



## MEMORANDUM

SUBJECT: 1-4 Unit Housing Study Phase 2

TO: Saint Paul Planning Commission

FROM: Comprehensive and Neighborhood Planning Committee

DATE: February 24, 2023

### SUMMARY

This is the comprehensive memo that examines select Zoning Code provisions as part of Phase 2 of the 1-4 Unit Housing Study to support a greater range of housing options in Saint Paul. Sections 1-4 include the study's background and objectives, context regarding the housing shortage and status quo, policies that have led to insufficient housing supply, and conclusions learned from staff and consultant work as part of community engagement, consultation with professionals in the small-scale development field, technical analysis, and housing financial and city/state case studies. Section 6 includes the analysis and proposed zoning code text amendments related to the consolidation of the current R1-RT2 zoning districts into new H1-H3 districts, changes to the RL district, related use, district, and standards updates, and updates to cluster development, accessory dwelling unit (ADU), accessory building standards, regulations governing porches decks, and projections, and subdivision regulation standards, and additional corrections and clarifying code updates. The Appendix includes the proposed zoning district maps and the proposed text amendments. The Comprehensive and Neighborhood Planning Committee recommends that this memo and appendices be released for public comment, along with the set of high-level questions (see Appendix D), for community consideration during the public comment period and public hearing.

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## **1. Background**

### **City Council Resolution 18-1204**

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

### **Saint Paul 2040 Comprehensive Plan**

One stated value of the 2040 Comprehensive Plan is “Growth and Prosperity through Density,” a value that supports incremental density increases within Saint Paul’s residential neighborhoods. Additionally, the policies in the Plan support environmentally and economically efficient, resilient land use development, offering opportunities for density in areas of high existing or planned transit capacity, and increasing housing choices for residents of all income levels. Land Use Goal 3 is

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“Equitably-distributed community amenities, access to employment and housing choice” and the land use policies below support increased housing density and choice and zoning flexibility.

- **Policy LU-1:** Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.
- **Policy LU-7:** Use land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.
- **Policy LU-30:** Focus growth at Neighborhood Nodes using the following principles:
  - Increase density toward the center of the node and transition in scale to surrounding land uses.
- **Policy LU-33:** Promote amenities that support those who live and work in Neighborhood Nodes, including frequent transit service, vibrant business districts, a range of housing choices, and neighborhood-scale civic and institutional uses such as schools, libraries and recreation facilities.
- **Policy LU-34:** Provide for medium-density housing that diversifies housing options, such as townhouses, courtyard apartments and smaller multi-family developments, compatible with the general scale of Urban Neighborhoods.

Housing policies also support increased housing choices at all income levels and the development of small-scale multi-family and small-home development communities like cottage communities:

- **Policy H-16:** Increase housing choice across the city to support economically diverse neighborhoods by pursuing policies and practices that maximize housing and locational choices for residents of all income levels.
- **Policy H-46:** Support the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods
- **Policy H-47:** Encourage high-quality urban design for residential development that is sensitive to context, but also allows for innovation and consideration of market needs.
- **Policy H-48:** Expand permitted housing types in Urban Neighborhoods (as defined in the Land Use Chapter) to include duplexes, triplexes, town homes, small-scale multifamily and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.
- **Policy H-49:** Consider amendments to the Zoning Code to permit smaller single-family houses and duplexes to facilitate the creation of small-home development types, such as pocket neighborhoods and cottage communities.
- **Policy H-50:** Balance the market demand for larger homes in strong market areas with the need to maintain a mix of single-family housing types that is sensitive to the surrounding neighborhood context.



## 2. Study Objectives

Based on the above policy direction and current housing context, the following objectives were identified for this study:

- To increase housing choice within Urban Neighborhoods to meet Saint Paul's housing needs.
- To increase housing type equity by allowing greater opportunities for neighborhood-scale housing (e.g., duplexes, triplexes, fourplexes, townhomes, cluster developments) in every neighborhood of the city.
- To once again permit 1-2-unit types by right, which is consistent with Saint Paul history (i.e., before the 1975 zoning code update, these were allowed in residential zones across the city).
- To encourage and promote reuse of existing homes and infill development in existing neighborhoods, lots, and backyards, while discouraging demolition of existing viable housing.
- To especially empower homeowners and small-scale developers to engage in infill development.
- To encourage the development of family-sized or workforce housing through zoning bonuses.
- To make the zoning code easier to read, navigate, and understand.

## 3. Context

### Household Types and Housing Options

An objective of this study is to increase housing choice within Urban Neighborhoods to meet Saint Paul's housing needs. As shown in Figure 1, one-person households continue to be the most prevalent housing type, making up 36.3% of the city's household types in 2021, followed by two-

person households. Together, one- and two-person households make up almost 65% of households. The third most prevalent household type is four-person-or-more households, which, along with three-person households, have seen a slight increase since 2010. Senior households are also increasing as households with at least one person 60 years and older have grown by 10% since 2010, and currently, 28% of one-person households are 65 years and older. In 2021, 27.8% of households have at least one child, a slight decrease from 30.1% in 2010. Compared to 2010, average household size has only mildly increased, from 2.44 to 2.45.

While average household size has increased slightly, this data suggests that demand for units accommodating one- to two-person households is likely to continue to rise, with the trend driven in no small part by older adults transitioning from previous life stages and housing types. This trend is paired with a growth in larger households, many of which may face economic challenges in finding suitable housing due to rising costs for existing housing and limited construction of multifamily rental units of a larger size.

**Figure 1. Saint Paul Household Types**

	2010	2021
<b>1-person households</b>	<b>36.7%</b>	<b>36.3%</b>
<b>2-person households</b>	<b>29.9%</b>	<b>28.6%</b>
<b>3-person households</b>	<b>12.7%</b>	<b>13.4%</b>
<b>4-person-or-more households</b>	<b>20.7%</b>	<b>21.6%</b>

Source: American Community Survey 2010 and 2021 5-year data

Indeed, the Metropolitan Council projects one-person households to grow at the fastest rate by 26% in the Twin Cities region, two-to-three-person households to grow by 13%, and 4+person households to grow by 13% ([The Twin Cities Regional Forecast to 2040](#), November 2019). Since 2010, The Metropolitan Council has also seen an emerging trend of “doubling up” in housing and a rise in extended family and multi-generational living arrangements, partially attributed to declining housing affordability and continued wage stagnation.

At the same time, Saint Paul residents have few housing types from which to choose. As shown in Figure 2, 50% of housing units are in single-family detached homes and 31% of housing units are in buildings with 20 or more units, as of 2017. Since 2010, the number of units in these two specific housing types has increased, with the greatest growth for buildings with 20 or more units. The housing units in 1-unit attached have also

increased mildly but remain to make up only 4% of the city’s housing units. Small- and medium-scale multi-family housing types including 2-4-unit and 5-19-unit housing types are disappearing from the housing stock, replaced by other housing types and new, often larger developments. Duplexes, triplexes, and fourplexes together only represent 11% of the city’s housing units.

**Figure 2. Saint Paul Housing Types**

	2000	2017
<b>1-unit detached</b>	58,489	59,859
<b>1-unit attached</b>	4,039	5,228
<b>2 to 4 unit</b>	9,714	8,030
<b>5 to 19 unit</b>	15,632	13,928
<b>20 unit or more</b>	22,083	28,509

Source: 2000 Decennial Census and American Community Survey 2019-19 5-year data (2017 midpoint)

### **‘Neighborhood-Scale’ and ‘Missing Middle’ Housing Options**

One of the objectives of the study is to allow for neighborhood-scale housing in every neighborhood of the city. Neighborhood-scale housing already exists in many of Saint Paul’s urban neighborhoods (shades of orange, brown, green, and purple in Figure 3 below), and is compatible in scale with neighborhoods predominantly developed with single-family homes. It is generally 1-3 stories in height and could be either rented or owned. An overlapping and more widely-discussed term nationally is “missing middle housing.” Coined by Daniel Parolek of Opticos Design, Inc., it includes “a range of house-scale buildings with multiple units—compatible in scale and form with detached single-family homes—located in a walkable neighborhood.” The housing types that are referred to with the “neighborhood-scale” and “missing middle” housing labels largely overlap but in general, the “neighborhood-scale” descriptor refers to the lower-density end of the scale (under 15-20 units), and specifically excludes live-work buildings which feature a small amount of non-residential/commercial space.

Figure 3. Lots Developed with Existing 1-4-Unit Housing in RL-RT2 Districts

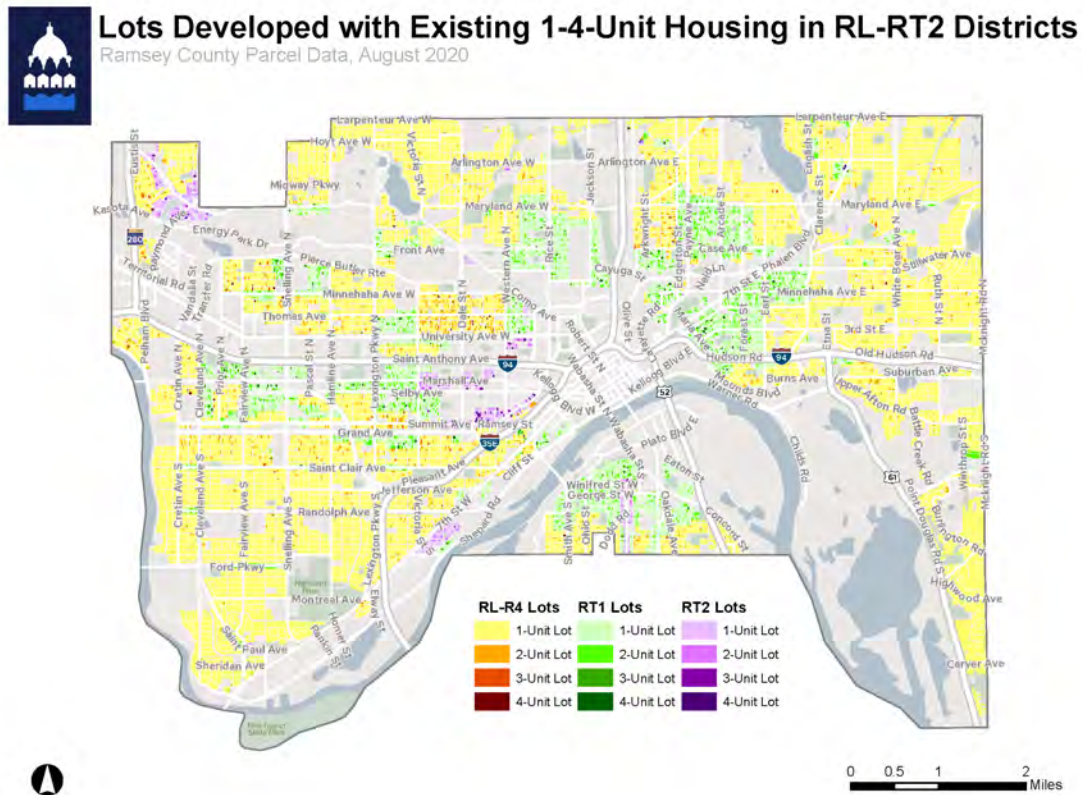


Figure 4. Missing Middle Housing image (Source: Opticos Design, Inc.)



“Neighborhood-scale” and “missing middle” housing was not historically missing in Saint Paul’s development trajectory. Many of the city’s oldest neighborhoods have duplexes, triplexes, fourplexes, occasional second, smaller homes and carriage houses placed behind homes located closer to the street, and even some clustered multifamily buildings grouped/designed around common open space and courtyards. The original zoning code of Saint Paul, dating from

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1922, permitted single family and duplex homes in all zoning districts. The 1922 code had three residential zoning districts – “A” and “B” residence districts permitted 1-2-unit dwellings and the “C” residence district permitted all residential uses. The commercial and industrial districts also permitted all residential uses. The 1922 zoning districts had the following standards for residential uses:

- “A” Residence District
  - 1-family dwelling: 40’ minimum lot width and 5,000 sq. ft. minimum lot area
  - 2-family dwelling: 60’ minimum lot width and 7,500 sq. ft. minimum lot area
- “B” Residence District
  - 1-family dwelling: 40’ minimum lot width and 4,000 sq. ft. minimum lot area
  - 2-family dwelling: 50’ minimum lot width and 6,000 sq. ft. minimum lot area
- “C” Residence, Commercial & Industrial Districts
  - 1-family dwelling: 40’ minimum lot width and 4,000 sq. ft. minimum lot area
  - 2-family dwelling: 50’ minimum lot width and 6,000 sq. ft. minimum lot area
  - Dwelling with more than 2 units: 50’ minimum lot width and 6,000 sq. ft. minimum lot area + 900 square feet for each additional unit beyond 2 units, up to a maximum density of 1,000 sq. ft. lot area minimum per unit
  - 35% maximum lot coverage
- Most of city had a building height maximum of 40’ plus 1 foot for each foot the building or portion of it is set back from all lot lines.

These “gentle-density”, “neighborhood-scale”, or “missing middle” housing options represent alternatives to single-family detached and larger (20+ unit) multifamily development that has been predominant in recent decades. However, as currently over 70% of the city’s residentially-zoned area is restricted to only single-family homes, it is difficult for market actors to contribute enough of these alternative options to the housing supply to address Saint Paul’s housing needs.

## **The Housing Shortage**

The city and Twin Cities metro region currently faces a critical housing shortage. The rental vacancy rate stands at 6.7% in the Twin Cities as of third quarter of 2022 (CoStar), and the supply of for-sale homes available to buyers in the Twin Cities stands at 1.6 months in November 2022, which are just above and below healthy market benchmarks, respectively (5% rental vacancy, 5-6 months of for-sale inventory).<sup>1</sup>

More specifically, on the for-sale side of the ledger, median prices are stabilizing or down slightly, but still up year over year from 2021 to 2022. From September 2022 to October 2022, the median sales price for for-sale homes in Saint Paul ticked up from \$283K to \$287K, per Saint Paul Real Estate Blog.<sup>2</sup> In the broader Twin Cities metro, prices went down marginally from \$365K in September 2022 to \$359K in October 2022 (MN Realtor).<sup>3</sup> That said, Norada Real Estate Investments predicts

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<sup>1</sup> CoStar News - Nation-Leading Demand Not Enough To Check This Region's Historic Wave of New Apartments, at <https://www.costar.com/article/294031617/nation-leading-demand-not-enough-to-check-this-regions-historic-wave-of-new-apartments>, and Minnesota Realtor November 2022 Report, <https://www.mnrealtor.com/buyers-sellers/marketreports>, accessed December 12, 2022.

<sup>2</sup> Saint Paul Real Estate Blog, “Saint Paul Home prices up and down,” Nov. 3, 2022, accessed December 13, 2022, at <https://www.stpaulrealestateblog.com/saint-paul-values>.

<sup>3</sup> <https://www.mnrealtor.com/buyers-sellers/marketreports>, accessed December 5, 2022.

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that none of Minnesota's metropolitan areas will see a home price decline in 2023, and also forecasts that Twin Cities metro area home values will modestly rise by 0.6% from July 2022 to July 2023.<sup>4</sup>

Median rents are also stable in Saint Paul, though larger-sized units keep increasing, measured year over year. HousingLink notes that one-bedroom rental units have stabilized at \$997 in September 2022 (compared to \$1,000 in September 2021), two-bedroom units have increased slightly to \$1,295 in September 2022 (compared to \$1,275 in September 2021), and three-bedroom units have increased almost 10% in a year, to \$1,688 in September 2022 compared to \$1,538 in September 2021.<sup>5</sup>

However, Saint Paul and the Twin Cities are not alone in the housing shortage. A report from Up for Growth, sponsored by a diverse group of interests including the American Planning Association, CBRE, National Multifamily Housing Council, the Urban Land Institute's Terwilliger Center for Housing, the Amazon Housing Equity Fund, and Habitat for Humanity, the underproduction of housing units affects 47 states and Washington D.C., and its impacts are being felt in urban cities, suburbs, and small, rural towns. Per Up for Growth and the *2022 Housing Underproduction™ in the U.S.* report, underproduction "...occurs when communities fall short of meeting housing needs," and is calculated as "...the difference between total housing need and total housing availability." Per the report, almost 75 percent of U.S. metro areas are seeing worsening levels of underproduction, and "...of the 309 metro areas in the U.S., 169 are underproduced, and 75 are trending toward underproduction."<sup>6</sup>

Unfortunately, Minnesota and the Twin Cities rank high on the list of underproducing states and metropolitan areas, respectively. Minnesota had a high housing underproduction amount of 95,000 units as of 2019. Of 309 metro areas analyzed for underproduction in the Up for Growth report, the Twin Cities metro, including western Wisconsin, was over 80,000 units short when calculated in 2019. This makes Saint Paul part of the 13th most underproduced metro area in the US.

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<sup>4</sup> Minnesota Housing Market: Prices & Forecast 2022-2023, Nov. 23, 2022, accessed December 5, 2022, at <https://www.noradarealestate.com/blog/minnesota-housing-market>.

<sup>5</sup> Saint Paul Rental Housing Brief, Oct. 2022, Housinglink, accessed December 5, 2022, at <https://www.housinglink.org/Research/st-paul-rental-housing-brief>.

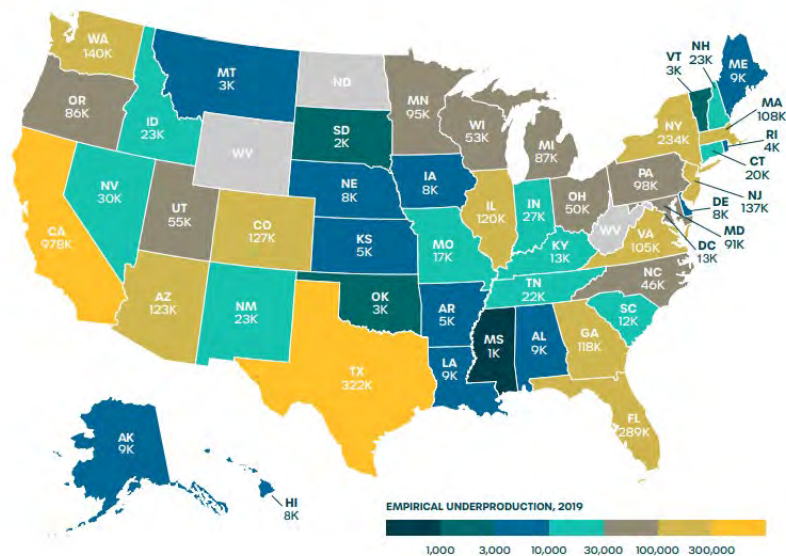
<sup>6</sup> 2022 Housing Underproduction™ in the U.S., p. 5, accessed December 12, 2022, at <https://upforgrowth.org/apply-the-vision/housing-underproduction>.



### Figure 5. Underproduction of Housing, State by State

(source: 2022 *Housing Underproduction™ in the U.S.* report, Up for Growth)

Because 80,000 is the majority (84%) of the 95,000 missing units in Minnesota, the Twin Cities arguably have the most work to do to address this shortage in the state.



Other research has stressed the importance of greater housing supply, generally:

- Research looking at San Francisco, New York, Boston, and 52,000 residents across 12 U.S. metropolitan areas has found that new construction can impact demand by inducing a filtering effect of residents occupying the new market-rate units, which indirectly loosens the housing market in low- and middle-income areas, even in the short run (within five years). This may have a downward effect on housing prices, though more research is needed ["The Effect of New Market-Rate Housing Construction on the Low-Income Housing Market," Upjohn Institute Working Paper 19-307.]<sup>7</sup>
- In his 2020 book, *The Affordable City: Strategies for Putting Housing Within Reach (and Keeping it There)*, author and manager of the UCLA Lewis Center Housing Initiative, Shane Phillips, emphasizes the role of "Supply, Stability, and Subsidy" as necessary for an affordable city. Phillips states: "When housing is hard to come by, all other obstacles to affordability and accessibility become exponentially more difficult to overcome....Providing an abundant supply of homes is about growing the pie for everyone's benefit rather than dividing it into smaller and smaller slices as a population grows."

<sup>7</sup> Accessed December 5, 2022, at [https://research.upjohn.org/up\\_workingpapers/307](https://research.upjohn.org/up_workingpapers/307).

**Figure 6. Housing Underproduction by Metropolitan Area** (source: 2022 *Housing Underproduction™ in the U.S.* report, Up for Growth)

Rank	Region	UNDERPRODUCTION		Percent Change in Median Rent (2012-2019)	Share of Renter Households who are Cost Burdened	Percent Change in Median Home Value (2012-2019)	Black-White Home-ownership Gap
		Total (2019)	As a Share of Total Housing Stock (2019)				
1	Los Angeles-Long Beach-Anaheim, CA	388,874	8.3%	NA	53.4%	NA	17.0 pp
2	New York-Newark-Jersey City, NY-NJ-PA	342,144	4.4%	22.6%	47.5%	20.7%	28.1 pp
3	Miami-Fort Lauderdale-Pompano Beach, FL	189,301	7.4%	31.6%	58.5%	79.7%	15.8 pp
4	Washington-Arlington-Alexandria, DCVA-MD-WV	156,597	6.5%	19.9%	44.0%	21.4%	19.8 pp
5	Riverside-San Bernardino-Ontario, CA	153,372	9.7%	29.2%	52.9%	76.8%	22.0 pp
6	Chicago-Naperville-Elgin, IL-IN-WI	129,218	3.3%	21.0%	43.8%	22.5%	32.4 pp
7	San Francisco-Oakland-Berkeley, CA	114,000	6.2%	47.0%	42.1%	68.7%	23.7 pp
8	Phoenix-Mesa-Chandler, AZ	108,564	5.5%	26.9%	44.1%	81.6%	32.9 pp
9	Atlanta-Sandy Springs-Alpharetta, GA	97,538	4.1%	31.8%	47.0%	53.7%	26.9 pp
10	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	89,949	3.6%	20.0%	48.0%	12.2%	26.1 pp
11	Dallas-Fort Worth-Arlington, TX	85,226	3.0%	37.1%	44.9%	69.7%	29.2 pp
12	Seattle-Tacoma-Bellevue, WA	81,024	4.9%	50.2%	45.4%	71.3%	35.0 pp
13	Minneapolis-St. Paul-Bloomington, MN-WI	80,138	5.5%	27.8%	43.4%	39.7%	50.1 pp
14	Boston-Cambridge-Newton, MA-NH	77,252	3.9%	35.9%	46.2%	34.7%	31.9 pp
15	Houston-The Woodlands-Sugar Land, TX	74,192	2.8%	30.5%	47.2%	55.0%	26.3 pp
16	Denver-Aurora-Lakewood, CO	69,173	5.7%	52.8%	47.1%	77.3%	22.1 pp
17	San Diego-Chula Vista-Carlsbad, CA	67,799	5.5%	40.3%	53.6%	60.3%	26.6 pp
18	San Antonio-New Braunfels, TX	64,624	7.1%	27.7%	44.9%	49.6%	19.8 pp
19	Portland-Vancouver-Hillsboro, OR-WA	58,624	5.7%	45.2%	47.6%	63.9%	25.4 pp
20	Detroit-Warren-Dearborn, MI	51,282	2.7%	18.3%	45.7%	65.1%	35.1 pp

While single-family construction continues to be a significant proportion of privately-constructed housing in the U.S., **smaller starter homes are increasingly in scarce supply** while **missing middle housing production is lagging**:

- A recent national report that appeared in the New York Times lamented the lack of construction of new, small, detached starter homes, arguing that they have all but vanished nationwide. “Only about 8% of new single-family homes today are 1,400 square feet or less..... At the root is the math problem of putting — or keeping — a low-cost home on

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increasingly pricey land...The result today is that a builder who can put up only one home on an expensive piece of land will construct a large, expensive one.”<sup>8</sup>

- The US Census Building Permit Survey for New, Privately-owned Housing Units shows that overall housing production has recovered since levels before the pandemic (pre-2020), but 2-4-unit housing continues to represent only 2-5% of total units. The national production level in October 2022 was approximately 1.51M privately-owned housing units constructed; at this monthly delivery volume, it would take 2.6 years to catch up on underproduction levels as identified in the Up for Growth report if need were held constant.<sup>9</sup> Note: This Census data for building permits does not include conversions, so it undercounts actual production.
- Architect and author of *Missing Middle Housing* Daniel Parolek predicted in June 2016 that “Cities that don’t respond to missing middle housing will suffer economically, and developers will be in a tough spot in five to 10 years if they don’t. Research shows that 90 percent of the housing built between now and 2040 will need to be missing middle housing ... to meet the demand for non-single family housing.”<sup>10</sup>

## Equity reflections on the exclusion of missing middle housing

History has led us to the current status quo that prioritizes single-family dwellings and mostly excludes missing middle housing from residential areas, with large implications for equity. In the landmark court case, 1917’s *Buchanan v Warley*, 245 U.S. 60, the Supreme Court outlawed a Louisville, KY city ordinance that forbade people of color to occupy houses on blocks where the greater number of houses were occupied by white persons (and vice versa), which had a practical effect of preventing the sale of lots on such blocks across racial lines.<sup>11</sup> The Court found the city ordinance unconstitutional and in violation of the 14<sup>th</sup> amendment which guarantees equally to all citizens the civil right to acquire, enjoy and use property.

In the book *The Color of Law* (2017), historian Richard Rothstein outlines how “...economic zoning that could also accomplish racial segregation” without violating the *Buchanan v. Warley* decision “...spread widely in the 1920s, with support from the federal government, [and] prominent city planners, ... who advocated for zoning laws everywhere to prevent conflict and protect the value of white people’s homes.”<sup>12</sup> The “economic zoning” in question refers to single-family-only zoning, which proliferated in the 1920s. Shortly after this, in 1926’s *Village of Euclid v. Ambler*, 272 U.S. 365, the Supreme Court found that a local zoning ordinance that regulated land in Euclid, Ohio to various zoning districts was a valid exercise of police power, and implied that zoning regulations would generally be upheld as long as there were some connection to the public welfare in the circumstances of the situation.<sup>13</sup> This court case has been a landmark one for local municipalities’ ability to zone property in general, including single family-only zoning districts.

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<sup>8</sup> “What happened to the starter home,” Emily Badger, The New York Times, Sept. 22, 2022, accessed December 6, 2022.

<sup>9</sup> Accessed December 12, 2022, at <https://www.census.gov/construction/bps/index.html>.

<sup>10</sup> 5 Questions About ‘Missing Middle Housing’, AARP, June 2016, Accessed Dec. 5, 2022, at <https://www.aarp.org/livable-communities/housing/info-2016/missing-middle-housing-daniel-parolek.html>.

