



CITY OF SAINT PAUL
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*This memo has been modified to reflect
amendments made at the June 5, 2015
Planning Commission meeting.*

DATE: May 27, 2015
TO: Planning Commission
FROM: Neighborhood Planning Committee
SUBJECT: Ward 3 and City-wide Residential Zoning Code Amendments: Background, Public Hearing, and Recommendations

Introduction

On August 6, 2014, City Council passed Resolution 14-1324 initiating a zoning study to review current zoning standards as they relate to the construction and remodeling of single-family homes in the R1-R4 zoning districts of Ward 3. The study was initiated in response to a concern that the height and scale of recent single-family home construction is out of character with the surrounding established neighborhood.

On March 13, 2015, staff presented a report and recommendations to the Planning Commission intended to help ensure that residential construction is consistent with the existing character of Ward 3 residential areas. Based on the discussion that followed, the Planning Commission determined that it was appropriate to consider residential standards that would apply city-wide. The Commission requested that staff assemble draft language and additional considerations for city-wide application of new standards.

Following a discussion of those recommendations at a March 24, 2015 joint meeting of the Neighborhood and Comprehensive Planning Committees, a motion was passed to recommend that the Planning Commission release only city-wide recommendations for public review. Since the proposed amendments aimed to accomplish the same goals established in the Ward 3 recommendations and did so in a similar manner, the joint committee hoped that discussion and public input will guide the most pragmatic direction forward, whether through city-wide or more localized changes.

This memorandum summarizes the background of the study, the outcome of the public hearing and associated public review process, and presents recommended zoning amendments. There were public hearing comments that the amendments hadn't been as fully discussed city-wide as in Ward 3, and suggestions to try them in Ward 3 as a pilot to see how they work before adopting them city-wide. The recommendations proposed here incorporate a hybrid of zoning changes specific to Ward 3 and to the city as a whole in order to advance language to City Council and the Mayor as soon as possible.

Background

Issue

The physical character of some recent single-family home construction differs from existing nearby housing stock. Differences in the scale of homes can lead to a sense that these changes are altering the character of the surrounding neighborhoods. While these homes are built within the limits of the zoning code, the Saint Paul Comprehensive Plan and many district plans emphasize the importance of maintaining the character of established neighborhoods. A conflict emerges when some of the new construction has a different character, yet is in conformance with the zoning code. Striking a balance between neighborhood change and reinvestment in the city's housing stock is important, yet challenging.

In 2008-2009, action was taken to review residential zoning standards in response to an increase in the number of homes that were seen as detracting from neighborhood character. The primary items addressed in the interim ordinance and permanent design standards that followed were:

- Ensure a clear relationship between front door and street
- Minimum door and window openings
- Garages and surface parking must be off an alley if possible
- Detailed position and dimension of the garage as it relates to the house
- Driveway width

An item that was included in the interim standards, but was not in the adopted standards was a stipulation that new development should relate to the design of adjacent traditional buildings in scale and character. This regulation was criticized as being too subjective, potentially restricting creativity and investment that could be beneficial to the neighborhood. While the standards that were adopted in 2009 addressed significant residential design concerns, they were not intended to address scale and dimension of the structure.

The built-up urban context limits the size of structures that it can support due to established lot sizes and existing patterns of development. An evolution of all residential areas of the city is inevitable; the trajectory of this evolution is shaped in part by the zoning ordinance.

Policy Support

As noted earlier, Comprehensive and District Plan policies support maintaining the character of residential districts. A few specific policies from the Comprehensive Plan are highlighted here:

*LU 1.5 Identify residential areas where single-family, duplex housing, and small multi-family housing predominate as Established Neighborhood...The City should **maintain the character** of Established Neighborhoods.*

*LU 3.4 Prepare citywide infill housing design standards so that infill housing **fits within the context of existing neighborhoods and is compatible** with the prevailing pattern of development.*

*H 2.17. Support creativity in the construction of neighborhood infill housing by proactively developing zoning and design guidelines. Develop, with broad public input, citywide infill housing design standards so that infill housing **fits well within the existing Saint Paul neighborhood context...***

The delicate nature of balancing interests can be seen in the language of *H 2.17*, which supports creativity in construction, while at the same time suggests the development of standards that encourage conformity with the existing context.

Definitions

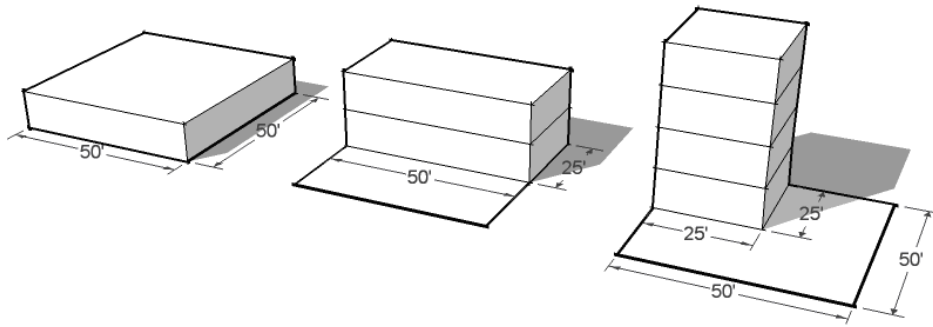
The following is a short list of terms that will appear throughout this report, along with definitions specific to the context of the residential standards.

Density: Generally, density is the amount of development within a given area. In residential areas, it is usually expressed as dwelling units per acre (du/acre) or people per acre. In the context of this discussion, there is a distinction between the density of people and spatial density. While there may be a slight increase in “people” density due to changes in size of homes and accessory structures, the number of dwelling units per acre will remain relatively constant. However, with an increase in the size of houses combined with a constant area on which they are located, there is an increase in the spatial density of the neighborhood. In other words, there is more structural volume within the same space of the neighborhood.

Building Height: (*From 60.203.B*) The vertical distance measured from the established grade to the highest point of the roof surface for flat and shed roofs; to the break line of mansard roofs; and to the average height between eaves and ridge for gable, gambrel, and hip roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. The existing grade of the property shall not be raised around a new building or foundation in order to comply with the height requirements of this code. When there is a dormer built into the roof, the height is measured to the midpoint of the dormer roof if the dormer(s) roof width exceeds fifty (50) percent or more of the building roof width on the side where the dormer(s) is located.

Story: (*From 60.220. – S*) That part of a building, except a mezzanine, as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Floor Area Ratio (FAR): (From Section 60.207. – F) The total floor area of all buildings or structures on a zoning lot divided by the area of said lot.



Floor Area Ratio (FAR). All examples have a FAR of 1.0. (Source: City of Winnipeg)

Character: The definition of the term “character” presents challenges for this study. Many policy documents call for maintaining it, though none clearly define what it means. Though not explicitly defined in the zoning code, there are references to the term in the city heritage preservation districts ordinance. From these references (74.87, 74.36), we can understand character as the assemblage of elements that make up the distinguishing features of the buildings and environment. A more detailed discussion of character can be found later in this report.

Sidewall: Sidewall is the exterior wall that faces a side yard, and the height is measured from grade to the lowest point of the eave on the sidewall.

Teardown: In this report, teardown will refer either to the act of demolishing a building to the foundation (or including the foundation), or the building that is bought solely for the purpose of demolishing. In the course of discussion with various stakeholders, the term teardown has sometimes been used to describe the home that replaces the one that has been demolished. This is *not* the way the term will be used here.

Public Input

An extensive public engagement effort was undertaken during the course of this study. Staff presented to the Macalester-Groveland Housing and Land Use committee and the Highland Community Development Committee multiple times to discuss the study and gather feedback. Staff also met with focus groups of architects and realtors to discuss the study, gather feedback, and answer questions. Four different builders who do work in the area hosted staff in their offices, provided comments, and asked questions. Following the expansion of the study to be city-wide and the distribution of the Early Notification System notice of public hearing on April 6, 2015, other District Councils requested additional information regarding the study and draft recommendations. Contact with District Councils during the public review period can be summarized here:

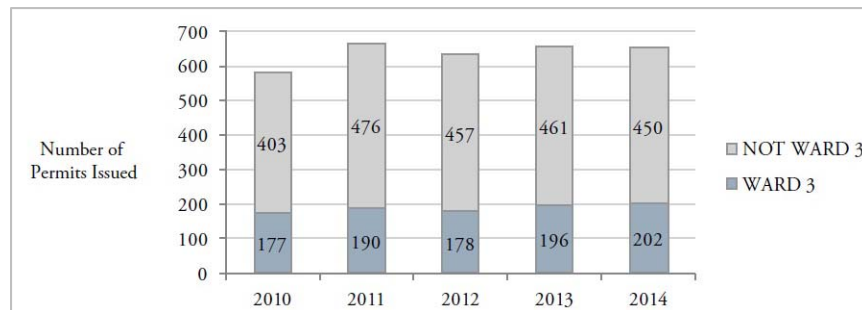
D11 – Hamline-Midway: Spoke with the Executive Director about the study.

