



MEMORANDUM

SUBJECT: 1-4 Unit Infill Housing Zoning Study PHASE 1

TO: Saint Paul Planning Commission

FROM: Comprehensive and Neighborhood Planning Committee

DATE: September 3, 2021

SUMMARY

This memo examines select Zoning Code provisions regulating lot and building dimensions, building arrangement, and accessory dwelling units, as well as the Duplex and Triplex Guidelines used by Planning and Zoning staff during zoning case processes. The Comprehensive and Neighborhood Planning Committee recommends that the Planning Commission review the text amendments in Appendix A and Duplex and Triplex Conversion Guidelines in Appendix B, release them for public comment, and schedule a public hearing for October 15th, 2021.

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1. Study Objectives

Amendments to these Zoning Code provisions are intended to reduce barriers to neighborhood-scale residential development by:

- permitting smaller homes;
- making smaller lots easier to utilize for housing;
- permitting and facilitating accessory dwelling units on more lots;
- modifying the maximum permitted size of an accessory dwelling unit; and
- eliminating extraneous restrictions to planning staff recommendations.

This is the first phase of the larger 1-4 Unit Infill Housing Zoning Study, initiated by the Planning Commission on April 2nd, 2021. The full study is meant to implement housing and land use policies established in the 2040 Saint Paul Comprehensive Plan, and to carry out actions called for in City Council Resolution 18-1204. These documents envision increased housing affordability, diversified housing options, and moderate increases in residential density as ways to address the current shortage of housing and accommodate the next decade of population growth. Phase 2 of this study carries a broader scope and a longer timeline, while Phase 1 is limited to certain Zoning Code amendments that could have an immediate impact, involve smaller policy decisions, and be implemented independently of the broader Phase 2 amendments. Zoning Code sections amended in Phase 1 may be amended again in Phase 2 if additional amendments are needed to contribute to the study's objectives.

2. Background

City Council Resolution 18-1204

On July 18th, 2018, the Saint Paul City Council issued Resolution 18-1204, which calls "for action to create and preserve housing that is affordable at all income levels, address racial, social and economic disparities in housing, and create infrastructure needed to stabilize housing." In this resolution, "the Saint Paul City Council acknowledges the housing crisis in our city and region, and the urgent need to address the crisis as our population grows" and requests "[z]oning studies by the Planning Commission to explore ways to increase density in residential districts including... analysis on allowing more multi-unit buildings (i.e. triplexes and fourplexes) along transit routes and in neighborhood nodes in single-family zoning districts..." The Saint Paul Planning Commission directed staff to expand the scope of this study to include other neighborhood-scale housing types such as duplexes, cluster developments including cottage/courtyard homes, and accessory dwelling units.

Saint Paul 2040 Comprehensive Plan

One stated value of the 2040 Comprehensive Plan is "Growth and Prosperity through Density," a value that supports incremental density increases to Saint Paul's residential neighborhoods. While 73 Neighborhood Nodes and transit corridors across the city are to be the focus of major residential density increases, the typical low-density Saint Paul neighborhood holds vast potential for additional housing in the form of additional dwelling units on existing properties with development capacity, or



small vacant lots that could reasonably fit an additional home or accessory dwelling unit. Comprehensive Plan policies H-46 through H-49 support these low-impact housing options:

- **Policy H-46:** Support the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods
- **Policy H-47:** Encourage high-quality urban design for residential development that is sensitive to context, but also allows for innovation and consideration of market needs.
- **Policy H-48:** Expand permitted housing types in Urban Neighborhoods (as defined in the Land Use Chapter) 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.
- **Policy H-49:** Consider amendments to the Zoning Code to permit smaller single-family houses and duplexes to facilitate the creation of small-home development types, such as pocket neighborhoods and cottage communities.

Other Context

In the process of beginning the a study of infill two- to four-family housing, a few zoning-related items have surfaced that could increase production of neighborhood-scale housing and ease the burden on staff resources. Small homes and small lots have been brought up repeatedly as an untapped resource for new housing that could be less expensive than typical new construction. City officials and community members have voiced interest in ascertaining barriers to construction of accessory dwelling units (“ADU”s); despite being permitted as accessory to single family homes citywide since 2018, ADUs have seen very little production, with only sixteen in any part of the permitting process. Planning and Zoning staff have also pointed to the City’s current method of determining average front setback for new single-family construction in residential districts as unnecessarily time-intensive. Lastly, the Planning Commission’s Duplex and Triplex Conversion Guidelines used by staff in reviewing zoning cases that would permit such conversions have been identified by Zoning Committee members and staff as unnecessarily limiting staff recommendations due to their extra-ordinance minimum requirements. Amending these items has seen broad support among City staff, Planning Commissioners, and others. Additional amendments to code sections regarding accessory buildings have been recommended by past Zoning staff to improve clarity in the Zoning Code.

3. Analysis

Below, a number of Zoning Code provisions are discussed, each followed by a proposed amendment. These ordinances may be addressed further in Phase 2 of this study. Following the ordinances is a discussion of the Duplex and Triplex Conversion Guidelines, which have been adopted by the Planning Commission for use by staff and the Zoning Committee.



Arrangement and Dimensions of Principal Buildings

i. § 66.233. - Minimum building width

Suggested action: Delete the minimum building width.

Existing text: In residential districts, the building width on any side of one-family and two-family dwellings shall be at least twenty-two (22) feet, not including entryways or other appurtenances that do not run the full length of the building.