<sup>11</sup> *Buchanan v. Warley*, 245 U.S. 60 (1917), accessed December 16, 2022, at <https://supreme.justia.com/cases/federal/us/245/60>.

<sup>12</sup> Accessed December 16, 2022, at <https://www.litcharts.com/lit/the-color-of-law/chapter-3-racial-zoning>.

<sup>13</sup> *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926), accessed December 16, 2022, at <https://supreme.justia.com/cases/federal/us/272/365/>.



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In 2019, an article in the *Journal of the American Planning Association* stated that “*Buchanan [v. Warley]* made single-family mandates appealing because they maintained racial segregation without racial language. Forcing consumers to buy land in bulk made it harder for lower income people, and therefore most non-White people, to enter affluent places. Single family-only zoning let prices discriminate when laws could not.”<sup>14</sup>

Finally, the White House Council of Economic Advisors stated the following in 2021:

*“Exclusionary zoning laws have a profound impact on social welfare because where a family lives matters. Using data that cover virtually the entire U.S. population from 1989 to 2015, researchers have shown that neighborhoods can have significant causal effects on children’s long-term outcomes, including their earnings. Because exclusionary zoning rules drive up housing prices, poorer families are kept out of wealthier, high-opportunity neighborhoods. This, in turn, leads to worse outcomes for children, including lower standardized test scores, and greater social inequalities over time.”*<sup>15</sup>

### **For-sale housing status quo**

Saint Paul’s homeownership rate has been consistently lower than the U.S. rate, and the city’s rate continues to decline. From 2010 to 2020, Saint Paul’s homeownership rate declined from 54% to 51%, while the national rate only fell one point from 65% to 64%.<sup>16</sup> As mortgage interest rates have increased in recent months to above 6 and 7 percent, it has hit many homebuyers hard, especially first-time homebuyers. Per the 2022 *Housing Underproduction™ in the U.S* report, the cost of the monthly mortgage payment on a typical single-detached home goes up about \$200 per month for every one-point rise in mortgage rates. Unfortunately, Saint Paul and Minnesota continue to have a high disparity in the homeownership rate between whites and people of color. As can be seen in Figure 6, the Twin Cities have the highest black-white homeownership disparity in the top 20 most underproduced metro areas, and it has the highest disparity among the top 44 metro areas on Up for Growth’s list, at 50.1 percent, only surpassed by Ogden-Clearfield, Utah at 50.7%. In the words of Bryan Green, Vice President of Policy Advocacy for the National Association of Realtors, “...the greatest obstacle to closing the homeownership gap at this moment is the shortage of housing for purchase in this country. We can’t get more people into the homes of their dreams if there are no homes for them to buy. This problem preempts all our other efforts to promote equal housing opportunity.” White households are the only demographic group in Saint Paul more likely to own (61%) than to rent their homes.<sup>17</sup>

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<sup>14</sup> Journal of the American Planning Association, 2019 “Viewpoint: It’s Time to End Single-Family Zoning,” Accessed December 16, 2022 at [www.tandfonline.com/doi/epdf/10.1080/01944363.2019.1651216?needAccess=true&role=button](https://www.tandfonline.com/doi/epdf/10.1080/01944363.2019.1651216?needAccess=true&role=button).

<sup>15</sup> “Exclusionary Zoning: Its Effect on Racial Discrimination in the Housing Market,” White House Council of Economic Advisors, Cecilia Rouse, Jared Bernstein, Helen Knudsen, and Jeffery Zhang, June 17, 2021, accessed December 16, 2022 at <https://www.whitehouse.gov/cea/written-materials/2021/06/17/exclusionary-zoning-its-effect-on-racial-discrimination-in-the-housing-market/>.

<sup>16</sup> Draft St. Paul Existing Conditions Analysis, Sept. 2022, Antidisplacement & Community Wealth Building Study, HR&A Advisors, unpublished.

<sup>17</sup> Ibid.

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As of October 2022, the median sales price for a for-sale home in Saint Paul was \$287,000.<sup>18</sup> This is affordable to households earning \$89,687, i.e., a household just below 80% of the Twin Cities median income, or AMI, of \$117,300. However, Redfin calls the Saint Paul housing market “very competitive,” with homes receiving three offers on average and selling within 25 days.<sup>19</sup> For-sale homes affordable to workforce are in short supply in Saint Paul.

Another status quo occurrence is the occasional purchase, demolition and redevelopment of modest-sized single-family homes and replacement with a much larger-sized home. Such homes are often 4+ bedroom in size and have sales prices well over \$500,000, typically affordable only to high-income households. Saint Paul’s current single-family only zoning (districts R1-R4) allow for such redevelopment to happen when supported by underlying market dynamics. Current R1-R4 districts and dimensional standards (e.g., minimum lot widths and setbacks, maximum heights, maximum lot coverage requirements) allow for a maximum built Floor Area Ratio of 1.05, which if maximized, translates to single-family homes in the vicinity of 5,200 square feet in R4 and up to 7,800 square feet in R1. This compares to the average size of new construction single-family homes in Minnesota at 1,992 square feet. Another way to compare is to consider such lots instead as missing middle housing opportunities: The average-sized apartment in Saint Paul of 818 square feet; if lots currently zoned R4 instead enabled multiple units on a lot, and one allocated 20% of a residential building as common area, one could easily fit three such apartment units within a 3,984-square foot residential building—a structure that is double the size of the average-sized single-family dwelling in Minnesota.<sup>20</sup> This structure would still be well under the maximum single-family dwelling size currently allowed on typical lot zoned R4.

## **Rental housing status quo**

Saint Paul also has an underproduction of rental housing affordable to households making less than \$35,000, which is about 30% of AMI for a 4-person household; Saint Paul renters have a median income of \$38,000 (versus an overall City median income of \$60,000).<sup>21</sup> Per HousingLink, there is also a scarcity of other modestly-priced units – only 47% of vacant Saint Paul rental units in September 2022 were affordable to households at 50% of AMI (an improvement from September 2021 when only 20% were affordable to such households), and 77% of vacant Saint Paul rental units in September 2022 were affordable to households at 60% of AMI (a mild improvement from September 2021 when 58% were affordable to such households). Based on 2022 data from Minnesota Housing and adjusted for family size, \$35,190 is 30% of AMI for a 4-person household, and \$58,650 is 50% of AMI for a 4-person household. The majority of each of Saint Paul’s populations of color rent their homes.<sup>22</sup>

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<sup>18</sup> Saint Paul Real Estate Blog, Nov. 3, 2022, accessed December 13, 2022, at <https://www.stpaulrealestateblog.com/saint-paul-values>.

<sup>19</sup> Redfin, “Saint Paul Housing Market, accessed December 13, 2022, at <https://www.redfin.com/city/15027/MN/St-Paul/housing-market>.

<sup>20</sup> RentCafe, “St. Paul, MN Rental Market Trends, accessed December 13, 2022 at <https://www.rentcafe.com/average-rent-market-trends/us/mn/st-paul/#:~:text=What%20is%20the%20average%20apartment%20size%20in%20St.,and%20luxury%20alternatives%20for%20houses%20and%20apartments%20alike>.

<sup>21</sup> Draft St. Paul Existing Conditions Analysis, Sept. 2022, Antidisplacement & Community Wealth Building Study, HR&A Advisors, unpublished.

<sup>22</sup> Ibid.

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Housinglink also measures the income required to rent a home in Saint Paul, based on the number of bedrooms in the unit. The figures are based on the common landlord screening requirement that an applicant must earn 2.5 times the rent in household income. Staff has annualized the income to produce the following figures about rental affordability:

- 1-bedroom: A \$30K annual income is required, which is between 30-40% AMI for a 2-person household (30% AMI is \$28,000; 40% AMI is \$37,560)
- 2-bedroom: A \$38K annual income is required, which is between 30-40% AMI for a 3-person household (30% AMI is \$31K; 40% AMI is \$42K)
- 3-bedroom: A \$50K annual income is required, which is:
  - between 40-50% AMI for a 4-person household (40% AMI is \$47K; 50% AMI is \$58K); or
  - about 40% AMI for a 5-person household (40% AMI is \$50,680).

As noted in detail above, Housinglink also reports that one and two-bedroom rents in Saint Paul have stabilized or increased slightly but the rent for a three-bedroom unit increased by 10% from September 2021 to September 2022, from \$1,538 to \$1,688.

To summarize, there are less rental units available in Saint Paul outside of larger (20+ unit) buildings; there is continuing supply pressure on 3+ bedroom units in Saint Paul and rents have increased a lot in the last year; there is a continued gap of units affordable to households earning up to \$35,000 (approximately 30% of Twin Cities AMI) – estimated at 12,549 missing units per HR&A Advisors; and only 47% of vacant rental units are affordable to 50% AMI renters.

## **The case for a new approach**

Local Housing Solutions, an interactive online policy toolkit that is a joint initiative of the NYU Furman Center and Abt Associates and funded by the Ford Foundation and the John D. and Catherine T. MacArthur Foundation states the following in its missing middle housing policy brief:

*“To achieve the goals of diverse and inclusive neighborhoods, and to distribute growth and development more evenly, ...at least certain forms of missing middle housing ... would ideally be allowable throughout all residential zones. Lower-density housing types, like duplexes and triplexes, can easily be incorporated into single-family neighborhoods...”*<sup>23</sup>

The Up for Growth report predicts that “if we preserve a more of the same approach to policymaking, the nation’s housing shortage will continue to worsen.” It goes on to say that “at the local level, exclusionary and discriminatory land-use and zoning policies artificially restrict housing production. A host of policies and practices—too much single-detached zoning, minimum lot size requirements, unpredictable and lengthy permit processes—restrict the availability and affordability of homes in high-opportunity neighborhoods, places that are rich in jobs, transportation, infrastructure, and community assets.”<sup>24</sup>

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<sup>23</sup> “Missing Middle Housing,” policy brief at Local Housing Solutions.org, accessed Dec. 12, 2022, at <https://local housingsolutions.org/housing-policy-library/missing-middle-housing>.

<sup>24</sup> 2022 Housing Underproduction™ in the U.S., p. 5, accessed December 12, 2022, at <https://upforgrowth.org/apply-the-vision/housing-underproduction>.

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Up for Growth instead proposes a new approach, dubbed “A Better Foundation,” which would convert housing underproduction to housing opportunity, optimizing “...the distribution of these underproduced homes by prioritizing development in high-opportunity neighborhoods—places that are rich in jobs, transportation, infrastructure, and community assets—at a density scaled to fit into the existing neighborhood while increasing housing options.” It also says that “developed using a racial equity lens, it prioritizes housing that can be built and distributed in ways that elevate housing choice for communities of color.” This approach, it argues, leads to “...better and more socially equitable outcomes than historical development patterns....”

Based on Saint Paul’s existing density, staff reads the Up for Growth approach as prescribing 100 percent medium density infill to tackle the City’s underproduction challenges, as opposed to say, 50% missing middle and 50% medium density infill development as it proposes for communities with existing built forms characterized by an overall lower density than Saint Paul. Up for Growth defines “medium density” as “residential development that falls between attached small-scale development (see Missing Middle housing) and high-density development. [Medium density] Buildings are typically constructed using wood framing and are two to four stories in height.” Despite this distinction, in this zoning study, staff finds a significant housing type overlap between missing middle and medium density, and believes that a geographically-broad-based, yet sensitive neighborhood-scale infill zoning approach is appropriate to address the city’s highly underproduced housing situation. That said, a strategy based broadly on missing middle development does not preclude the need for, or appropriateness of, additional rezoning to support medium density, and higher density housing development given the City’s growth projections (e.g., rezonings to districts such as RM and T, along with B4-B5 districts). Last, staff notes that the Up for Growth approach is consistent with medium density housing policies (calling for small-scale multifamily housing) in Saint Paul’s 2040 Comprehensive Plan.

### **Policy responses to address supply, to-date**

Recent regulatory and policy changes adopted by the City to increase access to and/or reduce barriers to housing supply in Saint Paul have included:

- 2018: Permitted accessory dwelling units (ADUs) citywide with the provision for owner-occupancy in either the principal or the ADU;
- 2019: Updated the zoning code’s definition of family to allow for up to 6 adults with minors in their care in each household;
- 2020: Updated RM Multifamily districts to reduce setbacks, allow for greater maximum height, change to a Floor Area Ratio (FAR)-based density system (allowing units of various sizes as opposed to the traditional approach that relied on a minimum lot area per unit), and incorporate an affordable housing density bonus;
- 2020: Adopted the 2040 Comprehensive Plan;
- 2021: Eliminated minimum parking requirements;
- 2022: Adopted Phase 1 of this study to make ADU regulations more flexible - e.g., deleted the owner-occupancy requirement, permitted multiple units on lots zoned for single family homes that meet the district’s dimensional standards; and
- 2022: Launched a citywide anti-displacement & community wealth-building study that included a feasibility analysis of Inclusionary Zoning.

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## Context Conclusions

- Almost two-thirds of Saint Paul households are 1-2 person, yet 3- and 4-person households have increased slightly (from 33.5% to 35%) in the last decade.
- Saint Paul and the Twin Cities are very underproduced in terms of new housing, and the shortage affects the rental and for-sale inventories.
  - Saint Paul's homeownership rate is declining for all groups, and while units affordable to the workforce exist, they are in scarce supply in the city's very competitive market. Current single-family-only zoning does allow for the redevelopment of lots with one existing modestly sized home to be replaced with a large single-family unit but not any neighborhood-scale housing alternatives.
  - Saint Paul has a severe underproduction of rental housing affordable to households making 30% of AMI, and under half of existing vacant rental housing units are affordable to households earning 50% of AMI. Rents for larger (3+ bedroom) units went up 10% compared to last year; scarcity may play a role. Saint Paul renters have a median income of \$38,000 (versus an overall City median income of \$60,000). The majority of each of Saint Paul's populations of color rent their homes.
- The City has done some work on Supply (e.g., ADU and multifamily zoning reform); Stability (e.g., Rent stabilization); and Subsidy (e.g., Housing Trust Fund), but 72% of Saint Paul's residential zones still largely prohibit smaller, missing middle housing.
- Despite their historical presence, 2-4plexes are disappearing from the city's housing stock, and projects with 5-19 units are waning, according to recent housing production data.
- The status quo set of zoning regulations has contributed to insufficient supply. In the face of a growing population, status quo policies do little to help increase housing availability or reduce prices, and in fact will exacerbate the displacement of modest income and increasingly middle-income people.

## 4. Engagement, Consultation and Technical Analysis

### Process

The Planning Commission initiated this study in Spring 2021. Due to the pressing nature of the housing shortage, the study was broken up into two different phases. On a relatively faster timeline, Phase 1 focused on regulatory amendments to facilitate small housing, additional accessory dwelling units, and small parcels. Phase 1 zoning code amendments were adopted by the City Council on January 19, 2022, in [City Council Ordinance 22-1](#) and went into effect March 5, 2022. Occurring simultaneously, Phase 2 has been the longer, more intensive phase to evaluate a broader set of zoning amendments that would support a greater range of housing options in one-family, two-family, and townhouse zoning districts.

Between Summer 2021 and Fall 2022, staff performed research, analyzed existing conditions and the zoning code, engaged the community, and consulted technical professionals in the small-scale development field. The study's engagement website offered an online survey and other virtual activities, and staff engaged the community at the City-hosted Safe Summer Nights events, district council meetings, and three virtual engagement sessions co-hosted by district councils. The

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[Community Engagement Summary Report](#) summarizes these activities and feedback gathered through the Phase 2 virtual engagement sessions and online survey.

Staff also engaged and consulted with the study's Technical Advisory Committee (TAC) made up of professionals with experience in non-profit development, small-scale for-profit development, architecture, housing finance, and the Department of Safety and Inspections' building plan review process, a realtor focus group, finance professionals, and Zoning, Site Plan Review, and Building Plan Review staff.

The **consultant team** of Jim Kumon of Electric Housing and Neil Heller of Neighborhood Workshop with expertise in zoning code review, site design, and financial pro forma analysis were hired to complete technical analysis for the study. Between Summer 2021 and Fall 2022, the team completed a code and parcel analysis of the RL-RT2 zoning districts, interviewed small-scale development professionals, including the study's TAC, performed spot testing analysis, and developed a series of housing prototypes with site plans on several different lot types using proposed adjusted zoning standards. The team also prepared financial pro formas to test the financial viability of many of the housing prototypes and engaged the TAC to review their work.

## Community Engagement Conclusions

Phase 2 engagement topics in the survey and virtual engagement sessions focused on gauging community preferences for housing types, where they should be allowed, and potential policy changes to allow more housing and housing choices. Housing needs vary among residents based on personal preferences and many factors including current stage of life. While some may prefer the privacy and yard space that a single-family home provides, others may prefer a lower-maintenance housing type such as a duplex or townhouse that allows the ability to downsize or a more community-based lifestyle that a cluster development can provide. Some are ready for homeownership and may want more opportunities to house their growing or multi-generational family or earn rental income, while others may want more rental options.

The community expressed that a greater variety of housing choices would benefit many household types in the city, including smaller households, seniors, families with children and multi-generational families. There is an overall desire for high-quality, well-maintained housing that is affordable to and large enough to accommodate its occupants. Many people care about the characteristics of and type of housing they live in and want access to outdoor space, parking, transportation networks, and walkable neighborhood amenities. There was support for adding more housing of all types, especially duplexes, triplexes, fourplexes, and accessory dwelling units.

Overall, the community was supportive of allowing construction of these types in more areas of the city as well as conversions of existing housing into these types. Many community members believe that these housing types belong throughout residential neighborhoods, especially near good transit such as a high-frequency or fixed transit route, along collector streets, and minor arterials. When considering development of these housing types, many lot considerations and building elements were considered important, especially building height, width, and depth, lot width and depth, and alley access, while size of yards and location within a block were considered less important. Frequent suggestions for building or site plan design elements that should be encouraged or mandated included: Fitting into the neighborhood in terms of style, material use, and/or scale;

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including yard space or form of private outdoor space; height and size limits, parking; and greater zoning flexibility.

The community also expressed concerns about the potential for more neighborhood-scale housing types. Concerns that were mentioned the most included that housing will not fit in with neighborhood character, lack or decrease in available parking, affordability and height, size, and scale of housing types, density or overcrowding issues, lack of preservation and creation of homeownership opportunities, increase in noise, pollution, or trash, and increase in traffic or congestion.

## **Zoning Code and Parcel Analysis Conclusions**

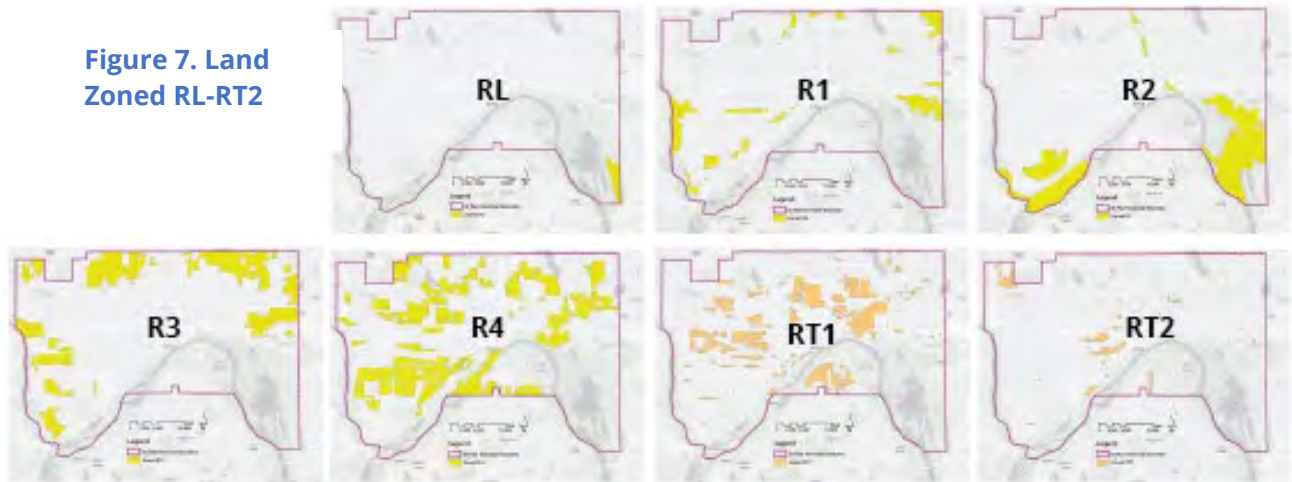
The consultant team performed a zoning code and parcel analysis for the RL-RT2 zoning districts (shown in Figure 7) with the following conclusions:

- For zoning districts RL-R4 that represent 82% of the city's RL-RT2 zoned land area and allow only one-family dwellings, median lot sizes are relatively higher than the current minimum lot size per unit requirement.
- 17-31% of RL-R4 lots do not meet the current minimum lot size per unit requirements for a one-family dwelling and a significant number of lots that contain more than two dwelling units are on non-conforming lots that are less than the districts' current minimum lot size per unit.
- For RT1, a district that permits one-family and two-family dwellings, 5% of lots do not meet the current minimum lot size per unit requirements for a one-family dwelling and due to their size alone, 62% of lots would only allow a one-family dwelling and not a duplex.
- For RT2, a district that permits one-family dwellings, duplexes, triplexes, and fourplexes, and townhomes, 28% of lots do not meet the current minimum lot size per unit requirements for a single-family dwelling, and not counting the lots 10,000 square feet or larger, only 51% of lots would allow a duplex, 28% would allow a triplex, and 8% would allow a fourplex.

As shown earlier in Figure 3, staff's analysis work confirms that R1, R2, R3, and R4 have existing duplexes, triplexes, and/or fourplexes that would not be permitted to be built today, RT1 has existing triplexes and fourplexes that would not be permitted to be built today, and while triplexes and fourplexes are permitted in RT2, there are few that exist.



**Figure 7. Land Zoned RL-RT2**



## Impervious Surface Analysis

As described in Section 1, the policies in the 2040 Comprehensive Plan support environmentally and economically efficient, resilient land use development, offering opportunities for density in areas of high existing or planned transit capacity, and increasing housing choices for residents of all income levels. The current Administration and the City of Saint Paul are committed to building resiliency in the face of climate change. Increased precipitation and frequency of more intense precipitation is one hallmark of climate change in Minnesota, and the impact of additional impervious surface on surface water management systems is an important consideration when planning for additional residential buildings. Impervious surface is any constructed hard surface that prevents or retards the entry of water into the soil. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads ([SPLC Sec. 52.03](#)). As impervious surface increases, less rainfall, snowmelt, and irrigation runoff (collectively called “stormwater”) are able to percolate through the soil into groundwater, instead ending up in the City’s sewer system or draining onto neighboring properties. While the City’s zoning code requires that new development not cause stormwater to drain onto neighboring properties, retaining pervious surfaces – that is, material that permits absorption of stormwater into the ground, including grass or planted areas, permeable pavers, or porous asphalt – can cause stormwater to bypass the sewer system entirely, filtering pollutants out of the water naturally as it follows the course of the local ecosystem.

While no regulation specifically applies to impervious surface coverage of a lot, several regulations generally limit the amount of impervious surface permitted. Current Saint Paul zoning regulations permit principal buildings to cover only 35% of a zoning lot in RL-R4 zoning districts, except in planning districts 14 and 15, in which all buildings may cover only 40% of the lot. On top of these limits, accessory structures may cover only 1,200 square feet of a lot and only 35% of a rear yard; and paved parking surfaces may cover only 15% of a lot or 1,000 square feet, whichever is less. Special rules apply to runoff on lots within the Mississippi River Corridor Critical Area, focusing on preserving the integrity of shorelines, blufflines, wetlands, and important natural habitats through structure setbacks and restrictions on vegetation removal and land disturbance. While all these regulations respond to different lot shapes, sizes, and locations uniquely, they form a framework for ensuring pervious surfaces are retained on lots around the city.



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To understand the impact of additional impervious surface related to new housing construction, staff performed an analysis to understand what percent of a typical Saint Paul residential lot is covered in impervious surfaces, and then how much impervious surface might increase with the addition of another home or homes on the same lot. Staff selected a case study area within the Dayton's Bluff neighborhood defined by local sewer service, isolated the 1,149 low-density residential parcels, and analyzed their existing impervious surface coverage. The average parcel size in the analysis is 5,701 square feet (median 5,036 square feet), a size which falls between those of other smaller lots within the City's core (4,000, 3,000, and even 2,600 square feet) and those of larger lots in neighborhoods farther out from the City's core. Eighty percent (80%) of the case study parcels are built with single-family dwellings, 19% have two-family dwellings or single-family dwellings with an accessory dwelling unit, and 1% are built with three-family dwellings.

The average percent of a lot that is made up of impervious surface was found to be 40.1%, with the median being 40.0%. The average building "lot coverage" per lot – that is, how much of a lot is covered by a principal or accessory structure – rounds to 29%. Paved parking or driveway areas, swimming pools, walkways, and patio decks were added to the building lot coverage to reach the average total impervious surface. Breaking the 40% average down further, 30% of parcels had between 31% and 40% impervious surface; 28% of parcels had between 41% and 50% impervious surface; 22% of parcels had between 1% and 30% impervious surface; and 19% of parcels had between 51% and 70% impervious surface. Twelve parcels had more than 70% impervious surface.

In support of additional missing middle housing, amendments proposed in this study could permit additional impervious surface in the form of building enlargement, an additional residential building, or expansion of paved driveway and parking areas. These additions would be limited by existing or updated zoning regulations like lot coverage maximums, accessory building size maximums, and paved surface maximums, all of which would mitigate the actual expansion of impervious surface.

Impacts to stormwater and sanitary conveyance infrastructure may occur with substantial and spatially-concentrated construction of new housing in parts of the city which are currently predominately single-family homes. Zoning amendments supportive of missing middle housing would regulatorily permit additional housing in these areas, but actual housing construction will depend on the choices of individual property owners and their ability to finance construction. Recent experience in Saint Paul with ADUs, and in Minneapolis with zoning amendments that expand low density housing options, suggests that actual housing construction will proceed slowly. As development activity continues, City staff will monitor resulting stormwater runoff, and will develop mitigation plans if needed. Further, development techniques, such as the use of permeable paving systems or installation of rain gardens and similar green infrastructure methods could further mitigate the impacts of any increased impervious surfaces. Preserving trees and replacing turf grass with native vegetation that has deeper roots and is better adapted to Minnesota's climate can also help to offset increases in impervious surfaces on a site. Comprehensive Plan policies WR-3, WR-6, and WR-7 provide direction.

