lower maximum building heights to reduce impacts to solar access and recommends maximum building heights that better align with the current maximum height standards, while allowing for some increased flexibility. See **Section 5.A.** of this report for more details on updated recommendations related to minimum front setback and maximum height standards. Related to the logistics of arranging a lot as a result of the proposed zoning amendments, staff is in coordination with the Department of Public Works about how to assign street addresses to new homes. Proposed changes to standards for lot coverage and accessory buildings are not drastically different from current standards and it is anticipated that snow, trash, and recycling storage will be managed the same way it is currently managed.]*

4. Planning Commission Data Request

At the public hearing on the draft ordinance, Planning Commissioners asked staff the following questions about housing construction in the city between 2010 and 2020: 1) What has been built for both ownership and rental housing? 2) Who built the housing? 3) Where was it built? 4) What is the

AMI for this housing? This section summarizes the data collected and analyzed to answer these questions. See **Appendix D** for the figures developed to support this data request.

Of the 9,972 housing units constructed between 2010 and 2020, 92% are rental units and 8% are ownership units. Of the 9,224 rental units, 29.8% are affordable at or below 60% of AMI, 9.3% are affordable at 80% of AMI, and 60.9% are market-rate. Of the 748 ownership units, 42.4% are affordable at or below 80% of AMI, 18.4% are affordable at 115% of AMI, and 32.1% are market-rate. Tenure aside, 10% of housing units constructed during this period are affordable at 30% of AMI, 18% are affordable at 50% of AMI, 11% are affordable at 60% of AMI, 23% are affordable at 80% of AMI, 22% are affordable at 100% of AMI, and 39% are affordable at greater than 100% of AMI. While 72% of residential projects were built on a homesteaded property and 38% of projects were built on non-homesteaded property, just 9.5% of housing *units* were built on a homesteaded property.

In terms of the housing types constructed between 2010 and 2020, 11.6% of housing units are single-family homes, 0.7% are single-family attached homes, 0.2% are in condos, 0.7% are in duplexes, triplexes, and fourplexes, 1.9% are in apartments with 5-19 units, and 84.9% are in apartments with 20+ units. Looking at the overall housing stock, single-family homes are the most prevalent, making up 46.5% of city's total housing units, followed by units in apartments with 20+ units, which make up 28.7% of the city's total housing units.

In terms of the unit mix among housing units constructed during this period, 81.4% of units are two-bedroom, one-bedroom, or studio units, with 40.2% being one-bedroom units. While housing units with three or more bedrooms make up 41.6% of the city's housing stock, only 18.5% housing units constructed during the ten-year period contain three or more bedrooms.

Residential projects constructed during this period occurred in every neighborhood of the city. The neighborhoods that added the greatest number of new housing units are Downtown, Saint Anthony Park, West Seventh – Fort Road, Union Park, and Highland Park. The Greater East Side, Como Park, and Summit Hill saw the lowest number of new housing units added.

Of the 112 non-homesteaded properties with one to six dwelling units, 95% of property owners have a Minnesota address, 70% of which is a Saint Paul address. Seventy-three (73%) of the property owners listed appear to be a person's name or multiple names, while 27% appear to be some sort of company, whether that be an LLC with a name that reflects the specific address of the property or development company.

The Planning Commission also asked about the construction of duplexes and triplexes in Minneapolis since they become more widely permitted at the beginning of 2020 as result of zoning changes that implemented the 2040 Comprehensive Plan. The zoning code was amended to allow up to three housing units in single-family and two-family districts. Between 2020 and 2022, there have been 74 duplexes and 28 triplexes. Of the duplexes, 43 are new construction, 34 resulted from alterations to an existing building, and 40 would not have been able to be built before the 2020 zoning changes. Of the 28 triplexes, 20 are new construction, eight resulted from alterations to an existing building, and 24 would not have been able to be built before the zoning changes. The new duplexes and triplexes are distributed throughout the city, with a concentration near the University of Minnesota.

5. Recommended Amendments and Analysis

This section includes the recommended amendments to the [draft ordinance](#) released by the Planning Commission for public review on March 3, 2023, based on public testimony received during the public comment period and the public hearing on April 14, 2023. The recommended amendments are organized into amendment categories that include numbered subcategories. The subcategories include the redlined code sections (existing language to be deleted is shown by ~~strikeout~~ and new language to be added is shown by underlining) from the existing ordinance as well as the recommended redlined changes from the public hearing draft of the ordinance that are highlighted in yellow. The redlined code sections with recommended changes are followed by staff analysis, denoted by “[Analysis:” directly under the redlined code section. For some sections, the entirety of the redlined code section is interrupted with analysis and the redlined code section continues following that, denoted with “cont.” **Appendix A** includes the Planning Commission resolution with revised proposed text amendments in the order that they would appear in the Zoning Code and Legislative Code.

A. H1-H3 District Changes (combine H1 and H2, expand H3, adjust standards)

The proposed amendments in this section consolidate the H1 and H2 districts into one district called H1, which results in the renaming of the current H3 district, intended for Neighborhood Nodes and near transit routes along fixed rail and bus rapid transit (BRT) corridors, being retitled as H2 district. The H1 district is proposed to include some of the original proposed H1 standards, including a lot width minimum of 30' and maximum building height of 30', and some of the original proposed H2 standards, including a maximum of four principal units to a lot, a lot area minimum of 1,500 sq. ft. per principal unit, and 45% maximum lot coverage for all buildings. The H2 district (renamed from H3) is proposed to retain the original H3 district standards, except for the maximum number of principal units per lot is reduced from six to five to accommodate the density bonus being applied to the district and the maximum building height, which is proposed to be reduced from 40' to 35', with a proposed amended table note that requires a lower maximum height at side setback lines. The H2 district is proposed to be expanded to parcels within 1/8 mile of bus routes in Metro Transit's high-frequency network that are not already planned as fixed rail or bus rapid transit corridors, which includes current bus routes 63 and 64. It is also proposed that H2 include the planned H Line BRT that travels along the portion of route 3 that is part of the high-frequency network. Adding the parcels within these routes allows for a minor expansion of the H2 district to parcels in close proximity to additional current and planned high-frequency transit routes.

This section also includes other amendments as a result of the district consolidation and renaming as well as amendments to the Residential District Dimensional Standards table and its table notes. The density bonus note is proposed to be amended to distinguish different requirements for affordable rental units versus affordable owner-occupied units and expanded to incentivize maintaining an existing residential structure on the lot. The maximum building height table note is proposed to be amended to no longer allow an additional 5' in additional height by stepping back a distance equal to additional height and require a lower maximum height at side setback lines for the H2 district. The minimum front setback table note is proposed to be amended to require a minimum front setback that is closer to the adjacent front yard setbacks, while maintaining some flexibility and nudging new buildings toward the district standard. Maximum lot coverage is proposed to be moved from its own code section to the Residential District Dimensional Standards table to improve navigability of the code.

1. Residential District Intent Statement Updates

Sec. 66.212. Intent, H1 residential district.

The H1 residential district provides for a variety of housing options along with civic and institutional uses, public services and utilities that serve residents in the district. The district allows for reuse and/or conversion of existing homes and infill development in existing neighborhoods, lots, and backyards, without having to demolish existing viable housing.

Sec. 66.213. Intent, H2 residential district.

The H2 residential district provides for a variety of housing options along with civic and institutional uses, public services and utilities that serve residents in the district. The district allows for reuse and/or conversion of existing homes and infill development in existing neighborhoods, lots, and backyards, without having to demolish existing viable housing. It is intended for use in Neighborhood Nodes and near transit routes along fixed rail and bus rapid transit corridors and high-frequency bus routes.

[Analysis: These amendments reflect the consolidation of the H1 and H2 districts into the H1 district and the changes to the H3 district: renaming it to the H2 district and expanding it to include high-frequency bus routes.]

2. Residential Principal Use Table Updates

Sec. 66.221. Principal uses.

Table 66.221, principal uses in residential districts, lists all permitted and conditional uses in the RL—RM3 residential districts, and notes applicable development standards and conditions.

Table 66.221. Principal Uses in Residential Districts

Use	RL	R1- R4 H1	RT1	RT2 H2	RM1	RM2	RM3	Definition (d) Standards (s)
Residential Uses								
<i>Dwellings</i>								
One-family dwelling	P	P	P	P	P	P		(d), (s)
Two-family dwelling	P	P	P	P	P	P		(d)
Three and four-family dwelling				P	P	P	P	(d)
Townhouse				P	P	P	P	(d), (s)
Multiple-family dwelling		P		P	P	P	P	(d)
Carriage house dwelling	€	€	€	€	€	€	€	(d), (s)
Cluster development	P/C	P/C	C	P/C	P/C	P/C		(d), (s)
Housing for the elderly					P	P	P	(d)
Reuse of large structures	C	C	€	C	C	C	C	(d), (s)
<i>Mixed Commercial-Residential Uses</i>								
Home occupation	P	P	P	P	P	P	P	(d), (s)
<i>Congregate Living</i>								(d)