This minimum width requirement restricts every side of a single-family home or duplex in a residential district – that is, R1-R4, RT1-RT2, and RM1-RM3 – from being less than twenty-two feet, making the minimum floor area for a new home 484 square feet. It does not apply to these dwelling types in any other district, including T traditional neighborhood or F Ford districts, and does not apply to accessory dwellings or multifamily dwellings (including townhomes). This provision was first added to the Zoning Code in 1983 in a suite of amendments distinguishing site-built single-family homes and duplexes from manufactured homes, the latter of which, were being considered in the context of mobile home parks. (City Council Ordinance 17039.) While the scope of this study does not include a focused analysis of barriers to mobile home parks or manufactured dwellings without permanent foundations, it is worthwhile to note the context of § 66.233. Other code amendments from this ordinance included:

- replacing the definitions “mobile home”, “mobile home park”, and “trailer coach” with the land use “Manufactured single family dwelling” as a dwelling type. This dwelling type did not require a permanent foundation and had to meet state and federal manufactured home construction and safety standards recognized by Minnesota Department of Labor and Industry or by the US Department of Housing and Urban Development. (See MN Stat. 327.31 Subd. 3.) This definition has since been deleted from the code;
- redefining the term “Building” to mean only permanent structures, excluding “temporary” structures, and “specifically excluding trailers or semi-trailers as defined by Minnesota Statutes, Chapter 169”;
- adding the requirement that “all buildings shall have a permanent foundation to comply with the state building code” (now § 63.108. – Foundations); and
- restricting lots in RL-RT1 to have only one principal building per lot, discussed below in the section i. § 66.241. – Number of main (principal) buildings.



In 1982, Minnesota Statutes 394.25 and 462.357 were amended to bar any zoning regulation from prohibiting “manufactured homes built in conformance with sections 327.31 to 327.35 that comply with all other zoning ordinances ...” While this appears to protect federally-certified manufactured homes from being outlawed in a municipality’s Zoning Code, the same act added “width” and “type of foundation” to the list of characteristics that could be regulated by a zoning authority. By changing the definition of *building* to include only permanent structures, requiring that a building have a permanent foundation (contrasted with a wheeled chassis that could be towed), establishing a minimum building width of 22 feet in residential districts, and limiting the number of dwellings on a lot in residential districts, the Saint Paul City Council severely limited permitted locations for manufactured dwellings.

Although 484 square feet is considerably small (potentially housing a maximum of two people), there are two instances in which smaller or simply narrower dwellings could offer additional housing opportunity citywide.

Small vacant lots in low-density residential zones could more easily permit new construction of narrow homes if the building width minimum were reduced or eliminated. Currently, single-family homes are permitted on any lot that existed at the effective date of the Zoning Code regardless of lot area or width, as long as all other zoning requirements are met or applicable zoning variances are granted. (See § 62.103.) Even though a single-family home may be permitted by right on a lot that is smaller or narrower than the district standard, a variance for side setbacks may still be required for the twenty-two foot wide structure to fit on the lot, or a variance for building width in to fit a narrower building without sacrificing setbacks. Variances cost the property owner time and money and subject the potential home to the strict criteria of a variance.

The minimum side setback in one-family districts is four feet. (This side setback is also applied to RT1 and RT2 districts when a single-family home is built per §66.231(a).) The narrowest such a lot could be to permit a twenty-two foot wide building without any built elements on the sides, and without a variance for minimum building width, is thirty feet. (22+4+4=30). Narrow lots like these are not uncommon in Saint Paul – there are currently over 5,150 parcels with less than thirty feet of frontage in residential districts, according to Ramsey County parcel data. For many of these lots, a reduced or eliminated building width minimum could remove a regulatory barrier to adding a home to the city’s housing stock.

The use of manufactured homes in cottage or bungalow courts or other cluster-style development is also inhibited by this minimum building width. Cottage courts are usually groups of smaller single-family homes sharing some sort of common lawn or shared space, clustered more compactly on a property than a typical single-family block. The cost savings of the manufactured



housing process have been noted by the US Department of Housing and Urban Development and others as potentially contributing to housing affordability.¹

(A cottage court is distinct from a mobile home park in that the homes are required to be on a permanent foundation; contain fewer homes in a cluster (typically three to five); offer more flexibility and innovation in ownership models; and often exhibit higher aesthetic standards, as these homes are intended to integrate into a neighborhood.)

A limitation of manufactured housing, however, is roadway shipping width regulations. Minnesota Department of Transportation considers eight feet six inches a standard width for highway travel, and anything wider needs special permitting. A variety of fees and regulations apply at various widths from twelve feet to sixteen feet (such as markers and escort cars), and anything over sixteen feet wide may require a special route survey. Because of these regulations, designers of manufactured homes only design their products to just under these widths, such as eleven feet eight inches, thirteen feet eight inches, or fifteen feet eight inches.

Saint Paul's Zoning Code provides for cottage court-style development in two ways. One way is simply allowing multiple principal residential buildings on a lot in most districts except for RL-RT1 (discussed below in the section ii. § 66.241. - Number of principal buildings). Each principal unit is subject to dimensional regulations per individual lot (such as yard setbacks and lot area minimums). By deleting § 66.241, any lot where a certain residence type is allowed and which has adequate dimensions can fit multiple principal residential buildings, be they site-built or manufactured elsewhere.

Another way the Zoning Code provides for cottage court-style development is the *cluster development* land use (§ 65.130). Cluster developments permit multiple single-family, two-family, or townhome residences to be built on a lot in districts RL-RT1 where currently only one single-family or duplex is allowed per lot per § 66.241; they also permit a zoning lot to include multiple fee-simple lots. However, a cluster development requires a conditional use permit to be secured from the Planning Commission. The dwellings in a cluster development are still subject to minimum dimensional standards and must integrate well into low-density neighborhoods, including the area's aesthetic character.

The housing market is expected to continue generating single-family homes and duplexes larger than 484 square feet, and as wide as twenty-two feet or more. An amended minimum building

¹ United States, Congress, Office of Policy Development and Research, and Casey J. Dawkins. *Regulatory Barriers to Manufactured Housing Placement in Urban Communities*, 2011. www.huduser.gov/portal/publications/mfghsg_hud_2011.pdf.



width could remove a regulatory barrier to additional housing on small or oddly-shaped lots and smaller homes in a cottage court-style housing arrangement.

(It should be noted that this is not expected by itself to lead to the creation of deeply affordable housing - these homes would still include the “expensive parts” of a dwelling unit such as utilities, foundation, etc. - but it should maintain or increase affordability through lower construction and land costs per unit than a standard-sized new home. The creative ownership models that are sometimes paired with a grouping of smaller homes may also cut costs for occupants).