D13 – Union Park: Mike Richardson gave a presentation and took questions at the Land Use Committee Meeting on April 20.

D16 – Summit Hill: Donna Drummond summarized the study for the Board on April 9. Mike Richardson gave a presentation and took questions at the Zoning and Land Use Committee Meeting on April 28.

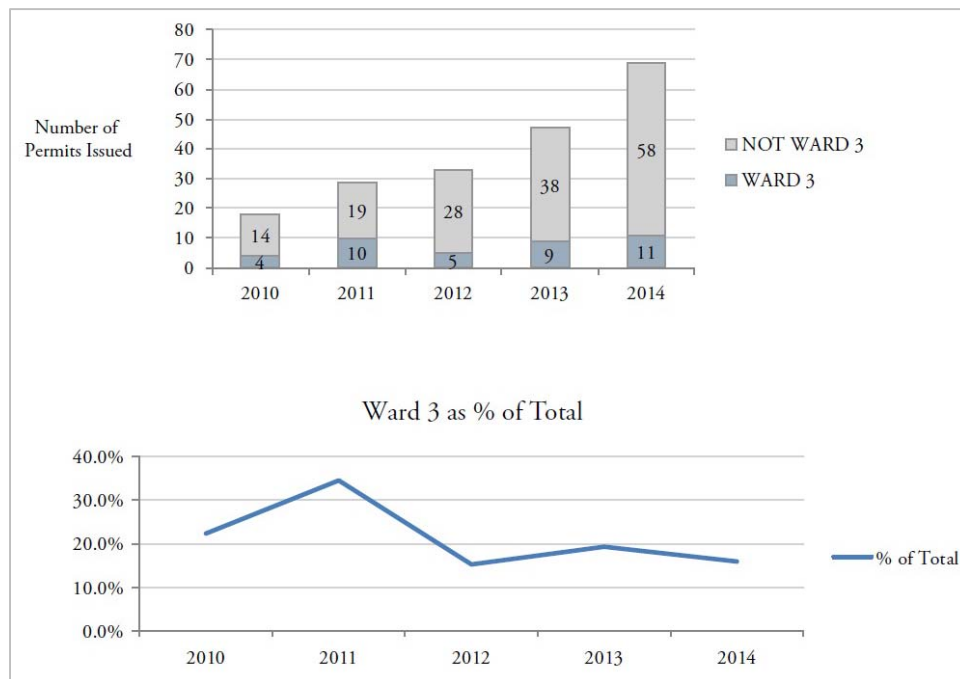
Permit Activity

Total construction activity in the last five years has been relatively steady in both Ward 3 and in the city as a whole. Data for 2014 includes activity through November 14, 2014.



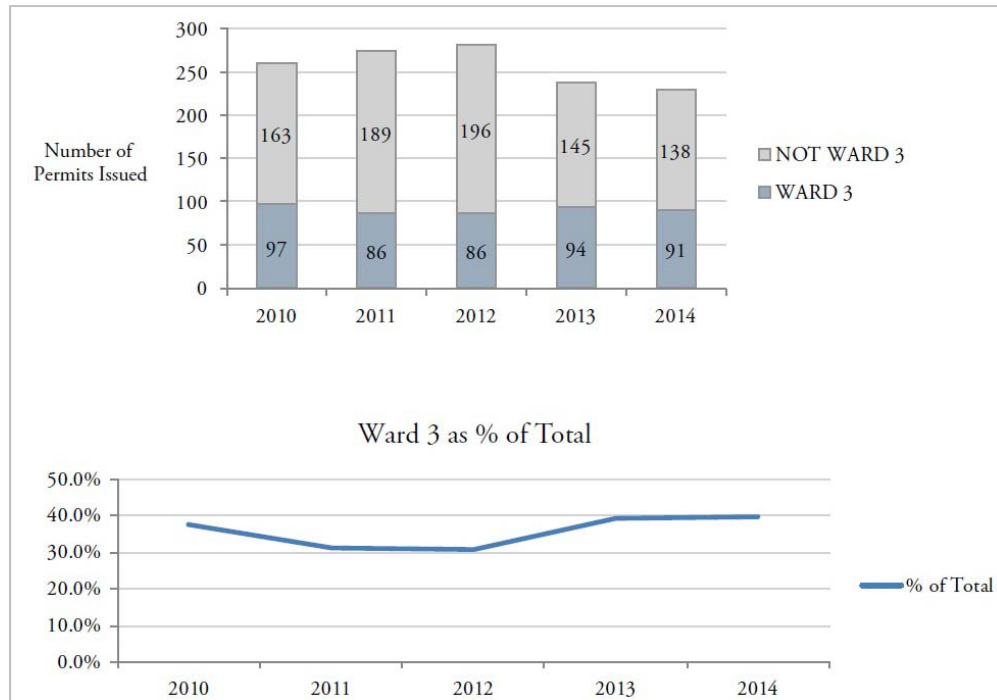
Total SF Residential Permit Activity, 2010-2014. Includes new home construction, additions, new accessory structures, and additions to accessory structures. (Source: City of St. Paul)

New home construction has increased significantly city-wide, but remained relatively even in Ward 3.



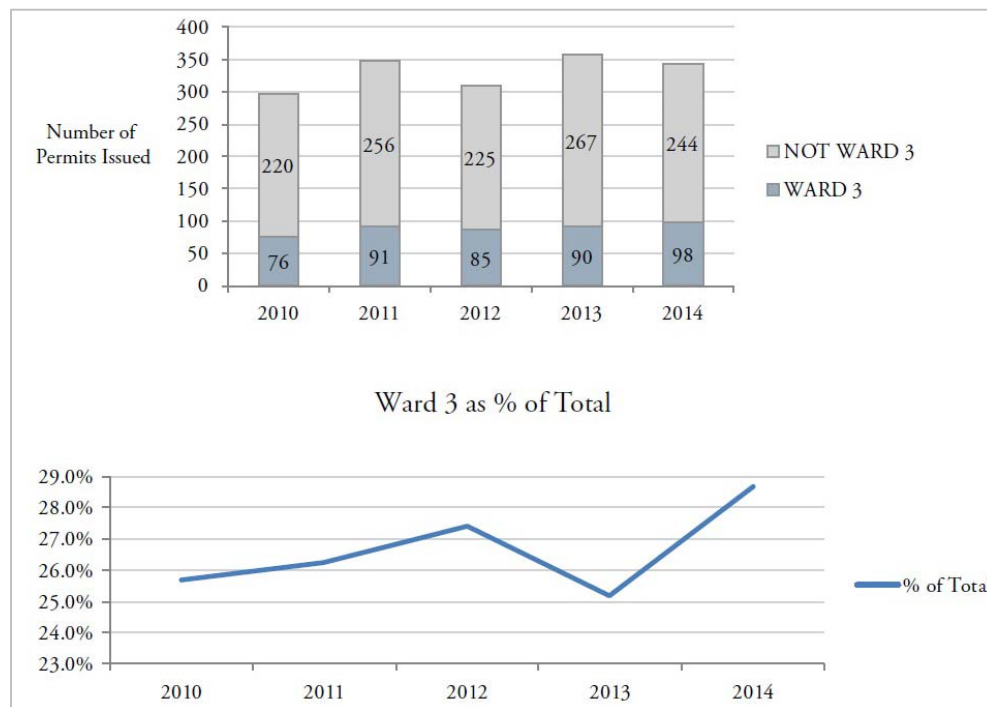
New SF Residential Permit Activity, 2010-2014. (Source: City of St. Paul)

The total number of additions to single family homes has decreased somewhat in the last two years across the city as a whole, though activity in Ward 3 has remained relatively constant. It is significant to note the number of permits for additions (1,285 over the five-year period) compared to the number of permits issued for new home construction (196 over the same period).



SF Residential Addition Permit Activity, 2010-2014. (Source: City of St. Paul)

Accessory buildings are significant due to lot coverage requirements and the impact they have on the built environment, especially as they impact neighbors. There are a significant number of new accessory building permits issued (~330 per year). Annual permit numbers have remained relatively constant for the last five years.



New Accessory Building Permit Activity, 2010-2014. (Source: City of St. Paul)

There are two main takeaways from this information. First, the number of additions is far greater than the number of new homes (by a factor of eight). Since projects categorized as additions potentially have a significant impact on the appearance of the structure, any recommendations should have the same effect on additions as they do on new construction. Second, the general stability in the level of activity combined with the recent increase in the urgency and volume of complaints suggests that there is a problem with the type of construction, not necessarily level of activity.