## **Technical Professionals Consultation Conclusions**

Interviews with small-scale developers and design professionals exposed challenges to, and opportunities for developing housing with up to four units:

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- The zoning code presents barriers due to RL-RT2's limited permitted dwelling types, lot coverage and setback requirements that limit building design, and overall complicated and hard-to-find standards throughout the entire code;
  - The zoning standards in Traditional Neighborhood (T) districts were cited as working well for small-scale multi-family, but it also allows commercial uses which can be controversial to rezone to;
  - Corner lots may be an opportunity for allowing slightly higher density.

Interviews with area realtors involved discussion about housing demand:

- There is significant demand for duplexes, triplexes, fourplexes, single-family homes, and townhomes that the current supply does not meet;
- Duplexes, triplexes, and fourplexes have less demand from investors because of high home prices, taxes, relatively low rents as supported by the market, and costs resulting from deferred maintenance that reduces return;
- Detached single-family homes have less demand from investors, with the exception of large corporations that own an estimated 15% of single-family homes in the Twin Cities. [More recent data from Realtor.com, however, suggests that this investor interest and home purchases have fallen the most in several markets including the Twin Cities given the high costs to acquire them, and relatively low rents supportable in these markets.<sup>25</sup>].

Research and interviews with financial professionals exposed challenges to purchasing owner-occupied and investment 1-4 unit dwelling types, financing the construction and renovation of 1-4-unit dwellings and accessory dwelling units:

- Common challenges include appraisal methods using comparable properties in the vicinity that can cause difficulties in locations where few 2+ unit-dwellings have been built in the last 70-80 years, which can result in lower appraised values and loan underwriting standards may not allow projected future rental income to be applied towards qualifying for a loan;
- While there are standard loan products available for purchasing 1-4-unit dwellings, residential loans may not be available to owners with many investment properties, LLCs, or dwellings with 5+ units;
- Challenges to financing the construction and renovation of 1-4-unit dwellings include strict requirements that can make a loan difficult to qualify for, especially for someone without prior experience owning rental properties, lenders using different terminology for these types of loans and varying experience, and that it can be difficult to find a lender that offers a specific renovation loan type;
- There are a number of ways to finance the construction of a new ADU, including a home equity loan/home equity line of credit (HELOC), cash-out refinance, and a construction loan,

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<sup>25</sup> Realtor.com, " Mom-and-Pop Real Estate Investors Are Pulling Way Back. Here's Where—and Why It Matters", Nov. 22, 2022, accessed December 15, 2022.

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but many require the owner to have high home equity, some renovation loans limit the type of ADU, and there is a lack of specialized financial products; additionally, it can be difficult to find a lender that offers a specific renovation loan type. All of this results in many ADUs financed mostly or entirely with an owner's cash savings.

Interviews with Department of Safety and Inspection Site Plan Review and Building Plan Review staff also revealed challenges to small-scale development that exist in building, fire, and plumbing codes:

- While single-family dwellings, ADUs, and duplexes are controlled by the Minnesota Residential Building Code and an architect or engineer is not necessarily required depending on the design, triplexes and fourplexes are controlled by the Minnesota Building Code and/or Minnesota Conservation Code and require an architect and engineer. Depending on the occupancy type, townhouses can use the Minnesota Residential Building Code and an architect and engineer are not necessarily required or can use the Minnesota Building Code and/or Minnesota Conservation Code and an architect and engineer are required.
- Accessibility requirements also kick in for dwellings with four units or more and townhouses. Accessible units may be required for conversions to these types depending on the extent of and scope of work involved, and the use of elevators in new construction.
- For properties with dwellings of three or more units, State Fire Code requires an unobstructed 20'-wide fire access drive from the street to extend to within 150' of all portions of each building. Automatic sprinklers are sometimes required for triplexes and fourplexes, depending on design/layout of building, and are required if greater than 4,500 square feet. Fire-rated interior walls are required for duplexes, triplexes, fourplexes, and townhouses.
- The City's interpretation of the State Plumbing Code presents a major barrier to developments with multiple buildings, including ADUs, as each building is required to have its own independent water and sewer connection, regardless of the ownership of the buildings. Connecting the ADU to the existing home's sewer and water connection would require an Alternate to the Plumbing Code and demonstration for exhausting all efforts to install separate connections.

## **Spot Testing Analysis Results**

The consultant team performed a spot testing analysis to model various potential housing types (e.g., existing single-family home with a new construction ADU, a new construction triplex, and other new construction housing types) on different lot types (4,520 square foot (sf) lot with an alley, 6,250 sf lot without an alley, and double lots, both vacant or one vacant and one with an existing single-family home) using current zoning standards for different zoning districts (R1, R3, R4, RT1, T2). The results showed:

- For the R3/R4 and RT1 spot tests, the new ADU fits within setbacks, but the triplex is not permitted due to the minimum lot area per unit requirements.
- For the lot on an alley, the triplex results in a small backyard due to the larger front setback required in R4 and RT1 and a standard 26' foot wide triplex does not fit within the side

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setbacks in RT1. Additionally, a narrow triplex may result in an awkward internal configuration.

- For the T2 spot testing, both housing programs (new construction ADU or triplex) fit within setbacks and resulted in a more usable backyard space due to the smaller front yard setback.
- In comparison to residential districts, the T2 zoning district has setback standards that allow a greater variety of housing types, additional units, and better site plan arrangements. The restrictions that limit accessory buildings to occupying 35% of the rear yard can impact accessory structures' design and the fact that the porch may count toward the lot coverage limitations can discourage housing designs to include a porch.
- The double-lot scenarios confirmed that, besides the limited dwelling uses permitted in RL-RT1, lot area per unit and setbacks are some of the most limiting zoning code standards for 1-4-unit housing types.

### **Summary of Conceptual Housing Types**

As part of their robust zoning code and financial viability analysis, the consultant team developed a series of conceptual housing types with site plans of different housing types on several different lot types (40'-wide lot on an alley, 50'-wide lot without an alley, 100'-120' wide double and triple lots) using proposed adjusted zoning standards of 10-15 feet front setbacks, 5' side yard setbacks, and 10' rear yard setbacks, based on T2 zoning district standards. See Appendix A for the three batches of conceptual housing types.

Batch 1 included status quo housing types of an existing single-family home with garage, and extra-large single-family replacement; backyard housing types of an existing house with backyard ADU, backyard double ADU, and twin cottages; as well as new construction types including twin homes, and rowhouses on a double lot. Characteristics of the Batch 1 prototypes summarized:

- Lot area per unit ranges from 1,507 sf to 3,125 sf for types with two or more units;
- Total building lot coverage ranges from 32.6% to 48.1% for 40' lot types, with the extra-large single-family replacement, existing house with twin cottages, and twin home types having over 45% coverage;
- Total building lot coverage ranges from 27.2% to 36.7% for 50' lot types, with the extra-large single-family replacement, existing house with twin cottages, and twin home types having over 34% coverage.

Batch 2 included new construction types including three principal structures, family-sized duplex with ADU, four homes a lot, five homes on a lot, three mirrored cottages, duplex court on a double lot, and duplex court on a triple lot. Characteristics of the Batch 2 prototypes summarized:

- Lot area per unit ranges from 904 to 2,460 sf for types with 2+ unit;

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- Total building lot coverage ranges from 39.7% to 52.6% for 40' lot types, with the family-sized duplex with ADU and four homes on a lot types having over 50% coverage;
  - Total building lot coverage ranges from 25.3% to 39.6% for 50' lot types, with the family-sized duplex with ADU, duplex court on double lot and triple lot types having over 35% coverage.

Batch 3 included new construction fourplexes and sixplexes of different programs: family-sized fourplex and sixplex, market-sized fourplex and family-sized sixplex, market-sized fourplex and mixed-unit sixplex on 50' lots, and market-sized double duplex and sixplex on 40' wide lots. Family-sized refers to three-bedroom, one-bath units, market-sized refers two-bedroom, two-bath or one-bath units, and mixed-unit refers to containing three-bedroom and two-bedroom units.

Characteristics of the Batch 2 prototypes summarized:

- For the fourplex types, the lot area per unit is 1,563 sf and total building lot coverage is 29% for the market-sized type and 48% for the family-sized type on the 50' wide lot; and the lot area per unit for the double duplex is 1,130 sf and total building lot coverage is 44% on the 40' wide lot;
- For sixplex types on a 50' lot, the lot area per unit is 1,042 sf and the total building lot coverage is 48%. The lot area per unit is 753 sf and the total building lot coverage is 40% on the 40' wide lot.

## 5. Case Studies

### Housing Financial Case Studies

As discussed in Section 4, the consultants prepared financial pro formas for many of the conceptual housing types that serve as case studies for potential development that could be permitted with zoning code amendments.

#### For-sale/ownership case studies

For case studies where a developer builds new construction to sell units to an owner-occupant, developers of different types can have different motivations. While non-profit developers aiming to build attainable housing may have a goal to make tens of thousands of dollars in developer fees for one project, full-time for-profit developers doing multiple projects a year may have a high annual goal to account for staffing costs and other expenses. Part-time DIY developers may have a smaller goal for financial return over a longer time period because they spend more time on a project and less money on employee compensation. Many factors go into determining a project's feasibility and profitability, including internal rate of return (IRR), a metric used to evaluate profitability and a way of comparing the future value of an investment if it were valued in today's dollar. Investors are looking for a market-rate return of at least 15% with a buffer of around 3% (e.g., 18%).

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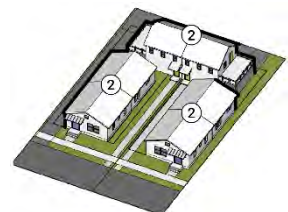
### Single-family homes:

- For the Batch 1, existing modest single-family home with garage on an average 4,520-6,250 square foot lot with three bedrooms and two baths, the pro forma indicates a sales price of \$206,000. However, as of October 2022, the median sales price in Saint Paul is \$287,000, which is a more likely sales price. This is affordable to households earning \$89,687, a household just below **80%** of the Twin Cities median income, or AMI, of \$117,300.
- For the Batch 1, new construction extra-large home of 3,240 square feet with three bedrooms and two baths, the pro forma indicates a sales price of \$700,000, which is affordable to **high-income** households earning \$218,750. This assumes a construction cost of \$175 per square foot and includes the cost for demolition of an existing home on a lot.



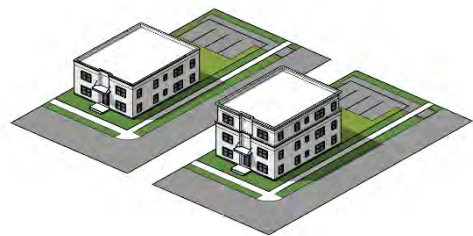
### New construction twin homes:

- For the Batch 1, twin homes with three-bedroom, three-bath units of 2,560 square feet, the pro forma indicates a sales price of \$590,000 for each unit, which is affordable **to high-income** households earning \$184,375. This example, however, assumes demolition of an existing house, a detached garage, and three bathrooms, which is not necessarily a housing type that would be produced in all contexts.
- For the Batch 2 duplex court on a double lot with two-bedroom, two-bath units, the pro forma indicates a sales price of \$270,000 for each unit, which is affordable to three-person households earning \$84,375, around **80%** of AMI.



### New construction fourplex and sixplex (for-sale):

- For the Batch 3, family-sized fourplex and sixplex with three bedrooms, the sales price affordable to middle-income households (100% of AMI) is \$378,000 for each unit; this results in a negative rate of return for the fourplex and a very low rate of return for the sixplex; however, by achieving a rate of return of 15%, it would yield a sales price affordable to **middle-income** households – 118% of AMI for the fourplex and 115% of AMI for the sixplex.
- For the Batch 3, family-sized fourplex and sixplex, the sales price of \$309,000 that is affordable to four-person households earning \$94,600 (**80%** of AMI) results in a funding gap per door of \$91,709 for the fourplex and \$82,0079 for sixplex. The density increase from four units to six results in a 11% decrease in the funding (subsidy) gap needed per unit. This example would be relevant to non-profit developers.



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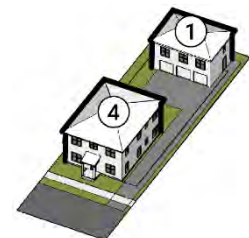
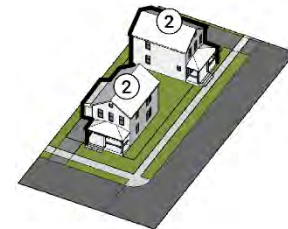
## Rental case studies

For case studies with a developer to build new construction to rent out all the units, many factors go into determining a project's feasibility and profitability including:

- Return on project cost (measurement of the risk of a project): The net operating income (cash flow minus operating expenses) divided by the total upfront project cost. Investors are looking for 4-6%, with more comfort if closer to 6%.
- Cash on cash return (return on down payment): The annual cash flow after debt service (net operating income minus the cash required to pay debt payments) divided by the construction loan down payment. Investors are looking for 4-6%, with more comfort closer to 6%.
- Debt Service Coverage Ratio (DSCR) (Measurement of an entity's ability to produce enough cash to cover its debt payments): Net operating income (cash flow minus operating expenses) divided by the debt service (cash required to pay debt payments). Lenders often require 1.25 or higher, depending on risk.
- Internal rate of return (IRR): Metric used to evaluate profitability and a way of comparing the future value of an investment if it were valued in today's dollar: An IRR of 10% over 10 years is on the very low end that very few investors, aside from an owner-occupant or people looking to invest in a family member's or friend's project, would be interested in. At least 15% with a buffer of around 3% (e.g., 18%) is the market-rate return that investors are looking for.

### **New construction mixed housing types with 4-5 units on a lot**

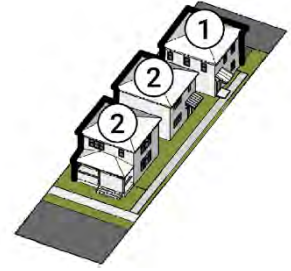
- For the Batch 2, double duplex (four homes on a lot), the pro forma indicates projected monthly rents for the two-bedroom units of \$1,800, which is greater than the Saint Paul median two-bedroom unit rent.<sup>26</sup> This is affordable to households at **70%** of the AMI – a two-person household earning \$65,730 or a three-person household earning \$73,920. The project results in 6.0% return on project cost, 4.8% cash on cash return, 1.25 debt service coverage ratio, 4.9% IRR over 10 years.
- For the Batch 2, fourplex with backyard ADU (five homes on a lot), the pro forma indicates projected monthly rents for the 2-bedroom units ranging from \$1,800 to \$1,900, which is greater than the median Saint Paul two-bedroom rent. These are affordable to households at just over **70%** of the AMI. The project results in a 6.5% return on project cost, 6.5% cash on cash return, 1.34 debt service coverage ratio, and 1.4% IRR over 10 years.



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<sup>26</sup> Saint Paul Rental Housing Brief, Oct. 2022, Housinglink, accessed December 5, 2022, at <https://www.housinglink.org/Research/st-paul-rental-housing-brief>.

- For the Batch 2, double duplex with backyard ADU (five homes on a lot), the pro forma indicates projected monthly rents for the one-bedroom units in the duplex of \$1,350 and \$1,400 for the ADU, which are both greater than the median Saint Paul one-bedroom rent. These rents are affordable to one-person households earning \$54,000-\$56,000 (i.e., a household between **60-70%** of AMI); or a 2-person household earning **50-60%** of AMI. The project results in a 6.1% return on project cost, 5.0% cash on cash return, 1.26 debt service coverage ratio, and 6.4% IRR over 10 years.



#### **New construction fourplex and sixplex:**

- For the Batch 3, market-sized fourplex with two-bedroom units and mixed-unit sixplex with two three-bedroom units and four two-bedroom units, a rent affordable to 100% of AMI (\$2,267 for the fourplex units and \$2,616 for the sixplex units) results in a good market rate return. An 11% IRR results in the two-bedroom rents (\$2,180) being affordable to households earning \$87,200 (i.e., a three-person household just over **80%** of AMI) and the three-bedroom rents (\$2,567) being affordable to households earning \$102,680 (i.e., a five-person household just over **80%** of AMI).

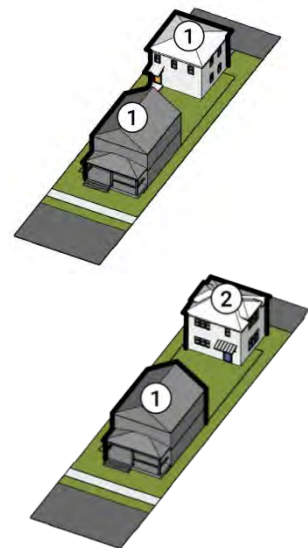


#### Owner-occupied with rental unit(s) case studies

For homeowners with existing equity that want to invest in their property by adding additional housing units to rent out and/or share housing costs across larger household, there is generally no profit motive in terms of developer fee or immediate return on capital. "Return" is measured in terms of long-term off-set costs through collecting rental income to off-set mortgage costs.

#### **Existing house with backyard ADU(s):**

- For the Batch 1, existing house with backyard ADU and existing house with double ADU, proformas indicate approximate costs of \$175,000 to add a new ADU and \$265,000 to add a new double ADU. The projected monthly rent for a one-bedroom unit in the ADU (\$1,250) is slightly above the median Saint Paul one-bedroom rent (\$997), and the projected monthly rent for a one-bedroom unit in a double ADU (\$1,000) is close to the median Saint Paul one-bedroom rent, according to HousingLink, October 2022. These rents are affordable to households at **50-60%** of AMI.
- The sales price of the single-family home and ADU property (estimated \$350,000) can be affordable to households earning \$93,000 (i.e., a household earning just under 80% of AMI), when counting rental income. The sales price of the single-family home and double ADU property (estimated \$450,000) can be affordable





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to households earning \$114,000 (i.e. a household earning **just under the median Twin Cities household income of \$117,300**).

### Pro Forma Conclusions

- **For-sale/ownership case studies:** While sales prices overall are high due to the high construction costs and are mostly affordable to middle-income and upper-middle-income households, the case studies indicate that it is possible to serve homebuyers at 60-80% of AMI, especially with sufficient density permitted by zoning, and in some cases, subsidy. The status quo, existing, modestly sized single-family home serves similar affordability, but is in low supply in the market. In the case of the new construction family-sized fourplex and sixplex, the additional two units on the same lot (in the sixplex) results in a funding gap (subsidy) that is 11% lower per unit compared to the fourplex. While developer fees earned from new construction homeownership projects are not extremely high, they are sufficient to motivate a non-profit or small-scale developer.
- **Rental case studies:** Monthly rents for new construction rental units are generally higher than Saint Paul median rents, but in many cases, new construction could still be supportable by rent levels that are affordable to low-income households. That said, many of these case studies would not be considered viable development projects by large-scale market-rate developers and accredited investors motivated by more significant profit goals; as such, these players are not likely to be interested in investing in these projects. Rather, local developers or "community builders" with existing equity who are not looking to make a large return but want to improve their neighborhood and address the housing shortage are more likely to be motivated to undertake these projects.
- **Owner-occupied with rental unit(s) case studies:** While the cost to add one to two rental units is substantial, the rental income generated from it can off-set enough long-term costs to make it worthwhile for the owner-occupant. These cases are examples of community wealth-building, in which a local homeowner or community-focused developer may invest in incremental development and support the housing supply.
- **The importance of by-right development:** Small-scale developers, homeowners with equity, and other community builders are unlikely to take the risk of rezoning a property for only a 6-10% return, because these soft costs cannot be absorbed (time and cost to rezone, and risk if the rezoning does not get approved).

### **City and State Case Studies**

Other cities and states have taken action to allow a greater variety of housing options. Through zoning code updates, cities are allowing more housing types and increasing zoning flexibility in residential districts to incrementally increase the supply of housing. States are also passing ordinances to require cities to allow certain housing types and prohibit cities from adopting certain standards that can be barriers to housing development. These changes are recent; therefore, data is not yet available on their impacts to housing supply, but they serve as examples of ways that other places are removing barriers to housing.

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### City of Minneapolis

In 2019, the City of Minneapolis zoning code was amended to allow up to three housing units in single-family and two-family districts with minimum lot areas and width standards for one-to-three-unit dwellings and maximum floor area ratio (FAR) standards based on the built form overlay districts, some of which are consistent for one-to-three-unit dwellings. Amendments include a maximum lot size requirement for one-to-three-unit dwellings in certain districts, intended to ensure that large structures out of character with a low-density neighborhood cannot be constructed as a result of combining multiple parcels.

### City of Portland / State of Oregon

In 2019, the State of Oregon passed an ordinance that required cities with populations greater than 10,000 or within the Portland metropolitan area to allow duplexes on sites zoned for single family dwellings within an urban growth boundary and required Portland metro counties and cities with populations greater than 25,000 to allow middle housing (duplexes, triplexes, quadplexes, cottage clusters) on sites zoned for residential use within an urban growth boundary.

In 2021, City of Portland zoning code amendments went into effect to allow a house and an accessory dwelling unit (ADU) or a duplex on all lots and allowing a house and two ADUs, a triplex, a duplex and an ADU, and a fourplex on lots that meet certain standards. Amendments also legalized three-story apartment buildings of up to six units on any lot if at least half of the units met affordability standards. In 2022, Portland made dwellings with up to 4 units permitted on even more lots, increased the allowed floor area ratio for fourplexes to allow for family-size units, and reduced minimum lot size standards for triplexes, fourplexes, sites with two ADUs or duplexes with an ADU to match the minimum lot size for single-family and duplexes, which was also slightly reduced. Portland also allows detached unit duplexes (a new second detached unit on lots with an existing single-family home that does not need to meet ADU standards provided that the new unit is not more than 25' tall and meets other standards) with the option to subdivide the property so each unit can be separately owned and created a simplified land division for duplexes, triplexes, fourplexes, and cottage clusters to allow for units to be separately owned without being a condominium.

### State of California

In 2020, the State of California passed an ordinance that allows accessory dwelling units (ADUs) in any residential or mixed-use zone and prohibits local agencies from adopting ADU ordinances that impose minimum lot size requirements for ADUs, certain maximum ADU dimensions, and owner-occupancy requirements for ADUs or the primary dwelling. It also allows for one ADU as well as one "junior" ADU (a dwelling unit created by converting space within the walls of an existing single-family residence) on a single-family property and up to two detached ADUs on a multi-family property. In addition, in 2021, the CA Assembly, Senate and Governor signed SB9 which streamlines the process for a property owner to build two homes on a single-family zoned parcel and subdivide an existing single-family parcel into two parcels. To be eligible for the streamlining provided by this bill, a parcel must meet a specific list of qualifications that protects historic districts, preserves the environmental quality and the look of communities, and prevents tenants from being displaced.

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## 6. Amendments and Analysis

This section includes the proposed text amendments to the Zoning Code (chapters 65 through 69 of the Legislative Code), and three chapters of the Legislative Code (chapters 71, 157, and 165). The proposed amendments are organized into amendment categories A-G that include numbered subcategories. The subcategories include the redlined code sections (existing language to be deleted is shown by ~~strikeout~~ and new language to be added is shown by underlining) followed by staff analysis, denoted by “[**Analysis:**” directly under the redlined code section. For some sections, the entirety of the redlined code section is interrupted with analysis and the redlined code section continues following that, denoted with “cont.” Appendix C includes the proposed text amendments in the order that they would appear in the Zoning Code and Legislative Code.

### A. Consolidation of R1-RT2 districts into new H1-H3 districts; Changes to RL district

The proposed changes in this section would simplify the seven RL-RT2 residential districts by consolidating them into four districts: maintaining the current RL one-family large lot district; rezoning current R1, R2, and R3 one-family districts into a new H1 district; rezoning R4 one-family, RT1 two-family, and RT2 townhouse districts into a new H2 district; and rezoning the current R1-RT2 parcels within 1/8 of a mile of either Neighborhood Node intersections or fixed rail and bus rapid transit (BRT) corridors, including the Green Line, A Line, Gold Line, Purple Line, Riverview, and G Line, to a new H3 district. The current R1-R3 zoning districts are characterized by larger lot sizes, fewer lots with alley access, and lower-density (mostly single-family) development. Of the existing lots that are sized 3,000 square feet (sq. ft.) and greater which contain one to four dwellings, 99% of R1 lots, 86% of R2 lots, and 48% of R3 lots are 7,000 sq. ft. and greater. Less than three percent of the lots in each district contain a duplex, triplex, or fourplex, and 14%-55% of the lots in each district are located on an alley. In comparison, the current R4-RT2 zoning districts are characterized by relatively smaller lots and slightly higher densities. Of the existing lots that are sized 3,000 square feet (sq. ft.) and greater which contain one to four dwellings, 78% of R4 lots, 71% of RT1 lots, and 47% of RT2 lots are between 4,000 and 6,999 sq. ft. In comparison to the R1-R3 lots, R4-RT2 lots are more likely to be located on an alley and contain a duplex, triplex, or fourplex. The characteristics these districts exhibit resulted in the proposal to consolidate R1-R3 into H1 and R4-RT2 into H2, with slightly greater intensity of development allowed in H2.

To increase housing choice and allow for greater opportunities for neighborhood-scale housing, RL is proposed to also permit duplexes (up to a maximum of two units on a lot); H1 is proposed to permit one-family, two-family, and multi-family dwellings (up to a maximum of three units on a lot and four units on a corner lot); H2 is proposed to permit one-family, two-family, and multi-family dwellings (up to a maximum of four units on a lot); and H3 is proposed to permit one-family, two-family, and multi-family dwellings (up to a maximum of six units on a lot). This also supports Comprehensive Plan policies LU-34 (“*Provide for medium-density housing...*”) and H-48 (“*Expand permitted housing types in Urban Neighborhoods...to include duplexes, triplexes, townhomes, and small-scale multi-family...*”). Corner lots were identified through technical professional consultation and community engagement as an important opportunity for slightly higher density. Comprehensive Plan policies LU-1, LU-30, and LU-33 support transit-supportive density and focused growth and a range of housing choices at Neighborhood Nodes. To allow these housing types to fit within city lots and maintain a neighborhood scale, RL and H1-H3 lots would be subject to updated dimensional standards regulating lot area minimum per unit, lot width minimum, building height maximums, and yard setback minimums, and a new, maximum number of principal units per lot.