*Proposed
amendment:*

~~Sec. 66.233 – Minimum building width~~

~~In residential districts, the building width on any side of one-family and two-family dwellings shall be at least twenty-two (22) feet, not including entryways or other appurtenances that do not run the full length of the building.~~

ii. § 66.241. - Number of main (principal) buildings

Suggested action: Delete Section 66.241, allowing multiple principal residential buildings on zoning lots in residential districts; move clarification regarding carriage houses to the carriage house section 65.121.

Existing text: In RL—RT1 residential districts, there shall be no more than one (1) main (principal) residential building per zoning lot, except as specifically allowed as a conditional use in the district. RT2—RM3 residential districts allow multiple residential buildings on a zoning lot. A carriage house building in RT2—RM3 residential districts may be regulated as an additional principal residential building or as a carriage house dwelling.

§ 66.241 limits any zoning lot in RL-RT1 (low-density residential districts) to one principal residential building, regardless of existing lot area or width. The effect of this provision is enforcement of the low-density character of single-family neighborhoods, prioritizing open space over additional homes on a zoning lot that is large enough to fit multiple one- or two-family homes. In every other district where one- and two-family homes are permitted (RT2, RM1-RM2, T1-T3, BC, and F1), multiple per zoning lot are allowed.

This provision was first added to the Zoning Code in 1983 as part of a suite of amendments delineating site-built single-family homes and duplexes from manufactured homes, which, at the time, were being considered in the context of mobile home parks. (City Council Ordinance 17039;



see the above section i. § 66.233. – Minimum building width for further discussion.) This provision may also have originally been intended to prevent certain congregate housing facilities with separation requirements from establishing multiple facilities on a single property in order to circumvent the separation requirements.

While most lots zoned RL-RT1 in Saint Paul are not large enough to permit more than a single residential building within the confines of minimum lot area, minimum lot width, and minimum required setbacks, those lots large enough to add a second residence in RL-RT1 are prevented from doing so by this provision. District dimensional requirements are a more exact and scalable tool to regulate density levels, and apply regardless of a required maximum number of buildings per zoning lot. Without § 66.241, a zoning lot would still need to be twice the minimum size and have twice the minimum width per unit to accommodate a second building, three times the minimum size and width to accommodate a third building, etc., approximating multiple adjacent lots (though the overall lot area may be shaped differently). In the absence of this requirement, extra-large lots would fit more homes with no greater permitted density than if the lot was divided into multiple lots. And, while multiple buildings on a lot may still present site layout difficulties, a site plan must be submitted for analysis by DSI-Plan Review staff, as well as zoning and fire inspectors, during the building permitting process.

Currently, the land use *cluster development* (§ 65.130) provides for multiple principal residential buildings on a zoning lot, including horizontally-attached dwelling types such as duplexes and townhomes, and uniquely permitting those types in RL-R4 zones which typically only allow single-family homes. However, because a cluster development is only permitted as a conditional use in residential districts, this land use is subject to a public hearing, submission of site plans, landscaping plans, and elevations, and approval by the Planning Commission as well as other neighborhood compatibility conditions. If § 66.241 were deleted and multiple buildings were permitted on any residential lot by right, the cluster development land use still carries the benefits of allowing duplex and townhome dwellings in low-density residential districts, and fee-simple lot divisions within the zoning lot. A lot with multiple dwellings that fit the definition of cluster development could be regulated as either a cluster development or simply a lot with multiple dwellings, depending on the specifics of the situation and preference of the property owner.

At the time this provision was enacted, the only supportive housing facility type besides a licensed correctional facility was “Residential Group Home”, which carried a separation requirement of 1,320 feet (one quarter mile) between zoning lots. (This land use required a Special Use Permit, and the required separation distance could be modified.) Since then, this land use type has been refined and divided into multiple congregate living land uses in Section 65.150 of the zoning code. All but one of these land uses are defined as “One (1) main building, or portion thereof, on one (1)



zoning lot..."; this language restricts them to one main building per zoning lot in any district where they are permitted, so they would not be affected by a change to § 66.241. The land use Sober house (§ 65.161), however, is defined as a dwelling unit, and carries a minimum requirement of 330 feet between *properties containing sober houses* (equaling more than eight 40-foot-wide lots and more than six 50-foot-wide lots). In the absence of § 66.241, multiple buildings containing sober houses could be built on a zoning lot that is large enough to accommodate them. The integrity of the separation requirement can be maintained by amending the sober house standard 65.161(e) to require 330 feet between *buildings* containing sober houses rather than *properties*.

The last line of § 66.241 concerning carriage house buildings was meant to clarify that carriage house dwellings, an accessory dwelling type with certain restrictions in residential districts, could be regulated as either an additional principal dwelling or accessory dwelling in higher-density residential districts (in contrast with the lower-density districts, in which a carriage house could only be regulated as a carriage house dwelling). If § 66.241 were deleted, this clarification could take an updated form in § 65.121. – Dwelling, carriage house.

Proposed amendment - § 66.241:

~~Sec. 66.241. – Number of main (principal) buildings~~

~~In RL—RT1 residential districts, there shall be no more than one (1) main (principal) residential building per zoning lot, except as specifically allowed as a conditional use in the district. RT2—RM3 residential districts allow multiple residential buildings on a zoning lot. A carriage house building in RT2—RM3 residential districts may be regulated as an additional principal residential building or as a carriage house dwelling.~~

[**Note:** Subsequent numbering of sections would be updated accordingly.]

Proposed amendment - § 65.121:

Sec. 65.121. – Dwelling, carriage house

An accessory dwelling in a combined residential and garage building, separate from the main building on the lot, located above and/or adjacent to the garage.

Development standards:

(a) A carriage house building in residential districts may be regulated as an additional principal residential building or as a carriage house dwelling.

Standards and conditions in residential districts:

...



~~e)(d)~~A site plan and a building plan shall be submitted to the planning commission at the time of application. ~~Carriage house dwellings are exceptions to one (1) main building per zoning lot requirements.~~

Proposed amendment - § 65.161:

(e) A building Property containing one (1) or more sober house units shall be a minimum distance of three hundred thirty (330) feet from any other building property containing a sober house.

iii. § 66.231. - Density and dimensional standards table (h)

Suggested action:

Restore 4-foot required side setbacks for one-family dwellings in RM1-RM2 residential districts from current 9-foot requirement.