One of the trends related to this recent activity is an increase in the square footage of homes. There is increasing pressure to build larger homes on lots that have remained the same size. As of the end of 2013, the average area for single family residential homes in Macalester-Groveland and Highland Park was 1,590 SF. The average area of homes in the same area built between 2005 and 2013 is 2,673 SF. This is an increase of 68% and approaches maximums allowed in the dimensional standards, which was uncommon in the initial build out of the neighborhood.

The Role of Zoning

The authority to enact a zoning code is granted by state statute and is intended to “to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities...” (MN 462.351). There are a number of purposes within the city’s zoning code that are particularly relevant to the topic at hand:

Sec 60.103 Intent and purpose [of zoning code]

- (a) To promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community;*
- (b) To implement the policies of the comprehensive plan;*
- (d) To regulate the location, construction, reconstruction, alteration and use of buildings, structures and land;*
- (e) To ensure adequate light, air, privacy and convenience of access to property;*
- (j) To provide housing choice and housing affordability;*
- (l) To conserve and improve property values;*

Review of Existing Regulations

Current regulations that relate to residential standards are found throughout the zoning code. Chapter 60 contains definitions for terms such as building height and lot coverage. Chapter 63, Regulations of General Applicability, contains building design standards (*Sec. 63.110*) that address entry location, window and door opening minimums, and building materials. It also addresses accessory building requirements (*Sec. 63.501*). Chapter 66, Zoning District Uses, Density and Dimensional Standards, describe the intent and what uses are allowed in each zoning district. *Sec. 66.231* contains residential district dimensional standards in a table with lot size and setback minimums, height maximums, and relevant notes. These dimensional standards are applied city-wide, with the exception of note (k), which is specific to Grand Avenue.

Precedents*Minneapolis*

Minneapolis has worked in recent years to address many of the same issues regarding new construction that is out of character with surrounding context, particularly the southwest corner of the city. There have been three major zoning changes affecting residential development in the last ten years. In 2005, new site plan review standards were adopted. From 2006-2007, an infill housing text amendment was developed and adopted that reduced the maximum size of the structure, better controlled grade alterations, and reduced hard cover on the lot. In the summer of 2014, additional standards were adopted that further refined the recent changes. Methods to govern new residential construction include:

- Floor Area Ratio (FAR) limits
- Defining grade in context of new construction
- Maximum lot coverage for all buildings
- Allow larger homes if context is consistent in scale
- Height limit, with maximum for ridge

- Point-based site plan review in which certain attributes have certain point values; a minimum point total is required for approval

Edina

Edina has experienced a significant amount of construction activity, including teardowns and additions, in recent years. In reaction to the changes experienced in residential neighborhoods, amendments to the zoning code were considered and adopted in 2013. Amended residential standards include:

- Graduated interior side yard setbacks based on lot width
- Specified setback distances for various accessory structures
- Height limits for principal structures based on the number of stories and to highest point on roof
- Height limits for accessory structures
- Sidewall articulation for principal structures with side walls of a certain length; allows two permitted architectural elements to count towards this requirement

Portland

Portland experienced an increase in the construction of large homes during the mid-2000s, but the activity stalled during the recession. In the last few years, however, there has been increased pressure to build larger homes again. Similar to Saint Paul, many of the lots that were platted in the first half of the 20th Century are quite narrow. The city of Portland has recognized the potential incompatibility of large homes on small lots and developed code with the stated purpose of “increas[ing] the compatibility of new houses on small and narrow lots.” The standards include:

- Height limits based on the width of the structure
- Maximum lot coverage for all buildings – simple percentage for very small lots, formula for others
- Limit height of entrance based on distance from grade
- Exterior material standards
- Trim width minimum
- Minimum eave projection

Salt Lake City

During a period of intense new construction activity in the mid-2000s, Salt Lake City reacted to the construction of new homes that are out of character with the existing fabric of the neighborhood by modifying their residential zoning code standards. Similar to Saint Paul, their single-family residential zoning districts are based on the size of the zoning lot. While height limits are similar across the district types, side yard setbacks decrease with smaller lots. A summary of their residential standards are as follows:

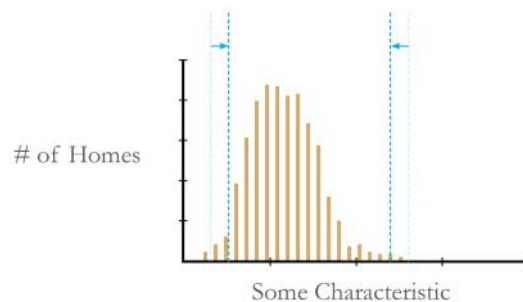
- Height limit based on either maximum height of roof ridge or the average height of other principal buildings on the block face
- Height limit for buildings with a flat roof

- Maximum sidewall height limits with increases allowed with additional side yard space
- Additional building height allowed in historic districts with approval by review board
- Maximum total building coverage – higher percentage allowed on smaller lots

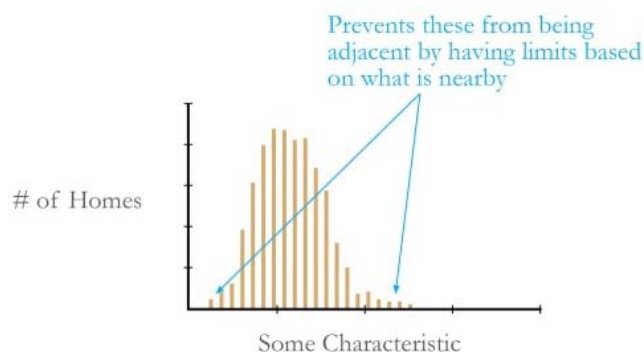
Approach

Based on a review of existing code and precedents from other cities, there are three basic approaches that could be taken to address the issue of residential standards: change limits, context-sensitive, design/style controls. Recommendations have to be impactful and substantive, while not being overly restrictive or costly to either a homeowner or the City in terms of resources required to administer new code. The diagrams below show the differences between the approaches. The orange bars represent the number of homes that possess some specific characteristic. There are many that fall in the middle, and there are fewer that are at the low or high extremes.

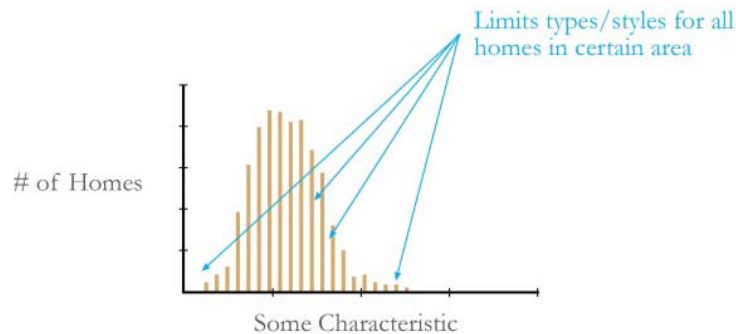
The first approach is to adjust dimensional limits using a language similar to what already exists in our code. Changes would have the effect of adding additional constraints to the extremes of the characteristic. This method would be the most straightforward as it uses zoning controls that are familiar to the public and those who administer the code. It can, however, be a blunt tool since it operates on a large scale.



The second approach takes into account conditions specific to the property and prevents characteristics that are too different from being next to each other. It is a finer-grained approach than the first, and is responsive to conditions, but can be costly to administer. Another consideration is that restrictions could be considered unreasonable or unfair. For example, if homes adjacent to a project are small enough, it could prevent a homeowner from expanding a half or full story. There is also a concern that a homeowner in one parcel would be able to build less or more than a homeowner two blocks away, simply because the neighbors have larger or smaller homes.



Finally, there are design or style controls. These would most likely be in the form of guidelines and would have to be evaluated through a design review process. The primary concerns with this approach are that it can be very costly to administer and a degree of subjectivity is introduced to the review process.



In considering these options, these recommendations largely fall into the first category, using language and processes similar to what exists in the code.

Character: Mass, Height, and Style

When discussing issues of scale and character, it is helpful to consider some of the contributing elements individually. For this report, these elements are separated into mass, height, and style. Each will be discussed in terms of current policy that applies and alternative methods of regulation.

A note on the scale of character – there is a perception that this means architectural style and specific design interventions. While these qualities contribute to the character of a home and the neighborhood, they are on the fine-grained end of a range of elements that contribute to character, with mass and scale at the other end of that range. The course-grained end of this range is the focus of this study and recommendations, due in part to the input received throughout the process, but also in consideration of the role of zoning code in general.

Mass

Building mass is more difficult to define than height and can be understood as the visual weight of the structure, and is a significant contributor to its character. Massing that is too great has been one of the primary concerns of residents, who have said that there has been an overall increase with recent construction. Massing is influenced by overall size, the complexity of the form, and permeability. Increasing the overall size of the structure not only increased the visual impact of structures, but also reduces the space between them. As form increases in complexity, the number of physical and visual breaks increases, generally reducing the physical and perceived massing. The permeability of the building refers to the number of openings present or perceived in the structure; as the permeability increases, the visual mass tends to decrease.