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## 1. Residential District Intent Statement Updates

### **Sec. 66.211. Intent, RL ~~one-family~~ large lot residential district.**

The RL ~~one-family~~ large lot residential district is the lowest density residential district. It provides for a semirural environment of predominantly low-density, ~~one-family dwellings~~ residential uses along with civic and institutional uses, public services and utilities that serve the residents in the district. The district is designed to protect, maintain and enhance wooded areas, wildlife and plant resources, fragile bluff areas, topography and large expanses of natural vegetative cover; to ~~reduce~~ minimize erosion and excessive stormwater runoff ~~associated with higher density development~~; and to ~~facilitate installation of~~ provide enough lot area for private wells and individual sewage treatment systems ~~for one-family detached dwellings~~.

**[Analysis:** This amendment updates the RL zoning district intent to reflect that it will allow up to two dwelling units per lot (it previously allowed only one single-family dwelling per lot, with a very high minimum lot area). The RL district is used only in a small portion of the Highwood area of Saint Paul, which is characterized by extensive vegetative cover, relatively low soil depth-to-bedrock, and steep slopes. The area is also not consistently served by municipal sewer or water, and many lots utilize septic systems. The RL district is also located entirely within the Mississippi River Corridor Critical Area (MRCCA). In addition to meeting minimum lot size per unit requirements, development of an additional unit on any lot will be permitted only where it is possible to build an adequate subsurface sewage treatment system (septic system) consistent with the requirements of Minn. Rules Part 7080. In addition, any proposed development will undergo site plan review and will need to be consistent with the protections of certain types of natural features in the MRCCA under Minn. Rules Part 6106; ordinance amendments adopting these requirements in Saint Paul code are currently under consideration, with a Public Hearing that occurred on January 20, 2023, at the Saint Paul Planning Commission.]

### **~~Sec. 66.212. Intent, R1—R4 one-family residential districts.~~**

~~The R1—R4 one-family residential districts provide for an environment of predominantly low-density, one-family dwellings along with civic and institutional uses, public services and utilities that serve the residents in the districts. Because of their residential nature, these districts are not intended for more intensive uses such as small conference centers, private retreat centers and reception houses.~~

### **Sec. 66.212. Intent, H1-H2 residential districts.**

The H1-H2 residential districts provide for a variety of housing options along with civic and institutional uses, public services and utilities that serve residents in the district. The districts allow for reuse and/or conversion of existing homes and infill development in existing neighborhoods, lots, and backyards, without having to demolish existing viable housing. H1 and H2 facilitate increments in residential character according to unit density.

### **~~Sec. 66.213. Intent, RT1 two-family residential district.~~**

~~The RT1 two-family residential district provides for an environment of predominantly low-density one- and two-family dwellings along with civic and institutional uses and public services and utilities that serve the residents in the district. The district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. Because of its residential nature, this district is not intended for more intensive uses such as small conference centers, private retreat centers and reception houses.~~

### **Sec. 66.213. Intent, H3 residential district.**

The H3 residential district provides for a variety of housing options along with civic and institutional uses, public services and utilities that serve residents in the district. The district allows for reuse and/or conversion of

existing homes and infill development in existing neighborhoods, lots, and backyards, without having to demolish existing viable housing. It is intended for use in Neighborhood Nodes and near transit routes along fixed rail and bus rapid transit corridors.

**Sec. 66.214. Intent, RT2 townhouse residential district.**

The RT2 townhouse residential district provides for two-, three-, and four-family and townhouse structures, along with civic and institutional uses, public services and utilities that serve residents in the district. It is intended to provide for a variety of housing needs and to serve as zones of transition between one- and two-family residential districts and multiple-family residential districts and business districts. The district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-, three-, or four-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. The RT2 district further provides for housing that has many of the amenities of single-family dwellings arranged in a low-density, multiple-family pattern. Because of its residential nature, this district is not intended for more intensive uses such as small conference centers, private retreat centers and reception houses.

**[Analysis:** These amendments delete the existing R1-R4 one-family residential district, RT1 two-family residential district, and RT2 townhouse residential district intent statements and replace them with new H1-H2 and H3 residential district intent statements. These intent statements ensure the new districts provide for such key study objectives including a variety of housing options, reuse and conversion of existing homes, and infill development in existing neighborhoods, lots, and backyards without demolition of existing viable housing. H3, which allows slightly higher density, is intended for use around Neighborhood Nodes and near transit routes to support Comprehensive Plan policies LU-1, LU-30, and LU-33 that call for transit-supportive density, focused growth, and a range of housing choices at Neighborhood Nodes.]

## 2. Residential District Principal Use Table Updates

**Sec. 66.221. Principal uses.**

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

Table 66.221. Principal Uses in Residential Districts

Use	RL	R1- R4 H1	RT1 H2	RT2 H3	RM1	RM2	RM3	Definition (d) Standards (s)
<b>Residential Uses</b>								
<i>Dwellings</i>								
One-family dwelling	P	P	P	P	P	P		(d)
Two-family dwelling	<u>P</u>	<u>P</u>	P	P	P	P		(d)
<del>Three and four-family dwelling</del>				<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
<del>Townhouse</del>				<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
Multiple-family dwelling		<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	(d)
<del>Carriage house dwelling</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>(d), (s)</del>
Cluster development	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>		(d), (s)
Housing for the elderly					P	P	P	(d)
Reuse of large structures	C	C	C	C	C	C	C	(d), (s)

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

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

**[Analysis:** The amendments to this table reflect the replacement of the existing R1-RT2 districts with the new H1-H3 districts and updates to the permitted uses in the new districts.

In these amendments, *Two-family dwelling* is a permitted use in the RL and H1 districts, *Three- and four-family dwelling* is deleted as this use is now proposed to be included in the *Multiple-family dwelling* land use, and *Townhouse* is deleted (as this is a building type that could be considered a *Two-family dwelling* or *Multiple-family dwelling* land use depending on the number of units). *Carriage house dwelling* is deleted as a distinct land use from these districts, as these buildings can be categorized more clearly and efficiently as other dwelling types. To facilitate greater use, *Cluster development* is P/C (permitted by right or requiring a conditional use permit) in districts RL-H3 as well as RM1 and RM2. More specific amendments to cluster developments are discussed in Section C of this report.

*Adult care home* is a permitted use in the H3 district, *dormitory* and *fraternity, sorority* are permitted uses in the H2 district based on proposed amendments to the standards and conditions for these uses, discussed below in Section B of this report. Because RL and H1 are proposed to permit two-family dwellings, *bed and breakfast residence* is P/C because a conditional use permit is required for a bed and breakfast located in a two-family dwelling.

All other amendments to the uses in this table are based on the desire to conform with the terms, order, and organizational format of the Ford district use table and Chapter 65 uses.]

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

#### **Sec. 66.231. - Density and dimensional standards table.**

Table 66.231. Residential District Dimensional Standards

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

<u>Zoning District</u>	<u>Lot Area Minimum (per principal unit)</u>	<u>Lot Width Minimum</u>	<u>Maximum Number of Principal Units Per Lot</u>	<u>Building Height Maximum</u>	<u>Yard Setbacks Minimum (feet)</u>		
	<u>(sq. feet)</u>	<u>(feet)</u>		<u>(feet)</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>RL large lot</u>	<u>9,000 (a)</u>	<u>60</u>	<u>2</u>	<u>30</u>	<u>30 (d)</u>	<u>10 (f)</u>	<u>10</u>
<u>H1 residential</u>	<u>2,000 (a)</u>	<u>30</u>	<u>3 / 4 on corners (b)</u>	<u>30 (c)</u>	<u>10 (d)</u>	<u>5 (f)</u>	<u>10</u>
<u>H2 residential</u>	<u>1,500 (a)</u>	<u>25</u>	<u>4 (b)</u>	<u>35 (c)</u>	<u>10 (d)</u>	<u>5 (f)</u>	<u>10</u>
<u>H3 residential</u>	<u>1,000 (a)</u>	<u>25</u>	<u>6</u>	<u>40</u>	<u>10 (d)</u>	<u>5 (f)</u>	<u>10</u>

**[Analysis:** The proposed new Residential District Dimensional Standards table reflects the objectives of the study to increase housing choice, allow for greater opportunities for neighborhood-scale housing throughout the city, and to permit duplex unit types once again by right in almost all residential districts. Additionally, the new table also supports Comprehensive Plan policies including Policy LU-7 (*"Use land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities"*), Policy LU-34 (*"Provide for medium-density housing that diversifies housing options, such as townhouses, courtyard apartments and smaller multi-family developments, compatible with the general scale of Urban Neighborhoods"*), Policy H-46 (*"Support the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods"*) and Policy H-48 (*"Expand permitted housing types in Urban Neighborhoods (as defined in the Land Use Chapter) to include duplexes, triplexes, town homes, small-scale multifamily and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living"*).

**Lot Area Minimum (per unit):** Using a lot area minimum per principal unit standard makes it simple to calculate the number of units that would be permitted on a lot based on its size; the larger the lot, the more units permitted, up to the maximum number of principal units per lot. The use of a range of lot area minimums per unit standards that are reduced as the zoning district gets less restrictive is a common zoning code arrangement. The consultant team's analysis demonstrated that the current lot area minimum per unit standards do not allow a variety of housing types and are some of the most limiting code standards to one- to four-unit development. The consultant team's conceptual housing types with two or more units developed on typical 4,520 square feet (sq. ft.) and 6,250 sq. ft. lots ranged from 904 to 3,125 sq. ft. per unit, with most housing types being in the 1,130 to 2,083 sq. ft. per unit range. Staff analysis of existing RL-RT2 lots sized 3,000 sq. ft. and greater which contain one to four dwellings revealed that 61% of duplexes, 54% of triplexes, and 61% of fourplexes on are lots that are 4,000 to 6,999 sq. ft. in size. This existing built form data for 2-4plexes demonstrates a clear precedent for densities that exceed existing zoning district lot area per unit minimums. Thirty-eight percent (38%) of duplex lots are 3,000 to 4,999 sq. ft. in size, which translates to 1,500-2,499 sq. ft. per unit. Using these analysis results and borrowing the 2,000 sq. ft. per unit minimum standard from the current RT2 district, a system of 2,000 sq. ft. per unit for H1, 1,500 sq. ft. per unit for H2, and 1,000 sq. ft. per unit for H3 is proposed. The proposed H1 district would allow a duplex on 4,000 sq. ft. lot, triplex on a 6,000 sq. ft. lot, and fourplex on an 8,000 sq. ft. corner lot. The proposed H2 district would allow a duplex on a 3,000 sq. ft. lot, a triplex on a 4,500 sq. ft. lot, and a fourplex on a 6,000 sq. ft. lot. The proposed H3 district would allow a duplex on a 2,000 sq. ft. lot, a triplex on a 3,000 sq. ft. lot, a fourplex on a 4,000 sq. ft. lot, fiveplex on a 5,000 sq. ft. lot, and sixplex on a 6,000 sq. ft. lot. H3 is intended for areas near to fixed transit and Neighborhood Nodes, which the Comprehensive Plan calls for higher density (including Policy LU-30, which calls for density increases *"toward the center of the node..."*).



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For the RL district, the current 21,780 sq. ft. (one-half acre) lot size per unit standard is proposed to be reduced to 9,000 sq. ft. per unit. 9,000 sq. ft. is generally large enough for a private well and an individual sewage treatment system and the level of density permitted (up to two principal units) is low enough to be able to meet the district's intent of protecting, maintaining, and enhancing wooded areas, wildlife and plan resources, fragile bluff areas, topography and large expanses of vegetative cover, minimize erosion and excessive stormwater runoff. The RL district is designated in only one location in Saint Paul, in the Highwood area in the extreme southeastern part of the city. This is within the Mississippi River Corridor Critical Area (MRCCA). Any new developments will require formal site plan review and approval and will be subject to applicable MRCCA state rules regarding impacts to Primary Conservation Areas as defined in the rules. The City is in the process of the formal adoption of a new MRCCA ordinance consistent with the rules.

**Lot Width Minimum:** Maintaining a minimum lot width standard ensures that lots remain adequately sized in order to physically fit buildings and necessary utilities, while accommodating space for other standards like setbacks. There is currently a lot width minimum per unit standard, which requires lots to be wider to permit more dwelling units. A lot width minimum standard that is not per unit provides more flexibility and permits more housing units on uniquely shaped lots or lots that are narrower and deeper than currently. The proposed 30' lot width minimum for H1 and the 25' lot width minimum for H2-H3 provide enough width for two 5' side setbacks and a 15'-20'-wide building. A 30'-wide lot in H1 with a standard depth of 150' would have a lot area of 4,500 sq. ft. and permit a duplex based on the proposed lot area per unit standards, while a 25' x 150', 3,750 sq. ft. lot would permit a duplex in H2 and a triplex in H3.

For the RL district, the proposed 60' lot width minimum provides a standard 150' deep lot with generally enough space for a private well and an individual sewage treatment system. Prior to development approvals, the adequacy of the site to accommodate an individual/subsurface sewage treatment system will need to be verified. Extensive guidance is provided in applicable state rules, and consistency with state rules will be determined by Department of Safety and Inspections staff prior to approvals. Even with reduced minimum lot size, the level of density permitted is low enough to be able to meet the district's intent of protecting, maintaining, and enhancing wooded areas, wildlife and plan resources, fragile bluff areas, topography and large expanses of vegetative cover, minimize erosion and excessive stormwater runoff.

**Maximum Number of Units Per Lot:** Paired with the lot area minimum per unit standard, a maximum number of units per lot standard ensures that development stays within the "neighborhood-scale" or lower end of the "missing middle" scale of up to four units, or six units, in some cases, that already exist in many of Saint Paul's neighborhoods and fit in well with existing housing. Engagement and technical consultation confirmed the potential for corner lots to have slightly higher density, which is exhibited for H1 that is proposed to permit a maximum of four units on corner lots compared to three on other lots. H2, a less restrictive district than H1, is proposed for a maximum of four units, and H3, the least restrictive district near fixed transit and Neighborhood Nodes is proposed for a maximum of six units. Table note (b), which allows for additional units above and beyond these density levels in exchange for providing certain unit types, is described below.

The RL district is proposed to allow a maximum of two units that would be able to be managed with a private well and individual sewage treatment system. As noted under discussion of district intent and minimum lot size, the RL district is intended to protect and maintain environmentally-sensitive areas, and

is subject to additional development restrictions and standards applicable in the MRCCA. Allowing a second unit on an existing lot or a new unit on a smaller lot is consistent with the intent of the district, provide site plan review and consistency with applicable state rules.

**Building Height Maximum:** Maintaining a building height maximum standard ensures that development stays within the scale of existing buildings in city neighborhoods. Community engagement confirmed that building height is an important element to consider in design. The three-story height limit is deleted from existing districts in the design of these new districts to increase design flexibility, but a proposed maximum height of 30' for RL and H1, 35' for H2, and 40' for H3 maintains and carries forward the current 30-40' height limits that exist in the code. Table note (c), which allows for up to 5' in additional height, is described below.

**Yard Setbacks Minimum:** The consultant team's spot testing analysis demonstrated that the current setback standards are some of the most limiting zoning code standards for one- to four-unit development. The proposed reduced setbacks take inspiration from the T2 zoning district, which was determined by the consultants to allow a greater variety of housing types, additional units, and better site plan arrangements. The proposed minimum 5' side setbacks and 10' rear setbacks for H1-H3 allow for more building and site plan flexibility, while still allowing light, air, and movement around a property. The proposed 5' side yard setback also corrects a potential fire safety issue, as buildings closer than 10' from each other require fire-rated exterior walls. The proposed 10' front setbacks conserve lot area and allow for a more usable backyard space and convenient pedestrian access to homes located near a public sidewalk, and the table note (d) that describes the process for determining the front setback for new buildings based on adjoining front yards (below) ensures that setback standards would not result in a newly built home standing out from the other homes on its block enough to disrupt the defined street edge. Many blocks in Saint Paul were built up before front setback standards were in place, so the current setback requirements do not exactly match the placement of the homes on these blocks.

The RL district's proposed 30' front setback provides potential space for the private well and individual sewage treatment system, as well as allowing for maintaining natural landscapes on all sides of a structure. The reduced setbacks proposed for other districts are not needed in RL for either purposes of defining the street edge or ensuring more convenient pedestrian access.】

Table 66.231. Residential District Dimensional Standards (Cont.)

Zoning District	Floor Area <del>Ratio</del> <del>Width</del> (FAR)	Building Height Maximum	Yard Setbacks Minimum (feet)		
	Maximum (e)	(feet)	Front	Side	Rear
<b>RM1</b> multiple-family	0.6 FAR with surface parking 1.0 FAR with structured parking	40 (ig)	<del>25</del> <u>10</u> (d) (fe)	9 (hf) (mj)	<del>25</del> <u>9</u>
<b>RM2</b> multiple-family	1.5 FAR with surface parking 2.25 FAR with structured parking	50 (jh) (mj)	<del>25</del> - <del>10</del> (d) (fe)	9 (hf) (ki)	9 (ki)
<b>RM3</b> multiple-family	1.5 FAR with surface parking 3.5 FAR with structured parking	no maximum	<del>25</del> - <del>10</del> (d) (fe)	9 (hf) (ki)	9 (ki)

**[Analysis:** These amendments apply the proposed H1-H3 districts' minimum front yard setback of 10' to the RM1-RM3 districts. This establishes consistent front yard setback standards in H1-RM3 and increases

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building design and site plan flexibility, while allowing for a more usable backyard space and convenient pedestrian access to buildings located near a public sidewalk. Table note (d) discussed on page 42 below describes the process for determining the front setback for new buildings based on adjoining front yards ensures that setback standards would not result in a newly built buildings standing out from the other buildings on its block enough to disrupt the defined street edge. The amendments also reduce RM1's minimum rear yard setback from 25' to 9' to match the current RM2-RM3 standard, which increases design flexibility and establishes consistent rear yard setback standards.

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 RT1-RT2 residential districts. RT1 two-family district dimensional standards shall apply when two-family dwellings are erected in the RT2 residential district.~~
- ~~(b) — 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.~~
- ~~(c) — 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.~~

**[Analysis:** These amendments delete notes that are no longer needed. Note (a) is deleted as a result of the new proposed new H1-H3 districts that maintain consistent dimensional standards for all dwelling types within each district. Note (b) is deleted as developments that propose an individual sewage treatment system will automatically go through review processes that ensure consistency with applicable state and local requirements. Department of Safety and Inspections staff advised that the zoning code is not the proper place to provide specific provisions for these systems. Note (c) is deleted because requirements and standards for residential development on steep slopes already exist in Section 63.111.]

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

- ~~(da) If townhouses a two-family or multiple-family dwelling are is 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 is applied to the entire parcel.~~

**[Analysis:** This amendment replaces the reference to *townhouse* (which is not a defined land use in Chapter 65) with *two-family* or *multiple-family dwelling* (which are defined land uses in Chapter 65) as a townhouse could be considered a two-family dwelling or a multiple-family dwelling depending on the number of units.]

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

- ~~(b) A total of two additional dwelling units are permitted and an additional five (5) percent lot coverage is permitted on the zoning lot through any combination of the following methods. These additional units are not subject to the minimum lot size per unit standard.~~
  - ~~(1) One additional dwelling unit is permitted for each principal dwelling unit on the zoning lot that is affordable to households at eighty (80) percent of the area median income for at least fifteen (15) years and has at least the same floor area as another principal dwelling unit on the zoning lot. Units required to be affordable must be occupied by income-qualifying residents. Prior to receiving a certificate of occupancy for the new building (or building expansion), demonstration of the commitment to affordable housing in accordance with this footnote must be provided as: a deed restriction or other contractual~~

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agreement with the city, or a city housing and redevelopment authority financing agreement or other similar financing agreement. Prior to occupancy of the units, documentation of residents' income qualifications is required.

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

**[Analysis:** This new note, which applies to the proposed H1 and H2 districts, meets the study objective of encouraging the development of workforce and family-sized housing by allowing 5% additional permitted building lot coverage and an additional one or two units on the lot when there is a corresponding unit or units affordable at 80% of the area median income (AMI) or there is a corresponding unit or units containing three or more bedrooms on the lot. For example, a 4,000 square foot lot in H1 would permit two units by right and be subject to a 40% building lot coverage limit. A total of four units would be permitted on the lot (two permitted by right + two additional units) if two principal dwelling units are either affordable at 80% of AMI or contain three or more bedrooms. In this scenario, a 45% building lot coverage would apply (40% H1 lot coverage + 5% additional lot coverage). A 6,000 square foot lot in H2 would permit four units by right and be subject to a 45% building lot coverage limit. A total of six units would be permitted on the lot (four permitted by right + two additional units) if two principal dwelling units are either affordable at 80% of AMI or contain three or more bedrooms. In this scenario, a 50% building lot coverage would apply (45% H2 lot coverage + 5% additional lot coverage).

According to American Community Survey 2017-2021 5-Year Estimates, 45% of occupied dwelling units in Saint Paul contain three or more bedrooms. However, this number is drastically different when split up by tenure. While 70% of owner-occupied units contain three or more bedrooms, only 20% of renter-occupied dwelling units contain three or more bedrooms. Households like the 23% of Saint Paul households with four or more people, in need of at least three bedrooms to accommodate their families, have few rental options. Providing a zoning density bonus like permitting additional units and allowing increased lot coverage as proposed is a way to incentivize the development of family-sized housing units. [Note, in addition to the lower percentage of dwelling units occupied by renters that are larger with 3+ bedrooms, Saint Paul renters have a median income of \$38,000, 71% of Saint Paul renters are cost-burdened, and most of each of Saint Paul's populations of color rent their homes. (HR&A Advisors)].<sup>27</sup>

City Council Resolution 18-1204 calls creating and preserving housing affordable at all income levels and the desire for housing that is affordable was evident from the community engagement. Looking at rental and ownership housing development in Saint Paul between 2011 and 2020, most units, 60%, are market-rate, while 20% are affordable at 60% of AMI, 11% are affordable at 80% of AMI, 4% are affordable at 30% of AMI, 3% are affordable at 50% of AMI, and 1% are affordable at 115% of AMI. Providing a zoning density bonus for providing housing affordable to a certain AMI level is not new to the city's zoning code and is exemplified by other cities. Saint Paul's code currently allows for a density bonus in the RM1-RM3 districts, in the form of a Floor Area Ratio (FAR) increase of 0.5 if at least 10% of the new dwelling units are affordable at 60% of the area median income (AMI) for at least 15 years, and an increase of an additional 0.5 (total of 1.0) if at least 20% are affordable at 60% of the area median income for at least 15 years. The City of Portland zoning code allows up to six units on any lot in a residential zone if at least half of the units are affordable at 60% of the area median family income and the development meets certain other standards.

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<sup>27</sup> Draft St. Paul Existing Conditions Analysis, Sept. 2022, Antidisplacement & Community Wealth Building Study, HR&A Advisors, unpublished.

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The conceptual housing types developed by the consultant team demonstrate how difficult it is to develop units affordable at a household income level less than 100% of the area median income (AMI) while meeting a market-rate return and without subsidy. Per this study's consultant analysis, a double duplex on a 6,250-sq. ft. lot with 2bed/1bath rental units and a market-rate return of 11% provides rents affordable at 80% of AMI. A fourplex scenario with 2bed/1bath rental units and a sixplex scenario with a combination of 3bed/1bath and 2bed/1bath units meeting the 11% market-rate return result in rents affordable to 96% AMI and 94% AMI, respectively. A 3bed/1bath fourplex rental scenario and sixplex rental scenario with an 11% return results in rents affordable to 129% of AMI and 126% of AMI, respectively. On the for-sale side, a fourplex with 3bed/1bath units and a sixplex with 3bed/1bath units meeting a 15% for-sale market-rate return results in units affordable to 118% of AMI and 115% of AMI, respectively. A fourplex scenario with 3bed/1bath for-sale units and a sixplex scenario with 3bed/1bath for-sale units with affordability at 80% of AMI results in a funding gap per unit of \$91,709 and \$82,079, respectively, which is an 11% decrease per unit when comparing the sixplex to the fourplex. Looking at both rental and for-sale scenarios, the sixplex units are affordable to a lower percentage of AMI than the fourplex units. Zoning that allows additional units on a lot by right or through targeted density bonuses, whether market-sized or family-sized, can result in increased affordability, despite high construction costs. While meeting a market-rate return of 11% for the rental units and 15% for the for-sale units mostly results in units affordable between 94% and 126% of AMI, providing units at 80% of AMI is possible. At this lower density range of one-to-six-unit housing development, it is unlikely that any zoning bonus could be expected to produce units affordable to very modest income levels (e.g. 50-60% area median income) without significant public subsidy.】

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

(c) In H1, a maximum height of thirty-five (35) feet may be permitted if set back from the setback lines a distance equal to the additional height. In H2, a maximum height of forty (40) feet may be permitted if set back from the setback lines a distance equal to the additional height.

**[Analysis:** This new note permits an additional 5' in height beyond the building height maximum for H1 and H2, provided that it is set back from the setback lines a distance equal to additional height. This system of allowing additional height when stepped back from setback lines is also used in T districts and the zoning code that was in effect from 1922 to 1975 which had a height limit of 40 feet plus 1 additional foot for each foot the building or portion of it was set back from all lot lines. These standards increase flexibility in building design, while still maintaining neighborhood-scale heights of 35-40'.】

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

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

Front setback for new buildings.

(1) In H1-RM3 residential districts, where the front yard setbacks of existing front yards that adjoin the new front yard are all fifteen (15) feet or greater, the minimum front yard setback for new buildings is fifteen (15) feet.

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(2) In RL residential districts, where two existing front yards with front yard setbacks less than the district standard adjoin the new front yard, the minimum front yard setback for new buildings is the greater of the adjoining front yard setbacks, where only one existing front yard adjoins the new front yard, the minimum front yard setback for new buildings is the midpoint between the existing front yard setback and the district standard.

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

**[Analysis:** Until the Phase 1 zoning code amendments were adopted in 2022, in order to ensure that a new building on an RL-RT2-zoned lot would be located such that it fit in to the pattern of buildings on the block, the front yard setback of every existing building on the block was averaged, and the new building would be subject to that averaged front yard setback. This calculation was meant to ensure that a neighborhood's block face was not jarringly interrupted by a new building constructed much farther back on a lot as required by one-family zoning districts' high minimum front setback requirements. In 2022, to remove unnecessary work for City inspectors and to simplify the calculation for housing developers, this note was updated to consider only the front yard setbacks of existing homes immediately adjacent to the new building.

These present amendments remove this calculation for new buildings built in H1-RM3 entirely, simply applying the district standard minimum front yard setback (proposed to be ten feet) to new buildings, except in cases where the homes on either side of the new building are set back fifteen feet or more, increasing the minimum setback for the building home from ten to fifteen feet. In the RL large lot residential district, which tends to contain large existing front yards, the calculation of minimum front yard setback is designed to be sensitive to the existing block face while nudging new development toward the district standard.