Existing text:

- (a) R4 one-family district dimensional standards shall apply when one-family dwellings are erected in RT1-RT2 residential districts. RT1 two-family district dimensional standards shall apply when two-family dwellings are erected in the RT2 residential district.
- (h) Side yards are required only for dwelling units on the ends of townhouse structures. When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal buildings. 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.

Before the RM Zoning Study text amendments, adopted by City Council in September of 2020, § 66.231(a) applied all R4 one-family residential district dimensional standards to single-family homes built in districts less restrictive than R4 (RT1, RT, RM1, and RM2). That included maximum height and stories, minimum setbacks, minimum lot area, and minimum lot width. The RM Zoning Study text amendments limited that application of R4 dimensional standards to only one-family dwellings in RT1 and RT2, allowing one-family dwellings in RM1-RM2 (multiple-family) residential districts to be regulated by the standards of those districts. While this allowed greater density and



more flexibility in minimum lot width, maximum height and stories, and minimum front and rear yard setbacks, the side yard setback of RM1-RM2 is more restrictive than R4, requiring nine feet rather than four. The study also neglected to remove the (a) note from the RM1 and RM2 lines in the table. Both of these were unintentional staff oversights.

To set a lower side setback requirement for single-family homes in RM1 and RM2 districts, the most appropriate text to amend is § 66.231 note (h), which already discusses side yards in those districts.

Proposed amendment: (h) Side yards are required only for dwelling units on the ends of townhouse structures. When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal buildings. 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.

Table 66.231 will also be amended to remove note (a) from the RM1 and RM2 rows.

iv. § 66.231. - Density and dimensional standards table (h)

Suggested action: Delete 12-foot minimum distance between principal residential buildings to conform to building code fire-resistance ratings.

Existing text (with recommended text addition from item iii. above): (h) Side yards are required only for dwelling units on the ends of townhouse structures. When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal buildings. 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.

§ 66.231 (h) requires a distance of twelve feet between principal buildings on a single parcel, which is two feet more than the state building code requirement of ten feet between buildings without fire-rated walls. (See [Section R302 – Fire Resistant Construction](#) of the Minnesota Residential Code.) While lowering this minimum from twelve to ten feet would allow more flexibility in the placement of two or more homes on a lot, which could benefit cluster developments and other multi-building residential properties, staff from the Department of Safety and Inspection and Planning and Economic Development agreed this text is redundant and could be removed from this section without harm. A building plan must currently be reviewed by a City staff plan reviewer in order to be granted a building permit, and the minimum fire separation distance will be enforced in that review.

Proposed amendment (including the preceding side setback amendment) – § 66.231:

(h) Side yards are required only for dwelling units on the ends of townhouse structures. ~~When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal buildings.~~ 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.

- v. § 66.231. – Density and dimensional standards table (f) and § 66.331. – Density and dimensional standards table (i)

Suggested action: Reduce the number of lots from which an average front setback is calculated and simplify calculation of required front setback in residential and traditional neighborhood districts.



Existing text -
§ 66.231:

(f) Where at least fifty (50) percent of the front footage of any block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing structures, or if the block average is more than the minimum required front setback listed in the dimensional standard table, it shall be the setback requirement in the district plus half the amount the average setback is greater than the setback requirement in the table. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula.

Existing text -
§ 66.331:

(i) Where at least fifty (50) percent of the front footage of the block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing structures, or the normal setback requirement in the district plus half the amount the average setback is greater than the normal setback requirement, whichever is less. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula. The minimum front yard setback shall not exceed the maximum front yard setback requirement. Sixty (60) percent of the front facade must fall within the maximum setback. For local heritage preservation sites, the standard may be modified to comply with the preservation program and design review guidelines.

The purpose of these provisions is to ensure that zoning district setback standards do not require a newly-built home to stand out from the other homes on its block enough to disrupt the character of the block face. Many blocks in Saint Paul were built up before front setback standards were in place, so the current zoning district's requirements may not exactly match the placement of the homes. Despite being shallower or deeper than the current standard, the variable placement of existing homes on their lots generally still allows plenty of light, air, and movement around the property, and relatively uniform placement presents a desirable view. A new home on a block such as this is therefore required to be built in conformance with the existing homes; conformance is determined by the average front yard setback calculation in the provision, keeping the block face at about the same setback from the right-of-way.

However, these provisions calculate the average front yard setback based on all or most of the homes on a block, often reaching up to fourteen, sixteen, or sometimes over twenty homes. This



is complex for development proposals and time-consuming for staff, multiplying complications in determining lot lines and setbacks.

A less time-consuming approach with similar results is to base conformance with a block face on just the lots adjacent to the subject lot. For a typical interior lot, that is the lot on either side. For a corner lot, the one adjacent lot may suffice. Additionally, basing the setback for a new structure on the adjacent existing setback that is closest to the district standard setback can both simplify the calculation and gradually move the block face toward the district standard. If structures on either side of the subject lot straddle the district standard setback – that is, on one side the setback is greater than the standard, and on the other side the setback is less than the standard – using the standard district setback would maintain the character of the block face while following the Zoning Code seamlessly.

Traditional neighborhood districts have the added element of a maximum front yard setback; however, § 66.331(i) already requires that the minimum setback shall not exceed the maximum setback; in such a case, the front yard setback would be the maximum stated in the district standards. This would not require any amendment.

Below the proposed amendments are pictorial examples of the proposed amendments applied to three scenarios.