Current Saint Paul standards address massing through dimensional and building standards. The dimensional standards (*Sec. 66.231*) control the overall size, or building envelope, possible for various zoning districts. Building design standards (*Sec. 63.110*) currently requires delineation of the entry using

architectural means. For single-family residential buildings, there are also minimum percentages of window and door openings, which increase the permeability of the structure. Strategies to reduce the massing of a building include reducing the building envelope, increasing the openings, and requiring breaks in form.

Footprint is closely related to mass and refers to the area on a site covered by the structure(s). Complexity in the footprint translates to variety in the massing, since the complexity is extended vertically. When people say that homes are getting larger, they are referring to either height, footprint, or both. Saint Paul zoning code currently addresses footprint through its lot coverage limits on principal residential (*Sec. 66.232*) and accessory structures (*Sec. 63.501*). Alternative methods to regulate the footprint include setting maximum Floor Area Ratio (FAR) limits, as Minneapolis has recently done and as Saint Paul currently does for some commercial and traditional neighborhood districts. Additionally, lot coverage maximums that use the total footprint and the total lot size could be used, as is done in Portland, Salt Lake City, and Minneapolis. The impact of a larger footprint not only influences massing, but also has implications on stormwater runoff since a larger footprint results in less impervious surface into which water can infiltrate. There is also a relationship to height; if more floor area can be accommodated on a second floor, then there may be a smaller building footprint and less lot coverage by the building.

Height

Although height contributes to the mass of the building, it is significant enough that it warrants separate discussion. The Saint Paul zoning code limits height in single-family residential districts based on feet and number of stories. In R1-R4 zoning districts, the height limit is thirty feet and structures are limited to three stories. Building height is measured from 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.

Alternate methods to regulate height include limiting the highest point of the roof, limiting the height based on nearby structures, and limiting the height of the exterior walls. Controlling the highest point of the roof establishes a maximum plane above which no new construction can surpass. As Saint Paul's code is currently written, there is no maximum and the highest point will change depending on the roof pitch. Maximum ridge height limits can have the effect of encouraging shallow roof pitches. Limiting the height based on nearby structures, as is done in Salt Lake City, is a way to prevent drastic changes in height from one structure to the next. This method can temper the speed at which a neighborhood's physical character evolves. It is potentially resource intensive for staff to process and results in homeowners having different building potential based on the size of the homes that happen to be nearby. Limiting the height of exterior walls has a direct impact on the adjacent property owners by regulating the size of the surface that faces their lot. Current construction methods and story heights in demand affect the height of the sidewall. Prefabricated joists range between 18"-24" and typical story heights range between eight and ten feet in the homes observed in this zoning study. This differs from the homes built during most of the 20th Century, which had shorter story heights and 8"-10" joists.

Basement height has been addressed recently in Minneapolis, where they placed a limit on the height of the basement in the most recent series of code amendments. There may be site conditions for which a higher basement is appropriate, however, including a sloping site and a high water table. Although the

foundation wall can affect the visual impact of the structure, the overall height limit of the structure or sidewalks has a greater influence on the scale of the building.

Style

In the context of this report, style refers to architectural typologies of residential buildings, including details such as materials and other design attributes. While style contributes to the character of a building and a neighborhood, it is not addressed in Saint Paul's dimensional or building design standards. A number of residents have suggested using traditional architectural styles or eras of construction as the basis for residential standards. Standards based on style can be difficult to administer since a design review process must be put into place. This is currently done for projects that fall within the areas governed by the Heritage Preservation Commission and the resources that go into those reviews are considerable. Generally, architects and city staff opposed style-based standards because they have a tendency to be overly restrictive and prevent the natural evolution of a neighborhood's physical identity.

There are a number of other ways that aesthetics can be addressed through zoning. The first is through materials requirements, which allow or prohibit certain exterior finishes. Requirements of this type are used in Saint Paul's current traditional neighborhood design standards. In residential areas, material requirements can be cost-prohibitive for a homeowner who wants to make alterations to a home and can limit design choices for an architect or builder. However, there are potential benefits related to sustainability and longevity of exterior materials. Another method of regulating style and aesthetics is through a point-based system, as is used in Minneapolis. Various architectural features are given certain point values, and an applicant must include enough features to hit a minimum point threshold. Based on comments from architects and builders, this method of regulation is only moderately successful. They assert that similar combinations of elements are required to achieve the minimum points required, and homes begin to look similar after enough have gone through the process. Finally, there is the possibility of allowing conservation districts. Conservation districts are typically areas within a neighborhood that have been identified as possessing certain characteristics unique to that area and have additional review requirements and procedures in place for new development. The appropriateness of conservation districts in Ward 3 is beyond the scope of this report and would require considerable further study.

Mapping Character (Added after June 5, 2015 Planning Commission meeting)

In an effort to better understand the character of neighborhoods in Ward 3 during the early stages of the study, mapping analysis was conducted to better understand the nature and grain of residential character.

For the most part, the maps demonstrate that although there are general trends based on certain physical characteristics, the variety is such that it is difficult to assign character "identities" to specific areas. For example, in the *Exterior Materials Map*, there is a predominance of stucco finish in the northern half of Ward 3 and a significant amount of siding and brick in the south. However, there are multiple other exterior materials peppered throughout both of these areas. The same phenomenon can be seen in the *Home Styles Map*.

The other three maps address home size: Square Footage, Floor Area Ratio, and Lot Coverage. These maps similarly show general patterns with significant variety. The mapping done for this study informed the development of recommended amendments and are attached here for additional background.

Related Issues Not Within Scope of Zoning Study

Sustainability

While beyond the scope of this zoning study, sustainability was brought up by many stakeholders as a topic that is very important to ensure efficiency and longevity of new and remodeled structures. Further investigation is recommended to examine policy options that will incentivize homeowners and developers to pursue efficient and durable structures. It should be noted MN Statute § 16B.62, Subd. 1 prevents a municipality from adopting provisions with the intent of “regulating components or systems of any residential structure that are different from any provision of the State Building Code.”

Demolitions/Teardowns

An issue that is closely related to residential construction, yet is also beyond scope of this study is the issue of teardowns. Based on numerous interactions with residents over the past months, there is significant concern that demolition permits are given without enough consideration for the interests of the neighborhood. The main concerns are a loss of small housing stock for an aging population, the unnecessary waste of energy due to the loss of embodied energy in a functioning house and the energy required to replace it, and the divisions that are created among neighbors when unanticipated and sudden construction activity occurs. Currently, residents can enroll in the Early Notification System (ENS) and are notified when demo permits are issued. However, neighbors want a delay between when permit is issued and when work can take place in order to give them an opportunity to share comments with the homeowner. Residents have suggested that teardowns be treated in a similar way as variances due to the impact that they have on the neighborhood.

Public Hearing

On March 27, 2015, the Planning Commission released draft amendments to city-wide residential zoning code standards for public review and held a public hearing on May 8, 2015. As noted earlier, the draft amendments were intended to address issues of scale and massing for recent construction that is potentially inconsistent with the character of established neighborhoods. The resolution initiating the study specified that recommendations apply to Ward 3, but the Planning Commission requested that potential zoning changes be modified and considered for city-wide application. During the review period, comments were received from a number of residents and District Councils. Comments were accepted through May 11, 2015 and are included in the attached Public Comments.

Summary of Comments

Since the release of the study for public review, the Planning Commission received 23 letters/emails from residents, 27 comments via Open Saint Paul, and eight letters from the following District Councils:

- District 1
- District 3
- District 9
- District 11
- District 13
- District 14
- District 15
- District 16

During the public hearing on May 8, testimony was given by 21 residents.

District Councils 14 and 15 have recommend adoption, with District 14 suggesting advancing Ward 3-specific changes should the Commission decide that more time is needed to study the implications of city-wide zoning changes. Although there are some nuances that differentiate the opinions of the other District Councils, most have indicated that they want more time to consider the recommendations and for outreach to their residents. The interest in having additional time for review was echoed by many of the individual residents.

In addition to comments on timing and process, there were also a number of comments regarding perceived issues and the content of the recommendations. Much of the input received during the public review period echo those heard during the engagement process. The following themes reflect the comments heard during testimony at the public hearing and via written comment. Although there were exceptions, people tended to comment on the issues in general, and not on the specific language of the amendments. Comments that were specific to specific proposals will be addressed in the discussion specific to each recommendation. There was a general recognition that this is a very complicated topic and that there is the possibility of unintended consequences with any amendments similar to those presented.

Recent construction is too large and there is a negative impact of construction on light, privacy, etc.