In addition to increasing building flexibility for new low-density residential buildings, this amendment reduces staff and developer time devoted to calculating new front yard setback minimums and increases the consistency and coherence of the zoning code.]

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

- (e) Floor area ratio (FAR) ~~shall be~~ is prorated upon the percentage of parking that is provided as structured parking. The FAR maximum may be increased by 0.5 if at least ten (10) percent of new dwelling units are affordable at sixty (60) percent of the area median income for at least fifteen (15) years. The FAR maximum may be increased by an additional 0.5 (total of 1.0 increase) if at least twenty (20) percent of new dwelling units are affordable at sixty (60) percent of the area median income for at least fifteen (15) years. Units required to be affordable ~~shall~~ must be occupied by income-qualifying ~~low-income~~ residents. Prior to receiving a certificate of occupancy for the new building (or building expansion), demonstration of the commitment to affordable housing in accordance with this footnote must be provided as: a deed restriction or other contractual agreement with the city, or a city housing and redevelopment authority financing agreement or other similar financing agreement, ~~and documentation of low-income residents' qualifications. Prior to occupancy of the units, documentation of residents' income qualifications is required.~~

**[Analysis:** This amendment improves clarity that documentation of the residents' income qualifications is required prior to occupancy of the unit and matches the language in the new note (b).]

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

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

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

In H1-H3 districts, the minimum side yard setback for permitted and conditional principal uses other than residential uses is nine (9) feet.

In RM1 and RM2 districts, the minimum side yard setback for a one-family dwelling is four (4) feet, and for two-family and multiple-family dwellings of thirty-five (35) feet in height or less on lots of sixty (60) feet width or narrower is six (6) feet.

**[Analysis:** These amendments combine both notes into one note related to side setbacks and lists the zoning districts that the standard applies to on a separate line for increased clarity.]

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

- (ig) On lots more than sixty (60) feet wide and on corner lots, a maximum height of forty-five (45) feet may be permitted with a conditional use permit.
- (jh) If at least half of provided parking is structured parking, a maximum building height of seventy-five (75) feet may be permitted with a conditional use permit. A shadow study may be required for a conditional use permit application to help determine the impact of the additional height.
- (ki) For portions of a building over fifty (50) feet in height, the minimum side and rear yard setbacks shall be twenty-five (25) feet or nine (9) feet plus one-half the building height over fifty (50) feet, whichever is less.
- ~~(l) For principal residential structures in planning districts 14 and 15, new construction including additions shall have the following maximum building heights at required side setback lines: Twenty-eight (28) feet in R1, twenty-six (26) feet in R2, twenty-four (24) feet in R3 and R4. One (1) foot shall be added to the maximum building height per each one (1) foot the portion of the building is set back from the nearest required side setback line, to the maximum height allowed in the district. Building height for flat roofs shall be measured to the highest point of the parapet, if present. Properties with local heritage preservation site or district designation are excluded from the requirements of this note.~~
- (mj) For property along Grand Avenue between Fairview Avenue and Cretin Avenue, between lines defined by the parallel alleys immediately north and south of Grand Avenue, building height shall be limited to four (4) stories and forty (40) feet.

**[Analysis:** These amendments renumber the table notes and delete note (l) with specific building heights at side setbacks lines in planning districts 14 and 15. This note was added in 2015 as part of the Ward 3 and City-wide Residential Zoning Code amendments to maintain the character of established neighborhoods. An objective of this study is to allow greater opportunities for neighborhood-scale housing in every neighborhood of the city, including districts 14 and 15, and the current note limits design flexibility. The proposed maximum building heights of 30' for H1, 35' for H2, and 40' for H3, with 5' additional height permitted for H1 and H2 if it is set back from the setback lines a distance equal to additional height provides design flexibility, while maintaining neighborhood-scale heights.]

#### 4. Lot Coverage Standard Updates

##### **Sec. 66.232. Maximum lot coverage.**

~~In R1—R4 residential districts, principal buildings shall not cover more than thirty-five (35) percent of any zoning lot. For R1—R4 residential districts in planning districts 14 and 15, excluding property with local heritage preservation site or~~



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~~district designation, the total lot coverage of all buildings, including accessory buildings, shall not exceed forty (40) percent. The total lot coverage of all buildings, including principal and accessory buildings, must not exceed forty (40) percent of any zoning lot in RL or H1, forty-five (45) percent in H2, and fifty (50) percent in H3, except for cluster developments under the provisions in section 65.130.~~

**[Analysis:** This amendment simplifies how lot coverage is regulated by establishing a maximum total lot coverage for all buildings in RL and H1-H3. The proposed 40% in RL and H1, 45% in H2, and 50% in H3 takes inspiration from the current 40% maximum lot coverage for all buildings in planning districts 14 and 15. The calculation for determining total lot coverage for all buildings is simpler than determining total lot coverage for principal buildings, and separately, for accessory buildings using rear yard lot coverage limitations in Section 63.501 (f) (2) (amendments proposed, discussed in Section D of this report). The consultant team's conceptual housing types with two or more units have total building lot coverages ranging from 35.7% to 52.6% for the 40'-wide lot designs and 25.3% to 48% for the 50'-wide lot designs. With RL and H1 containing larger lot sizes and being the most restrictive, a 40% lot coverage is proposed; for H2, 45% lot coverage is proposed; and for H3, 50% lot coverage is proposed.]

## **B. Related use, district, and standards updates**

As a result of the new H1-H3 districts, their permitted uses, and changes to the RL district, the proposed amendments in this section make updates to other code sections related to use definitions, other zoning districts' use tables, and other related updates.

### 1. Use Definition Updates

#### **Sec. 65.111. Dwelling, one-family.**

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

Condition in H3 residential district:

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

**[Analysis:** This amendment adds a maximum floor area of 2,500 sq. ft. for new one-family dwellings in the H3 district. H3 is used in Neighborhood Nodes and near transit routes along fixed rail and bus rapid transit corridors and is proposed to allow up to 6 units. This floor area limit is intended to discourage development of large one-family homes in the H3 district, in turn encouraging development of greater density housing near Neighborhood Nodes and transit routes, consistent with Comprehensive Plan policies LU-1 ("Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.") and LU-30 ("Policy LU-30 Focus growth at Neighborhood Nodes using the following principles: Increase density toward the center of the node and transition in scale to surrounding land uses."). The proposed maximum is greater than the average new Minnesota single-family detached home size of approximately 2,000 square feet.

Other cities have zoning code provisions placed on one-family dwellings. The City of Minneapolis uses maximum floor area ratio (FAR) to limit the total floor area of dwellings. For certain built form overlay districts, the maximum FAR for single-family dwellings, 0.5, is smaller than the maximum FARs for duplexes, 0.6, and triplexes, 0.7, which on a 5,000 square foot lot would limit the single-family dwellings to a 2,500 square foot floor area, duplexes to a 3,000 square foot floor area, and triplexes to a 3,500 square foot floor area. The Minneapolis code also has maximum lot areas for 1-3-unit dwellings of 7,500 or 9,000 square feet, depending on the district. Similarly, the City of Portland has a lower maximum FAR for one-unit dwellings compared to multi-unit dwellings and requires a minimum of two dwelling units on sites that of a certain size, depending on the district. For the R2.5 district, two dwelling units are required on lots 5,000 square feet or larger.]

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**Sec. 65.112. Dwelling, two-family.**

A building designed exclusively for ~~or~~ and occupied exclusively by no more than two (2) households living independently of each other in two (2) separate dwelling units.

**[Analysis:** This amendment corrects a mistake and updates the language to match the one-family dwelling definition.]

**Sec. 65.113. Dwelling, multiple-family.**

A building, or portion thereof, designed exclusively for occupancy by three (3) or more households living independently of each other in individual dwelling units.

*Development standards in the RT2 townhouse residential district:*

~~No more than six (6) dwelling units shall be attached to form a townhouse structure, and other types of multiple-family dwellings shall contain no more than four (4) dwelling units.~~

**[Analysis:** This amendment deletes specific development standards for townhouses. Townhouses are considered a multiple-family dwelling or a two-family dwelling, depending on the number of units. As shown in the density and dimensional standards table, the proposed new H1-H3 districts permit a maximum number of units without differentiating between the dwelling type within which the units can be contained.]

**Sec. 65.151. Adult care home.**

...

*Standards and conditions:*

- (a) ~~In residential and T1 traditional neighborhood districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms.~~ In T2-T4 traditional neighborhood districts, the density ~~shall be~~ is regulated as for multifamily uses.
- (b) In traditional neighborhood development districts, a facility located within a predominantly residential or mixed-use area ~~shall~~ must have direct access to a collector or higher classification street.
- (c) In traditional neighborhood development districts, the site ~~shall~~ must contain a minimum of fifty (50) square feet of outdoor community space per resident, consisting of seating areas, yards and/or gardens.
- (d) ~~In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents.~~ In RT2-RM1 RL-H3 residential, T1 traditional neighborhood and OS-B2 business districts, the facility ~~shall~~ must serve sixteen (16) or fewer facility residents.
- (e) In ~~residential~~ RM1-RM3 and T1 traditional neighborhood districts, a conditional use permit is required for facilities serving ~~seven (7) or~~ more than sixteen (16) facility residents.

**[Analysis:** Currently, adult care homes have a maximum of six residents in RL-RT1 districts, while up to 16 residents are permitted in RT2 and RM1 with a conditional use permit. The amendments to standard (d) would simply apply the 16-resident maximum to the RL, H1, H2, and H3 districts to accommodate the proposed allowance of three, four, and six dwelling units per lot. This establishes consistent standards for homes in RL-H3 and increases flexibility for allowing more residents. By proposing to allow up to 16 residents in an adult care home by right, standard (e) has been amended to require a conditional use permit only for facilities with more than 16 residents in the higher-intensity districts RM1-RM3 and T1.

Amendments to standard (a) delete the requirement tying the lot area of an adult care home in residential and T1 traditional neighborhood districts to the number of residents. With amendments to the H1-H3

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districts lowering the minimum lot area from 5,000 sq. ft. to between 1,000 sq. ft. and 2,000 sq. ft. per unit, permitting up to six units on a lot depending on district, and reducing lot widths to 25'-30', it no longer makes sense to require a minimum lot area of 5,000 square feet plus 1,000 square feet for each guest room for adult care homes. This allows the adult care home provider the flexibility to determine the appropriate lot and building size for their unique number of residents, while meeting other standards like minimum setbacks and maximum building lot coverage.】

**Sec. 65.152. Community residential facility, licensed correctional.**

...

*Standards and conditions:*

- (a) Preliminary licensing review by the state department of corrections.
- (b) The facility ~~shall must~~ be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than six (6) adult residents, except in B4-B5 business districts where it ~~shall must~~ be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.
- (c) The facility serves no more than sixteen (16) facility residents, except in B4-B5 business districts where it ~~shall must~~ serve no more than thirty-two (32) facility residents.
- (d) It ~~shall must~~ occupy the entire structure.
- (e) ~~In residential and T1 traditional neighborhood districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms.~~ In T2-T4 traditional neighborhood districts, the density ~~shall be~~ is regulated as for multifamily uses.

**[Analysis:** This amendment deletes the requirement in residential districts and the T1 traditional neighborhood district that the facility's lot area be tied to number of residents. With amendments to the H1-H3 districts lowering the minimum lot area from 5,000 sq. ft. to between 1,000 sq. ft. and 2,000 sq. ft. per unit, permitting up to six units on a lot depending on district, and reducing lot widths to 25'-30', it no longer makes sense to require a minimum lot area of 5,000 square feet plus 1,000 square feet for each guest room in excess of six guest rooms. This allows the facility the flexibility to determine the appropriate lot and building size for its residents, while meeting other standards like minimum setbacks and maximum building lot coverage.】

**Sec. 65.153. Dormitory.**

...

*Standards and conditions:*

- (a) ~~In RL-H2 residential districts, the use must be on the campus.~~ In H3-RM3 residential, T1 traditional neighborhood, and BC community business (converted) districts, a conditional use permit is required for off-campus dormitories.
- (b) The use must be within two hundred fifty (250) feet of the campus of the institution it serves, for a college, university, seminary or other such institution of higher learning as established in a conditional use permit. ~~In RL-R4 residential districts, the use shall be on the campus.~~
- (c) The yard requirements for multiple-family use in the district apply when the use is not located on a campus established in a conditional use permit.

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**[Analysis:** Currently, dormitories are required to be located on campus in the RL-R4 districts. The amendments would apply this on-campus requirement to H1 and H2 districts (as well as RL), which are intended to facilitate conversion and infill housing options up to three or four units per lot in existing neighborhoods. A conditional use permit is currently required for off-campus dormitories in the current RT1-RT2 and RM1-RM3 residential districts. In these amendments, standard (a) requires a conditional use permit in only the least restrictive of the new zoning districts, H3, which allows up to six dwelling units near Neighborhood Nodes and fixed transit routes, in addition to the RM1-RM3 districts.]

**Sec. 65.154. Emergency housing facility.**

...

*Standards and conditions:*

- (a) In RL-~~RT2~~H3 residential, OS office-service, B1 local business, IT transitional industrial, F1 Ford river residential, and F5-F6 Ford districts the use ~~shall~~ must be located on the same zoning lot as a religious institution.
- (b) In the I2 general industrial district, the use requires a conditional use permit. In RM1-RM3 residential, T1-T4 traditional neighborhood, BC-B5 business, I1 light industrial, and F2-F4 Ford districts, the use requires a conditional use permit if not located on the same zoning lot as a religious institution.
- (c) If not located on the same zoning lot as a religious institution, the use ~~shall be~~ is subject to standards and conditions (a)-(d) for supportive housing facility, section 65.162.

**[Analysis:** This amendment replaces the reference to RT2 with the proposed new zoning district H3 and improves clarity.]

**Sec. 65.156. Fraternity, sorority.**

...

*Standards and conditions:*

- (a) In RL-H2 residential districts, the use must be on the campus. In H3-RM3 residential, T1 traditional neighborhood, and BC community business (converted) districts, a conditional use permit is required for off-campus fraternities and sororities.
- (b) The use must be within two hundred fifty (250) feet of the campus boundary as established in the conditional use permit for the institution it serves. ~~In RL-R4 residential districts, the use shall be on the campus.~~
- (c) If it is outside of the campus boundary, the use must be located in an existing structure designed and built as a one- or two-family dwelling or new structure that meets the height, density and setback requirements for a two-family dwelling.

**[Analysis:** Currently, fraternities and sororities are required to be located on campus in the RL-R4 districts. Reflecting the amendments to the *Dormitory* land use, the amendments would apply this on-campus requirement to H1 and H2 districts (as well as RL), which are intended to facilitate conversion and infill housing options up to three or four units per lot in existing neighborhoods. A conditional use permit is currently required for off-campus fraternities and sororities in the current RT1-RT2 and RM1-RM3 residential districts. The amendment to standard (a) requires a conditional permit only in the least restrictive of the new zoning districts, H3, which allows up to six dwelling units near Neighborhood Nodes and fixed transit routes, in addition to RM1-RM3 residential districts.]

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## Sec. 65.160. Shelter for battered persons.

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

- (a) In residential, traditional neighborhood, Ford and OS-B2 business districts, a conditional use permit is required for facilities serving more than six (6) adult facility residents and minor children in their care.
- (b) The facility ~~shall~~ **must** be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than six (6) adult residents: shelter for battered persons, supportive housing facility, licensed correctional community residential facility, emergency housing facility, or overnight shelter.
- (c) In RL-~~RT2~~H3 residential, traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care.
- (d) The facility ~~shall~~ **must** not be located in a two-family or multifamily dwelling unless it occupies the entire structure.
- (e) ~~In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be~~ **is** regulated as for multifamily uses.

**[Analysis:** These amendments replace the reference to RT2 with the proposed zoning district H3 and delete the requirement in residential districts and the T1 traditional neighborhood district that the facility's minimum lot area be tied to the number of residents. With amendments to the H1-H3 districts lowering the minimum lot area from 5,000 sq. ft. to between 1,000 sq. ft. and 2,000 sq. ft. per unit, permitting up to six units on a lot depending on district, and reducing lot widths to 25'-30', it no longer makes sense to require a minimum lot area of 5,000 square feet plus 1,000 square feet for each guest room in excess of six guest rooms. This allows the facility the flexibility to determine the appropriate lot and building size for its residents, while meeting other standards like minimum setbacks and maximum building lot coverage.]

## Sec. 65.161. Sober house.

...

*Standards and conditions:*

A request for reasonable accommodation for this use as required under the Federal Fair Housing Act Amendments of 1988 by providing an exception to the maximum number of unrelated persons living together in a dwelling unit shall automatically be granted if the following standards and conditions are met. This does not limit the city from granting additional reasonable accommodation for this use under the general provisions of this Code.

- (a) The operator ~~shall~~ **must** submit a request for reasonable accommodation to the zoning administrator on a form provided by the city, specify the number of residents, and provide information necessary to assure the use meets applicable zoning standards. The maximum total number of residents permitted in the sober house ~~shall be~~ **is** specified by the fire certificate of occupancy.
- (b) In RL-~~R4~~H1 Residential Districts, the sober house ~~shall~~ **must** serve ten (10) or fewer residents.
- (c) For a structure serving seventeen (17) or more sober house residents, a conditional use permit is required. This use ~~shall be~~ **is** exempt from section 61.501 conditional use permit general standards (a), (c), and (d).
- (d) A building containing one (1) or more sober house units ~~shall~~ **must** be a minimum distance of three hundred thirty (330) feet from any other building containing a sober house.

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**[Analysis:** Currently, sober houses in RL-R4 districts have a maximum of 10 residents, while sober houses in RT1-RT2 and other zoning districts have a maximum number of residents specified by the fire certificate of occupancy and are required to obtain a streamlined conditional use permit for 17 or more residents. The amendment to standard (b) applies the current 10-resident maximum only to H1, the most restrictive of the new zoning districts.]

**Sec. 65.162. Supportive housing facility.**

...

*Standards and conditions:*

- (a) The facility ~~shall~~ **must** be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than six (6) adult residents, except in B4-B5 business districts where it ~~shall~~ **must** be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.
- (b) ~~In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents.~~ In **RT2RL-H3** residential, T1 traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility shall serve sixteen (16) or fewer facility residents.
- (c) In **RM1-RM3** residential, T1 traditional neighborhood and F1 Ford districts, a conditional use permit is required for facilities serving ~~seven (7) or more~~ **than sixteen (16)** facility residents.
- (d) ~~In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms.~~ In T2-T4 traditional neighborhood districts, the density ~~shall be~~ **is** regulated as for multifamily uses.

**[Analysis:** Currently, supportive housing facilities in RL-RT1 districts have a maximum of six residents, facilities in RT2 have a maximum of 16 residents, and facilities with more than seven residents require a conditional use permit. The amendments to standard (b) would simply apply the 16-resident maximum to the RL, H1, H2, and H3 districts to accommodate the proposed allowance of three, four, and six dwelling units per lot. This establishes consistent standards for homes in RL-H3 and increases flexibility for allowing more residents. The amendments to standard (c) would permit facilities with more than 16 residents in the RM1-RM3 multifamily, T1 traditional neighborhood, and F1 Ford districts with a conditional use permit.

Amendments to standard (d) delete the requirement in residential districts and the T1 traditional neighborhood district that the facility's lot area be tied to the number of residents. With amendments to the H1-H3 districts lowering the minimum lot area from 5,000 sq. ft. to between 1,000 sq. ft. and 2,000 sq. ft. per unit, permitting up to six units on a lot depending on district, and reducing minimum lot widths to 25'-30', it no longer makes sense to require a minimum lot area of 5,000 square feet plus 1,000 square feet for each guest room for supportive housing facilities. This allows the facility the flexibility to determine the appropriate lot and building size for their unique number of residents, while meeting other standards like minimum setbacks and maximum building lot coverage.]

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## Sec. 65.222. Day care.

...

*Standards and conditions:*

- (a) In RL—~~R4H2~~ residential districts, a child care center shall be located in a nonresidential structure currently or formerly occupied by a church, community center, school or similar facility. In industrial districts, a child care center shall be accessory to a principal use permitted in the district.

...

## Sec. 65.641. Bed and breakfast residence.

...

*Standards and conditions in residential and BC community business (converted) districts:*

- (a) In residential districts, a conditional use permit is required for bed and breakfast residences with two (2) or more guest rooms, and for any bed and breakfast residence located in a two-family dwelling. ~~In RL—R4 residential districts, a bed and breakfast residence may contain no more than one (1) guest room.~~
- (b) The bed and breakfast residence may be established in a one-family detached dwelling or a two-family dwelling, located within a single main building.
- (c) The guest rooms ~~shall~~ must be contained within the principal structure.
- (d) There ~~shall~~ must be no more than one (1) person employed by the bed and breakfast residence who is not a resident of the dwelling.
- (e) Use of a bed and breakfast residence for any commercial or social event is prohibited.
- (f) No additional exterior entrances shall be added to the structure solely for the purpose of serving guest rooms.
- ~~(g) The zoning lot shall meet the minimum lot size for the one-family dwelling or two-family dwelling in the district in which it is located, and shall have a minimum size according to the following combination of dwelling units and guest rooms:~~

<del>Dwelling</del> <del>Units</del>	<del>Guest</del> <del>Rooms</del>	<del>Minimum Lot</del> <del>Size</del>
<del>1</del>	<del>2</del>	<del>6,000</del>
<del>1</del>	<del>3</del>	<del>7,000</del>
<del>1</del>	<del>4</del>	<del>8,000</del>
<del>2</del>	<del>1</del>	<del>6,000</del>
<del>2</del>	<del>2</del>	<del>7,000</del>
<del>2</del>	<del>3</del>	<del>8,000</del>

- ~~(hg)~~ One-family dwellings may contain no more than four (4) guest rooms. Two-family dwellings may contain no more than three (3) guest rooms.
- ~~(ih)~~ No bed and breakfast residence containing two (2) through four (4) guest rooms shall be located closer than one thousand (1,000) feet to an existing bed and breakfast residence containing two (2) through four (4) guest rooms, measured in a straight line from the zoning lot of an existing bed and breakfast residence.

**[Analysis:** Currently, bed and breakfast residences can only have one guest room in the RL-R4 districts, and for all other residential districts, bed and breakfast residences with two or more guest rooms are permitted with a conditional use permit. The amendments to standard (a) delete the one-guest room



maximum completely, creating consistent standards and increasing flexibility for all residential districts to have more than one guest room with a conditional use permit.

Deleting standard (g) removes the requirement that the lot area be tied to the number of dwelling units and guest rooms. With amendments to the proposed H1-H3 districts lowering the minimum lot area per unit to between 1,000 sq. ft. and 2,000 sq. ft., permitting up to six units on a lot depending on district, minimum lot area per unit requirements ranging from 1,000 sq. ft. to 2,000 sq. ft. and reducing lot widths to 25'-30', there is no longer a connection between the minimum lot areas in the table with the number of dwelling units and guest rooms. This amendment allows the bed and breakfast residence owner the flexibility to determine the appropriate lot and building size for the number of guest rooms, while meeting the minimum lot size per unit for one or two dwelling units and other standards like minimum setbacks and maximum building lot coverage.]

#### Sec. 65.645. Short term rental dwelling unit.

...

*Standards and conditions:*

- (a) In RL ~~RT1~~H2 districts, there ~~shall~~ **must** be no more than one (1) short term rental dwelling unit on a zoning lot unless a duplex, triplex or fourplex is owner occupied and the owner is in residence during the rental period. In other districts, one (1) or up to fifty (50) percent of dwelling units on a zoning lot, to a maximum of four (4), may be short term rental dwelling units, except that an owner occupied duplex may have two (2) units, an owner-occupied triplex may have three (3) units, and an owner occupied fourplex may have four (4) units, provided in all these cases the owner is in residence during the stay and except that more than four (4) short term rental dwelling units may be permitted when a conditional use permit is obtained by the building owner for a specific number of short term rental dwelling units.

...

**[Analysis:** These amendments replace references to RT1 with the new zoning district H2.]

## 2. T, B, and I District Use Table Updates

#### Sec. 66.321. Principal uses.

...