*Proposed
amendment -
§ 66.231:*

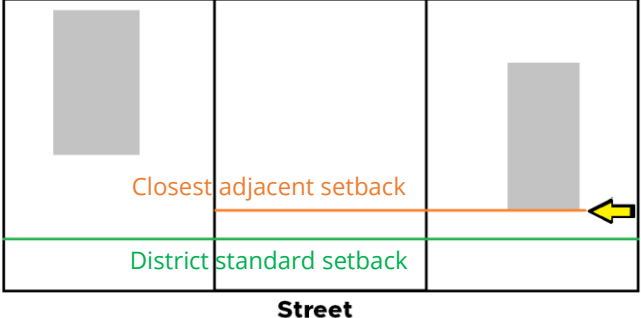
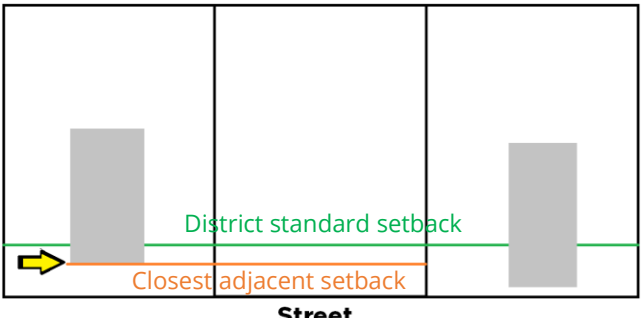
(f) Where at least fifty (50) percent of the front footage of any block is built up with principal ~~structures~~ residential buildings and the front yard setbacks of existing buildings with front yards that adjoin the front yard of the lot are all greater or all less than the district standard setback requirement, the minimum front yard setback for new ~~buildings~~ structures 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 structures 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 zoning staff on a registered land survey. ~~average setback of the existing structures, or if the block average is more than the minimum required front setback listed in the dimensional standard table, it shall be the setback requirement in the district plus half the amount the average setback is greater than the setback requirement in the table. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula.~~

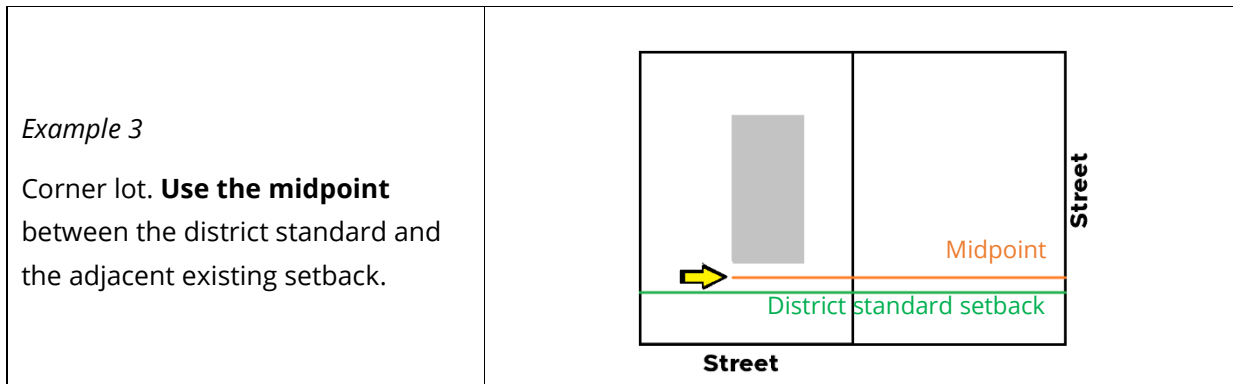
*Proposed
amendment -
§ 66.331:*

(i) Where at least fifty (50) percent of the front footage of any block is built up with principal ~~structures~~ residential buildings and the front yard setbacks of existing buildings with front yards that adjoin the front yard of the lot are all greater or all less than the district standard setback requirement, the minimum front yard setback for new ~~buildings~~ structures 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 structures 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 zoning staff on a registered land survey. ~~average setback of the existing structures, or if the block average is more than the minimum required front setback listed in the dimensional standard table, it shall be the setback requirement in the~~



~~district plus half the amount the average setback is greater than the setback requirement in the table. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula.~~ The minimum front yard setback shall not exceed the maximum front yard setback requirement. Sixty (60) percent of the front facade must fall within the maximum setback. For local heritage preservation sites, the standard may be modified to comply with the preservation program and design review guidelines.

<p><i>Example 1</i></p> <p>Both adjacent existing front yard setbacks are greater than the district standard setback. Use the setback closest to the district standard.</p>	
<p><i>Example 2</i></p> <p>Both adjacent existing front yard setbacks are less than the district standard setback. Use the setback closest to the district standard.</p>	



Arrangement and Dimensions of Accessory Dwelling Units and Accessory Buildings

An accessory dwelling unit (“ADU”) is defined in the Zoning Code as a “secondary dwelling unit, subordinate to a principal one-family dwelling, within or attached to a one-family dwelling or in a detached accessory building on the same zoning lot, with the property owner of record occupying either the principal dwelling unit or the accessory dwelling unit as their permanent and principal residence.” An ADU’s function in the Zoning Code is to permit additional neighborhood-scale dwelling units in low-density zoning districts where two-family and multi-family dwellings are not permitted. Certain requirements ensure ADUs integrate well into a property, including owner-occupancy of either the main home or ADU; an occupancy maximum of one *household* – defined in the code as six adults and the minors in their care – for the main home and ADU together; gross floor area and height maximums; and exterior material requirements. No additional parking is required for an ADU.

Accessory dwelling units will receive additional study in Phase 2 of this study.

i. § 65.913. - Accessory dwelling unit (a) Minimum lot size

Suggested action: Delete the minimum lot area requirement for accessory dwelling units.

Existing text: (a) *Minimum lot size.* For accessory dwelling units located in an accessory structure, the lot shall be at least five thousand (5,000) square feet in area.

The existing lot area minimum for establishment of an accessory dwelling unit is 5,000 square feet, which is the lowest minimum lot area for any single-family-only residential zone. However, accessory dwelling units, when detached, are the only accessory structures beholden to this minimum. All accessory buildings must conform to dimensional standards in § 63.500: a maximum of three accessory buildings on a lot may occupy a maximum of thirty-five percent of



the rear yard up to 1,000 square feet. (Any detached ADU that is built within six feet of the principal building is considered attached for zoning purposes, which restrict it to sharing the maximum lot coverage for principal buildings allowed in the code.) This restricted building envelope keeps an ADU extremely limited in the lot area it can cover even before taking into account the lot area minimum.