The most frequent concern expressed was that recent construction is too large, especially adjacent to property lines, and especially on small lots. For many people, this concern includes the size of large accessory buildings. It was suggested that any standards should reduce total square footage, the footprint of the building, or both. A number of residents also noted that they didn't believe the proposed recommendations went far enough.

Zoning Changes Part of a Larger Solution

Many residents felt that this study and any associated amendments are important, but only a part of the solution to the larger issue of teardowns of usable homes and replacement with those that are out of character with the existing neighborhood. A number of other strategies were suggested, including considering the use of conservation districts, improving neighbor notification procedures, incentivizing remodels and additions, and disincentivizing teardowns using financial means.

Economics

Residents brought up a number of considerations related to the economics of housing. Many felt that developers from outside of Saint Paul are building homes hoping for a large return on investment, building, speculative homes that do not reflect the demand of potential residents. In an effort to maximize profit, developers also build quickly and with poor quality, resulting in housing stock that becomes less viable in the future. There was a concern that many of the large homes lower the value of

surrounding homes due to their imposing nature, while at the same time increasing property taxes for nearby homeowners. Another concern was that the creation of large, expensive homes that replace smaller homes results in the middle class and aging populations losing their ability to join and remain in the neighborhood.

Ward 3 vs. City-wide

The most frequently expressed comment was that Highland and Macalester-Groveland have been through a sufficiently thorough process to evaluate the need and effectiveness of potential recommendations and should have changes implemented as soon as possible. Suggestions for the way forward in other areas of the city were varied, but included extending the review period for amendments as proposed, evaluating the presence and scale of the issue in other areas, and observing the impact of amendments in Ward 3 and evaluating the appropriateness of similar changes elsewhere.

There was a general sense that a city-wide version of changes was not ready for implementation due to the fact that each neighborhood has its own diverse set of issues and should develop standards on their own. There are some nuances that differentiate the opinions of District Councils other than 14 and 15. However, most have indicated that while there may be similar issues in their neighborhoods (specifically in Wards 2 and 4), they want more time to consider the amendments and for outreach to their residents. District 9 added that they are dealing with degenerating housing stock, vacant homes, and empty lots and while they are not opposed to some zoning changes in the future, they “do not want to unreasonably burden potential investment in [their] district.”

Many residents, city staff, and the Committee feel that the modifications that pertain only to Districts 14 and 15 should be considered as pilot amendments to avoid establishing different standards for different parts of the city. Once their impact is more fully understood, they could be modified if necessary and applied city-wide.

Balance Character and Change

While many residents are unhappy with the nature of some recent construction, they also suggest that there needs to be a balance between allowing the evolution of the neighborhood and the preservation of its character. There is some disagreement with the level of control that is appropriate to preserve character. Some say that architectural style should be controlled and that additional design guidelines and standards are appropriate on top of zoning. However, others say that style should *not* be controlled because there is a danger that creativity will be stifled.

Enforcement

Many residents felt that enforcement is critical in the successful implementation of not just new, but also existing zoning regulations. There is a perception that increased attention is needed during both review and inspection. While the Department of Safety and Inspections (DSI) would have to speak to this issue, staff has reviewed many plans of recent projects and of those project reviews, all were done thoroughly. Some residents and the Highland District Council have suggested increasing resources available to DSI if necessary.

Other Comments

- The city should address data limitations. The way the City issues permits doesn't sufficiently track the impact of properties where structures are almost completely demolished but are recorded as additions or remodels.
- Some have called for a moratorium on tear-downs.
- Don't make changes to zoning that would discourage ADUs (accessory dwelling units).
- Don't make it difficult for current homeowners and urban pioneers to modify homes.
- Don't discourage tiny houses/efficiency/sustainability.

Recommended Text Amendments and Discussion

These recommendations attempt to establish a balance between accommodating reinvestment that reflects a change in the living habits of single families and minimizing the negative effects of structures that are built to push the potential building envelope. They aim to prevent monotony and mitigate the negative impacts that very large homes can have on adjacent property owners, including loss of light, views, and privacy.

The following is a list of summarized recommendations for reference, with more detailed discussion following that includes the summary, relevant testimony, and analysis. Draft language can be found in the Recommendation section, and drafting notes are included as an attachment.

1. Require additions of 120 square feet of floor area or greater to adhere to 10% window and door openings minimum. (City-wide)
2. Height reduction at side setback lines for single-family properties, increases allowed with larger setback. (Districts 14 and 15)
3. Change in side setback requirement for RM1-RM3 multiple-family zoning districts to 9 ft., consistent with existing traditional building patterns in Saint Paul. (City-wide)
4. Total maximum lot coverage – 45% for all buildings, including principle and accessory structures (such as garages). (Districts 14 and 15)
5. Sidewall articulation – required for building faces longer than 35 ft. in length, at least 1 ft. in depth and 6 ft. in length. (Districts 14 and 15)
6. Exceptions for expansion in nonconforming areas generally not visible from the street. (City-wide)
7. Additional minor amendments. (City-wide)

Discussion**1. Require additions of 120 square feet of floor area or greater to adhere to 10% window and door openings minimum. (City-wide)***Summary of Proposed Amendment*

This amendment would expand the minimum opening requirement for new principal residential buildings in *Sec. 63.110(b)* to also apply to significant additions of 120 square feet or greater, as they directly impact the character of the home. *Sec. 63.110(b)* currently only applies to new principal residential buildings and to new elevations facing public streets. While the draft language is written in a way to minimize additional review time by City staff, it will result in a slight increase in the number and complexity of reviews.

Testimony

Some, including District 14, have questioned the appropriateness of the opening percentages that are currently required and whether they reflect what is actually on the ground.

Analysis

While the question of the appropriate percentage of openings is reasonable, the purpose of this amendment is to ensure that additions adhere to the same standards as new principal structures and assumes that the question of minimum opening percentages was vetted during the establishment of the original ordinance. The limit of 120 square feet is intended to allow small room additions (mudrooms, kitchen expansions, etc.) without requiring adherence to the minimum opening requirement. The 120 square foot limit is consistent with the minimum size that triggers a building permit for accessory structures. This amendment is recommended to be applied city-wide as it is an expansion of an existing city-wide ordinance.

2. Height reduction at side setback lines for single-family properties, height increase allowed with larger setback, to a maximum of 35 feet. (Districts 14 and 15)*Summary*

Height is one of the principal elements of building massing. It has the potential to impact access to light, privacy, and the sense of enclosure for adjacent property owners. The height of homes built to the side yard setback would be reduced from the current maximum, the amount depending on the zoning district, with more height allowed with greater setback. Zoning districts with a smaller side setback minimum would have a greater reduction in maximum building heights. The definition of building height and the method by which height is measured would not change.

Testimony

Most of the structures that residents brought up as having height that was out of character with the neighborhood were located on lots that were less than 50' wide. One of the main concerns with new

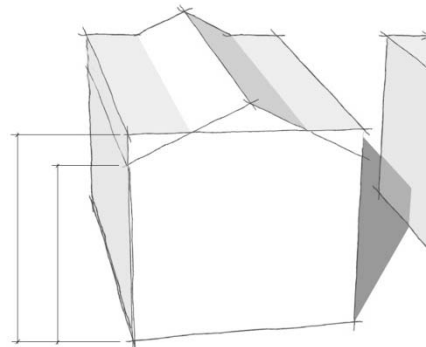
houses is that they are tall *and* they are very close to the adjacent property. Some residents expressed concern with resale value implications of having tall homes next door. There was a widespread perception that the recommendations were a “one size fits all” response and that they would be either not be effective or have unintended consequences. There was significant concern that the three story limit would not be sufficient to keep the height of structures in check if there was a large side yard setback.

Analysis

The method for regulating height marks a change from the Ward 3 version of the recommendations and is a “slope-based” maximum, rather than a defined height limit for walls on the side of structures. The maximum height of buildings is reduced close to side property lines in response to concerns that this is where building height has the most potential impact on adjacent property, and additional height is allowed with increased setback. This is similar to the building height standard that was in effect from 1922 to 1975, when the most restrictive height limit was 40 feet plus 1 additional foot for each foot the building or a portion of it was set back from all lot lines. The difference is that the new standard would start at a much lower base height limit, and would also have a three-story, 35 foot absolute height limit.

The Committee discussed whether the heights in *Table 66.231, note (l)* were sufficiently low to have a significant impact on adjacent properties. The height limit discussed is based on allowing two full stories using modern construction methods, with some flexibility for the height of the stories. Due to time constraints, the Committee moved to other topics without completing this discussion.

Similarly, the issue of flat roofs was discussed, but tabled in order to make progress on other topics. Currently, there is no difference in the building height allowed for residential structures based on roof type, as there is with accessory structures. Sidewalls on a flat-roofed house will extend further vertically than those on a gabled house of the same height as defined by midpoint between eave and ridge (see figure at right). Parapets could be included in the calculation of height because the effect on adjacent properties is the same regardless of where the roof surface exists.