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	Definition (d) Standards (s)
<b>Residential Uses</b>					
<i>Dwellings</i>					
One-family dwelling	P	P	P		(d), (s)
Two-family dwelling	P	P	P		(d)
<del>Townhouse</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
Multiple-family dwelling	P	P	P	P	(d)
<del>Carriage house dwelling</del>	<del>C</del>	<del>C</del>	<del>P</del>		<del>(d)</del>
Housing for the elderly	P	P	P	P	(d)
<i>Mixed Commercial—Residential Uses</i>					

Home occupation	P	P	P	P	(d), (s)
Live-work unit	P	P	P	P	(d), (s)
Mixed residential and commercial use	P	P	P	P	
<b>Congregate Living</b>					
<u>Adult care home</u>	<u>P/C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<u>Community residential facility, licensed correctional</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>(d), (s)</u>
<u>Dormitory</u>	<u>P/C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<u>Emergency housing facility</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
Foster home	P	P	P	P	(d)
<u>Fraternity, sorority</u>	<u>P/C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<u>Roominghouse</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>(d), (s)</u>
<del>Supportive housing facility</del>	<del>P/C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>Community residential facility, licensed correctional</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>(d), (s)</del>
<del>Emergency housing facility</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
Shelter for battered persons	P/C	P/C	P/C	P/C	(d), (s)
Sober house	P/C	P/C	P/C	P/C	(d), (s)
<u>Supportive housing facility</u>	<u>P/C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<del>Roominghouse</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>(d), (s)</del>
<del>Adult care home</del>	<del>P/C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>Dormitory</del>	<del>P/C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>Fraternity, sorority</del>	<del>P/C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<b>Civic and Institutional Uses</b>					
Club, <del>fraternal organization, lodge hall noncommercial</del>		P	P	P	(d)
College, university, seminary, <del>etc.</del> <u>or similar institution of higher learning</u>	P	P	P	P	<del>(d), (s)</del>
Community center	P	P	P	P	(d), (s)
Day care	P	P	P	P	(d), (s)
Homeless services facility	P/C	P/C	P/C	P/C	(d), (s)
Museum	P/C	P	P	P	(s)
Public library	P	P	P	P	
Public and private park, playground	P	P	P	P	
Religious institution	P	P	P	P	(d)
School, primary & secondary	P	P	P	P	
Trade school, arts school, dance school, etc.	P	P	P	P	
<b>Public Services and Utilities</b>					
Antenna, cellular telephone	P/C	P/C	P/C	P/C	(d), (s)
Municipal building or use	P	P	P	P	(s)
Solar energy generation facility, community	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	C	C	C	C	(d), (s)
<b>Commercial Uses</b>					
<u>Offices, Retail, and Service Uses</u>					
<u>Administrative office</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<del>Artist, photographer studio, etc.</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
<del>Insurance office, real estate office, sales office</del> <u>General office, studio</u>	P	P	P	P	<u>(d)</u>
<del>Professional office</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
<u>Medical Facilities</u>					

<del>Clinic, medical or dental</del>	P	P	P	P	(d)
<del>Hospital</del>		<del>C</del>	<del>C</del>	<del>C</del>	(d)
<del>Medical laboratory</del>	P	P	P	P	
<del>Veterinary clinic</del>		<del>P</del>	P	P	(d), (s)
<i>Retail Sales and Services</i>					
General retail		P/C	P/C	P/C	(d), (s)
<u>Service business, general</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(d)
<u>Service business with showroom or workshop</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
<del>Bank, credit union</del>	P	P	P	P	
<u>Animal boarding</u>			<u>P</u>		(d), (s)
<u>Animal day care</u>			<u>P</u>	<u>P</u>	(d), (s)
<u>Artist's studio</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(d)
Business sales and services		P	P		(d)
Drive-through sales and services, <u>primary principal</u> and accessory		C			(s)
Dry cleaning, commercial laundry		P	P	P	(s)
Farmers market	P/C	P/C	P/C	P/C	(d), (s)
<del>Food and related goods sales</del>		<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	(d), (s)
<del>Food shelf</del>	P	P	P	P	(d)
Garden center, outdoor		P	P	P	(d), (s)
<del>Laundromat, self-service</del>		<del>P</del>	P	P	
<del>Liquor store</del>		<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	(s)
<del>Massage center</del>	P	P	P	P	(d)
<u>Hospital</u>		<u>C</u>	<u>C</u>	<u>C</u>	(d)
Mortuary, funeral home		P	P	P	
Outdoor uses, commercial		P/C	P/C	P/C	(d), (s)
<del>Post office</del>	P	P	P	P	
<del>Service business</del>	P	P	P	P	(d)
<del>Service business with showroom or workshop</del>		<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	(d), (s)
<del>Small appliance repair</del>		<del>P</del>	P	P	
Tattoo shop		P	P	P	
Tobacco products shop		P/C	P	P	(d), (s)
<u>Veterinary clinic</u>		<u>P</u>	<u>P</u>	<u>P</u>	(d), (s)
<i>Food and Beverages</i>					
Bar		P/C	P/C	P/C	(d), (s)
Brew on premises store		P	P	P	(d), (s)
<del>Catering</del>		<del>P</del>	P	P	
Coffee shop, tea house	P/C	P/C	P/C	P/C	(d), (s)
Restaurant		P/C	P/C	P/C	(d), (s)
<del>Restaurant, carry out, deli</del>		<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	(d), (s)
Restaurant, fast food		P/C	P/C	P/C	(d), (s)
<del>Restaurant, outdoor</del>		<del>P</del>	P	P	(s)
<i>Commercial Recreation, Entertainment and Lodging</i>					
Bed and breakfast residence	P	P	P	P	(d)
Hotel		P	P	P	(d)
<u>Short term rental dwelling unit</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
Health/sports club		P	P	P	(d)
Indoor recreation		C	C	C	(d), (s)

Outdoor sports/entertainment				P	<del>(d)</del> , (s)
Reception hall/rental hall		C	C	C	
<del>Short term rental dwelling unit</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d)</del> , <del>(s)</del>
Theater, assembly hall		P/C	P/C	P/C	(s)
<b>Automobile Services</b>					
Auto body shop				C	(d), (s)
Auto convenience market		C	C		(d), (s)
Auto service station		C	C		(d), (s)
<b>Parking Facilities</b>					
Parking facility, commercial		C	C	C	(d), (s)
<b>Transportation</b>					
Bus or railroad passenger station			C	C	
Railroad right-of-way	C	C	C	C	(s)
<b>Limited Production and Processing</b>					
Agriculture	P/C	P/C	P/C	P/C	(d), (s)
Brewery, craft		P/C	P/C	P/C	(d), (s)
Distillery, craft		P/C	P/C	P/C	(d), (s)
Limited production and processing		P/C	P/C	P/C	(d), (s)
Mail order house		P	P	P	
Printing and publishing		P/C	P/C	P/C	(s)
Winery, craft		P/C	P/C	P/C	(d), (s)
<b>Accessory Uses</b>					
Accessory use	P	P	P	P	(d), (s)
Dwelling unit, accessory	P	P	P		(d), (s)

**[Analysis:** These amendments update the table to conform with the terms, order, and organizational format of the Residential district use table and Chapter 65 uses.]

#### Sec. 66.421. Principal uses.

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Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Standards (s)
<b>Residential Uses</b>								
<b>Dwellings</b>								
One-family dwelling			P					(d)
Two-family dwelling			P					(d)
<del>Townhouse</del>			<del>P</del>					<del>(d)</del>
Multiple-family dwelling	P		P			P	P	(d)
<del>Carriage house dwelling</del>			<del>C</del>					<del>(d)</del> , <del>(s)</del>
Housing for the elderly	P		P			P	P	(d)
<b>Mixed Commercial-Residential Uses</b>								
Home occupation	P	P	P	P	P	P	P	(d), (s)
Live-work unit			P					(d), (s)

Mixed residential and commercial use	P	P	P	P	P	P	P	(d), (s)
<b>Congregate Living</b>								
<u>Adult care home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<u>Community residential facility, licensed correctional</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>(d), (s)</u>
<u>Dormitory</u>			<u>P/C</u>			<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<u>Emergency housing facility</u>	<u>P</u>	<u>P</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
Foster home	P	P	P	P	P	P	P	(d), (s)
<u>Fraternity, sorority</u>			<u>P/C</u>					<u>(d), (s)</u>
<del>Supportive housing facility</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>Community residential facility, licensed correctional</del>			<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>(d), (s)</del>
<del>Emergency housing facility</del>	<del>P</del>	<del>P</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
Overnight shelter						C	C	(d), (s)
<u>Roominghouse</u>			<u>C</u>			<u>P</u>	<u>P</u>	<u>(d), (s)</u>
Shelter for battered persons	P/C	P/C	P/C	P/C	P	P	P	(d), (s)
Sober house	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
<del>Roominghouse</del>			<del>C</del>			<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<u>Supportive housing facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<del>Adult care home</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>Dormitory</del>			<del>P/C</del>			<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>Fraternity, sorority</del>			<del>P/C</del>					<del>(d), (s)</del>
<b>Civic and Institutional Uses</b>								
Club, <del>fraternal organization, lodge hall noncommercial</del>				P	P	P	P	(d)
College, university, seminary, <del>etc. or similar institution of higher learning</del>	P	P	P	P	P	P	P	(d), (s)
Community center	P	P	P	P	P	P	P	(d), (s)
Day care	P	P	P	P	P	P	P	(d), (s)
Homeless services facility		P/C	P/C	P/C	P	P	P	(d), (s)
Museum						P	P	
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Religious institution	P	P	P	P	P	P	P	(d)
School, primary & secondary	P	P	P	P	P	P	P	
Trade school, arts school, dance school, etc.	P	P	P	P	P	P	P	
<b>Public Services and Utilities</b>								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Electric transformer or gas regulator substation		C	C	C	P	P	P	(s)
Municipal building or use	P	P	P	P	P	P	P	(s)
Public utility heating or cooling plant						P		
Solar energy generation facility, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	C	P	P	P	P	P	P	(d), (s)
<b>Commercial Uses</b>								
<i>Offices, Retail, and Service Uses</i>								
<del>Administrative office</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
<del>Artist, photographer studio, etc.</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>

<del>Insurance office, real estate office, sales office</del>	P	P	P	P	P	P	P	
<u>General office, studio</u>								
<del>Professional office</del>	P	P	P	P	P	P	P	{d}
<i>Medical Facilities</i>								
<del>Clinic, medical or dental</del>	P	P	P	P	P	P	P	{d}
<del>Hospital</del>					P	P	P	{d}
<del>Medical laboratory</del>	P	P	P	P	P	P	P	
<del>Veterinary clinic</del>				P	P	P	P	{d}, {s}
<i>Retail Sales and Services</i>								
General retail		P	P	P	P	P	P	{d}
<u>Service business, general</u>	P	P	P	P	P	P	P	{d}
<u>Service business with showroom or workshop</u>			P	P	P	P	P	{d}
Alternative financial establishment					C	P	P	{d}, {s}
<del>Bank, credit union</del>	P	P	P	P	P	P	P	
<u>Animal day care</u>					P	P	P	{d}, {s}
<u>Artist's studio</u>	P	P	P	P	P	P	P	{d}
Business sales and services					P	P	P	{d}
Drive-through sales and services, primary and accessory	C	C		C	P	P	P	{s}
Dry cleaning, commercial laundry		P	P	P	P	P	P	{s}
Farmers market	P/C	P/C	P/C	P/C	P/C	P/C	P/C	{d}, {s}
<del>Food and related goods sales</del>		P	P	P	P	P	P	{d}
<del>Food shelf</del>	P	P	P	P	P	P	P	{d}
Garden center, outdoor			C	C	P			{d}, {s}
Greenhouse					C			{d}, {s}
<u>Hospital</u>					P	P	P	{d}
<del>Laundromat, self-service</del>		P	P	P	P	P	P	
<del>Liquor store</del>		P	P	P	P	P	P	
<del>Massage center</del>	P	P	P	P	P	P	P	
Mortuary, funeral home					P	P	P	
Outdoor uses, commercial				P/C	P/C	P/C	P/C	{d}, {s}
Outdoor uses, commercial sales of consumer fireworks					C			{d}, {s}
Package delivery service					P	P	P	{d}
Pawn shop					C	P	P	{d}, {s}
<del>Post office</del>		P	P	P	P	P	P	
<del>Service business</del>	P	P	P	P	P	P	P	{d}
<del>Service business with showroom or workshop</del>			P	P	P	P	P	{d}
<del>Small appliance repair</del>				P	P	P	P	
Small engine repair, automotive bench work					P	P	P	
Tattoo shop			P	P	P	P	P	
Tobacco products shop			P/C	P	P	P	P	{d}, {s}
<u>Veterinary clinic</u>				P	P	P	P	{d}, {s}
<i>Food and Beverages</i>								
Bar				P/C	P	P	P	{d}, {s}
Brew on premises store				P	P	P	P	{d}, {s}
<del>Catering</del>				P	P	P	P	

Coffee kiosk				P	P	P	P	(d), (s)
Coffee shop, tea house		P/C		P	P	P	P	(d), (s)
Restaurant				P	P	P	P	(d), <u>(s)</u>
<del>Restaurant, carry-out, deli</del>		<del>P</del>		<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
Restaurant, fast-food				P/C	P/C	P	P	(d), (s)
<del>Restaurant, outdoor</del>				<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(s)</del>
<i>Commercial Recreation, Entertainment and Lodging</i>								
Bed and breakfast residence		P	P	P	P			(d), (s)
Bingo hall, auction hall				C	P	P	P	
<del>Health/sports club</del>				<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
Hotel, <del>motel</del>					P	P	P	(d)
<u>Motel</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>(d)</u>
<u>Short term rental dwelling unit</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
<u>Health/sports club</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d)</u>
Indoor recreation				C	P	P	P	(d), <del>(s)</del>
Outdoor sports/entertainment							P	
Reception hall/rental hall				P	P	P	P	
<del>Short term rental dwelling unit</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
Steam room/bathhouse facility			P	P	P	P	P	(d)
Theater, assembly hall, <del>concert hall</del>				P	P	P	P	
<i>Adult Entertainment</i>								
Adult use					C	C	C	(d), (s)
<i>Automobile Services</i>								
Auto convenience market				C	C		P	(d), (s)
Auto service station				C	C		P	(d), (s)
Auto specialty store				C	C		P	(d), (s)
Auto repair station					C		P	(d), (s)
Auto sales, indoor					P	P	P	
Auto sales and rental, outdoor					C			(d), (s)
Car wash, <u>detailing</u>					C			(s)
<i>Parking Facilities</i>								
Parking facility, commercial						P	P	(d), <u>(s)</u>
<i>Transportation</i>								
Bus or railroad passenger station					P	P	P	
Helistop					C	C	C	(d), (s)
Railroad right-of-way	C	C	C	C	C	P	P	(s)
<i>Limited Production, Processing and Storage</i>								
Agriculture	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Brewery, craft				P/C	P/C	P/C	P/C	(d), (s)
Distillery, craft				P/C	P	P	P	(d), (s)
Finishing shop					P		P	(d), (s)
Limited production and processing					P		P	(d), (s)
Mail order house			P	P	P	P	P	
Plastic products							P	(d)
Printing and publishing				P/C	P	P	P	(s)
Recycling collection center					P			(d), (s)
Recycling drop-off station			P	P	P	P	P	(d), (s)



Storage facility, rental						P	P	(s)
Toiletries and cosmetic manufacturing							P	
Warehousing and storage							P	(s)
Wholesale establishment					P	P	P	(d), (s)
Winery, craft				P/C	P/C	P/C	P/C	(d), (s)
<b>Accessory Uses</b>								
Accessory use	P	P	P	P	P	P	P	(d), (s)
<u>Dwelling unit, accessory</u>			<u>P</u>					<u>(d), (s)</u>

**[Analysis:** These amendments update the table to conform with the terms, order, and organizational format of the Residential district use table and Chapter 65 uses. Because *Carriage house dwelling* is deleted from the BC district, *Accessory dwelling unit* is added as a permitted use in BC.]

#### Sec. 66.521. Principal uses.

...

Table 66.521. Principal Uses in Industrial Districts

Use	IT	I1	I2	I3	Definition (d) Standards (s)
<b>Residential Uses</b>					
<i>Mixed Commercial-Residential Uses</i>					
Home occupation	P	P	P		(d), (s)
Mixed residential and commercial use	P	P	P/C		(s)
<i>Congregate Living</i>					
<u>Adult care home</u>	<u>P</u>	<u>P</u>	<u>C</u>		<u>(d), (s)</u>
<del>Supportive housing facility</del>	<del>P</del>	<del>P</del>	<del>C</del>		<del>(d), (s)</del>
Community residential facility, licensed correctional		C	C		(d), (s)
<del>Correctional facility</del>		<del>C</del>	<del>P</del>		
Emergency housing facility	P	P/C	C		(d), (s)
Overnight shelter		C	C		(d), (s)
<u>Roominghouse</u>	<u>P</u>	<u>P</u>	<u>C</u>		<u>(d), (s)</u>
Shelter for battered persons	P	P	P		(d), (s)
Sober house	P/C	P/C	P/C		(d), (s)
<del>Roominghouse</del>	<del>P</del>	<del>P</del>	<del>C</del>		<del>(d), (s)</del>
<u>Supportive housing facility</u>	<u>P</u>	<u>P</u>	<u>C</u>		<u>(d), (s)</u>
<del>Adult care home</del>	<del>P</del>	<del>P</del>	<del>C</del>		<del>(d), (s)</del>
<b>Civic and Institutional Uses</b>					
Club, <del>fraternal organization, lodge hall</del> <u>noncommercial</u>	P	P	C		(d)
College, university, seminary, <del>etc. or similar</del> <u>institution of higher learning</u>	P	P	C		(d), (s)
Community center	P	P	C		(d), (s)
<del>Child care center</del> <u>Day care</u>	P	P	C		(d), (s)
Homeless services facility	P	P			(d), (s)
Museum	P	P	C		
Public library	P	P	C		

Public and private park, playground	P	P	P		
Religious institution	P	P	C		(d)
School, primary & secondary	P	P	C		
Trade school, arts school, dance school, etc.	P	P	C		
<b>Public Services and Utilities</b>					
Antenna, cellular telephone	P	P	P	P	(d), (s)
Antenna, public utility microwave	C	C	P	P	(d), (s)
Antenna, radio and television transmitting	C	C	P	P	(d), (s)
Antenna, satellite dish	C	C	P	P	(d), (s)
Electric transformer or gas regulator substation	P	P	P	P	
Municipal building or use	P	P	P		
Municipal incinerator			P	P	
Power plant			P	P	
Public utility heating or cooling plant		P	P	P	
Public works yard or maintenance facility		P	P	P	
Sewage treatment plant			P	P	
Solar energy generation facility, community	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building or yard	P	P	P	P	(d)
Water supply plant	P	P	P	P	
Yard waste site, commercial <del>and municipal</del>		C	C	P	(d), (s)
<u>Yard waste site, municipal</u>		<u>C</u>	<u>C</u>	<u>P</u>	<u>(d), (s)</u>
<b>Commercial Uses</b>					
<i>Offices, Retail, and Service Uses</i>					
<del>— Administrative office</del>	<del>P</del>	<del>P</del>	<del>P</del>		
<del>— Artist, photographer studio, etc.</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>(d)</del>
<del>Insurance office, real estate office, sales office</del> <u>General office, studio</u>	P	P	P		<u>(d)</u>
<del>— Professional office</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>(d)</del>
<i>Medical Facilities</i>					
<del>— Clinic, medical or dental</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>(d)</del>
<del>— Hospital</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>(d)</del>
<del>— Medical laboratory</del>	<del>P</del>	<del>P</del>	<del>P</del>		
<del>— Veterinary clinic</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>(d), (s)</del>
<i>Retail Sales and Services</i>					
General retail	P	P	P		(d)
<u>Service business, general</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d)</u>
<u>Service business with showroom or workshop</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d), (s)</u>
Alternative financial establishment		C	P		(d), (s)
<del>— Bank, credit union</del>	<del>P</del>	<del>P</del>	<del>P</del>		
<u>Animal boarding</u>		<u>P</u>	<u>P</u>		<u>(d), (s)</u>
<u>Animal day care</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d), (s)</u>
<u>Artist's studio</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d)</u>
Business sales and services	P	P	P		(d)
Drive-through sales and services, <del>primary principal</del> and accessory	P	P	P		(s)
Dry cleaning, commercial laundry	P	P	P		
Farmers market	P/C	P/C	P/C		(d), (s)

<del>Food and related goods sales</del>	P	P	P		<del>(d)</del>
<del>Food shelf</del>	P	P	P		<del>(d)</del>
Garden center, outdoor	P	P	P		(d), (s)
Greenhouse	P	P	P		(d), (s)
Gun shop, shooting gallery		C	P	P	(d), (s)
<del>Laundromat, self-service</del>	P	P	P		
<del>Liquor store</del>	P	P	P		
<del>Massage center</del>	P	P	P		<del>(d)</del>
<u>Hospital</u>	P	P	P		<u>(d)</u>
Mortuary, funeral home		P	C		
Outdoor uses, commercial	P/C	P/C	P		(d), (s)
Outdoor uses, commercial sales of consumer fireworks		C	C		(d), (s)
Package delivery service	P	P	P		(d)
Pawn shop		C	P		(d), (s)
<del>Post office</del>	P	P	P		
<del>Service business</del>	P	P	P		<del>(d)</del>
<del>Service business with showroom or workshop</del>	P	P	P		<del>(d)</del>
<del>Small appliance repair</del>	P	P	P		
<del>Small engine repair, automotive bench work</del>	P	P	P		
Tattoo shop	P	P	P		
Tobacco products shop	P	P	P		(d), (s)
<u>Veterinary clinic</u>	P	P	P		<u>(d), (s)</u>
<i>Food and Beverages</i>					
Bar	P	P	P		(d)
Brew on premises store	P	P	P		(d), (s)
<del>Catering</del>	P	P	P		
Coffee kiosk	P	P	P		(d), (s)
Coffee shop, tea house	P	P	P		(d)
Restaurant	P	P	P		(d)
<del>Restaurant, carry-out deli</del>	P	P	P		<del>(d)</del>
Restaurant, fast food	P/C	P	P		(d), (s)
<del>Restaurant, outdoor</del>	P	P	P		<del>(s)</del>
<i>Commercial Recreation, Entertainment and Lodging</i>					
Bingo hall, auction hall	P	P	C		
<del>Health/sports club</del>	P	P	P		<del>(d)</del>
Hotel, <del>motel</del>	P	P	P		(d)
<u>Motel</u>	P	P	P		
<u>Short term rental dwelling unit</u>	P/C	P/C	P/C		<u>(d), (s)</u>
Indoor recreation	P	P	P		(d), <del>(s)</del>
Outdoor sports/entertainment		C	P	P	
Reception hall/rental hall	P	P	C		
<del>Short term rental dwelling unit</del>	P/C	P/C	P/C		<del>(d), (s)</del>
Steam room/bathhouse facility	P	P	P		(d)
Theater, assembly hall, <del>concert hall</del>	P	P	C		
<i>Adult Entertainment</i>					
Adult use		C	C		(d), (s)

<i>Automobile Services</i>					
Auto body shop	C	P	P	P	(d), (s)
Auto convenience market	C	P	P		(d), (s)
Auto service station	C	P	P		(d), (s)
Auto specialty store	C	P	P		(d), (s)
Auto repair station	C	P	P		(d), (s)
Auto sales, indoor	P	P	P		
Auto sales and rental, outdoor	C	P	P		(d), (s)
Car wash, <u>detailing</u>		P	P		(s)
<i>Parking facilities</i>					
Parking facility, commercial	C	P	P	C	(d), (s)
<i>Transportation</i>					
Airport		C	C	C	(d)
Bus garage, station, lot, or turnaround		P	P	C	
Heliport		C	C	C	(d), (s)
Helistop	C	C	C	C	(d), (s)
Intermodal freight yard			C	C	(d), (s)
Motor freight terminal			C	C	(d), (s)
Railroad right-of-way, <u>transfer and storage tracks</u>	P	P	P	P	
Railroad station or terminal freight facility	P	P	P	C	
Railroad yard or shop	C	C	P	P	
Taxi dispatching, maintenance and storage		P	P	P	
<i>Limited Production, Processing and Storage</i>					
Agriculture	P	P	P		(d), (s)
Brewery, craft	P	P	P		(d)
Distillery, craft	P	P	P		(d)
Finishing shop	P	P	P		(d), (s)
Limited production and processing	P	P	P		(d), (s)
Mail order house	P	P	P		
Plastic products	P	P	P		(d)
Printing and publishing	P	P	P		
Recycling collection center		P	P		(d), (s)
Recycling drop-off station	P	P	P		(d), (s)
Storage facility, rental	P	P	P	P	
Toiletries and cosmetic manufacturing	P	P	P		
Warehousing and storage	P	P	P		
Wholesale establishment	P	P	P		(d)
Winery, craft	P	P	P		(d)
<i>Industrial Uses</i>					
Light manufacturing	P	P	P	P	(d)
General industrial			P	P	(d)
General outdoor processing			C	C	(d), (s)
Brewery, micro and regional	P	P	P		(d)
Brewery, national			P		(d)
Cement, asphalt cement, and asphalt manufacturing			C	C	(s)

Concrete, asphalt and rock crushing facility, outdoor				C	(d), (s)
Crematorium		P	P	P	
Greenhouse, industrial	P	P	P		(d)
Hazardous waste processing facility			C	C	(d), (s)
Hazardous waste recycling transfer facility			C	C	(d), (s)
Infectious waste incinerator				C	(s)
Infectious waste processing facility			C	C	(d), (s)
Lumber yard	P	P	P		
Mining			C	C	(d)
Motor vehicle salvage operation			C	C	(d), (s)
Petroleum and gasoline tank farm				P	
Recycling processing center, indoor		P	P	P	(d), (s)
Recycling processing center, outdoor			C	C	(d), (s)
Research, development and testing laboratory	P	P	P		
Solid waste compost facility			C	C	(d), (s)
Solid waste transfer station			P	P	(d)
Tire retreading		P	P	P	
<b>Accessory Uses</b>					
Accessory use	P	P	P	P	(d), (s)

**[Analysis:** These amendments update the table to conform with the terms, order, and organizational format of the Residential district use table and Chapter 65 uses.]

### 3. Other Related Updates

#### Sec. 60.301. Zoning districts established.

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

(a) Residential districts.

~~RL one-family~~ large lot residential district

~~R1 one-family~~ H1 residential district

~~R2 one-family~~ H2 residential district

~~R3 one-family~~ H3 residential district

~~R4 one-family residential district~~

~~RT1 two-family residential district~~

~~RT2 townhouse residential district~~

...

**[Analysis:** These amendments reflect the replacement of the existing R1-RT2 districts with the new H1-H3 districts and the changes to the RL district.]

#### Sec. 63.101. Lots adjoining alleys.

In calculating the area of a lot that adjoins a dedicated public alley, for the purpose of applying lot area, lot coverage, and density requirements of this code, one-half the width of such alley adjoining the lot ~~shall be~~ is considered as part of such lot.

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**[Analysis:** This amendment clarifies that for lots that adjoin a public alley, one-half the width of the alley adjoining the lot is considered as part of the lot for the purpose of applying lot coverage requirements, in addition to applying lot area and density requirements.]

**Sec. 62.106. Nonconforming uses of structures, or structures and land in combination.**

Nonconforming uses of structures, or structures and land in combination, are subject to the following regulations:

...

- ~~(m) In RL—R4 districts, existing legal nonconforming two-family residential uses may be expanded. The expansion must meet the yard setbacks and the percentage of lot coverage requirements of the zoning district in which located or the RT1 district, whichever is greater; the height limit of the district in which located; and the requirements for off-street parking in article 63.200.~~
- ~~(am)~~ In any residential district, existing commercial greenhouses may be expanded, or altered. The greenhouses must meet the height, yard setbacks, and percentage of lot coverage of section 66.230, residential district density and dimensional standards, for the district in which they are located and the requirements for off-street parking, article 63.200.
- ~~(en)~~ Existing auto body shops located in zones other than industrial zones shall be considered, for purposes of changes in nonconforming uses, as B3 uses. Auto body shops that are legally nonconforming in T2-T4 and B3 zoning districts may expand even though they are not permitted uses in these zoning districts. Auto service stations in T2, T3 and B2 zoning districts which remove their gas tanks and pumps will be regarded as legal nonconforming auto repair stations. Auto repair stations and auto specialty stores that are legally nonconforming in T2-T4 zoning districts may expand even though they are not permitted uses in these zoning districts.
- ~~(po)~~ Existing gun shops that are legally nonconforming, and are not pawn shops, shall be considered, for purposes of changes in nonconforming uses, as permitted uses and may expand even though gun shops are not permitted uses in the district, provided that the amount of floor area devoted to the display and sale of firearms is not increased and that any new public entrance is not located within one thousand (1,000) radial feet of any "protected use," as defined in section 65.520(a) of this Code.
- ~~(qp)~~ Existing municipal yard waste sites that are legally nonconforming in the IT transitional industrial district may expand as a conditional use under the provision of sections 61.501—61.504 and section 65.331 even though new municipal yard waste sites are not permitted in the IT transitional industrial district.