<u>Adult care home</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
<u>Community residential facility, licensed correctional</u>					<u>C</u>	<u>C</u>	<u>C</u>	(d), (s)
<u>Dormitory</u>	<u>P</u>	<u>P</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
<u>Emergency housing facility</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
Foster home	P	P	P	P	P	P	P	(d)
<u>Fraternity, sorority</u>	<u>P</u>	<u>P</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
<u>Roominghouse</u>					<u>C</u>	<u>C</u>	<u>C</u>	(d), (s)
<u>Shelter for battered persons</u>	<u>P/C</u>	<u>P/C</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
<u>Sober house</u>	<u>P</u>	<u>P</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
Supportive housing facility	P	P	P	P/C	P/C	P/C	P/C	(d), (s)
Community residential facility, licensed correctional					€	€	€	(d), (s)
Emergency housing facility	P	P	P	P	P/C	P/C	P/C	(d), (s)
Shelter for battered persons	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Sober house	P	P	P/C	P/C	P/C	P/C	P/C	(d), (s)
Roominghouse					€	€	€	(d), (s)
Adult care home	P	P	P	P/C	P/C	P/C	P/C	(d), (s)
Dormitory	P	P	P/C	P/C	P/C	P/C	P/C	(d), (s)
Fraternity, sorority	P	P	P/C	P/C	P/C	P/C	P/C	(d), (s)
Civic and Institutional Uses								
Cemetery, mausoleum	C	C	€	C	C	C		(s)
College, university, seminary, etc. or similar institution of higher learning	C	C	€	C	C	C	C	(d), (s)
Community center	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Day care	P	P	P	P	P	P	P	(d), (s)
Golf course	C	C	€	C	C	C		(s)
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Religious institution	P	P	P	P	P	P	P	(d)
School, primary & secondary	P	P	P	P	P	P	P	
Public Services and Utilities								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Municipal building or use	P	P	P	P	P	P	P	(d), (s)
Solar energy generation facility, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	C	C	€	C	C	C	C	(d), (s)
Yard waste site, municipal	C	C	€	C	C	C	C	(d), (s)
Commercial Uses								
<i>Retail Sales and Services Office, Retail, and Service Uses</i>								
Farmers Market	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
<i>Commercial Lodging Recreation, Entertainment and Lodging</i>								
Bed and breakfast residence	P/C	P/C	P/C	P/C	P/C	P/C		(d), (s)
Short term rental dwelling unit	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)

<i>Transportation</i>								
Railroad right-of-way	C	C	C	C	C	C	C	(s)
<i>Limited Production, Processing and Storage</i>								
Agriculture	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Accessory Uses								
Accessory use	P	P	P	P	P	P	P	(d), (s)
Dwelling unit, accessory	P	P	P	P	P	P		(d), (s)
Accessory Retail service and office, accessory						C	C	(s)
Support services in housing for the elderly						P	P	(d), (s)

[Analysis: These amendments reflect the consolidation of the H1 and H2 districts into the H1 district and add a reference to the proposed standard for one-family homes in the H2 district that limits new homes to a maximum floor area.]

3. Residential District Density and Dimensional Standards Table and Note Updates

Sec. 66.231. - Density and dimensional standards table.

Table 66.231. Residential District Dimensional Standards

<i>Zoning District</i>	<i>Lot Size Minimum (per unit)</i>		<i>Building Height Maximum</i>		<i>Yard Setbacks Minimum (feet)</i>		
	<i>Area (sq. feet)</i>	<i>Width (feet)</i>	<i>Stories</i>	<i>Feet</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>
RL one-family large lot	21,780 (b)	80	3	30	30 (f)	10	25
R1 one-family	9,600 (c)	80	3	30 (l)	30 (f)	10	25
R2 one-family	7,200	60	3	30 (l)	25 (f)	8 (g)	25
R3 one-family	6,000	50	3	30 (l)	25 (f)	6 (g)	25
R4 one-family	5,000	40	3	30 (l)	25 (f)	4 (g)	25
RT1 two-family (a)	3,000 (d)	25	3	40	25 (f)	9	25
RT2 townhouse (a)	2,000 (d)	20	3	40	25 (f)	9 (h)	25

<i>Zoning District</i>	<i>Lot Area Minimum (per principal unit)</i>	<i>Lot Width Minimum</i>	<i>Maximum Number of Principal Units Per Lot</i>	<i>Building Height Maximum</i>	<i>Yard Setbacks Minimum (feet)</i>			<i>Maximum lot coverage for all buildings</i>
	<i>(sq. feet)</i>	<i>(feet)</i>		<i>(feet)</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>(percent of the lot) (f)</i>
RL large lot	9,000 (a)	60	2	30	30 (d)	10 (e)	10	40%
H1 residential	1,500 (a)	30	4 (b)	30	10 (d)	5 (e)	10	45%
H2 residential	1,000 (a)	25	5 (b)	35 (c)	10 (d)	5 (e)	10	50%

<i>Zoning District</i>	<i>Floor Area Ratio Width (FAR)</i>	<i>Building Height Maximum</i>	<i>Yard Setbacks Minimum (feet)</i>
------------------------	-------------------------------------	--------------------------------	-------------------------------------

	<i>Maximum (eg)</i>	<i>(feet)</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>
RM1 multiple-family	0.6 FAR with surface parking 1.0 FAR with structured parking	40 (ih)	25 10 (d) (fg)	9 (he) (mk)	25 9
RM2 multiple-family	1.5 FAR with surface parking 2.25 FAR with structured parking	50 (j) (mk)	25 10 (d) (fg)	9 (he) (kj)	9 (kj)
RM3 multiple-family	1.5 FAR with surface parking 3.5 FAR with structured parking	no maximum	25 10 (d) (fg)	9 (he) (kj)	9 (kj)

[Analysis: These amendments reflect the consolidation of the H1 and H2 districts into the H1 district and applying many of the original proposed H2 standards: a maximum of four principal units to a lot, regardless of being an interior or corner lot, a lot area minimum of 1,500 sq. ft. per principal unit, and a 45% maximum lot coverage for all buildings. The H1 district standards also maintain the original H1 proposed 30' lot width minimum and the 30' maximum building height, with the provision that allows an additional 5' in height removed. The proposed H2 (formerly called H3) district maintains the original proposed H3 standards, except that the maximum number of principal units per lot is reduced from six to five and the maximum building height is reduced from 40' to 35' (the original proposed H2 district maximum height), with a proposed amended table note that requires a lower maximum height at side setback lines. Recommended changes to table note (c) apply a 30' maximum height at the side setback lines to H2 and allows one foot be added to the maximum building height for every foot the portion of the building is set back from the nearest side setback line, up to the district's maximum height, 35'. More details about table note (c) are described below. The maximum number of principal units allowed on a lot is reduced to five to accommodate a density bonus option for the H2 district, which was suggested in the public testimony. Instead of permitting six units by-right in H2, it is proposed to require that the development meet requirements for affordability, three-bedroom units, or a new option for maintaining an existing structure to be able to reach six units on a lot. Changes to table note (b) about the density bonus are described in more detail below.

Current zoning limits heights to 30' in RL-R4 and 40' in RT1-RT2 and to three stories. Building height is measured from the established grade to the highest point of the roof surface for flat and shed roofs and to the average height between eaves and ridge for gable, gambrel, and hip roofs. The original proposed heights in the draft ordinance are 30' for RL-H1, 35' for H2, and 40' for H3, with an additional 5' permitted for H1 and H2 by stepping back a distance equal to the additional height. Responding to testimony with a desire to be sensitive to existing built character and for new construction to fit in with existing buildings, it is proposed to reduce the maximum heights to be closer to existing height limits. The proposed maximum building heights, 30' for RL-H1 and 35' for H2, maintains the current three-story neighborhood-scale built forms with some increased flexibility, but does not allow for buildings to reach a four-story building height that may appear out of place in existing neighborhoods. Assuming 10'-tall stories, a 30' maximum height allows three-story flat buildings with a flat roof, and two-and-a-half story buildings with a gable, gambrel, or hip roof. Assuming 10'-tall stories, a 35' maximum height allows three-and-a-half story buildings with a gable, gambrel, or hip roof, depending on the slope and ceiling heights.

Recommended amendments to table note (d) change how the minimum front setback is calculated to better consider the front setbacks of existing homes immediately adjacent to the subject property. Changes to table note (d) about minimum front yard setbacks are described in more detail below.

To improve ease of use of the table and table notes, the note applying to minimum side yard setbacks is proposed to be renumbered as note (e) and amended to apply a consistent minimum side yard setback to dwellings up to 35' in height on lots up to 60' wide in RM1-RM2 districts. Changes to table note (e) about minimum side yard setbacks are described in more detail below.

The proposed maximum lot coverage standards from 66.232 are moved into a new column in this table to improve navigability of the code, with a new table note, (f), that references the code section with the maximum lot coverage for all buildings in a cluster development. More information on these changes is described below. Subsequent table notes are renumbered due to this addition.]

Notes to table 66.231, residential district dimensional standards:

...

(b) Up to two (2) additional dwelling units for the H1 residential district or one (1) additional dwelling unit for the H2 residential district and an additional five (5) percent lot coverage are permitted on the zoning lot through any combination of the following methods. These additional units are not subject to the minimum lot size per unit standard.

(1) Affordable rental units. Two additional dwelling units in H1 and one additional dwelling unit in H2 is permitted if twenty (20) percent of the total number of principal units on the zoning lot are affordable to households earning up to sixty (60) percent of the area median income for at least ten (10) years and each affordable unit has at least the same floor area as another principal dwelling unit on the zoning lot. Each unit required to be affordable must be occupied by a household earning sixty (60) percent of the area median income. Prior to issuance of a building permit for the new building (or building expansion or conversion), demonstration of the commitment to affordable housing in accordance with this footnote must be provided as a deed restriction or other contractual agreement with the city, or a city housing and redevelopment authority financing agreement or other similar financing agreement. Upon occupancy of the units, documentation of the households' income qualifications is required.