Because this approach to residential height regulation is new in Saint Paul, and because the areas outside of Districts 14 and 15 have not been studied in as much detail, this proposal would apply only in those districts.

Note: Based on discussion during the June 5, 2015 Planning Commission meeting, heights in Table 66.231, note (l) were reduced by two feet. A sentence establishing the top of parapets as the point at which height is measured on flat roofs was also added.

3. Change in side setback requirement for RM1-RM3 multiple-family zoning districts to 9 ft., consistent with existing traditional building patterns in Saint Paul. (City-wide)

Summary

This amendment would define the side setback requirement for multiple-family buildings in RM1-RM3 zoning districts as a fixed nine feet, rather than the current setback, which is dependent on the height of the building.

Testimony

One resident suggested that changing this dimensional standard may result in unintended consequences.

Analysis

This change is consistent with the West Grand Avenue standard in note (k) of *Table 66.231*. The reason for this (articulated in the West Grand Avenue zoning study) is that a 9-foot side yard setback is more consistent with existing building patterns in St. Paul, consistent with the 9-foot side yard setback requirement for buildings up to 40 feet high in the RT districts, and also consistent with the 18 foot separation requirement for apartment buildings on the same parcel. It was noted that without this change, a townhouse in an RM2 district would have a greater side setback requirement than a townhouse in the lower density RT2 district.

4. Total maximum lot coverage of 45% for all buildings, including principle and accessory structures (such as garages). (Districts 14 and 15)

Summary

Lot coverage limits for principal and accessory buildings are currently treated individually in the code (*66.232* and *63.501(f)*, respectively). This recommendation limits the total lot coverage of all structures on the parcel.

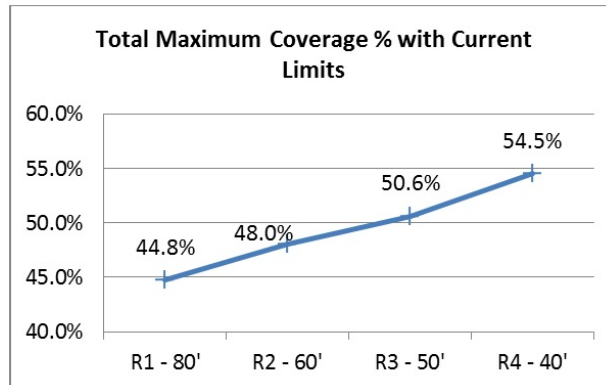
Testimony

Significant support was expressed for introducing a total lot coverage requirement.

Analysis

Accessory structures are an important element of residential environment and contribute significantly to the bulk and spatial qualities of a property. With this recommendation, property owners would not be able to maximize lot coverage for both primary and accessory structures, and would have to prioritize

where they want to dedicate their space. The figure below shows the maximum total lot coverage on lots of different widths using current maximums of 35% for principal structures and 35% of the rear yard or 1000 SF for accessory structures. As the lot area decreases, the maximum lot coverage under the current zoning increases.



Based on an analysis of a number of recently permitted projects, it was determined that the proposed limit of 50% coverage would have a very limited impact on future projects. Neighborhood Committee discussed the appropriate percentage based on the sample of recent projects, mapping, and precedents from other cities. City staff mapped properties that exceeded various lot coverage percentages to better understand the implications of the proposed amendment. However, because the footprints of the structures were based on Ramsey County outlines of the roofline from aerial photographs, and not the foundation, the information was inaccurate. Portland and Salt Lake City have limits of 40% total lot coverage for “small” lots, and Minneapolis has a limit of 45% for zoning districts R1-R3. Based on this information, the Committee decided to recommend the limit of 45%.

5. Sidewall articulation required for building faces longer than 35 ft. in length, at least 1 ft. in depth and 6 ft. in length. (Districts 14 and 15)

Summary

This recommendation that requires a physical break in walls over a certain length is intended to prevent the monotonous appearance of long unbroken building facades from streets or adjacent properties. There is a secondary effect of increased side yard space for structures longer than 35’ since the setback would apply to the furthest extent of the wall.

Closely related to this recommendation is existing *Sec. 63.106*, which allows for projections into yards. Chimneys and fireplaces may project one foot into a required yard. Overhangs, decorative details, and bay windows may project 16 inches into a required yard, with additional allowed depending on the dimension of the required side yard. An important consideration regarding this recommendation is that the outermost vertical plane of the architectural projection would have to adhere to the setback

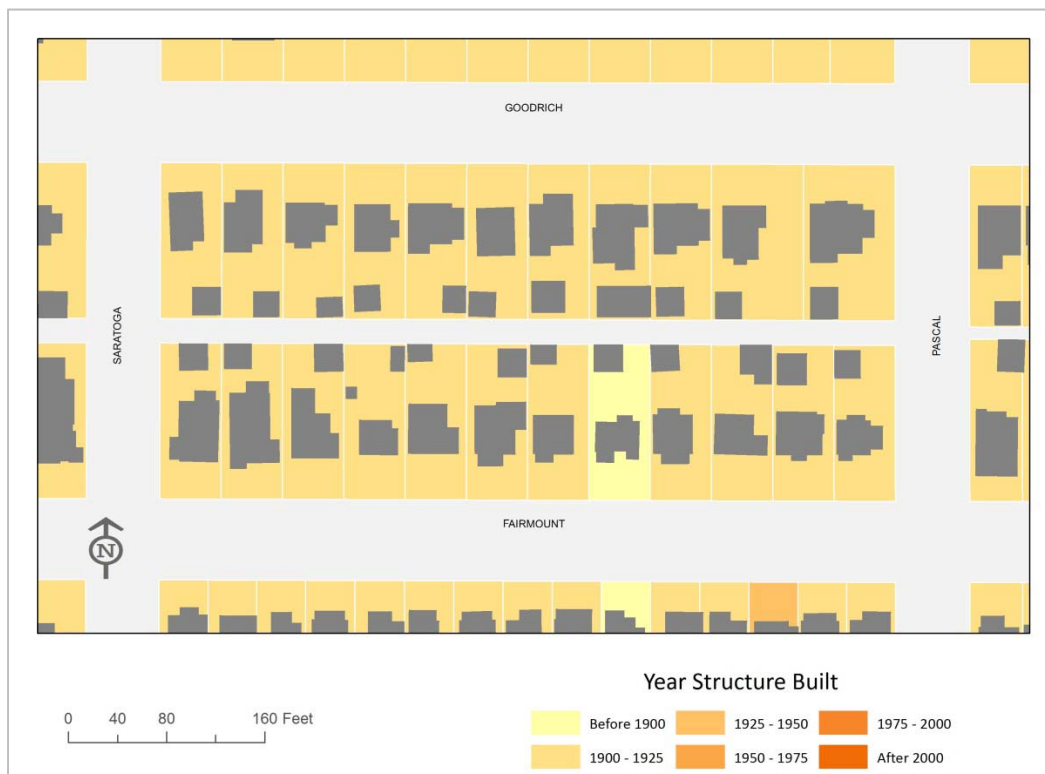
minimums and increase space in the side yard, where this is not the case for projections as defined in the existing code.

Testimony

Comments received noted that compliance with this recommendation could be more costly for some additions or projects that make use of an existing foundation due to the constraints that the existing structure presents. There was also concern that the proposed amendment would excessively dictate the design of structures.

Analysis

The example shown below shows a block in Ward 3 with all homes built prior to 1925. The importance of the space between structures was emphasized by many residents during the public engagement process, with many saying that the negative space between structures is a key factor when defining the built environment. Also, note the variety in footprint shape and the small spaces that are created between buildings when there is articulation in the exterior walls. Many new homes lack this degree of complexity of their footprint.



A block in Ward 3. (Sources: Ramsey County and City of St. Paul)

The Committee considered extending the minimum wall length and applying this requirement to only new construction. However, it was decided to move forward with the recommendation as proposed as it addresses issues of space between homes and acknowledges existing building patterns. The Committee

feels that the requirement should apply to large additions as well as new construction, considering the impact that the large additions have on the structure and surroundings.

It is not the intent of this recommendation to be overly prescriptive when it comes to design; adherence to this recommendation could come in the form of a projection or as an L- or T-shaped footprint, in which the “projection” is flush with the front or rear face of the building.

6. Exceptions for expansion in nonconforming areas generally not visible from the street. (City-wide)

Summary

The number of variance requests is anticipated to increase with additional zoning standards. The Department of Safety and Inspections (DSI) has received a significant number of variance requests related to the recently adopted *Sec. 62.105(b)*, which states that “*a structure with a nonconforming setback shall not be expanded horizontally or vertically within the setback area.*” The vast majority of those requests have been granted, primarily due to hardship arguments based on increased complication and cost to modify the structure to accommodate the ordinance. In order to reduce the number of variance requests and encourage construction that is unobtrusive, exceptions to *Sec. 62.105(b)* have been proposed. These exceptions are based on size, visibility, and location of addition in relation to the existing building.