**[Analysis:** These amendments delete a note that refers to nonconforming two-family residential uses in RL-R4 that is no longer needed because two-family dwellings are proposed to be permitted uses in the new RL-H3 districts and update numbering of the subsequent notes.]

**Sec. 66.233. Sidewall articulation.**

For principal residential structures in ~~R1-R4~~ H1-H2 residential districts in planning districts 14 and 15, sidewall articulation is required for building faces that exceed thirty-five (35) feet in length for new construction and additions that increase the floor area by more than fifty (50) percent of the existing building footprint. Articulation shall be in the form of a structural projection of at least one (1) foot in depth and six (6) feet in length, and at least one (1) story tall starting at or below the first floor elevation. New construction and additions that maintain the same footprint and property with local heritage preservation site or district designation are exempt from this requirement.

**Sec. 66.234. ~~Sidewall articulation~~ Reserved.**

~~For principal residential structures in R1-R4 residential districts in planning districts 14 and 15, sidewall articulation is required for building faces that exceed thirty-five (35) feet in length for new construction and additions that increase the floor area by more than fifty (50) percent of the existing building footprint. Articulation shall be in the form of a structural projection of at least one (1) foot in depth and six (6) feet in length, and at least one (1) story tall starting at or~~

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~~below the first floor elevation. New construction and additions that maintain the same footprint and property with local heritage preservation site or district designation are exempt from this requirement.~~

**[Analysis:** The sidewall articulation requirements for principal residential structures in planning districts 14 and 15 were added in 2015 as part of the Ward 3 and City-wide Residential Zoning Code amendments to prevent the visual monotony of long, unbroken building facades from the view of streets and adjacent properties. These amendments delete Section 66.234, which incorrectly repeats Section 66.233, and replace the reference to R1-R4 with H1-H2 to maintain the sidewall articulation requirements for principal residential structures in lower-density neighborhoods in planning districts 14 and 15. Maintaining this standard encourages visual interest and a more familiar residential form with minimal impacts to design flexibility.]

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

...

- (i) No vehicle containing scrap materials or recyclable materials in an amount that fills a space of four (4) square feet or more shall be parked or left standing on any street in an ~~R1 through R4, RT1, RT2~~ H1 through H3, RM1 through RM3, T1, T2, T3 or T4 Zoning District for more than thirty (30) minutes. It shall not be a violation of this section if the recyclable materials are fully enclosed within the structure of the vehicle. Recyclable materials shall have the definition found in Saint Paul Legislative Code Section 408.02. Scrap materials shall be defined as recyclable materials left over from product manufacturing and consumption, such as parts of vehicles, building supplies, and surplus materials.

...

#### **Sec. 157.11. Parking for larger vehicles.**

...

- (b) *Garbage, rubbish or recycling trucks.* No vehicle designed, used or maintained for the transportation of garbage or rubbish, or recyclable material as defined in St. Paul Legislative Code Chapter 408, whether licensed or unlicensed, shall be parked or left standing on any private property, street or alley in any ~~R1, R2, R3, R4, RT1, RT2~~ H1, H2, H3, RM1, RM2, RM3, T1, T2, T3, or T4 Zoning District for more than thirty (30) minutes.

...

#### **Sec. 165.02. Permit required.**

No agricultural vehicle may be permitted to stop, stand, or park on any street in an ~~R1 through R4, RT1, RT2~~ H1 through H3, or RM1 through RM3 zoning district, in violation of section 157.11, subd. (d)(3), without special parking permits issued by the City of Saint Paul and displayed in accordance with this chapter. Permit holders may only park pursuant to this subdivision within the street frontage of the permit holder's domicile.

**[Analysis:** These amendments replace references to R1-RT2 districts with the new H1-H3 districts.]

### **C. Cluster development standards update**

The proposed amendments in this section make updates to the current cluster development definition, standards, and conditions to facilitate the use of this unique land use. The modernized regulations provide greater flexibility by allowing more housing types and additional neighborhood-scale dwellings on larger lots if adequate common open space and pedestrian connections are built within the development.



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## 1. Cluster Development Standards Update

### Sec. 65.130. Cluster development.

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

#### *Standards and conditions:*

- ~~(a) Applications for cluster development shall include site plans, including landscaping and elevations and other information the planning commission may request.~~
- ~~(b) No unit shall intrude on the vertical airspace of any other unit.~~
- ~~(ea)~~ Lot size. The parcel must have a minimum ~~frontage of eighty (80) feet on an improved street and meet the lot area required per unit in the zoning district~~ size of nine thousand six hundred (9,600) square feet and a maximum size of a one-half (1/2) acre. Individual lots within a cluster development may have less than the required lot area for the zoning district provided such reductions are compensated for by an equivalent amount of property owned in common elsewhere in the cluster development. Lot area shall not include areas designated as public or private streets.
- ~~(eb)~~ Zoning district standards. Buildings ~~Structures~~ must conform to the dimensional standards for minimum lot area per unit, height, ~~lot coverage~~, and setbacks for the zoning district. Required yards within a cluster development may be reduced or eliminated provided required yards are maintained along the periphery of the cluster development.
- ~~(c)~~ Lot coverage. In RL and H1 residential districts, total lot coverage of all buildings must not exceed fifty-five (55) percent of the zoning lot. In H2 and H3, total lot coverage of all buildings must not exceed sixty (60) percent of the zoning lot.
- ~~(d)~~ Accessory buildings. No more than one (1) accessory dwelling unit is permitted per one-family dwelling in the cluster development. The accessory dwelling unit must meet standards (b) – (e) in section 65.913. The accessory unit does not count towards the minimum lot size per unit standard. Accessory buildings must conform to the standards in section 63.500.
- ~~(e)~~ Principal buildings. Principal buildings must meet the following standards:
  - ~~(1) Each principal building must either have an entrance that abuts the common open space or must be directly connected to it by a pedestrian path.~~
  - ~~(2) Principal buildings within twenty (20) feet of a street property line may have their entrances facing the street and can connect to the common open space by the sidewalk in public rights-of-way that connects to the pedestrian path.~~
  - ~~(3) Principal buildings not facing the common open space or the street must have their main entrances facing a pedestrian path that is directly connected to the common open space.~~
  - ~~(4) The building design standards in section 63.110.~~
- ~~(f)~~ Common open space. The cluster development must have a common open space for use by all residents. Common open spaces must meet the following standards:
  - ~~(1) The common open space must be a single, contiguous area.~~
  - ~~(2) The common open space must contain a minimum of one hundred fifty (150) square feet per principal unit within the cluster development. Accessory dwelling units are not subject to this requirement.~~
  - ~~(3) The common open space must be a minimum of fifteen (15) feet wide at its narrowest dimension.~~
  - ~~(4) The common open space must contain landscaping, lawn area, community garden, paved courtyard area, recreational amenities, or a mix of any of these, and may also include stormwater management~~

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infrastructure. Impervious elements of the common open space must not exceed seventy-five (75) percent of the total common area. Driveways and parking areas do not count as common open space.

- (g) *Pedestrian path.* An accessible, hard-surfaced pedestrian path that is a minimum of four (4) feet wide must be provided that connects an entrance of each dwelling to the following:

  - (1) The common open space;
  - (2) Parking areas, if applicable;
  - (3) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks; and
  - (4) A community building, if applicable.
- (h) *Community building.* A cluster development may include one community building, for the shared use of residents, that provides space for accessory uses such as a community meeting room, exercise room, day care, laundry facilities, non-commercial community kitchen, or eating area.
- (i) *Off-street parking.* Off-street parking facilities for the cluster development must conform to the standards in section 63.300.
- ~~(e) The design shall be compatible with the surrounding neighborhood.~~
- ~~(f) Individual lots, buildings, street and parking areas shall~~ must be designed and situated to minimize alteration of the natural features and topography.
- (k) *Conditional use permit.* A minimum lot area per unit that is lower than that required by the zoning district may be permitted with a conditional use permit, subject to the following conditions:

  - (1) Applications must include site plans, including landscaping and elevations and other information the planning commission may request.
  - (2) The floor area of individual dwelling units must be limited to no more than six hundred (600) square feet.
  - (3) The development must not contain any accessory dwelling unit.

**[Analysis:** These amendments redesign the cluster development land use as an avenue for missing middle development on larger lots in urban neighborhoods within guidelines that ensure the additional density above what is permitted by the zoning district is supported with additional, required community amenities.

Until the Phase 1 zoning code amendments were adopted in 2022, zoning districts RL through RT1 permitted only one principal residential building per lot; the cluster development was provided as a method to build multiple residential buildings on a lot in these districts under the review and approval of a conditional use permit by the Planning Commission. Currently, a conditional use permit for a cluster development is subject to a Zoning Committee public hearing, and to the same dimensional standards of the underlying zoning district, meaning that a cluster development is not intended to increase unit density. In 2022, the restriction on the number of principal residential buildings per lot in RL through RT1 was eliminated from the code, although the district standards continued to result in limited permitted land uses – i.e. low-density housing.

Under the proposed amendments, lots in RL and H1-H3 residential districts are subject to per-lot maximums for the number of housing units, leaving larger lots in these zoning districts underutilized for neighborhood-scale housing. The proposed cluster development land use is intended as a method to conscientiously permit additional neighborhood-scale dwellings on larger lots, provided that a common open space and adequate pedestrian connections are built into the site. Proposed H1-H3 dimensional standards permit up to three, four, or six units per lot. The densest proposed district, H3, requires a minimum lot area of 1,000 sq. ft. per unit, which could reach a required 6,000 sq. ft. for six units; the

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lowest density proposed district, H1, requires 2,000 sq. ft. per unit up to a maximum of four units, which could reach a required 8,000 sq. ft. The proposed minimum lot area for a cluster development is 9,600 sq. ft., which approximates two commonly-sized lots of 4,800 sq. ft. (40 feet wide and 120 feet deep), side by side. On these lots, the district's required lot area per unit still applies within a cluster development, but more units than the district otherwise allows may be built, so long as no building contains more than four units. These amendments also increase permitted lot coverage maximums from 40% to 55% for RL and H1, 45% to 60% for H2, and 50% to 60% for H3 to increase flexibility. To provide protection against the possible displacement impacts of property acquisition within an entire block by speculative developers, to conserve larger lots for high-density housing, and to incentivize urban neighborhood lots to be appropriately subdivided for additional ownership opportunities, a cluster development may be built on lots no larger than one-half acre, or 21,780 sq. ft.

A common courtyard or green space is required in a cluster development to encourage community-building and provide residents with close access to shared amenities for recreation and gathering. Buildings are required to directly abut the common space or to have direct pedestrian access to it, and at least 25% must be lawn or other pervious material. Driveways and parking spaces are not proposed to be considered valid common open space, as they disrupt the protected pedestrian-friendly experience this space is intended to provide. The common open space may double as stormwater management infrastructure.

To facilitate modern small home and tiny home developments, as well as achieve the implicit efficiencies and potential affordability at a neighborhood scale that these building types can provide, a cluster development may be built to a lower minimum lot area per unit than that required by the zoning district if the Planning Commission approves a conditional use permit. Under the proposed regulations, these more compact developments must consist of only dwelling units that are smaller than 600 sq. ft., may not contain accessory dwelling units, and must submit site plans and other design-related material for review and approval by the Planning Commission. This housing type could provide a much-needed housing style at prices affordable to a range of household incomes, and the market of manufactured housing includes a vast array of products, from high-cost modern building techniques and aesthetic designs to previously-used and less durable buildings. Planning Commission review and public hearing gives the City and community the chance for additional reasonable discretion and input on these small home communities.

Many of the elements proposed in this cluster development update are inspired by other cities' cluster development regulations. The City of Minneapolis zoning code allows up to three dwelling units in each structure which is much more flexible compared to other cities' codes that limit cluster developments to one-family dwellings with strict floor area and/or footprint limits. Many cities allow a community building and have a common open space requirement, either in the form of a minimum percentage of the total lot area or a designated square foot per unit, commonly 150-400 sq. ft. per unit. The City of Portland code has a 150 sq. ft. per unit common open space requirement, and the State of Oregon model code includes design standards related to principal building entrances, common open space, and pedestrian paths that ensure a development with usable open space, easily accessed by all units.]

#### **D. ADU and accessory building standards update**

The proposed amendments in this section facilitate the development of accessory dwelling units (ADUs) by allowing two ADUs for each one-family dwelling on a lot, effectively increasing the maximum allowable unit size and height of ADUs, and exempting accessory buildings containing dwelling units from the three-building and 1,200 square foot maximums for accessory buildings. Proposed amendments to the non-dwelling accessory buildings include increasing height flexibility.

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## 1. Accessory Dwelling Unit (ADU) Standards Update

### Sec. 65.913. Dwelling unit, accessory.

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

*Standards and conditions:*

- (a) *Number of accessory units.* There ~~shall~~ must be no more than ~~one (1)~~ two (2) accessory dwelling units for each one-family dwelling on a zoning lot. If there are two accessory dwelling units for a one-family dwelling, at least one must be detached from the one-family dwelling.

**[Analysis:** These amendments make minor clarifying edits to the definition of accessory dwelling unit (ADU) and allow up to two ADUs for each one-family dwelling on a zoning lot. The addition of ADUs to a property are a way to incrementally add housing units that are limited in unit size and have combined occupancy with the principal dwelling unit, while being sensitive to the scale of existing one-family developments. Community engagement confirmed that ADUs are an attractive housing type, and many household types would benefit from having additional ADUs.

Other cities allow multiple ADUs on a zoning lot. The City of Seattle zoning code allows up to two attached ADUs, or one attached and one detached with a second detached ADU if green building or affordability requirements are met. The City of Portland code allows up to two ADUs with a house, attached house, or manufactured home and one detached ADU with a duplex on lots that meet a minimum lot area. The State of California requires that cities allow up to two ADUs on a single-family zoned property – one ADU and one Junior ADU (JADU), which is an ADU within the single-family residence that has a total floor area maximum of 500 square feet.

It is proposed that at least one ADU be detached from the one-family dwelling if there are two ADUs, which prohibits a one-family dwelling with two attached ADUs. From a building code perspective, a one-family dwelling with two attached ADUs is a triplex and other requirements like automatic sprinklers and fire access roads can be triggered for triplexes, which would make implementation more complex, if not infeasible, on lots of limited size. Similarly, the City of Portland code also requires that at least one ADU must be detached from the primary structure.

While some other cities permit ADUs with multi-family dwellings such as a duplex, it is proposed that ADUs continue to only be permitted with one-family dwellings. Because the proposed H1-H3 zoning districts carry reduced lot area minimums per unit and a maximum number of principal dwelling units per lot, the opportunity for duplexes, triplexes, fourplexes, multiple one-family dwellings, and combinations of these housing types increases. If ADUs were permitted with duplexes or triplexes, it would be difficult to keep track of total occupancy between the ADU and its associated principal dwelling unit. It is also likely that a one-family home could already be added on a lot with a duplex or triplex without being subjected to unit occupancy and size limitations that apply to ADUs.]

### Sec. 65.913. Dwelling unit, accessory. (cont.)

- (b) Compliance with other city, local, regional, state and federal regulations. Pursuant to section 60.109 of the Zoning Code, all accessory dwelling units must comply with city, local, regional, state and federal regulations.
- (c) *Unit occupancy.* The ~~total combined~~ occupancy of the principal dwelling unit and accessory dwelling units ~~shall~~ must not exceed the number of occupants as specified in the definition of *Household* in [section 60.209](#).
- (d) *Unit size.* The total floor area of ~~the each~~ accessory unit ~~shall~~ must not exceed eight hundred (800) square feet or 75% seventy-five (75) percent of the floor area of the principal dwelling unit, whichever is greater. ~~If the~~

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~~accessory unit is within the principal building, the principal building shall have a minimum floor area of one thousand (1,000) square feet. For multi-story principal buildings built prior to the enactment of this section, the maximum floor area of an accessory dwelling unit may be equal to that of the first floor, but shall be less than or equal to fifty (50) percent of the floor area of the building.~~

(e) *Access and entrances.*

- (1) A walkway ~~shall~~must be provided from an abutting public street to the primary entrance of the accessory dwelling unit.
- (2) Upper floor units within the principal structure ~~shall~~must have interior stairway access to the primary entrance of the unit. Secondary stairways required for fire safety may be located on the exterior of the side or rear of the building, but ~~shall~~are not ~~be~~ allowed on the front of the building.
- (3) Exterior stairways ~~shall~~must be built of durable materials that match the finish of the principal structure or accessory building to which they are attached. Raw or unfinished lumber ~~shall~~is not ~~be~~ permitted.

(f) *Ownership.* ~~The a~~Accessory dwelling units ~~s~~ shall must not be sold separately from the principal dwelling unit, and may not be a separate tax parcel.

(g) *Height.* In RL-RM2 residential districts, the height of a detached accessory building containing accessory dwelling units must conform to section 63.501(d).

**[Analysis:** These amendments to the unit occupancy, access and entrances, and ownership standards improve clarity and reflect the proposal to allow two ADUs per one-family dwelling.

The current ADU total floor area limit of 75% of the size of the principal unit favors properties with larger principal units. The ADUs built on lots with a smaller principal unit would not be able to be as large as the ADUs built on a lot with a larger principal unit. The proposed total floor area of 800 sq. ft. or 75% of the principal dwelling unit, whichever is greater, is more equitable, as ADUs can be at least 800 sq. ft. in floor area regardless of the size of the principal unit. To increase flexibility and make regulations more equitable, the amendments also delete the minimum floor area required of a principal building for an internal ADU to be established within it, and the maximum floor area required of an ADU established within a multi-story principal building built prior to the enactment of this code section.

A new height note (g) improves clarity by referring code users to the section that provides height regulations for ADUs. Updated Sec. 63.501(d) is discussed below in greater detail.]

## 2. Accessory Buildings and Uses Standards Update

### **Sec. 63.501. Accessory buildings and uses.**

Accessory buildings and uses, except as otherwise provided in this Code, ~~shall~~be ~~are~~ subject to the following regulations:

- (a) When an accessory building is structurally attached to a main building, it ~~shall~~be ~~is~~ subject to, and must conform to, all regulations of this code applicable to main buildings. Accessory buildings ~~shall~~be located ~~at least less than~~ six (6) feet from any principal building ~~or shall~~be ~~are~~ considered attached for setback and lot coverage purposes.

(b) *Setbacks.* Accessory buildings are subject to the setback standards for principal buildings, with the following exceptions.

- (1) Accessory buildings may be erected or established in a required rear yard and must be set back a minimum of one (1) foot from any alley right-of-way. On corner lots, accessory buildings must be set back from the side street lot line a distance equal to that required of principal buildings.
- (2) Garages must be set back from the front lot line at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure).

(3) Accessory buildings must be set back at least three (3) feet from all interior lot lines, and overhangs must be set back at least one-third (1/3) the distance of the setback of the garage wall or one (1) foot, whichever is greater. When an accessory building is constructed in a nonrequired front yard or rear yard that adjoins a side yard or front yard, the accessory building must be set back from the interior lot line a distance equal to the minimum side yard required of principal buildings.

(4) The setback requirement from interior lot lines for accessory buildings in rear yards is waived when a maintenance easement is recorded as to the affected properties, proof of such recorded easement is provided at the time of application for a building permit and the accessory building is located at least three (3) feet from any building on an adjoining lot. The recording of the maintenance easement is interpreted to mean that the following intents and purposes of this setback requirement are met:

- a. Adequate supply of sunlight and air to adjacent property;
- b. Sufficient space for maintenance of the building from the same lot; and
- c. Prevention of damage to adjoining property by fire or runoff from roofs.

A recorded common wall agreement is permitted in lieu of a maintenance easement if the accessory building is attached to an accessory building on an adjoining lot.

~~(b)~~ Accessory buildings shall not be erected in or established in a required yard except a rear yard. The following additional standards shall apply to residential parking: Residential parking is subject to the following standards.

(1) Access to off-street parking ~~shall~~ must be from an abutting ~~improved~~ alley when available, except where it is determined in the review of a site plan application by the zoning administrator that there are circumstances unique to the property that make this impractical, unreasonable, ~~or~~ harmful to the public safety; or where maintenance of alley surfaces, erosion control, or protection of water quality may be impaired. On corner lots, access to parking may be from the side street.

(2) Off-street parking spaces ~~shall~~ must not be located within the front yard.

~~(3) Garages shall be set back from the front lot line at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure).~~

~~(4)~~ Except in the rear yard, garage doors that face a public street ~~shall~~ must be no more than nine (9) feet in height and ~~shall~~ must not exceed sixty (60) percent of the width of the principal structure facing the same street.

~~(5)~~ Passenger vehicles may be parked on an approved driveway in front or side yards provided the driveway leads to a legal parking space.

~~(c) On corner lots, accessory buildings shall be set back from the side street lot line a distance equal to that required of principal buildings. On through lots where frontage is clearly established on the block, rear yard setbacks for accessory buildings shall be equal to the side yard required of principal buildings. Accessory buildings shall be set back a minimum of one (1) foot from any alley right-of-way.~~

~~When an accessory building is constructed in a nonrequired front yard or rear yard that adjoins a side yard or front yard, the accessory building shall be set back from the interior lot line a distance equal to the minimum side yard required of principal buildings.~~

~~On all other lots, accessory buildings shall be set back at least three (3) feet from all interior lot lines, and overhangs shall be set back at least one third (1/3) the distance of the setback of the garage wall or one (1) foot, whichever is greater.~~

~~(d) This setback requirement from all interior lot lines for accessory buildings in rear yards shall be waived when a maintenance easement is recorded as to the affected properties, when proof of such recorded easement is provided at the time of application for a building permit and when the accessory building is located at least three (3) feet from any building on an adjoining lot. The recording of the maintenance easement shall be interpreted to mean that the following intents and purposes of this setback requirement are met:~~

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- ~~(1) Adequate supply of sunlight and air to adjacent property;~~
  - ~~(2) Sufficient space for maintenance of the building from the same lot; and~~
  - ~~(3) Prevention of damage to adjoining property by fire or runoff from roofs.~~
  - ~~—A recorded common wall agreement is permitted in lieu of a maintenance easement if the accessory building is attached to an accessory building on an adjoining lot.~~

**[Analysis:** These amendments include a new standard (b) about setbacks to improve clarity. The new standard (b) specifies that accessory buildings are subject to the setback standards for principal buildings with exceptions listed, which are taken from the current standards (c), (d), and the first sentence of the current standard (b). The second sentence of the current standard (c), “On through lots where frontage is clearly established on the block, rear yard setbacks for accessory buildings shall be equal to the side yard required of principal buildings” is deleted completely because through lots have frontage on two streets, two front lot lines and front yards, and no rear lot line or rear yard. As stated in the new standard (b), the accessory building on a through lot would be subject to the setback standards for the principal buildings and meet the minimum front yard setback standards of the zoning district, which, depending on the zoning district, may be required to consider the front yard setbacks of the adjoining lots’ front yards.

To improve clarity, minor changes are made to the new standard (c) about residential parking. It is proposed that access to off-street parking must be from an abutting alley when available, regardless of whether the alley is improved or not. There are many lots throughout the city that abut unimproved alleys made of gravel or another material that is sufficient for providing access to off-street parking. By requiring that off-street parking access be from an abutting alley, there will be fewer additional street curb cuts, which disrupt the streetscape and pedestrian environment. This is also consistent with Comprehensive Plan Policy T-12, which says to “*minimize and consolidate driveway curb cuts ... for redevelopment sites that have sufficient existing access or can reasonably be accessed via side streets, alleys or shared driveways, ....*”. If alley access impairs maintenance of alley surfaces or erosion control and protection of water quality, the lot may be excepted from this requirement.]

#### **Sec. 63.501. Accessory buildings and uses. (cont.)**

- (ed) ~~Accessory building height on a zoning lot with residential use in RL-RM2 districts. In RL-RM2 residential districts, The height of~~ accessory buildings ~~that do not contain a dwelling unit on a zoning lot with residential use shall~~ may not exceed fifteen (15) feet ~~in height; provided, however, that accessory buildings with a in the case of a~~ flat or shed roof style ~~shall not exceed twelve (12) feet in height and eighteen (18) feet in the case of all other roof styles, and that~~ the height of an accessory building containing a dwelling unit ~~shall~~ may not exceed twenty-five (25) feet ~~or the height of the principal structure, whichever is less.~~

~~Exception: These~~ accessory building height ~~limits do~~ shall not apply to property within designated heritage preservation sites and districts, ~~where. In these cases~~ appropriate building heights for accessory structures ~~are shall be~~ determined through the design review process to ensure that heights are acceptable and in keeping with the scale and style of development on the property.

- (fe) ~~Accessory buildings on~~ zoning lots ~~containing one and two family dwellings are subject to the following standards: with up to four principal dwelling units,~~

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

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



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**[Analysis:** These amendments improve clarity and increase building design flexibility. Heights for accessory buildings that do not contain a dwelling unit are proposed to increase from 12' to 15' for flat or shed roof styles and from 15' to 18' for all other roof styles. Discussions with the Department of Safety and Inspections revealed that increasing the height limits by a few feet would allow the flexibility to include more storage space above where cars are parked in the garage, potentially reducing the need to build a shed or other accessory storage building as well as the need to apply for a variance.

To increase flexibility for ADUs and make regulations more equitable, the height limit of an accessory building containing a dwelling unit is proposed to change from being either the lesser of 25' or the height of the principal structure, to simply 25'. A flat 25' height limit for ADUs, regardless of the height of the principal structure, equitably maintains a neighborhood scale while allowing ADUs on lots with a shorter one-family dwelling to reach the same height as those paired with taller one-family dwellings.

To encourage the development of ADUs while maintaining limitations to non-dwelling accessory buildings like garages and sheds, accessory buildings containing dwelling units are proposed to be exempt from the three-building and 1,200 square foot maximum. Because the proposed RL and H1-H3 districts use a maximum number of principal units per lot regardless of dwelling type, these limitations for non-dwelling accessory buildings, which currently only apply to lots containing one- and two-family dwellings, are proposed to apply to zoning lots with up to four principal dwelling units. This change maintains consistent standards for lots with up to four principal dwelling units.】

## **E. Porches, decks, projections, and off-street parking facility standard updates**

Based on the proposed new H1-H3 residential districts, the proposed amendments in this section update the standards related to porches, decks, projections, and off-street parking facilities to improve clarity, create consistent standards for certain lot types, and, in some cases, increase design flexibility.