The main difference between an ADU and any other detached structure is that it is occupied, suggesting the minimum lot area is intended to restrict population density rather than lot coverage. An ADU's effect on population density is mitigated, however, by the requirement that no more than one *household* may occupy the principal dwelling and the ADU together, effectively permitting no more occupants than could already legally occupy a lot. With the goal of allowing small increases in housing opportunity across Saint Paul, deleting the lot area minimum could permit additional housing for seniors, a small family, a returning college student, a struggling veteran, or other home-seekers on a lot not otherwise permitted to add an ADU. Other cities studied do not require a minimum lot area for an ADU to pair with a single-family home (Minneapolis, Portland, Vancouver, BC); this is true also for the State of California, which has banned regulations on minimum lot size for ADUs.

Proposed amendment: § 65.913. - Accessory dwelling unit

~~(a) *Minimum lot size.* For accessory dwelling units located in an accessory structure, the lot shall be at least five thousand (5,000) square feet in area~~

ii. § 65.913. - Accessory dwelling unit (e) *Unit size*

Suggested action: Update the maximum permitted size for accessory dwelling units from 800 square feet to 75% of the principal dwelling unit; delete interior ADU maximum square footage of 1/3 the square footage of the principal unit (leaving it to be regulated by the 75% of the principal dwelling unit).

Existing text: (e) *Unit size.* The floor area of the accessory unit shall be a maximum of eight hundred (800) square feet. If the accessory unit is located interior to the principal structure, the principal structure shall have a minimum floor area of one thousand (1,000) square feet and the accessory unit shall not exceed one-third (1/3) of the total floor area of the structure. For multi-story principal structures built prior to the enactment of this section, the maximum floor area of an accessory dwelling unit may be



equal to that of the first floor, but shall be less than or equal to fifty (50) percent of the floor area of the structure.

The maximum gross floor area of 800 square feet was adopted in 2016 with the initial accessory dwelling unit (“ADU”) ordinance. This number was chosen to keep the ADU subordinate in size to the principal dwelling unit). In the context of multiple size regulations, an improved regulation could tie the size of the ADU more directly to the principal dwelling without allowing an ADU to be wedged onto an inappropriately small lot or be arbitrarily limited on an unusually large lot. While the intent of subordinate character remains unchanged, updating the maximum size to a percentage of the principal dwelling unit size can allow more housing opportunity and design flexibility while keeping ADUs a well-integrated housing type in low-density residential zones.

In the Saint Paul Zoning Code § 63.500, which governs all accessory buildings, a maximum of three accessory buildings may occupy no more than 35% of a rear yard up to 1,000 square feet. Many rear yards in Saint Paul contain a garage, and building permit records show that garage-top ADUs are popular among applicants. However, the ADU may not be built to the full area of the garage below it if the garage is larger than 800 square feet. Were the ADU maximum square footage be expanded to match the accessory building maximum, the additional 200 square feet could allow one additional occupant of the ADU, depending on the design. Additionally, large lots with large back yards may be able to accommodate an ADU of greater than 800 square feet, and yet it is limited to this size. A mechanism to allow larger ADUs where appropriate could increase housing opportunity and design flexibility. Because the occupancy limit for a principal dwelling unit (the definition of *Household*) must be shared with an associated accessory dwelling unit, a larger ADU would not allow any more occupants than the zoning already permits.

(Below, in section iii. § 65.501. - Accessory buildings and uses, this study discusses increasing the 1,000 square foot maximum for accessory buildings to 1,200 square feet to provide more flexibility for accessory dwelling units; if the lot, the principal dwelling unit, and the rear yard were all large enough, *and* if the ADU design permitted it, an additional two occupants could reside in the 1,200 s.f. ADU compared to the current 800 s.f. ADU maximum)

Cities around the Twin Cities Metro have a variety of guidelines on maximum ADU size. Minneapolis caps floor area at 800 square feet for internal and attached ADUs, and 1,300 for detached ADUs including any parking areas; the building footprint, however, has a stricter maximum of 676 square feet or 10% of the lot area up to 1,000 square feet. Many cities include a maximum or percentage of the main building:

- Minnetonka – the lesser of 950 square feet or 35% of the gross living area of the home
- Plymouth – 1,000 square feet or 100% of the main home



- Richfield – 800 square feet or the gross floor area of the principal dwelling
- Bloomington, Burnsville, and Eagan – 960 square feet or 33% of the 4-season living area of the main home
- Inver Grove Heights – 1,000 square feet
- Roseville – 650 square feet or 75% of the 4-season living area of the main home

Elsewhere, the State of California has prohibited a local agency from establishing a maximum size under 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom. Austin, Texas has set the maximum at 1,100 square feet or 0.15 floor-to-area ratio (“FAR”), whichever is less. Portland, Oregon has set the maximum at the lesser of 800 square feet or 75% of the principal dwelling unit.

While raising the minimum gross floor area of an ADU to match the accessory structure maximum in § 63.500 would add flexibility and housing opportunity, the ADU’s subordinate character should be maintained. Using a percentage of the main dwelling’s square footage rather than a fixed number can keep an ADU scaled to a property with a smaller main home (even restricting the lot from adding an ADU where the additional building mass would be inappropriate for the lot, zoning district, and neighborhood context) while allowing the ADU to grow in size on a property with a larger main home and rear yard, up to the accessory building maximum size. 75% of the principal unit would keep the ADU smaller than the principal dwelling at any size. Using the existing accessory building maximum size as a cap for some general calculations, 1,000 square feet would be 75% of a 1,333 square foot house, 50% of a 2,000 square foot house, and 33% of a 3,030 square foot house. Using the proposed 1,200 square foot maximum for the same calculations, 1,200 would be 75% of a 1,600 square foot house, 50% of a 2,400 square foot house, and 33% of a 3,636 square foot house. The number of additional occupants a 1,000 or 1,200 square foot ADU could house compared to an 800 square foot ADU would depend on the construction of its rooms as they relate to square footage minimums in the Minnesota Residential Code, Minnesota Fire Code, and Saint Paul Legislative Code Section 34.13. The ability of an ADU to reach the maximum of 1,000 or 1,200 square feet would also be constricted by the maximum of 35% of a rear yard that accessory buildings can occupy, which is not proposed to be increased.