<u>Number of total principal units on the zoning lot with a density bonus</u>	<u>Number of units required to be affordable at 60% of AMI on the zoning lot</u>
<u>2</u>	<u>1</u>
<u>3</u>	<u>1</u>
<u>4</u>	<u>1</u>
<u>5</u>	<u>2</u>
<u>6</u>	<u>2</u>

(2) Affordable owner-occupied units. One additional dwelling unit is permitted for each principal dwelling unit on the zoning lot that is sold at a price affordable to a household earning up to eighty (80) percent of the area median income as defined by the Metropolitan Council's Livable Communities Act Affordability limits for ownership housing. The affordable dwelling unit must have at least the same floor area as another principal dwelling unit on the zoning lot. Prior to issuance of a building permit, demonstration of the commitment to affordable housing in

accordance with this footnote must be provided as documentation of the fair market sales price via an appraisal based on full plans and specifications. Upon sale of the affordable unit to the end buyer, documentation of the household's income qualifications is required, and may include but not be limited to base pay or variable pay, income from business or self-employment, income from financial assets, government transfer payments, and insurance or benefit payments.

(3) *Three-bedroom units.* One additional dwelling unit is permitted for each principal dwelling unit on the zoning lot containing three (3) or more bedrooms.

(4) *Conversions of or additions to an existing residential structure.* One additional dwelling unit is permitted if at least 50% of the floor area of an existing principal residential structure on the zoning lot is retained.

[Analysis: The recommended amendments to table note (b) expand the density bonus by allowing it as an option for the proposed H2 district (formerly H3 district), adjust the affordable units option, and add another option to obtain the density bonus by retaining an existing residential structure. The number of additional dwelling units permitted beyond the maximum number of units permitted by-right in Table 66.231 with the density bonus is proposed to be two units for H1 and one unit for H2. This results in a maximum of six principal dwelling units on a lot in the H1 and H2 districts if the development meets the density bonus requirements. Allowing a maximum of six units on a lot keeps development within a neighborhood scale.

The proposed notes (1) and (2) designate different requirements for providing affordable rental units in comparison to providing affordable owner-occupied units. For the affordable rental unit(s) option (1), the requirements were amended to require 20% of the total principal units on the lot to be affordable at 60% of AMI, which matches requirements for the State of Minnesota's Low-Income Rental Classification (LIRC), a program that provides qualifying low-income rental properties a class rate reduction in property taxes. Saint Paul's 4d Affordable Incentive Program (4d Program) is the City's version of the LIRC program that offers one-time administrative grant assistance as well as a 10-year qualification to the "4d" property tax classification preserved for low/moderate-income households. The City 4d Program has stricter affordability requirements (20% of units affordable at 50% of AMI or 50% of units affordable at 60% of AMI) and a 10-year requirement for the units to remain affordable, while the LIRC program requires reapplication each year. A table was added to make it easy for property owners to understand the number of affordable units required based on the number of principal units on the zoning lot. Aligning the affordable rental unit option for the density bonus with the affordability requirements of the State LIRC program and the required length of time for these units to remain affordable with the 4d Program allows for property owners to take advantage of a property tax reduction in addition to the density bonus and avoid confusion by applying a consistent timeframe for the unit rents to be realistically verified over a 10-year period. For example, a property with two of five dwellings units affordable at 60% of AMI would benefit from using the density bonus and could also apply to receive a reduction in property taxes from the LIRC program. At the scale of 2-6 units, based on prior pro forma analysis completed for this study, staff expects that housing project feasibility will be higher if the density bonus requirement is aligned with the State LIRC requirement of 20% of the units affordable to households at 60% of AMI, as opposed to the City 4d program, a program also available to larger multifamily buildings developed in other zoning districts that do not generally limit project size to a maximum of six units. If feasible, a developer choosing to provide greater than 20% of the units at 60% of AMI (e.g., 50% of units at

60% AMI) or at deeper affordability levels (e.g., 20% of the units at 50% of AMI) could theoretically seek other financing programs to support the development such Low Income Housing Tax Credits, City 4d, and/or Project-based Section 8 and still qualify for this density bonus.

For the affordable owner-occupied unit(s) option (2), the requirements maintain the original proposed affordability requirement of up to 80% of the area median income and include new standards that require that the home be sold to a household earning up to eighty (80) percent of the AMI at a sales price that is affordable to a household income earning up to eighty (80) percent of the area median income as defined by the Metropolitan Council's Livable Communities Act Affordability limits for ownership housing.⁵ Apart from the first sale to an income-eligible household, City staff is unable to administratively require that the home be affordable to and be subsequently sold to future households earning up to 80% of AMI beyond the first sale, unless there happens to be a community land trust on the property, and/or other public subsidy such as HUD funds used in the project that would require this to happen. Note: The Affordable Home Price in the Metropolitan Council's Livable Communities Act Affordability limits for 2023 is \$304,700, affordable to a household at 80% of the Area Median Income, or \$95,650.

A new option (4) responds to the testimony that expressed a desire to maintain existing housing through conversions or additions to an existing residential structure by permitting one additional dwelling unit if at least 50% of an existing principal residential structure on the zoning lot is retained.]

Notes to table 66.231, residential district dimensional standards: (cont.)

(c) ~~The maximum height at required side setback lines is 30'. One (1) foot shall be added to the maximum building height per each one (1) foot the portion of the building is set back from the nearest required side setback line, to the maximum height allowed in the district. Building height for flat roofs shall be measured to the highest point of the parapet, if present.~~

[Analysis: The amended note (c) removes the original proposed provision that allows an additional 5' in building height beyond the maximum building height to 35' or 40' if the additional height is set back a distance equal to the additional height. The proposed note that applies to the H2 district restricts heights at side setback lines to 30' and allows one foot be added to the maximum building height for every foot the portion of the building is set back from the nearest side setback line, up to 35'. The proposed language is inspired by the current table note (l), proposed to deleted, that restricts heights at side setbacks to 24', 26, or 28', depending on the zoning district, in planning districts 14 and 15. Restricting heights at side setback lines to 30' helps to reduce the impact to light and privacy of adjacent properties, while still allowing for the flexibility to build to a maximum height of 35' if the portion of the buildings are set back from the side setback lines.]

Notes to table 66.231, residential district dimensional standards: (cont.)

(fd) ~~Where at least fifty (50) percent of the front footage of any block is built up with principal residential buildings and at least one of the front yard setbacks of the existing principal buildings with front yards that adjoin the front yard of the lot are all is greater or all less than fifteen (15) feet the district standard-setback requirement, the following standards apply: the minimum front yard setback for new~~

⁵ See <https://metro council.org/Housing/Planning/Affordable-Housing-Measures/Ownership-and-Rent-Affordability-Limits.aspx#:~:text=For%202023%2C%20the%20rental%20affordability%20limit%20is%2060%25,calculated%2C%20see%20the%20History%20of%20Median%20Income%2C%20below.>

~~buildings shall be the same as the adjoining front yard setback that is closest to the district standard setback requirement, except where only one existing front yard adjoins the front yard of the lot the minimum front yard setback for new buildings shall be the midpoint between the district standard setback requirement and the adjoining front yard setback. The property owner is responsible for reporting the relevant adjacent existing front setback to the zoning administrator on a registered land survey.~~

(1) Where there are two existing front yards that adjoin the front yard of the lot, the minimum front yard setback is the midpoint between the district standard setback requirement and the larger of the two adjoining front yard setbacks.

(2) Where only one existing front yard adjoins the front yard of the lot, the minimum front yard setback is the midpoint between the district standard setback requirement and the adjoining front yard setback.

The property owner is responsible for reporting the relevant adjoining front setbacks to the zoning administrator on a certificate of survey.

[Analysis: The recommended amendments to table note (d) change how the minimum front setback is calculated to better consider the front setbacks of existing homes immediately adjacent to the subject property. Several comments expressed concern for new development potentially not fitting in with the neighborhood, including concerns about the proposed minimum front yard setbacks of 10' or 15' resulting in homes that do not maintaining continuity with existing homes on the block. Front setbacks vary greatly throughout the city and even within neighborhoods. To account for the variation, the updated proposed amendments apply the proposed 10' minimum front setback, except in cases where at least one of the homes on either side of the new building are set back more than 15'. In these cases, the minimum front setback would be the midpoint of the district standard setback and the greater of the two adjoining front setbacks or the only adjoining front setback for lots with only one existing front yard that adjoins the subject front yard. The proposed calculation of minimum front yard setback is designed to be sensitive to the existing block face, while incrementally nudging development toward the district standard, as it results in minimum front yard setbacks being the average of the larger adjoining front setback and 10'. The updated proposal removes the word, "residential" from the phrase "block ...built up with principal residential buildings..." to account for existing situations where commercial or mixed use and residential principal buildings are present on a blockface. Removing "residential" would allow a lot where housing is proposed to consider commercial or mixed-use buildings as well in the calculation of front setbacks.

A second version of table note (d), below (with differences from the recommended version highlighted in green), was developed for consideration but is not recommended. This version also applies the proposed 10' minimum front setback, except in cases where at least one of the homes on either side of the new building are set back more than 15'. In these cases for this version, the minimum front setback would be 75% of the larger of the two adjoining front setbacks or the only adjoining front setback for lots with only one existing front yard that adjoins the subject front yard. This version results in the minimum front setback being only 25% smaller than the larger adjoining front setback, which can be very different from the proposed 10' minimum front setback. **Figure 1** below shows examples of the minimum front yard setbacks resulting from both versions of table note (d) in different adjoining front setback scenarios. The resulting minimum front yard setbacks for each version are not that different in the scenarios where adjoining setbacks are smaller,

however, the minimum front yard setback for the second version results in very large minimum front yard setbacks in scenarios F and G. In comparison, the recommended version results in smaller minimum front yard setbacks that improve building and site plan flexibility.