Testimony

A number of residents felt that allowing exceptions for the variance process on rear additions was not a good way to move forward because of the potential impact they have on neighbors.

Analysis

The concern about the impact of new additions on the rear yards of adjacent neighbors if expansion was allowed without going through the variance request process is valid. However, the conditions proposed would initiate a review process if additions surpass a minimum size. Large projects or those in areas visible from the street would still have to go through the current process. The Committee considered the exceptions and felt it was appropriate to reduce the square footage amount that was a condition of the exception from 500 to 250 square feet. 500 square feet is approximately 22' x 22', or if a 14' wide addition, would equate to a room that is potentially 35' long. The Committee felt that although such an addition would be unlikely, the possibility should not be allowed. While this change will likely result in fewer prevented variance requests, the Committee felt that the reduced size was more appropriate.

7. Additional minor amendments.

- Change *Sec. 66.231(j)* to apply RM2 side setbacks to portions of buildings in RM3 less than 50 feet high, and require greater setbacks as height increases. This is more consistent with the urban form called for in the Comprehensive Plan for places RM3 might be used.

- Reorder language of *66.231(c)* regarding minimum lot size for multiple-family dwellings. While this is only a reorganization of existing language, we received a question regarding whether this note counters city policy to increase density in some multiple-family residential districts. While not within the scope of the current study, it may warrant further discussion.
- Revise language of *66.231(g)* to clarify front setback requirement. The intent of the language is not changed, it is modified to make the calculation of the front yard setback more clear.
- Revise language of *66.231(h)* to establish a side yard setback of 9 feet for permitted and conditional uses other than residential allowed in residential districts. The version released for public review eliminated note *(h)* altogether, but was done in connection with a city-wide change of height limit based on setback. The proposed language treats side setback for permitted buildings other than residential the same way as multi-family residential buildings.
- Change terminology of “historic” site or district designation to “heritage preservation” in *Sec. 63.110(f)* to be consistent with the usage and definition found in Legislative Code Chapter 73, Heritage Preservation Commission.

Proposed amendments not advanced

The only recommendation not advanced in any form was that which allowed a building to be of a greater height if the context supported it. The reasoning behind the proposal was to avoid preventing homes from matching the height characteristic of a neighborhood in which there were large homes that were built prior to the establishment of current height limits. This provision was not recommended for a number of reasons. First, if a setback-dependent height restriction moves forward as proposed, this allowance becomes less significant due to the fact that height can be increased with enough space in the side yards. Second, it is anticipated that action based on this recommendation would occur rarely, if at all. Finally, this type of requirement would be costly for the applicant to carry out and add complexity to DSI’s administration of the application process.

Alternative/Supplemental Solutions to Augment Code Changes

There are a number of additional possible efforts that could serve to augment the code and have a positive effect on maintaining the character of established neighborhoods. The first is advocating for an awards program that recognizes homeowners and designers for building projects that fit well in the neighborhood. A precedent for this is the BLEND Awards in Minneapolis, which has been in place since 2007. Second is the creation of a design advisory service, which consists of a short consultation period for homeowners interested in remodeling or building new. Saint Louis Park partners with the American Institute of Architects (AIA) to provide a two-hour session for property owners to provide guidance on new projects. Finally, the City could develop a guidebook that lays out renovation or addition possibilities for homes types that are frequently altered. A document like this could serve as a resource for homeowners and give the City an opportunity to show options for alterations that maintain character.

Recommendation

The Neighborhood Planning Committee recommends that the Planning Commission forward this report and the following draft Zoning Code amendments pertaining to Ward 3 and city-wide residential standards to the Mayor and City Council with a recommendation for approval.

NOTE: Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining. [Drafting notes in brackets.]

Chapter 63. Zoning Code – Regulations of General Applicability

Sec. 63.110. Building design standards.

- (a) A primary entrance of principal structures shall be located...
- (b) For principal buildings, except industrial, production, processing, storage, public service and utility buildings, above grade window and door openings shall 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 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 comprise at least ten (10) percent of the wall area, or above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls of the building. Windows in garage doors shall count as openings; the area of garage doors themselves shall not count as openings. For residential buildings, windows shall be clear or translucent. For nonresidential buildings, windows may be clear, translucent, or opaque.

[This expands application of the minimum opening requirement for new principal residential buildings to also apply to significant additions. The draft language is written to provide some flexibility for reasonable application and minimize additional review time, but will increase the number and complexity of reviews.]

- (c) In pedestrian-oriented commercial districts . . .
- ...
- (f) For property with local ~~historic~~ heritage preservation site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.

[“*Heritage preservation site*” is the term used and defined in Legislative Code Chapter 73, Heritage Preservation Commission.]

[C.F. No. 09-1286, § 3, 12-23-09; Ord. No. 11-101, § 1, 10-26-11)

Chapter 62. Zoning Code – Nonconforming Lots, Uses and Structures

Sec. 62.105. Nonconforming structures with conforming uses.

Nonconforming structures with conforming uses are subject to the following provisions:

- (a) A nonconforming structure may continue.
- (b) A nonconforming structure may be physically expanded or altered so long as such expansion or alteration does not increase its nonconformity and the use in the expanded or altered area of the structure meets any zoning separation requirement. A structure with a nonconforming setback shall not be expanded horizontally or vertically within the setback area, with the exception that an addition to a one- or two-family dwelling may be built along an existing nonconforming side setback line providing:
 - (1) The addition is on the back of the building or fills in a jog on the side of the building, does not alter the front facade, and does not create a building height greater than twenty two (22) feet; and
 - (2) The footprint of the addition does not exceed two hundred fifty (250) square feet; and
 - (3) The roof pitch on the front third of the building is not altered.
- (c) ...

[The number of variance requests is anticipated to increase with additional residential zoning restrictions that make more existing buildings nonconforming. The Department of Safety and Inspections (DSI) has received a significant number of variance requests related to the recently adopted § 62.105(b), which states that “a structure with a nonconforming setback shall not be expanded horizontally or vertically within the setback area.” The vast majority of those requests have been granted, primarily due to hardship arguments based on increased complication and cost to modify the structure to accommodate the new requirement. By providing exceptions that allow for some changes that do not have a significant impact on the surroundings, the time and expense of going through a variance process for these would be reduced.

Based on discussion with the Zoning Administrator and the City Attorney’s Office after the Planning Commission meeting on June 5, § 62.105(b)(1) was modified to make the height provision more clear. The intent remains the same.]

Chapter 66. Zoning Code – Zoning District Uses, Density and Dimensional Standards

ARTICLE II. 66.200. RESIDENTIAL DISTRICTS

Division 3. 66.230. Residential District Density and Dimensional Standards

Sec. 66.231. Density and dimensional standards table.

Table 66.231, residential district dimensional standards, sets forth density and dimensional standards that are specific to residential districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability.

Table 66.231. Residential District Dimensional Standards

Zoning District	Lot Size Minimum (per unit)		Height Maximum		Yard Setbacks Minimum (feet)		
	Area (sq. ft.) (b)	Width (feet)	Stories	Feet	Front	Side	Rear
RL one-family large lot	21,780 (d)	80	3	30	30 (g),(h)	10 (h)	25 (h)
R1 one-family	9,600 (e)	80	3	30 (l)	30 (g),(h)	10 (h)	25 (h)
R2 one-family	7,200	60	3	30 (l)	25 (g),(h)	8 (h)	25 (h)
R3 one-family	6,000	50	3	30 (l)	25 (g),(h)	6 (h)	25 (h)
R4 one-family	5,000	40	3	30 (l)	25 (g),(h)	4 (h)	25 (h)
RT1 two-family (a)	3,000 (f)	25	3	40	25 (g),(h)	9 (h)	25 (h)
RT2 townhouse (a)	2,500 (c),(f)	20	3	40	25 (g),(h)	9 (h),(i)	25 (h)
RM1 multiple-family (a)	2,000 (c),(f)	n/a	3	40	25 (g),(h)	1/2 height 9 (h),(i)	25 (h),(i)
RM2 multiple-family (a)	1,500 (c),(f),(k)	n/a	5 (k)	50 (k)	25 (g),(h)	1/2 height 9 (h),(i),(k)	25 (h),(i)
RM3 multiple-family	800 (c)	n/a	no max.	no max.	25 (g),(h),(j)	9 (h),(i),(j)	25 (h),(i),(j)

n/a - not applicable

[RM side yard setback requirements are changed to 9 feet, consistent with the west Grand Avenue standard in (k). The reason for this articulated in the west Grand Avenue zoning study is that a 9 foot side yard setback is more consistent with existing building patterns in St. Paul, consistent with the 9 foot side yard setback requirement for buildings up to 40 feet high in the RT districts, and also consistent with the 18 foot separation requirement for apartment buildings on the same parcel. It was noted that without this change a townhouse in an RM2 district would have a greater side setback requirement than a townhouse in the lower density RT2 district.]