These cumulative changes would tie the size of the ADU more directly to the principal dwelling without allowing an ADU to be wedged onto an inappropriately small lot or be arbitrarily limited on an unusually large lot.

*Proposed
amendment:*

(e) *Unit size.* The floor area of the accessory unit shall not exceed 75% of the floor area of the principal dwelling unit ~~be a maximum of eight hundred~~



~~(800) square feet.~~ If the accessory unit is within located interior to the principal building structure, the principal building structure shall have a minimum floor area of one thousand (1,000) square feet ~~and the accessory unit shall not exceed one-third (1/3) of the total floor area of the structure.~~ For multi-story principal buildings structures built prior to the enactment of this section, the maximum floor area of an accessory dwelling unit may be equal to that of the first floor, but shall be less than or equal to fifty (50) percent of the floor area of the building structure.

iii. § 65.501. - Accessory buildings and uses

Suggested action: Increase maximum amount of total square footage accessory buildings may occupy on a lot with one- or two-family dwellings from 1,000 to 1,200 square feet (63.501(f)); reorganize entire Sec. 63.500 for improved readability and accuracy.

Existing text: Accessory buildings on a zoning lot may occupy up to thirty-five (35) percent of the rear yard. Rear yards which adjoin alleys may include half the area of the alley to calculate the area of the rear yard which may be occupied by accessory buildings.

63.501(f)

On zoning lots containing one- and two-family dwellings, there shall be a maximum of three (3) accessory buildings, the total of which shall not occupy more than one thousand (1000) square feet of the zoning lot. On zoning lots containing all other uses, accessory buildings may occupy the same percent of the zoning lot as main buildings are allowed to occupy in the zoning district.

The current maximum total lot area for accessory buildings – 35% of the rear yard up to 1,000 square feet – also regulates accessory dwelling units (“ADUs”) and carriage houses, two types of residences which are intended to allow additional housing units in lower-density residential zoning districts. While garage-top ADUs are a popular choice, accessibility to seniors and people with disabilities is greatly improved by ground-level construction, as well as added design and site layout flexibility. However, a ground-level ADU shares the 1,000 square foot maximum with the garage and other accessory buildings, limiting its size, sometimes to such a small floor area that it is not worth building. A typical two-car garage may be between 400 and 600 square feet or larger, leaving about between 400 and 600 square feet for a ground-level ADU. Increasing the maximum to 1,200 square feet would add flexibility in design, layout, and opportunity on larger lots to build



ADUs. The maximum of 35% of the rear yard would is not proposed to increase, causing a change to the 1,000 square foot maximum to apply only to large lots with large rear yards.

Other changes are proposed for § 65.500 to improve clarity and accuracy. Often, the zoning text talks about accessory *structures*, but the section is intended to apply to accessory *buildings*, which are defined differently than structures in § 60.203. – B and § 60.220. – S. Other changes consist of grouping related concepts and regulations and are not meant to add, subtract, or alter existing regulations. These amendments appear in full in Appendix A: Proposed Text Amendments.

*Proposed
amendment:*

§ 65.501. – Accessory buildings and uses (f)

(f) Accessory buildings on zoning lots containing one- and two-family dwellings are subject to the following standards:

(1) There shall be a maximum of three (3) 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.

~~Accessory buildings on a zoning lot may occupy up to thirty-five (35) percent of the rear yard. Rear yards which adjoin alleys may include half the area of the alley to calculate the area of the rear yard which may be occupied by accessory buildings.~~

~~On zoning lots containing one- and two-family dwellings, there shall be a maximum of three (3) accessory buildings, the total of which shall not occupy more than one thousand (1000) square feet of the zoning lot. On zoning lots containing all other uses, accessory buildings may occupy the same percent of the zoning lot as main buildings are allowed to occupy in the zoning district.~~



Duplex and Triplex Conversion Guidelines and other amendments

i. Duplex and Triplex Guidelines

Suggested action: Discontinue the Duplex and Triplex Conversion Guidelines.

Adopted by the Planning Commission and Board of Zoning Appeals (“BZA”), the Duplex and Triplex Conversion Guidelines are lists of requirements and criteria that direct PED-Planning and DSI-Zoning staff as they form recommendations regarding variance, rezoning, or nonconforming use permit zoning cases which would, if granted, permit the conversion of a single-family home to a duplex or a duplex to a triplex. The Guidelines state that staff shall recommend denial of an application if it does not meet all of the criteria, even though it may meet all standards in the Zoning Code and be in conformity with adopted planning documents. The Guidelines are not adopted by the City Council as part of the Saint Paul Legislative Code, so they do not carry the legal authority of the Zoning Code. The current Guidelines are attached to this report as **Appendix B**.

Background

Both the Planning Commission and BZA approved interim Duplex Conversion Guidelines in 1981 for single-family-to-two-family dwelling conversions. This short document included:

- Minimum lot areas and frontages;
- Minimum gross living areas;
- Minimum parking provision;
- The requirement not to expand a structure without PED design team approval; and
- A prohibition on rezoning from a single-family zone to the RT1 two-family residential district (allowing duplexes) in a homogenous single-family neighborhood.

The Guidelines were intended to provide consistency in staff recommendations on zoning cases – for instance, one zoning staff member may consider a lot area variance of 300 square feet too high to approve, but another may consider the same variance allowable as long as all required findings for the variance are met. These minimums establish the maximum amount the Planning Commission and BZA would diverge from the Code to allow duplex conversions.

These interim Guidelines were used until the early 1990s, when a backlog of illegal duplex and triplex conversions brought zoning staff’s attention back to the document as a tool for evaluating conversion cases. In these situations, owners of single-family homes or duplexes had added a unit without required building permits – and sometimes in violation of the Zoning Code. These cases, along with housing policy changes, resulted in the Commission and BZA approving permanent



updates to the duplex and triplex conversion guidelines in 1992. (Planning Commission Resolution 19-42). In this 1992 update, the level of scrutiny was increased through:

- Increased parking requirements;
- An added section on nonconforming use permits – staff notes indicate that the intensity of criteria would be the least for variances, the most for rezonings, and that NCUPs would fall in between (with the same guidelines as variances, plus the normal NCUP zoning standards);
- Added requirements for inspection of illegally-converted duplexes and triplexes *prior* to the BZA/Zoning Committee determination, *or* a condition that an inspection take place; and
- Added requirement for an economic feasibility analysis where economic hardship was claimed; the worksheet would be analyzed by PED-Housing Division staff.