- (fd) Where at least fifty (50) percent of the front footage of any block is built up with principal residential buildings and at least one of the front yard setbacks of the existing principal buildings with front yards that adjoin the front yard of the lot are all is greater or all less than the district standard setback requirement, the following standards apply: the minimum front yard setback for new buildings shall be the same as the adjoining front yard setback that is closest to the district standard setback requirement, except where only one existing front yard adjoins the front yard of the lot the minimum front yard setback for new buildings shall be the midpoint between the district standard setback requirement and the adjoining front yard setback. The property owner is responsible for reporting the relevant adjacent existing front setback to the zoning administrator on a registered land survey.
- (1) Where there are two existing front yard that adjoins the front yard of the lot, the minimum front yard setback is seventy-five (75) percent of the greater of the two adjoining front yard setbacks.
 - (2) Where only one existing front yard adjoins the front yard of the lot, the minimum front yard setback is seventy-five (75) percent of the adjoining front yard setback.

The property owner is responsible for reporting the relevant adjoining front setbacks to the zoning administrator on a certificate of survey.

Figure 1: Projected Minimum Front Yard Setbacks: Recommended version and Version #2

Scenario	Smaller adjoining front setback	Larger adjoining front setback	Minimum front yard setback (Recommended Version - midpoint between 10' and larger adjoining front setback)	Minimum front yard setback (Version #2 - 75% of larger adjoining front setback)
A	9	10	10	10
B	10	15	10	11.25
C	16	25	17.5	18.75
D	25	30	20	22.5
E	30	40	25	30
F	45	50	30	37.5
G	60	75	42.5	56.25

Note to Figure 1: To consider each version and the results, compare the column labeled, "Larger adjoining front setback" with the each of the last two columns. As can be seen, the resulting new front yard setbacks in each version deviate more dramatically from one another as the larger adjoining front setback of the existing principal buildings gets significantly larger.】

Notes to table 66.231, residential district dimensional standards: (cont.)

- (e) Side yards are required only for dwelling units on the ends of townhouse structures. The side yard setback requirement from interior lot lines may be reduced or waived when an easement or common wall agreement, certified by the city building official for conformance with the state building code, is recorded on the deeds of the adjoining parcels
- In H1-H2 districts, the minimum side yard setback for permitted and conditional principal uses other than residential uses is nine (9) feet.

In RM1 and RM2 districts, the minimum side yard setback for a one-family dwelling, two-family dwelling, and multiple-family dwellings of thirty-five (35) feet in height or less on lots of sixty (60) feet width or narrower is five (5) feet.

(f) See Section 65.130 (c) for maximum lot coverage for all buildings for cluster developments.

(eg) Floor area ratio (FAR) ~~shall be is~~ prorated upon the percentage of parking that is provided as structured parking. The FAR maximum may be increased by 0.5 if at least ten (10) percent of the new dwelling units on the zoning lot are affordable at sixty (60) percent of the area median income for at fifteen ten (1510) years. The FAR maximum may be increased by an additional 0.5 (total of 1.0 increase) if at least twenty (20) percent of the new dwelling units on the zoning lot are affordable at sixty (60) percent of the area median income for at least fifteen ten (1510) years. Units required to be affordable ~~shall must~~ be occupied by qualifying residents households earning up to sixty (60) percent of the area median income. Prior to ~~receiving a certificate of occupancy issuance of a building permit~~ for the new building (or building expansion), demonstration of the commitment to affordable housing in accordance with this footnote must be provided as: a deed restriction or other contractual agreement with the city, or a city housing and redevelopment authority financing agreement or other similar financing agreement; ~~and documentation of low-income residents' qualifications.~~ Upon occupancy of the units, documentation of households' income qualifications is required.

~~(g) For permitted and conditional principal uses allowed in these residential districts other than residential uses, the side yard setback shall be a minimum of nine (9) feet.~~

~~(h) Side yards are required only for dwelling units on the ends of townhouse structures. For one-family dwellings in RM1 and RM2 districts, the minimum side yard setback shall be four (4) feet. For two-family and multifamily dwellings in RM1 and RM2 districts on lots of sixty (60) feet width or narrower, the minimum side yard setback is reduced to six (6) feet for buildings of thirty five (35) feet height or less. The side yard setback requirement from interior lot lines may be reduced or waived when an easement or common wall agreement, certified by the city building official for conformance with the state building code, is recorded on the deeds of the adjoining parcels~~

(ih) On lots more than sixty (60) feet wide and on corner lots, a maximum height of forty-five (45) feet may be permitted with a conditional use permit.

(ji) If at least half of provided parking is structured parking, a maximum building height of seventy-five (75) feet may be permitted with a conditional use permit. A shadow study may be required for a conditional use permit application to help determine the impact of the additional height.

(kj) For portions of a building over fifty (50) feet in height, the minimum side and rear yard setbacks ~~shall be are~~ twenty-five (25) feet or nine (9) feet plus one-half the building height over fifty (50) feet, whichever is less.

~~(l) For principal residential structures in planning districts 14 and 15, new construction including additions shall have the following maximum building heights at required side setback lines: Twenty eight (28) feet in R1, twenty six (26) feet in R2, twenty four (24) feet in R3 and R4. One (1) foot shall be added to the maximum building height per each one (1) foot the portion of the building is set back from the nearest required side setback line, to the maximum height allowed in the district. Building height for flat roofs shall be measured to the highest point of the parapet, if present. Properties with local heritage preservation site or district designation are excluded from the requirements of this note.~~

(mk) For property along Grand Avenue between Fairview Avenue and Cretin Avenue, between lines defined by the parallel alleys immediately north and south of Grand Avenue, building height ~~shall be is~~ limited to four (4) stories and forty (40) feet.

[Analysis: The proposed table note (e) is the current note (h) renumbered to improve ease of use of the table. The amendments to the last sentence apply a consistent side yard setback minimum of 5' to one-family dwellings, two-family dwellings, and multi-family dwellings up to 35' in height on lots

up to 60' wide, instead of a 4' setback for one-family dwellings and 6' setback for two-family dwellings and multi-family dwellings. The recommended minimum 5' side yard setback is consistent with the proposed H1 and H2 standards and also corrects a potential fire safety issue, as buildings closer than 10' from each other require fire-rated exterior walls.

The recommended table note (f) reflects the new column in the table for the maximum lot coverage for all buildings and refers users to the code section with the maximum lot coverage for all buildings in a cluster development.

The recommended amendments to table note (g) reflect the recommended changes to table note (b) about the density bonuses and update the note to match this language. The length of time was reduced from 15 years to 10 years to align with the requirements of the City's 4d Program more closely, which allows for the affordable units to be realistically verified over a 10-year period. Other changes include clarification that the units must be occupied by households earning up to 60% percent of the area median income, that the percent of dwelling units required to be affordable do need to be new, and that demonstration of the commitment to affordable housing must be provided before issuance of a building permit. Subsequent notes are renumbered and amendments remove "shall" to apply consistent language.]

Sec. 66.232. Maximum lot coverage Reserved.

~~In R1—R4 residential districts, principal buildings shall not cover more than thirty five (35) percent of any zoning lot. For R1—R4 residential districts in planning districts 14 and 15, excluding property with local heritage preservation site or district designation, the total lot coverage of all buildings, including accessory buildings, shall not exceed forty (40) percent.~~

[Analysis: These amendments reflect the movement of this provision to a new column in Table 66.231 Residential District Dimensional Standards.]

4. Other Related Updates

Sec. 65.111. Dwelling, one-family.

A building designed exclusively for and occupied exclusively by one (1) household in one (1) dwelling unit.

Condition in H2 residential district:

The maximum floor area of a new one-family dwelling is twenty-five hundred (2,500) square feet.

Sec. 65.151. Adult care home.

...

Standards and conditions:

...

- (d) ~~In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents.~~ In RT2-RM1 RL-H2 residential, T1 traditional neighborhood and OS-B2 business districts, the facility ~~shall~~ must serve sixteen (16) or fewer facility residents.

...

Sec. 65.153. Dormitory.

...

Standards and conditions:

- (a) ~~In RL-H1 residential districts, the use must be on the campus.~~ In H2-RM3 residential, T1 traditional neighborhood, and BC community business (converted) districts, a conditional use permit is required for off-campus dormitories.

...

Sec. 65.154. Emergency housing facility.

...

Standards and conditions:

- (a) In RL-~~RT2~~H2 residential, OS office-service, B1 local business, IT transitional industrial, F1 Ford river residential, and F5-F6 Ford districts the use ~~shall~~ **must** be located on the same zoning lot as a religious institution.

...

Sec. 65.156. Fraternity, sorority.

...

Standards and conditions:

- (a) ~~In RL-H1 residential districts, the use must be on the campus.~~ In H2-RM3 residential, T1 traditional neighborhood, and BC community business (converted) districts, a conditional use permit is required for off-campus fraternities and sororities.

...

Sec. 65.160. Shelter for battered persons.

...

Standards and conditions for shelters for battered persons serving more than six (6) adult facility residents and minor children in their care:

...

- (c) In RL-~~RT2~~H2 residential, traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility **shall must** serve sixteen (16) or fewer adult facility residents and minor children in their care.

