



Legislation Text

File #: Ord 15-33, **Version:** 2

Amending sections of Chapter 62, Nonconforming Lots, Uses & Structures, Chapter 63, Regulations of General Applicability, and Chapter 66, Zoning District Uses, Density and Dimensional Standards of the Saint Paul Legislative Code pertaining to residential zoning standards.

WHEREAS, Policies 1.5 and 3.4 of the Land Use chapter, and 2.17 of the Housing chapter of the *Saint Paul Comprehensive Plan* calls for new and remodeled housing to maintain the character and fit the context of existing neighborhoods; and

WHEREAS, § 60.103 of the zoning code establishes the intent and purpose of the code to regulate the location, construction, reconstruction, alteration and use of buildings, structures and land, ensure adequate light, air, privacy, and convenience of access to property, provide housing choice and housing affordability, conserve and improve property values, and implement the policies of the comprehensive plan; and

WHEREAS, the City Council, in Resolution 14-1324 on August 6, 2014, initiated a zoning study to review current dimensional and building design standards in Ward 3 as they relate to the construction and remodeling of single-family homes in the R1-R4 zoning districts; and

WHEREAS, the Planning Commission elected to broaden the study to look at citywide amendments and conducted a public hearing on a draft of the citywide residential zoning study text amendments on May 8, 2015, notice of which was published in the *Legal Ledger* and was sent to the City's Early Notification System; and

WHEREAS, following the public hearing, the Planning Commission referred the draft text amendments and public hearing testimony to the Neighborhood Planning Committee for consideration, review, and recommendation; and

WHEREAS, the Neighborhood Planning Committee, on May 27, 2015, forwarded its recommendations for both citywide and geographically-limited amendments to the Planning Commission; and

WHEREAS, the Planning Commission, on June 5, 2015, amended note § 66.231(l) of the proposed amendments and voted 13-2 to forward its recommendation on the amendments to the City Council for review and adoption, together with a memorandum from its Neighborhood Planning Committee which contained their recommendations and rationale for the proposed text amendments and the Council hereby adopts these recommendations by the Planning Commission and the Commission's Neighborhood Planning Committee as contemporaneous statements of reasons for the enactment of this ordinance and incorporates them herein by reference for the express purpose of demonstrating a rational basis for the enactment of this ordinance together with any other record or testimony regarding the same that is received by the City Council; and

WHEREAS, a public hearing before the City Council, having been conducted XXXX XX, 2015, at which all interested parties were given an opportunity to be heard, the Council having considered all the facts and recommendations concerning the proposed zoning amendments, pursuant to the authority granted by and in accordance with the procedures set forth in Minnesota Statutes § 462.357;

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Section 62.105 of the Saint Paul Legislative Code is hereby amended to read as follows:

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) . . .

SECTION 2

Section 63.110 of the Saint Paul Legislative Code is hereby amended to read as follows:

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.
- (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.

SECTION 3

Section 66.231 of the Saint Paul Legislative Code is hereby amended to read as follows:

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.

[See attached Table 66.231]

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.~~
- (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.~~

- (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.

- (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.~~
- (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.
- (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.
- (l) 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.

SECTION 4

Section 66.232 of the Saint Paul Legislative Code is hereby amended to read as follows:

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) forty (40) percent.

SECTION 5

Section 66.234 of the Saint Paul Legislative Code is hereby amended to read as follows:

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.

SECTION 6

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