In 2009, “changes in City codes and plans” prompted another update. Planning Commission Resolution 19-52 still bases the value of these Guidelines on their use in “reviewing duplex and triplex conversion zoning cases arising from identification of illegal conversions as a result of City inspections of residential properties”. Aside from formatting changes, clarifications, and eliminating some redundancy, the updates include:

- Decreased minimum lot areas and gross living area requirements, but new minimum unit gross floor areas;
- Shifted burden of approving structural expansions from the understaffed PED design team to the reviewing body (Commission or BZA);
- An updated nonconforming use section reflecting current zoning standards;

This is the form of Guidelines in use today.

Elements of the Guidelines

- *Submission of a site plan and unit floor plans as part of the zoning case application.* Outside of the Guidelines, these documents are not required to be submitted to the Planning Commission or Board of Zoning Appeals (“BZA”) for new construction of a single-family home or duplex in the form of a site plan review process per § 61.402 of the Zoning Code, although all of these documents must be submitted during the building permit process. Submission of this information during a zoning case is helpful to ensure early on that the applicant is applying the City’s General Design Standards (§ 63.110).
- *Submission of the MLS listing from the most recent sale.* This makes staff’s determination of the historic use of the property quicker and easier. Especially for nonconforming use permit-related applications, the historic use of a property must always be reviewed.



- *"...[S]taff will recommend denial unless the following guidelines are met..."* This criteria is required for each type of application (variance, nonconforming use permit, and rezoning), and the can distort a staff member's more nuanced recommendation. A recommendation for approval will only be received if all of the following criteria are met:
 - Minimum lot and unit dimensional requirements;
 - Minimum parking provision requirements;
 - Requirement that all remodeling work should take place within the structure unless the reviewing body permits a structural expansion;
 - For existing illegal conversions, a required code compliance inspection or condition on the Commission/BZA resolution that the structure will be brought into code compliance and obtain necessary permits within a set amount of time;
 - For rezonings to higher-density residential zones, the area must already be mixed-density and not have already been previously rezoned as part of a community or small area plan.

Discussion

The requirements of the Guidelines have increasingly been perceived by Planning Commissioners and Planning staff as an obstructive formality in zoning cases where an application meets all standards in the Zoning Code and is in conformity with City policy. City policy regarding housing unit density has continued to evolve: while previous policy prioritized protection of and sensitivity to exclusive single-family zoning, which these Guidelines strengthened, current policy encourages incremental densification to areas of the city guided as Urban Neighborhoods and the addition of dwelling units in neighborhood-scale housing types. (See supportive 2040 Comprehensive Plan policies in the Background section above.) Additionally, the City is currently considering a reduction or elimination of parking minimums citywide. While the intent of consistency in staff review remains valuable, the intended aversion to densification of low-density neighborhoods no longer conforms to City policy.

Most criteria in the Guidelines, however, do contribute to thoughtful analysis by staff, as they bring attention to residential and building code issues, site layout dimensions, parking effects, and other land use and planning considerations. Individual guidelines may be diffused into other processes or tools that staff apply to zoning cases, such as standard conditions that are attached to Commission or BZA approvals, additional zoning case application requirements, and internal staff review protocol that can provide the consistency of staff review that the original Guidelines were intended to achieve. If the Planning Commission were to officially discontinue use of this document as proposed – removing the requirement that staff recommend denial if the minimum criteria aren't met – staff could then sort and apply the individual guidelines, potentially leaving the



final staff-level guidelines in a similar unified, concise document for reference, but without the required recommendation.

ii. § 67.708. - Revocation of status as registered and established student dwellings.

Suggested action: Correct the number of students allowed per unit in a student dwelling before possible enforcement action

Existing text: The department of safety and inspections may remove properties from the list of registered and established student dwellings under the following circumstances:

- (1) Suspension or revocation of fire certificate of occupancy;
- (2) Residence by more than four (4) students in any unit;
- (3) Residence by less than three (3) students for more than twenty-four (24) of the preceding thirty-six (36) months.

A revocation of student dwelling status may be appealed to the board of zoning appeals pursuant to Legislative Code [§ 61.701\(a\)–\(c\)](#).

In March 2021, the City Council adopted Ordinance 21-4 amending the Zoning Code definition of the term of *Family*, replacing it with the term *Household* and allowing up to six adults (regardless of relationship), and any children in their care, to occupy a dwelling unit. This amendment had implications for the Student Housing Neighborhood Impact Overlay District, which regulates the number of students allowed to occupy a unit in a student dwelling. Before Ord 21-4, three (3) or four (4) students were permitted to occupy a unit in a student dwelling (§ 67.702); Ord 21-4 raised that to three (3) or *more* students per unit in a student dwelling, allowing as many students to occupy a dwelling unit as the definition of *Household* would allow. The City Council expressed the intention that as many students should be allowed to occupy a student dwelling as non-students.

During Ord 21-4, § 67.708 was overlooked. § 67.708 lists situations which may cause the Department of Safety and Inspection to revoke a student dwelling's status as such. Item (2) on the list is "Residence by more than four (4) students in any unit", which references the now out-of-date maximum of four (4) student occupants per unit. Matching the definition of *Household* by raising this threshold to six (6) would bring this overlay district into conformity with the City Council's expressed intent to allow as many students to occupy a unit of a student dwelling as non-students.

(This amendment is included in this body of amendments due to its vital relationship to 1-4 unit dwellings and low-density neighborhoods.)



Proposed amendment: (2) Residence by more than ~~four (4)~~ six (6) students in any unit

4. Committee Recommendation

The Comprehensive and Neighborhood Planning Committee recommends that the Planning Commission review the text amendments in Appendix A and Duplex and Triplex Conversion Guidelines in Appendix B, release them for public comment, and schedule a public hearing for October 15th, 2021.

5. Appendices

- a. Appendix A: Proposed text amendments**
- b. Appendix B: Duplex and Triplex Conversion Guidelines**