...

Sec. 65.162. Supportive housing facility.

...

Standards and conditions:

...

- (b) ~~In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents.~~ In RT2RL-H2 residential, T1 traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility **shall must** serve sixteen (16) or fewer facility residents.

...

Sec. 65.222. Day care.

...

Standards and conditions:

-
- (a) In RL ~~—R4~~H1 residential districts, a child care center shall be located in a nonresidential structure currently or formerly occupied by a church, community center, school or similar facility. In industrial districts, a child care center **shall must** be accessory to a principal use permitted in the district.

...

Sec. 65.645. Short term rental dwelling unit.

...

Standards and conditions:

- (a) In RL ~~—RT1~~H1 districts, there **shall must** be no more than one (1) short term rental dwelling unit on a zoning lot unless a duplex, triplex or fourplex is owner occupied and the owner is in residence during the rental period. In other districts, one (1) or up to fifty (50) percent of dwelling units on a zoning lot, to a maximum of four (4), may be short term rental dwelling units, except that an owner occupied duplex may have two (2) units, an owner-occupied triplex may have three (3) units, and an owner occupied fourplex may have four (4) units, provided in all these cases the owner is in residence during the stay and except that more than four (4) short term rental dwelling units may be permitted when a conditional use permit is obtained by the building owner for a specific number of short term rental dwelling units.

Sec. 60.301. Zoning districts established.

For the purposes of this code, the city is hereby divided into the following zoning districts:

- (a) Residential districts.
- RL ~~one-family~~ large lot residential district
 - ~~R1 one-family~~ H1 residential district
 - ~~R2 one-family~~ H2 residential district
 - ~~R3 one-family residential district~~
 - ~~R4 one-family residential district~~
 - ~~RT1 two-family residential district~~
 - ~~RT2 townhouse residential district~~

...

Sec. 66.233. Sidewall articulation.

For principal residential structures in the R1-R4 H1 residential districts in planning districts 14 and 15, sidewall articulation is required for building faces that exceed thirty-five (35) feet in length for new construction and additions that increase the floor area by more than fifty (50) percent of the existing building footprint. Articulation **shall must** be in the form of a structural projection of at least one (1) foot in depth and six (6) feet in length, and at least one (1) story tall starting at or below the first floor elevation. New construction and additions that maintain the same footprint and property with local heritage preservation site or district designation are exempt from this requirement.

[Analysis: These amendments reflect the consolidation of the H1 and H2 districts into the H1 district and renaming of the H3 district to the H2 district and remove “shall” to apply consistent language.]

Sec. 157.03. Stopping or parking prohibited in certain places.

...

- (i) No vehicle containing scrap materials or recyclable materials in an amount that fills a space of four (4) square feet or more **shall be is permitted to be** parked or left standing on any street in an R1 through R4, RT1, RT2, RM1 through RM3, T1, T2, T3 or T4 residential and traditional neighborhood Zoning Dd districts for more than thirty (30) minutes. It

shall is not be a violation of this section if the recyclable materials are fully enclosed within the structure of the vehicle. Recyclable materials shall must have the definition found in Saint Paul Legislative Code Section 408.02. Scrap materials shall be are defined as recyclable materials left over from product manufacturing and consumption, such as parts of vehicles, building supplies, and surplus materials.

...

Sec. 157.11. Parking for larger vehicles.

...

(b) *Garbage, rubbish or recycling trucks.* No vehicle designed, used or maintained for the transportation of garbage or rubbish, or recyclable material as defined in St. Paul Legislative Code Chapter 408, whether licensed or unlicensed, shall be is permitted to be parked or left standing on any private property, street or alley in any R1, R2, R3, R4, RT1, RT2, RM1, RM2, RM3, T1, T2, T3, or T4 residential and traditional neighborhood Zoning Ddistricts for more than thirty (30) minutes.

(d) *Commercial vehicles.*

...

(3) No commercial or overweight vehicle, other than an agricultural vehicle permitted under chapter 165, shall be is permitted to stop, stand, or park on any street in an R1 through R4, RT1, RT2, RM1 through RM3, T1, T2, T3 or T4 residential and traditional neighborhood Zoning Ddistricts unless such vehicle is actually engaged in the loading or unloading of passengers or materials from the vehicle or is actually engaged in the providing of services at that location, or in compliance with official traffic-control devices, the direction of a police officer, or unless otherwise provided by law.

(4) Exception for school bus. A school bus driver may park a school bus at the curb abutting the driver's residential property or on the driver's residential property, said property being the address on the driver's Minnesota driver license, for up to a maximum four-hour period, which is within or abutting, including across a street or alley, from an R 1 through R 4, RT 1, RT 2, or RM 1 through RM 3 Zoning residential Ddistrict.

Sec. 165.02. Permit required.

No agricultural vehicle may be permitted to stop, stand, or park on any street in an R1 through R4, RT1, RT2, or RM1 through RM3 zoning residential districts, in violation of section 157.11, subd. (d)(3), without special parking permits issued by the City of Saint Paul and displayed in accordance with this chapter. Permit holders may only park pursuant to this subdivision within the street frontage of the permit holder's domicile.

[Analysis: These amendments simplify the language, apply these standards to the RL residential district for consistency, and remove "shall" to apply consistent language.]

B. Lot coverage standards and cluster development updates

The amendments in this section respond to testimony that express concerns about the allowed maximum lot coverage standards by recommending that the maximum lot coverage for parking space paving be reworked to also include driveways and provide two different maximum lot coverages based on the type of lot or access to an alley and that the proposed maximum building coverage for all buildings be reduced for cluster developments to allow for an overall lower impervious surface coverage when paired with the newly reduced maximum surface parking lot coverage.

1. Parking Spaces and Driveway Paving Lot Coverage Standards

Sec. 63.316. Paving.

All parking spaces, driveways and off-street parking facilities shall must be paved with standard or pervious asphalt or concrete, or with brick, concrete or stone pavers, or material comparable to the adjacent street surfacing, in

accordance with specifications of the zoning administrator, within one (1) year of the date of the permit except as provided in section 61.402(e).

The total amount of paving for surface parking spaces **and driveways** for one-family, ~~and~~ two-family, **and multi-family dwellings on a lot with up to six (6) principal dwelling units, shall must** not exceed **ten (10) percent of the lot area for lots adjoining a dedicated public alley and corner lots** and fifteen (15) percent of the lot area ~~or one thousand (1,000) square feet, whichever is less~~ **for all other lots.**

[Analysis: These recommended amendments change the maximum amount of paving for surface parking spaces to also include driveways and adjust the maximum amount of paving to consider the lot type and whether it adjoins an alley, which has implications for the amount of paving needed. In the draft ordinance, a 20% maximum was proposed to reflect the consultant's conceptual housing types with one to six dwelling units with off-street parking on typical 4,520 sq. ft. and 6,250 sq. ft. lots. On interior lots without alley access, the total amount of paving for surface parking and driveways ranged from 17% to 21% of the lot area for the one- to four-unit arrangements and ranged from 24% to 39% for the five- to six-unit arrangements. For lots located on alleys and corner lots, the total amount of paving for surface parking ranged from 6% to 18% for the one- to six-unit arrangements. The recommended amendments propose a 10% maximum for lots on alleys and corner lots and 15% for lots not on alleys. While some of the consultant's conceptual arrangements include parking space and driveway paving maximums that are greater than 10% or 15% of the lot area, creative adjustments like providing fewer parking spaces, developing on a larger lot, housing the parking spaces in a garage (which would make the parking subject to building lot coverage), or siting the parking or driveway physically closer to the alley or street could reduce the amount of paving to meet the proposed standards.

In the RL-H2 proposed zoning districts, the proposed 10% or 15% maximum lot coverage for surface parking and driveway paving combined with the proposed 40-50% total building lot coverage or 45-55% for developments taking advantage of the density bonus and cluster developments (see Section 5.B.2 below for proposed cluster development standard amendments) essentially results in a total impervious surface area lot coverage of 50-60% for the RL district, 55-65% for the H1 district, and 60-70% for the H2 district. These would mean the large majority of lots would have a maximum regulated impervious surface of 65% or less, consistent with the MnDOT Drainage Manual standard for residential lots less than or equal to 1/8 acre (5,445 square feet). Exceptions to this would be H2-zoned developments on non-alley lots internal to blocks, and/or lots utilizing the density bonus or cluster development (both of which allow a 5% greater lot coverage on top of the typical maximum lot coverage. These developments would have a 55% maximum building lot coverage and 15% surface parking and driveway paving lot coverage (70% combined). For comparison, the City of Minneapolis zoning code has impervious coverage maximums of 65% for lots less than 6,000 square feet without alley access or a second street frontage, 60% for areas that tend to be low-density residential, 70% for areas that tend to be along corridors with high frequency transit routes and higher-density residential and commercial development, and 80% or greater for areas in and near downtown and adjacent to METRO stations, depending on the built form overlay district. With the proposed H2 zoning district more likely to be located on alleys and cluster developments being a unique development type that is proposed to require a 9,600 sq. ft. lot, it is anticipated that this combined lot coverage of 70% (building and parking/driveway paving maximum lot coverage) would be rarely allowed and rarely approached on a practical level. Cluster developments and developments with three or more units would also go through the site plan review process, which includes a review by many departments including water resources and sewer utility staff; additionally, for sites that are larger than ¼ of an acre, meeting the city's stormwater runoff rate control is required.]