Notes to table 66.231, residential district dimensional standards:

- (a) R4 one-family district dimensional standards shall apply when one-family dwellings are erected in less restrictive residential districts. RT1 two-family district dimensional standards shall apply when two-family dwellings are erected in less restrictive residential districts. ~~RM2 multiple family district dimensional standards shall apply when multiple family residential dwellings five (5) stories or less in height are constructed in an RM3 multiple family district.~~

[Table and footnote (j) language changed to make this sentence unnecessary.]

- (b) In calculating the area of a lot that adjoins a dedicated public alley, for the purpose of applying lot area and density requirements, one-half the width of such alley adjoining the lot shall be considered as part of the lot.
- (c) No multiple-family dwelling shall be built, nor shall additional dwelling units be added to an existing building to create three (3) or more dwelling units, on a lot that is less than nine thousand (9,000) square feet in area.

In calculating the area of a lot for the purpose of applying the minimum lot area per unit requirement, the lot area figure may be increased by three hundred (300) square feet for each parking space (up to two (2) parking spaces per unit) within a multiple-family structure or otherwise completely underground. Parking spaces within an above-ground parking structure, except for the top level, may also be used for this lot area bonus. The maximum number of units possible on a lot using this lot area bonus can be calculated using the formula $X = L \div (A - 600)$, where X = maximum units allowed, L = lot area in square feet, and A = required lot area per unit in square feet. A site plan showing parking layout and dimensions shall be required when applying

for this lot area bonus. ~~No multiple family dwelling shall be built, nor shall any existing structure be converted to a multiple family dwelling, on a lot that is less than nine thousand (9,000) square feet in area.~~

[There are two separate topics in (c). The last sentence is moved to be a separate first paragraph so it doesn't get missed. Language is modified to clarify that the addition of units to an existing multiple family dwelling would also require a minimum lot size of 9,000 square feet.]

- (d) A larger lot may be required depending on how much square footage is actually needed to properly site and install an individual sewage treatment system.
- (e) Where over half of the lot has slopes of twelve (12) percent or greater, the minimum lot size shall be fifteen thousand (15,000) square feet. When determining lot size, the slope shall be that in existence prior to any grading or filling. Alterations shall not be allowed that will lower the slope from twelve (12) percent or greater to less than twelve (12) percent prior to the creation of new lots.
- (f) If townhouses are developed on parcels where only the land immediately beneath each dwelling unit constitutes an individually described lot and all other land required for yards, other open space, parking, and other necessary land as required by this code constitutes "common" properties, jointly owned by the owners of the described lots beneath each dwelling unit, the minimum size lot per unit shall be applied to the entire parcel.
- (g) 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 normal setback requirement in the district plus half the amount the average setback is greater than the normal setback requirement in the table, whichever is less. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula.

[Amendments for clarification.]

- (h) For permitted and conditional principal uses allowed in residential districts other than residential uses, the side yard setback shall be a minimum of nine (9) feet ~~front yard shall be equal to the front yard required for residential use and the side and rear yards shall be equal to one half the height of the building but in no instance less than the minimum requirements of the district in which said use is located.~~

[This treats buildings for permitted non-residential uses (day care, school, church, bed & breakfast residence) the same as multiple-family residential buildings.]

- (i) 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. When two (2) or more multifamily buildings are constructed on a single parcel, there shall be a distance of at least eighteen (18) feet between principal buildings.
- (j) For portions of a building over fifty (50) feet in height, the minimum front, side yard and rear setbacks shall be twenty five (25) fifty (50) feet or nine (9) feet plus one-half the building height over fifty (50) feet, whichever is less.

[This treats portions of buildings in RM3 that are less than 50 feet high the same as in RM2, and requires greater setbacks as height increases. This is more consistent with the urban form called for in the Comprehensive Plan for places RM3 might be used.]

- (k) 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:
 - (1) Building height shall be limited to four (4) stories and forty (40) feet;

- (2) The minimum lot size for units with three (3) bedrooms shall be one thousand seven hundred (1,700) square feet per unit, and the minimum lot size for units with four (4) or more bedrooms shall be one thousand nine hundred (1,900) square feet per unit; and
- ~~(3) Minimum side setbacks for multiple family residential dwellings shall be nine (9) feet; and~~
- ~~(3)(4)~~The T2 design standards in section 66.343 shall apply.

- (1) For R1-R4 residential districts in planning districts 14 and 15, excluding property with local heritage preservation site or district designation, the following maximum building heights shall apply at side setback lines: 28 feet in R1, 26 feet in R2, 24 feet in R3, and 22 feet in 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 side setback line, to a maximum height of thirty five (35) feet. Building height for flat roofs shall be measured to the highest point of the parapet, if present.

[The maximum height of buildings is reduced close to side property lines in response to concerns that this is where building height has the most potential impact on adjacent property, and additional height is allowed with increased setback. This is similar the building height standard that was in effect from 1922 to 1975, when the most restrictive height limit was 40 feet plus 1 additional foot for each foot the building or a portion of it was set back from all lot lines. The difference is that the new standard would start at a much lower base height limit, and would also have a three-story, 35 foot absolute height limit.

The Planning Commission changed the building heights at side setback lines in new footnote (1) above from the Neighborhood Committee recommendation of 28 feet in R2, 26 feet in R3, and 24 feet in R4 to 28 feet in R1, 26 feet in R2, 24 feet in R3, and 22 feet in R4, which is reflected above. The height of flat-roofed buildings is proposed to be measured to the top of any parapet, if present, rather than the “highest point of the roof surface” as defined in *Sec. 60.203 B - Building Height*, which does not include parapets. This was added by the Planning Commission because the impact on adjacent properties is defined by the height of the walls and not by the height of the roof behind them.]

(Code 1956, § 61.101; Ord. No. 16956, 9-9-82; Ord. No. 17039, 7-7-83; Ord. No. 17204, 1-15-85; Ord. No. 17524, § 19, 1-6-88; Ord. No. 17889, § 17, 11-21-91; C.F. No. 98-216, § 5, 4-8-98; Ord. 13-36, § 2, 6-26-13)

Sec. 66.232. Maximum lot coverage.

In residential districts, principal buildings structures 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 five (45) percent.

[Lot coverage limits for principal and accessory buildings are currently treated individually in the code. § 66.232 allows principal buildings to cover 35% of the lot, and § 63.501(f) allows accessory buildings to cover 35% of the rear yard. This amendment considers the total lot coverage of all buildings on the parcel. Accessory buildings are important elements that contribute significantly to the bulk and spatial qualities of residential property. With this amendment, homeowners in planning districts 14 and 15 would not be able to maximize lot coverage for both primary and accessory structures, and would have to prioritize where they want to dedicate their space. This amendment would have the most significant effect on lots in R4 zoning districts.

The distinction between building and structure is an important one. “Main (principal) building” is defined in the code as “*a building in which is conducted the principal use of the zoning lot upon which it is situated.*” § 63.501(f) limits the number and lot coverage of accessory buildings, not structures. The term “structure” is defined to include sidewalks, driveways, patios, etc., which are not intended to be limited by these lot coverage maximums.]

Sec. 66.234. Sidewall Articulation.

For R1-R4 residential districts in planning districts 14 and 15, excluding property with local heritage preservation site or district designation, sidewall articulation is required for building faces that exceed thirty-five (35) feet in length. Articulation shall be in the form of a structural projection of at least one (1) foot in depth and six (6) feet in length, and must extend from grade to the eave.

[Long, unbroken building facades occur much more frequently in recent construction than they do in the majority of existing housing stock. This amendment is intended to avoid the monotonous appearance of long unbroken building facades. There is a secondary effect of increased side yard space for structures longer than 35' since the setback would apply to the furthest extent of the wall. Closely related to this amendment is § 63.106, which allows for projections into yards. Chimneys and fireplaces may project one foot into a required yard. Overhangs, decorative details, and bay windows may project 16 inches into a required yard, with additional allowed depending on the dimension of the required side yard. An important consideration regarding this amendment is that the outermost vertical plane of the architectural projection would have to adhere to the setback minimums and increase space in the side yard, where this is not the case for projections allowed under § 63.106.

Compliance with this amendment could be more costly for some additions or projects that make use of an existing foundation due to the constraints that the existing structure presents.

It is not the intent of this amendment to be overly prescriptive when it comes to design; adherence to this amendment could come in the form of an L- or T-shaped footprint, in which the “projection” is flush with the front or rear face of the building.]

Attachments

1. Written public comments received
2. Maps addressing character