2. Cluster Development Standards Updates

Sec. 65.130. Cluster development.

The arrangement of ~~two (2) or more dwelling units, either attached or detached, as part of a single development that may include more than one (1) principal residential building on a zoning lot~~ multiple one-family dwellings, two-family dwellings, and/or multiple-family dwellings of no more than four units, sharing a common open space on a single zoning lot.

Standards and conditions:

...

(c) Lot coverage. In the RL residential district, the total lot coverage of all buildings must not exceed forty-five (45) percent of the zoning lot. In the H1 residential district, the total lot coverage of all buildings must not exceed fifty (50) percent of the zoning lot. In the H2 residential district, total lot coverage of all buildings must not exceed fifty-five (55) percent of the zoning lot.

(d) Accessory buildings. No more than one (1) accessory dwelling unit is permitted per one-family dwelling in the cluster development. The accessory dwelling unit must meet standards (b) – (e) in section 65.913. The accessory unit does not count towards the minimum lot size per unit standard. Accessory buildings must conform to the standards in section 63.501, except (e).

[Analysis: The recommended amendments to cluster development standard (c) reflect the consolidation of the H1 and H2 districts into the H1 district and renaming of the H3 district to the H2 district and reduce the proposed maximum building coverage for cluster developments. The draft ordinance proposed a 55% maximum in the RL and H1 districts and 60% for cluster developments in the H2 and H3 district. In response to concerns about the proposed maximum lot coverages being too large, it is recommended that the total maximum building coverage be reduced to 45% in the RL district, 50% in the H1 district, and 55% in the H2 district, which is a 5% increase over the proposed by-right maximum building coverages in each district and matches the maximum building lot coverage for developments using the density bonus. Considering the recommended maximum 10% or 15% parking and driveway paving lot coverage (see Section 5.B.1 above for details), the combined lot coverage for all buildings and parking/driveway paving for cluster developments ranges from 55% to 70%.

The amendments to standard (d) correct a typo to correctly reference zoning code section 63.501 (Accessory buildings and uses) and clarify that 63.501 (e) that limits lots with up to four principal dwelling units to a maximum of three non-dwelling accessory building and a maximum lot coverage of 1,200 square feet does not apply to cluster developments. Cluster developments are arrangements of multiple dwellings sharing a common open space with the potential for 15+ dwelling units on a lot, depending on the zoning district and lot size. With cluster development designs to likely include garages and potentially a community building, it would be nearly impossible to meet the three non-dwelling accessory building and 1,200 square feet maximum. Exempting cluster developments from these limits allows for the development to accommodate non-dwelling accessory buildings, while still maintaining a maximum total lot coverage for all buildings including principal and accessory buildings.]

Sec. 63.501. Accessory buildings and uses.

...

~~(f) Accessory buildings on zoning lots containing one and two family dwellings are subject to the following standards: with up to four (4) principal dwelling units (except for cluster developments).~~

(1) There shall be is a maximum of three (3) non-dwelling accessory buildings, the total of which may occupy a maximum of twelve hundred (1200) square feet of the lot.

~~(2) — Accessory buildings may occupy a maximum of thirty five (35) percent of the rear yard. Where the rear yard adjoins an alley, half the area of the adjoining alley may be included in calculating the area of the rear yard that may be occupied by accessory buildings.~~

[Analysis: These amendments further clarify that standard (e) that limits lots with up to four principal dwelling units to a maximum of three non-dwelling accessory building and a maximum lot coverage of 1,200 square feet does not apply to cluster developments.]

C. Additional design standards and other clarifications

The proposed amendments in this section respond to testimony that suggests additional design standards to ensure new development fits in with existing neighborhoods and that suggests incentivizing maintaining existing housing to reduce teardowns of viable housing. The proposed changes to the building design standards section apply new standards to dwellings with up to six units related to remodeling and additions, entrances, and front yard landscaping. The proposed amendments to the fence requirements respond to the proposed reduced minimum front yard setbacks and new back lots by not allowing tall fences to be able to be built in front yards. An amendment to the accessory dwelling unit (ADU) standards adds an incentive for maintaining existing housing. A minor amendment clarifies that Site Plan Review is required for the erection or enlargement of any building except for development of three or fewer dwelling units, regardless of if the units will be new as a result of the development.

1. Building Design Standards Updates

Sec. 63.110. Building design standards.

- (a) A primary entrance of principal structures **shall must** be located within the front third of the structure; be delineated with elements such as **porches**, roof overhangs, **pent roofs, hooded front doors**, recessed entries, landscaping, or similar design features; and have a direct pedestrian connection to the street.
- (b) **In addition, for eOne-family, and two-family, and multiple-family dwellings with up to six (6) units are also subject to the following standards:**
- (1) A primary entrance **shall must** either: 1) face an improved abutting street; or 2) be located off of a front porch, foyer, courtyard, or similar architectural feature, and set back at least eight (8) feet from the side lot line.
 - (2) **Remodeling, additions or other alterations to the front façade of existing buildings must be done in a manner that is compatible with the original scale, massing, detailing and materials of the original building. Original materials must be retained and preserved to the extent possible.**
 - (3) **Front yard areas located between the principal building and the street must be landscaped.**
- (bc) For principal buildings, except industrial, production, processing, storage, public service and utility buildings, above grade window and door openings **shall must** comprise at least fifteen (15) percent of the total area of exterior walls facing a public street or sidewalk. In addition, for new principal residential buildings, above grade window and door openings **shall must** comprise at least ten (10) percent of the total area of all exterior walls. For principal residential building additions of more than one hundred twenty (120) square feet in floor area, above grade window and door openings **shall must** comprise at least ten (10) percent of the wall area, or above grade window and door openings **shall must** comprise at least ten (10) percent of the total area of all exterior walls of the building. Windows in garage doors **shall must** count as openings; the area of garage doors themselves **shall do** not count as openings. For residential buildings, windows **shall must** be clear or translucent. For nonresidential buildings, windows may be clear, translucent, or opaque.
- (ed) In pedestrian-oriented commercial districts characterized by storefront commercial buildings built up to the public sidewalk, new principal structures **shall must** have a maximum setback of fifteen (15) feet from a commercial front lot line. At intersections, buildings **shall must** "hold the corner," that is, have street facades within fifteen (15) feet

of the lot line along both streets, or the site plan **shall must** have vertical structural elements that "hold the corner." A primary entrance **shall must** face a primary abutting public street.

- (de) Building materials and architectural treatments used on sides of buildings facing an abutting public street should be similar to those used on principal facades.
- (ef) The visual impact of rooftop equipment **shall must** be reduced through such means as location, screening, or integration into the roof design. Screening **shall must** be of durable, permanent materials that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork **shall must** not be located on primary building facades.
- (fg) For property with local heritage preservation site or district designation, compliance with applicable historic guidelines **shall be is** sufficient to meet the requirements of this section.

[Analysis: These amendments to the building design standards apply to all building types. The amendments to standard (a) use language from section 66.343 Traditional neighborhood district design standards to suggest that porches, pent roofs, roof overhangs, and hooded front doors are examples of design features that can be used to delineate the primary entrance of principal structures.

The amendments to standard (b) expand the requirements that currently apply only to one-family and two-family dwellings and apply them to multi-family dwellings with up to six units. New standards (b) (1) and (2) use language from the Traditional neighborhood district design standards to require that remodeling, additions, and other alterations to the front façade of existing buildings be done in a manner that is compatible with the original building, and that front yard areas between the principal building and the street be landscaped. Landscaping includes plants such as trees, grass, and shrubs. These design standards help ensure that new housing and additions to existing housing fit in with the surrounding neighborhood. Amendments to other standards include renumbering and removing "shall" to apply consistent language.

Adding units to an existing dwelling or structure with the goal of maximizing the number of bedrooms can sometimes result in smaller units with poor layouts. Staff evaluated the potential to add requirements to help ensure that housing units created as a result of a conversion of or an addition to existing dwellings are quality units with useful spaces and layouts. Drafted zoning requirements for units that are not efficiency or studio units include a common room of at least 70 square feet (designated as a living room, family room, dining space, or combination of these) and that at least one-half bathroom be accessible from a common hallway or room. A comment suggests incorporating universal design, accessibility, and visitability standards to encourage the creation of spaces that anticipate residents' and their guests' changing lifecycle housing needs and are inclusive of all physical and cognitive abilities. Depending on the use of elevators in new construction and the extent of and scope of work involved in the conversion or change of use, accessible units may be required by the 2020 Minnesota Accessibility Code for dwellings with four or more units and townhouse developments. Visitability is based on the principle that all new homes should include a few basic features that make them accessible to people, regardless of their physical abilities⁶ and Minnesota Statute 462A.34 states that "visitability means designing a dwelling so that people with mobility impairments may enter and comfortably stay for a duration".⁷ The State of Minnesota requires that all new construction of single-family homes, duplexes, triplexes, and multi-level townhouses that are financed or in part by the [Minnesota Housing Finance] Agency must incorporate basic visitability access into their design and construction, which includes a no step-entrance, 32-inch clear

⁶ Expanding Implementation of Universal Design and Visitability Features in the Housing Stock, Fact Sheet 167, March 2010, AARP, accessed June 2022 at <https://www.aarp.org/content/dam/aarp/livable-communities/old-act/housing/expanding-implementation-of-universal-design-and-visitability-features-in-the-housing-stock-aarp.pdf>.

⁷ Minnesota Statutes 2022, section 462A.34, <https://www.revisor.mn.gov/statutes/cite/462A.34>.

doorways throughout the dwelling, and a one-half bathroom on the main level. Staff evaluated the potential for including visitability standards for developments with more than four new dwelling units and drafted requirements similar to the State of Minnesota’s visitability requirements.

After further evaluation, it was determined that both sets of these drafted standards for conversions/additions and visibility requirements were in conflict with Minnesota Statute 326B.121, subdivision 2(c) of the State Building Code that preempts local building code provisions: “[a] municipality must not by ordinance, or through development agreement, require building code provisions regulating components or systems of any structure that are different from any provision of the State Building Code.”⁸ The drafted zoning code standards conflict with the building code by applying stricter requirements for some development types.]

2. Fence Requirements Updates

Sec. 33.07. Fences—Requirements.

...

- (c) *Height of fences.* ~~In residential districts and on lots occupied for residential purposes, fences must be no more than seven (7) feet in height above the sidewalk or finished grade. No fence shall be erected exceeding seven (7) feet in height above the sidewalk or finished grade of any lot in a residence district or on any lot occupied for residential purposes.~~ The applicant ~~shall~~ **must** ensure that fences and all supporting structures ~~shall be~~ **are** completely within the boundaries of such lot with no portion encroaching onto adjacent property. All fences erected ~~in a front yard between the front property line and the front setback line~~ as defined in section 60.2**9726** of the Saint Paul Legislative Code ~~shall~~ **must** be no more than four (4) feet in height. On a corner lot at two (2) intersecting streets in a residential zoning district, no fence, wall or other structure ~~shall be~~ **is** allowed above a height of two (2) feet from sidewalk grade in the triangular area of the lot included within ten (10) feet of the corner along each lot line unless the structure is more than eighty (80) percent open. ~~For back lots as defined in section 60.213 of the Saint Paul Legislative Code, all fences between the property line that is parallel to the street and any principal building must be no more than four (4) feet in height.~~ Fences for non-residential uses in residential zoning districts ~~shall~~ **must** not exceed eight (8) feet in height, except fences around tennis courts, which ~~shall~~ **must** not exceed twelve (12) feet in height, back stop fences, which ~~shall~~ **must** not exceed twenty (20) feet in height, and golf range fences, which ~~shall~~ **must** not exceed thirty (30) feet in height. The selvage end of chain link or metal fences ~~shall~~ **must** be smooth; knuckled ends are permitted, twisted ends are not permitted.

[Analysis: These amendments are recommended as a result of the proposed reduced minimum front yard setback and the creation of new back lots in the zoning code. The minimum front yard setback standard for H1-H2 and RM1-RM3 is recommended to be reduced to 10’ or be the midpoint of the district standard setback and the greater of the two adjoining front setbacks or the only adjoining front setback for lots with only one existing front yard that adjoins the subject front yard. Depending on the adjoining front yard setbacks, the minimum front setback line that establishes the minimum front yard depth of the lot could be as small as 10’ or be larger than 40’. To avoid a tall 7’ fence being able to be built in front of buildings due to the front setback lines potentially being closer to front lot property lines than currently allowed, the amendments propose that fences built in a front yard can be no more than 4’ tall.

The proposed new back lots (lots that abut an alley that do not also abut a street) technically do not have a front property line, front setback line, or front yard. The proposed amendment prevents fences taller than 4’ from being built in between the property line that is parallel to the street and any principal building to allow for buildings on back lots to be visible from the street.

⁸ Minnesota Statutes 2022, section 326B.121, subdivision 2(c), <https://www.revisor.mn.gov/statutes/cite/326B.121>.

The rewording of the first sentence improves clarity, and all other amendments remove “shall” to apply consistent language.]

3. Accessory Dwelling Unit Standards Updates

Sec. 65.913. Dwelling unit, accessory.

A ~~secondary~~ dwelling unit, ~~subordinate that is secondary~~ to a principal one-family dwelling, within or attached to ~~a the~~ one-family dwelling or in a detached accessory building on the same zoning lot.

Standards and conditions:

- (a) *Number of accessory units.* There ~~shall~~ **must** be no more than ~~one (1)~~ **two (2)** accessory dwelling units **for each one-family dwelling** on a zoning lot. **If there are two accessory dwelling units for a one-family dwelling, at least one must be detached from the one-family dwelling, except for development that retains at least 50% of the floor area of an existing principal residential structure on the zoning lot. If the development retains at least 50% of the floor area of an existing principal residential structure on the zoning lot, both accessory dwelling units may be attached.**

[Analysis: These amendments respond to public testimony to add another incentive for maintaining existing housing by allowing development that retains at least 50% of the floor area of an existing principal residential structure on the lot. For developments consisting of two accessory dwelling units (ADUs) with a one-family dwelling, at least one must be detached from the one-family dwelling because a one-family home with two attached ADUs can be more complex due to implement due to building code requirements. An exception to this standard is added for developments that maintain at least 50% of the floor area of an existing principal residential structures to increase flexibility for adding additions to existing housing in the form of two attached ADUs.]

4. Other Clarifications

Sec. 61.402. Site plan review by the planning commission.

- (a) *Plan to be submitted.* A site plan **shall must** be submitted to and approved by the planning commission before a permit is issued for grading or the erection or enlargement of any building except **for development of one and two family dwellings three or fewer dwelling units**, and including the following:

...

[Analysis: These amendments clarify that Site Plan Review is required for the erection or enlargement of any building except for development of three or fewer dwelling units, regardless of if the units will be new as a result of the development. Conversion of a building to more than three dwelling units does not necessarily require Site Plan Review if it does not involve the erection or enlargement of a building.]

6. Recommended Zoning Map Amendments

This section outlines the recommended amendments to the proposed zoning map that reflect the recommended changes to the proposed H1-H3 districts described in Section 5.A of this report and other amendments using common zoning mapping methodology.

1. Amendments to reflect H1-H3 district amendments

The zoning map is recommended to reflect the proposed amendments to the H1-H3 districts, which includes:

- Consolidating H1 and H2 districts into the H1 district;
- Renaming the H3 district to the H2 district;

-
- Expanding the H2 district to include parcels with any portion within 1/8 mile of the planned METRO H Line BRT route, Metro Transit’s high-frequency network bus routes 63 and 64, and the Randolph/East 7th corridor identified as a mid-term priority corridor in Metro Transit’s vision for the Arterial BRT network⁹ (in addition to the parcels within 1/8 mile of Neighborhood Nodes intersections, and the Green Line, A Line, B Line, Gold Line, Purple Line, Riverview, and G Line routes);
 - For the purposes of designating H2 parcels within 1/8 mile of the planned Purple Line route, limiting the route to a northern terminus of Maryland Avenue because there is a study evaluating White Bear Avenue as an alternate route to the Bruce Vento Regional Trail Corridor, and the final route is currently unclear beyond Maryland.

2. Other amendments

The general rule for determining if parcels are designated to be zoned H1 or H2 is that any portion of a R1-RT2 zoned parcel within 1/8 mile of a Neighborhood Node intersection or fixed rail, BRT, and high-frequency bus routes (Green Line, A Line, B Line, Gold Line, Purple Line, Riverview, and G Line, H Line, and Randolph/East 7th corridors and bus routes 63 and 64) is H2, and other R1-RT2 parcels are H1. While considering the surrounding zoning and street connectivity, minor adjustments to the lines between the designated H1 and H2 zoning districts were made using common methodology to line up with street centerlines, alleys, and rear property lines in cases of blocks without alleys and round out blocks for a simpler, more logical zoning map.

In instances where most parcels within a contiguous area, block, or along one side of a block were designated H2 because the parcels are within 1/8 mile of neighborhood nodes or transit routes, the remaining H1 parcels were often zoned to H2 to simplify the zoning line. In instances where just the parcels at the corner of a mostly H1 block were designated H2 because they fit the 1/8-mile criteria, that H2 corner was often expanded to the adjacent parcels at the nearest corner within the block if the corner parcels are adjacent to an H2 or higher-density district across the street. In instances where a narrow strip of H1 remains between two large H2 areas, the H1 area was zoned to H2 to be consistent with the surrounding H2 zoning. Parcels designated as Major Parks and Open Spaces future land use in the 2040 Comprehensive Plan are zoned H1 as well as large publicly owned parcels containing water bodies and portions of blocks that are designated H2, but largely about H1 on several sides.

As suggested by a public comment, the parcels along the steep slopes adjacent to the planned Riverview corridor near the intersection of Snelling Avenue and W. 7th Street designated H2 are located at a distance substantially further than the intended 1/8-mile walking distance from the Riverview corridor due to the topography and limited street connections; therefore, these parcels are zoned H1.

The Planned Development (PD) district is intended to permit more flexible and creative private or public development or redevelopment than is possible under standard zoning classifications. The Londin Hills Planned Development was developed in the early 1980s and contains 20 single-family homes around two cul-de-sacs on Londin Circle and Londin Place. The development is no longer considered to be flexible, as it includes strict, arbitrary requirements, such as natural cedar siding, attached double garages, and 1,000 sq. ft. minimum unit sizes. Some requirements have been difficult for property owners to meet as they make changes to their properties, requiring variances. Two other lower density Planned Developments were developed in the 1980s, at Morningside Circle, which contains both single-family detached and twin homes around a cul-de-sac, and at the block bounded by Curtice, Belvidere, and Andrew, which contains 20 units of “cluster housing” in four buildings and three single-family homes around publicly owned open

⁹ Network Next, <https://www.metrotransit.org/Data/Sites/1/media/network-next/network-next-arterial-brt-final-report.pdf>.

space. To increase flexibility, allow a greater variety of housing types and more opportunities for new housing development, encourage reinvestment in properties, and make for more consistent zoning regulations throughout the city, these Planned Development districts are recommended to be rezoned to H1, consistent with the surrounding proposed H1 zoning.

The proposed zoning districts maps are in Appendix B.

7. Implementation Support

Following the adoption of the ordinance, staff plans to update the city's website in various places to make it easy for property owners and prospective developers to understand the zoning requirements and provide additional information about options for adding housing units to their property, and the development process. Potential online resources to guide current and prospective owners and developers through the pre-development and development process include fact sheets with illustrations on applicable regulations and best practices, utility information, basic building code parameters, development process flow charts, and promotion of resources such as City financing programs, other public funders and private lenders, as well as partner organizations that might provide technical and other assistance. Eventually, staff hopes to establish one or more pre-approved plans for housing types on common lots sizes in the city, similar to the model duplex construction plans offered by the Family Housing Fund.¹⁰

As a result of the proposed changes in the ordinance, staff expects some changes to work volumes and application requests (e.g. subdivisions, variances, street addresses, etc.), as well as other functions such as code enforcement and rent stabilization, mostly in the Department of Safety and Inspections and secondarily in Planning and Economic Development, but also impacting the Departments of Public Works and others including Parks & Recreation. Due to amendments to the Zoning Code to permit more by-right residential development and more flexible standards, there is an expected reduction of variance requests at the Board of Zoning Appeals and nonconforming use permit requests for residential uses at the Zoning Committee and Planning Commission. For most other functional areas, PED staff anticipate an increase in work volumes. **Figure 4** on the following page provides PED staff preliminary thinking about City work volume changes by functional area; this functional list is incomplete. Staff will continue to internally explore these impacts with City function subject matter experts - including fee revenue implications and potential City staff needs.

Figure 2: Duplex and Triplex Building Permits Issued 2020-2022, City of Minneapolis

	Duplexes	Triplexes
New Construction	40	20
Alteration to existing buildings	34	8
Total	74	28

Figure 3: Accessory Dwelling Unit (ADU) Projects that Received Zoning Review(s), 2015-2022, City of Minneapolis

	Total	Attached/Internal	Detached
2015	37	25	12
2016	47	15	32
2017	30	14	16
2018	33	20	13
2019	39	21	18
2020	15	6	9
2021	17	7	10
2022	13	3	10
	231	111	120

¹⁰ <https://www.fhfund.org/report/duplex-designs/>.

Note: A slightly smaller number of projects obtained a building permit and were completed

Peer community case study. The City of Minneapolis adopted similar zoning amendments to the proposed amendments of this zoning study at the beginning of 2020 that more widely permitted duplexes and triplexes throughout the city, including in the lowest-density residential districts. While Minneapolis has a stronger housing market than Saint Paul, the changes in permit and zoning review activity that Minneapolis experienced following the zoning amendments offer a point of comparison for what to potentially anticipate in Saint Paul following the adoption of this similar ordinance. **Figure 2** above shows the number of building permits issued for duplexes and triplexes by the City of Minneapolis over the three-year period since the zoning amendments, a total of 74 duplexes and 28 duplexes. Forty-six (46) percent of duplexes and 29% of triplexes resulted from alterations to existing buildings. On a **per-year basis**, there were approximately **25 duplexes and 9 triplexes**, which is a total of **50 units in duplexes and 27 units in triplexes** per year. **Figure 3** shows the number of ADU projects that received zoning review in Minneapolis since ADUs were legalized in the city in 2015. Since the 2020 zoning changes, the average number of ADU projects per year dropped from 37 to 15.

Figure 4: City staff preliminary thinking about City work volume changes by functional area

City staff function impacted by the 1-4 Unit Housing Study zoning amendments	Expected work volume change	Logic underlying expected work volume change	Question / Notes for City staff by PED
Administrative Subdivisions creating 1-4 lots	Increase	More flexible subdivision regulations will create demand for additional flag lots, new reverse flag lots, or new back lots with access, utility and address needs	How many 1-4 unit lot splits do we currently have per year? [Consult PED data, and DSI, Public Works staff as necessary]
Board of Zoning Appeals: Variance applications	Reduction	More flexible standards including front and rear yard setbacks would suggest fewer variances	What is the number and annual percentage of variance requests that are for 1-4 unit or townhome projects? [Consult DSI Board of Zoning Appeals data]
Planning Commission: Nonconforming use permit applications	Reduction	Much greater range of housing types permitted across fewer districts (seven residential districts to three)	What is the number and annual percentage of Planning Commission zoning cases are nonconforming use permits from residential to residential? [Consult PED data]
Site Plan Review Committee (led by DSI): Site Plan Reviews (SPR)	Unclear but likely increase	Unclear: Slightly fewer housing types are proposed to require SPR (i.e., developments with up to 3 units proposed as exempt from SPR, instead of up to 2 today), but more 4-or-more-unit development permitted by-right	What number and annual percentage of Site Plan Reviews are for 3-6 plexes? Note – it might be expected that there will be fewer 4+ unit projects compared to 1-2 unit projects as the latter will be far easier to do regarding building code requirements and avoiding requirement for/costs of homeowner associations. However, 5+ unit projects may be more financially feasible assuming local commercial lenders become comfortable supporting this scale of development.

			[Consult DSI Site Plan Review data]
<p>Building permits</p> <ul style="list-style-type: none"> • Building conversions • New ADUs • 1-4 unit new construction developments (IRC: 1-2 and townhomes vs. IBC projects) • New cluster developments 	Increase	Much greater range of housing types permitted. If the complexity and cost drive volumes as ordered to the left, the work should theoretically be more manageable	<p>Considerations:</p> <ul style="list-style-type: none"> • Building conversions may be easiest to finance but challenging to do layout-wise (utilities, access, etc.) • ADU volumes are currently flat and potential increases may be tempered by the greater 1-4 principal unit options permitted, as seen in Minneapolis • Allowing duplexes and townhomes in many more places should lead to greater utilization (they are typically IRC not IBC) • Cluster developments are likely to be few given built-out nature of city and higher lot size requirements (9,600 sf to 21,780 sf) <p>[Consult Building Official and/or designees, and Plan Examiners]</p>
Rent stabilization process exemptions and/or requests to increase annual rents above 3 but less than 8%	Increase	Increase given greater range of housing units and therefore rental units, but volume tempered by expectation that 4-6plex new construction rental is not always financially feasible. Conversions/ additions more likely to result in volume	<p>Consideration: Volume subject to Rent Stabilization ordinance administration processes</p> <p>[Consult DSI rent stabilization staff]</p>
Fire Inspections	Increase	Increase given greater range of rental housing units permitted by- right, but volume tempered by expectation that 1-6plex new construction rental is not always financially feasible. Conversions/ additions more likely to result in volume	[Consult City Fire Safety Inspections staff about workload]
Code enforcement	Increase	Increase given additional housing units permitted	<p>Difficult to project. Does DSI have any rule of thumb that x housing units lead to y number of complaints, on average?</p> <p>[Consult DSI Code Enforcement staff]</p>
Pre-application technical assistance	Increase	Increase given additional housing units permitted	Impact on DSI and PED is expected. PED expects to play a more active role in fostering this type of development so will be providing additional City web guidance and play a hands-on, 'project facilitator' assistance role as able

			[PED Zoning staff to work with DSI Zoning, Site Plan Review, and Plan Examiner staff, among others]
Parkland diversion	Increase	Increase given additional housing units permitted	Impact on Parks staff is expected for conversions of properties along parkways if new driveway access is requested

8. Committee Recommendation

The Comprehensive and Neighborhood Planning Committee discussed all proposed zoning text amendments and recommends the deletion of one sentence below in Sec. 63.110 (b)(2) of the Zoning Code [A reminder that new language to be added as part of this study's proposed zoning text amendments is shown by underlining from the existing ordinance, while the recommended redlined changes from the public hearing draft of the ordinance that are highlighted in yellow.] The sentence that the Committee proposes to be deleted is highlighted in yellow below:

(b) ~~In addition, for one-family, and two-family, and multiple-family dwellings with up to six (6) units are also subject to the following standards:~~

...

(2) Remodeling, additions or other alterations to the front façade of existing buildings must be done in a manner that is compatible with the original scale, massing, detailing and materials of the original building. Original materials must be retained and preserved to the extent possible.

The Committee appreciated that the proposed intent of the amendment to Sec. 63.110 (b)(2) is that remodels, additions and alterations to existing buildings be done in a way that is compatible with original details of the building. "Compatibility" implies flexibility that would allow for a variety of materials and treatments while still being sensitive to the original scale and massing of the building. However, the last sentence was perceived to be more restrictive than the former in mandating original materials to be preserved; the Committee likened this sentence to design mandates akin to those that apply in local historic districts. Additionally, Committee members expressed concern that existing homes may have exterior materials of a limited durability or that contain asbestos. If the last sentence were not deleted, this provision would needlessly require such undesirable exterior materials to be retained.

With the above proposed change, the Comprehensive and Neighborhood Planning Committee recommends approval of the attached draft Planning Commission resolution recommending City Council adoption of the proposed Zoning Code text amendments.

9. Appendices

Appendix A: Planning Commission resolution with revised proposed text amendments

Appendix B: Proposed Zoning District Maps

Appendix C: Written Public Comments

Appendix D: Data Request Figures

Appendix E: Public Hearing Draft Ordinance (Phase 2 memo for public comment)