### 1. Porches, Decks, and Projections Standards Update

#### **Sec. 63.105. Porches and decks.**

- (a) An open, uncovered porch or deck up to two (2) feet above the adjacent grade is considered landscaping and is not subject to setback or lot coverage requirements.
- (ab) An open, uncovered porch or deck ~~serving the principal structure more than two (2) feet above the adjacent grade and attached to a principal building is shall be~~ subject to setback and lot coverage requirements for the principal structure with the following exceptions:
  - (1) ~~The porch or deck may project into a required front or rear yard for a distance not exceeding ten (10) feet, providing the walking surface of the porch or deck is not higher than thirty (30) inches above the adjacent grade in the front yard and not higher than eight (8) feet above the adjacent grade in the rear yard, but this shall not be interpreted to include or permit fixed canopies. These permitted projections shall be excluded from lot coverage calculations. An open, uncovered porch or deck that is up to thirty (30) inches above the adjacent grade may project up to five (5) feet into a required front yard and is not subject to lot coverage requirements.~~
  - (2) ~~The porch or deck shall be no closer than six (6) feet to a detached accessory building, unless the porch or deck is not higher than two (2) feet above the adjacent grade. An open, uncovered porch or deck up to eight (8) feet above the adjacent grade may project up to five (5) feet into a required rear yard and is not subject to lot coverage requirements.~~
- (bc) ~~The walking surface of a~~ An open, uncovered porch or deck ~~serving a detached accessory building only shall not exceed more than~~ two (2) feet ~~in height~~ above the adjacent grade ~~or shall be considered part of the~~ and attached to

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an accessory building ~~and must meet~~ is subject to all setback requirements for an accessory building and building lot coverage requirements ~~for the accessory building~~.

~~(c) — An uncovered porch, deck or patio not exceeding two (2) feet in height is considered landscaping and is not subject to setback or lot coverage requirements.~~

(d) An open, covered porch may project up to ~~six (6)~~ five (5) feet into a required front yard and is subject to side setback, rear setback, and lot coverage requirements.

**[Analysis:** These amendments improve clarity by reordering standards and simplifying language. The current standard (c) was moved to the beginning as the new standard (a) and the new standard (b)(1) was broken up into two notes, the first about projecting into required front yards and the second about projecting into a required rear yard.

Because the proposed setbacks in RL-H3 are reduced from their current form, these amendments make a slight reduction in how far porches can project into required yards. Currently, uncovered porches and decks up to 30 inches above the adjacent grade can project 10' into a required front yard, and porches and decks up to 8' above the adjacent grade can project 10' into a required rear yard. The front yard and rear yard setbacks are proposed to be reduced from 25' to 10' for H1-H3, which, under the current standards, would result in porches and decks being able to be built right up to the front and rear property lines. To help maintain a defined street edge undisrupted by a porch or deck immediately adjacent to the sidewalk and allow light, air, and movement around a property, the proposed number of feet a porch or deck can project into a required front yard has been reduced to 5'. Similarly, the proposed number of feet a porch or deck can project into a required rear yard has been reduced to 5' to allow, light, and movement around the property, as well as to prevent porches and decks from being built right up to a shared property line and intruding on a neighbor's privacy.

The current standard (a)(2) is deleted because it is not an exception to the new standard (b) and Section 63.501(a) regulates accessory buildings and defines how close they can be to principal buildings before being considered attached. The new standard (b) clarifies that open, uncovered porches or decks more than 2' above grade are subject to setback and lot coverage requires for the principal structure.

To improve consistency, the amendments to standard (d) reduce the number of feet that open, covered porches are able to project into a required yard from 6' to 5' to match open, *uncovered* porches up to 30 inches high, as specified in the new notes (b)(1) and (b)(2).]

#### **Sec. 63.106. Projections into yards.**

- (a) Attached vestibules, enclosed entrances and greenhouses may project up to twenty (20) square feet into a required front or rear yard and ~~shall be included as part of the principal structure for~~ are subject to lot coverage ~~purposes~~ requirements.
- (b) Ramps for the handicapped ~~are exempted and~~ may project into required yards and are not subject to lot coverage requirements.
- (c) Chimneys and fireplaces may project up to one (1) foot into a required yard and are subject to lot coverage requirements.
- (d) Except as otherwise provided for in section 63. ~~501500~~(b), overhangs, decorative details and bay windows may project into a required yard sixteen (16) inches plus two (2) inches for each foot of width of the required side yard and are not subject to lot coverage requirements.
- (e) Air conditioning condensers may be permitted in required side and rear yards and nonrequired front yards and are not subject to lot coverage requirements.

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(f) Attached uncovered balconies located on the second story and above may project up to five (5) feet into a required yard along a street or an alley.

**[Analysis:** These amendments improve clarity by using consistent language and specifying whether these projections are subject to lot coverage requirements. These clarifications are based on interpretation by the Zoning Administrator in the Department of Safety and Inspections. The reference to section 63.500 is corrected in standard (d).]

To increase design flexibility, the proposed new standard (f) allows attached balconies on the second floor and above to project up to 5' into a required yard along a street or alley. Multi-family development projects often have difficulty incorporating balconies into the design while meeting setback standards. Opinions heard through community engagement activities confirmed that access to fresh air and the outdoors via site elements such as a yard, patio, or balcony are a welcomed housing amenity. Allowing balconies on the second floor to project only partially into a required yard encourages more access to the outdoors without blocking necessary circulation of emergency personnel on the ground level or intruding on a neighbor's privacy.]

## 2. Off-Street Parking Facility Standards Update

### **Sec. 63.303. Parking location.**

- (a) Parking spaces for one- and two-family dwellings ~~shall~~ must be located on the same zoning lot that they are intended to serve.
- (b) Off-street parking spaces for uses other than one- and two-family dwellings ~~shall~~ must be located on the same zoning lot as the building it is intended to serve or within five hundred (500) feet of the building it is intended to serve and in ~~the same or a less restrictive~~ zoning district ~~as the principal use, or within a more restrictive zoning district providing where~~ the principal use is ~~also~~ an allowed use ~~in that zone~~.

**[Analysis:** These amendments improve clarity and simplify language. Currently, off-street parking spaces must be located on the same lot as, or within 500 feet of, the building it is intended to serve; the parking spaces must also be located either in the same zoning district as the property, in a less restrictive zoning district, or within a more restrictive zoning district that still permits that principal use. To simplify, off-street parking spaces are proposed to be permitted within 500 feet of the building they are intended to serve in any zoning district where the principal use is permitted.]

### **Sec. 63.308. Maneuvering lanes and driveways.**

- (a) Off-street parking facility access. Access to ~~all~~ off-street parking facilities for more than four (4) dwelling units on a lot must ~~shall~~ be provided by a maneuvering lane so that any vehicle leaving or entering the facility from or onto a public street ~~shall be is~~ traveling forward. ~~except in the following circumstances: Except where it is determined impractical, unreasonable, or harmful to the public safety by the zoning administrator, driveways accessing off-street parking facilities should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial and collector streets.~~
- (1) ~~Parking for one- and two-family structures;~~
  - (2) ~~Stacked parking.~~ Stacked parking ~~shall be is~~ allowed in any off-street parking facility ~~whenever an attendant is present, and~~ space for any maneuvering of vehicles must be provided in the ~~attended~~ parking facility. An attendant must be present for parking facilities with stacked parking for more than six (6) principal dwellings.
- (b) Driveways. For ~~one-family lots with up to four (4) total principal dwelling units through four-family dwellings and townhouses,~~ driveways that access a public street in front yards ~~shall~~ must be no more than twelve (12) feet in width, except that a driveway may be up to four (4) feet wider than the garage door within ~~(thirty) (30)~~ feet of the garage door. For dwellings in which any portion of the building is more than one-hundred fifty (150) feet from the

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street, a driveway up to twenty (20) feet in width is permitted to meet fire access requirements. Driveways for one-family, ~~and~~ two-family, and multiple-family dwellings on zoning lots with up to four (4) total principal dwelling units must ~~shall~~ be a minimum of eight (8) feet in width or driveway pavement may be limited to wheel tracks at least two (2) feet wide.

- (c) *Alley access and maneuvering.* Off-street parking facilities may be permitted access to an alley except where it is determined in the review of a site plan by the zoning administrator that allowance of alley access would create or aggravate an unsafe condition is impractical, unreasonable, or harmful to the public safety; or where maintenance of alley surfaces, erosion control, or protection of water quality may be impaired.

For parking facilities of seven (7) or fewer parking spaces, the spaces may be directly off of the alley and the maneuvering lane may include the alley.

For parking facilities of eight (8) or more spaces, the spaces may be directly off of the alley and the maneuvering lane may include the alley, provided notice is sent to adjacent property owners in the manner set forth in section 61.402(b)(5) and there is an opportunity for them to comment. If the spaces are directly off of the alley and the maneuvering lane includes the alley, the spaces ~~shall~~ must be set back a minimum of ten (10) feet from the centerline of the alley.

Uses prohibited alley access elsewhere in the zoning code ~~shall~~ must not be permitted alley access by the provisions of this section.

**[Analysis:** These amendments add titles to each standard, increase flexibility, maintain consistent standards, and clarify exemptions to certain standards.

Except for parking for one- and two-family structures and stacked parking, access to off-street facilities is currently required to be provided by a maneuvering lane so that vehicles entering a facility from or exiting onto a public street are traveling forward. Lots with four or fewer dwellings are proposed to be exempted from this requirement to maintain consistent treatment of these lot types, as are situations where alley access is determined impractical, unreasonable, or harmful. A new sentence requires driveways to be designed such that vehicles are not forced to back off the property into traffic. Limiting the number of vehicles backing out into traffic onto busier roads like arterials and collectors helps to maintain traffic patterns and reduce potential for conflicts.

Currently, stacked parking is allowed in any parking facility where an attendant is present. To maintain consistent standards and increase flexibility for lots with up to six dwelling units, stacked parking is proposed to be permitted without an attendant for lots with up to six dwelling units. It is maintained that space for maneuvering of vehicles be provided in the facility.

Currently, for one-family through four-family dwellings and townhouses, driveways accessing a public street in front yards have a maximum width of 12', with an exemption for driveways within 30' of a garage door. Because RL and H1-H3 districts are proposed to allow a maximum number of principal units, regardless of the dwelling type, and in order to have consistent standards for lots with up to four units, this maximum width is proposed to be applied to lots with up to four principal dwelling units. Lots with more than four principal dwelling units may be better served by a driveway greater than 12' wide providing two-way access. The required minimum driveway width of 8' or limit of driveway pavement to wheel tracks at least 2' wide are also applied to lots with up to four principal dwelling units.

For properties with a building that contains three or more units or more than two buildings that contain one or two units, the State Fire Code requires an unobstructed 20'-wide fire access drive from the street to extend within 150' of all portions of each building. The public street can count as the fire access drive if all portions of the buildings are within 150' of the street, but if any building portion is more than 150' feet from the street, the driveway would need to be 20' wide to meet the fire access requirements. The amendments to this section meet the fire access requirement.

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To maintain consistent language, the proposed amendments to standard (c) match Section 63.501's new standard (c) (discussed in Section D of this report) to allow access to the alley, except if the access impairs maintenance of alley surfaces, erosion control, or protection of water quality.】

### **Sec. 63.310. Entrances and exits.**

Adequate entrances and exits to and from ~~the a~~ parking facility ~~shall~~ **must** be provided by means of clearly defined and limited drives. ~~The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged.~~ When ~~a~~ driveways no longer leads to legal off-street parking, the driveway and curb cut ~~must~~ **shall** be removed and landscaping and curbing ~~must~~ **shall** be restored.

- ~~(a)~~ The number of curb cuts must be minimized, and shared curb cuts for adjacent parking areas on adjacent lots are encouraged, except where it is determined in the review of a site plan that consolidating curb cuts would create or aggravate an unsafe condition.
- ~~(ab)~~ Entrances and exits to and from all parking facilities for commercial or industrial uses located in commercial, industrial, or traditional neighborhood districts ~~shall~~ **must** be at least six (6) feet from any adjoining property in RL-RT2 zoning districts.
- ~~(bc)~~ Entrances and exits to and from a parking facility ~~shall~~ **must** be at least thirty (30) feet from the point of intersection of curb lines of two (2) or more intersecting streets.
- ~~(ed)~~ Entrances and exits to and from a parking facility ~~shall~~ **must** be at least five (5) feet from existing or planned boulevard trees.

**[Analysis:** These amendments improve clarity by simplifying language and creating a new standard (a) specifically about consolidating curb cuts. The new standard (a) adopts existing language from the first paragraph and exempts shared curb cuts for adjacent parking areas on adjacent lots if consolidating curb cuts would create or aggravate an unsafe condition. Frequent or overly-wide curb cuts disrupt the streetscape and pedestrian environment, and this code section is consistent with Comprehensive Plan Policy T-12.】

### **Sec. 63.316. Paving.**

All parking spaces, driveways and off-street parking facilities ~~shall~~ **must** be paved with standard or pervious asphalt or concrete, or with brick, concrete or stone pavers, or material comparable to the adjacent street surfacing, in accordance with specifications of the zoning administrator, within one (1) year of the date of the permit except as provided in section 61.402(e).

The total amount of paving for surface parking spaces for one-family, ~~and~~ two-family, and multi-family dwellings on a lot with up to six (6) principal dwelling units, shall **must** not exceed ~~fifteen~~ twenty (1520) percent of the lot area ~~or one thousand (1,000) square feet, whichever is less.~~

**[Analysis:** These amendments improve clarity and change the maximum amount of paving allowed for surface parking spaces. To accommodate the proposal that RL and H1-H3 allow a maximum number of principal units, regardless of the dwelling type, and the desire to have consistent standards for lots with up to four to six units, 20% of the lot area is set as the maximum amount of paving for surface parking spaces. Increased from the current 15%, a 20% maximum reflects the consultant's conceptual housing types with one to six dwelling units with off-street parking on typical 4,520 sq. ft. and 6,250 sq. ft. lots. On interior lots without alley access, the total amount of existing paving for surface parking ranged from 17% to 21% of the lot area for the one- to four-unit arrangements and ranged from 24% to 39% for the five- to six-unit arrangements. For lots located on alleys and corner lots, the total amount of paving for surface parking ranged from 6% to 18% for the one- to six-unit arrangements. The proposed 20% maximum allows most of these conceptual arrangements, except for the five- to six-unit arrangements on lots without alley access. The conceptual arrangements with paving for parking spaces that is greater than 20% could make

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adjustments like providing fewer parking spaces, developing on a larger lot, or housing the parking spaces in a garage to reduce the amount of paving for surface parking spaces.

A 20% lot coverage for paving of surface parking spaces for one to six units, combined with the proposed 40-45% total building lot coverage for RL-H3 building, essentially results in a total impervious surface area lot coverage of 60-65%. The City of Minneapolis zoning code has impervious coverage maximums of 65% for lots less than 6,000 square feet without alley access or a second street frontage and a minimum of 60% total impervious lot coverage for residence districts, depending on the built form overlay district.】

## F. Site Plan Review clarifications

The proposed amendments in this section clarify that Site Plan Review is required for development of more than three new dwelling units and cluster developments.

### 1. Site Plan Review Clarifications

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

- (a) *Plan to be submitted.* A site plan shall be submitted to and approved by the planning commission before a permit is issued for grading or the erection or enlargement of any building except ~~for development of one- and two-family dwellings~~ three or fewer new dwelling units, and including the following:
- (1) Any development of one- and two-family ~~residences dwellings which together that~~ exceeds two (2) acres (87,120 square feet) in total lot area.
  - (2) In the TP tree preservation district, any development of one- and two-family ~~residences dwellings~~ over one (1) acre (43,560 square feet) in total lot area.
  - (3) ~~All residentially-related uses in one-family districts, such as, but not limited to, churches, schools and public facilities. Cluster developments as defined in section 65.130.~~
  - ...
  - (8) Any development on a slope of greater than twelve (12) percent ~~or greater~~.
  - (9) Any development in the river corridor critical area or in the floodplain district except one- and two-family dwellings which do not affect slopes of greater than twelve (12) percent ~~or greater~~.
  - ...

**[Analysis:** These amendments improve clarity by simplifying language and clarifying that the Site Plan Review process is required for the erection or enlargement of any building except for development of three or fewer new dwelling units and cluster developments. The reference to residentially-related uses in (3) is removed because these uses are covered with (a). The amendments to (8) and (9) maintains consistency with the current language in Section 63.111.]

## G. Subdivision regulations update

The proposed amendments in this section increase opportunities for neighborhood-scale housing and infill development with the introduction of two new lot types that can be created through a lot split, as well as the addition of lot standards that ensure that the resulting lots and future development can meet requirements for access and utilities.

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## 1. New, Back Lot and Reverse Flag Lot Definitions

### Sec. 60.213. L.

...

*Lot, back.* A lot abutting an alley that does not also abut a street.

...

*Lot, reverse flag.* A lot with alley access provided to the bulk of the lot by means of a corridor of lesser width.

...

*Lot width.* The horizontal distance between the side lot lines, measured at the required front setback line. For flag lots or pie-shaped lots, the lot width ~~shall be~~ is the horizontal distance between the side lot lines, measured at the proposed front building line. Regardless of lot shape, the minimum lot width ~~shall must~~ be met for the entire length of the principal buildings. For back lots, the lot width applies to both lot dimensions and be met for the entire length and width of the principal buildings.

...

**[Analysis:** These amendments define two new lot types that would be allowed to be created from a lot split. Community engagement confirmed that preservation of and creation of homeownership opportunities is desired. Allowing more lot types and options for subdividing an existing lot can lead to increased opportunities for homeownership as well as rental housing. Currently, all lots designated for residential use need to adjoin a street (Sec. 69.508 (a), amendments proposed, discussed below). The creation of the definition of a *back lot* that abuts an alley instead of a street allows for deep lots with alley access to be split horizontally. A *back lot* is similar to a *flag lot* (which is already permitted by the code), but instead of a narrow corridor to the street hosting utilities and allowing pedestrian access, an easement across an adjoining lot would provide for the access and utility connections to it. The allowance of *back lots* in addition to flag lots provides another option when subdividing a lot with alley access. The new section defining the easement requirements for *back lots* is discussed below.

These amendments also define a *reverse flag lot*, which is similar to a *flag lot*, but instead of a corridor of lesser width providing street access to the bulk of the lot, the corridor of less width provides alley access to the bulk of the lot. In the subdivision of a lot located on an alley where it is split horizontally, the resulting lots would be a *reverse flag lot* that adjoins both the street and the alley, paired with either a *back lot* or *flag lot* (see Figure 8).

The addition to the *lot width* definition specifies how lot width standards apply to back lots to ensure lots remain adequately sized in order to physically fit buildings and necessary utilities, while accommodating space for other standards like setbacks.]



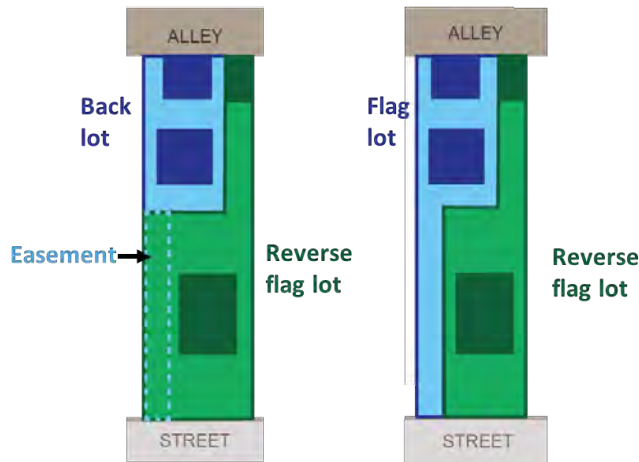


Figure 8: Back Lots and Reverse Flag Lots

#### Sec. 69.304. Approval of lot splits and adjustments of common boundaries.

Lot splits and adjustments of common boundaries are permitted without platting, provided the following conditions are met:

- (1) The lot or lots have frontage on an existing improved street (except for back lots) and access to municipal services. For back lots, an easement for pedestrian and municipal services access and house number visibility must be provided as required under 69.508(j).

...

**[Analysis:** This amendment permits lot splits to result in a back lot by specifying that back lots do not have frontage on an existing improved street, but that an easement for pedestrian and municipal services access and house number visibility must be provided as required under a proposed new standard, 69.508(j), discussed below.]

## 2. Related Lot Standards Update

#### Sec. 69.508. Lots.

- (a) *Street frontage.* All lots ~~which are~~ designated for residential use ~~shall~~ must adjoin a street except for back lots and developments that which have individually described lots for each dwelling structure and a common lot for open space, yards and off-street parking, in which case the common lot ~~shall~~ must adjoin a street.
- (b) *Alley frontage.* All interior lots designated for residential use must adjoin an alley when available.
- (~~b~~c) *Through lots.* Through lots ~~shall~~ must be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (~~e~~d) *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street.
- (~~e~~e) *Lots on slopes.* Newly created lots must allow for a minimum setback for development of forty (40) feet from the top of bluff lines as defined by the comprehensive plan. Lot arrangement shall avoid, wherever possible, the placement of structures on eighteen (18) percent slope or steeper, or the necessity to alter such slopes for purposes of construction.
- (~~e~~f) *Solar access.* In subdivisions of ten (10) acres or larger, lots ~~shall~~ must be platted in a north-south orientation to maximize solar access.

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(fg) *Lot access.*

- (1) *Street access.* Lots ~~shall~~ must not, in general, derive access exclusively from an arterial or collector roadway. The number of curb cuts must be minimized and ~~where~~ driveway access from a major or secondary street may be necessary for several adjoining lots, the planning commission it may is generally required that such lots be served by a combined access drive in order to limit possibility of traffic hazard and limit curb cuts on such street. Except where it is determined impractical, unreasonable, or harmful to the public safety by the zoning administrator, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials and collector streets.
- (2) *Alley access.* Vehicular access may be from an abutting alley when available, except where it is determined in the review of a site plan application by the zoning administrator that there are circumstances unique to the property that make this impractical, unreasonable, harmful to the public safety; or where maintenance of alley surfaces, erosion control, or protection of water quality may be impaired.

(gh) *Lot dimensions.* Lot dimensions shall comply with the minimum standards of the zoning code. Where lots are more than double the minimum required area for the zoning district, the city council may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning code and these regulations.

(i) *Flag lot width.* Lot widths must conform to the minimum lot standards of the zoning district with the following additional standards:

- (1) For flag lots, the width of the narrow corridor that provides street access must be a minimum of twenty (20) feet. As part of subdivision review, the minimum width may be increased or reduced further based on easement requirements related to emergency access, utilities, steep slopes or other site conditions as approved by the City.
- (2) For reverse flag lots, the width of the narrow corridor that provides alley access must be a minimum of twelve (12) feet.

(j) *Easements.*

- (1) For back lots, an easement that is a minimum of twenty (20) feet wide across a single adjoining lot must be provided for pedestrian, water, sanitary sewer, and gas line connections to the nearest public street and for house numbers that can be clearly seen and read from the public street. As part of subdivision review, the minimum width may be increased or reduced further based on City and other applicable regulatory requirements related to emergency access, utilities, steep slopes or other site conditions and constraints. An easement reflecting all utilities, reciprocal pedestrian and vehicular access for pedestrians and any vehicles, and shared maintenance responsibilities must address regulatory requirements and be the responsibility of developer to record prior to receiving a certificate of occupancy or building permit.
- (2) For flag lots, an easement across the narrow corridor that provides street access may be required for shared vehicular access with the adjoining lot. If shared vehicular access is used, an easement reflecting reciprocal vehicular access and shared maintenance responsibilities is the responsibility of developer to record prior to receiving a certificate of occupancy or building permit.

(hk) *Side lot lines.* Side lot lines generally ~~shall~~ must be at right angles to or radial to street lines.

(il) *Split zoning.* Lots ~~shall~~ must not be created which result in split zoning classifications.

**[Analysis:** These amendments improve clarity, code consistency, and define standards related to the proposed new back lots and reverse flag lots. The proposed amendment to the *street frontage* standard clarifies that back lots do not adjoin a street, consistent with the definition of *back lot* in the Section 60.213. The new *alley frontage* standard requires interior lots designated for residential use to adjoin an alley when available. This requirement ensures that for a horizontal lot split of an interior lot located on an alley, a reverse flag lot with access to the alley would be paired with a back lot or flag lot. Alleys provide another access point for many lots in the city; according to staff analysis, about 55% of R1-RT2 lots with one-to-

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four-units are located on an alley. It is beneficial to take advantage of available alleys to avoid disrupting the streetscape and pedestrian environment with additional curb cuts to the street. This is also consistent with Comprehensive Plan Policy T-12, which says to “*minimize and consolidate driveway curb cuts ... for redevelopment sites that have sufficient existing access or can reasonably be accessed via side streets, alleys or shared driveways, ....*”.

*Lot access* is proposed to have two standards, (1) *street access* and (2) *alley access*. *Street access* includes existing language and amendments to match the new Section 63.310 (a) about minimizing curb cuts for entrance and exits to and from a parking facility and the new Section 63.308 (a) about driveways being designed and arranged so as to avoid requiring vehicles to back into traffic to (both sets of amendments are discussed in Section E of this report) to maintain consistency. *Alley access* is proposed to be added to match the language in Section 63.308 (c) (discussed in Section E of this report) that provides alley access and maneuvering standards for off-street parking facilities that permit access from an abutting alley. The new *flag lot width* standard defines the widths of the narrow corridor that provides street access for flag lots and that provides alley access for reverse flag lots. For flag lots, 20 feet is determined to be generally sufficient for utilities and access. Because each development scenario is different and varies based on numerous factors, the sentence about the potential for this minimum width to be increased or reduced further as part of the subdivision review, clarifies that the 20’ minimum width may change. For reverse flag lots, the minimum 12’ width for the narrow corridor that provides alley access matches the maximum driveway width specified in 63.308 (b) (amendments proposed, discussed in Section E of this report), which is sufficient for providing a driveway as well as a one-car garage in the narrow corridor width if there is a recorded maintenance easement or common wall agreement with the adjoining lot.

The new *easement* standard provides standards for back lot and flag lot easements ensure that the lots will meet requirements for access and utility connections and that the developer understands their responsibility for the easement to address these regulatory requirements prior to receiving a certificate of occupancy or building permit. For back lots that do not have direct access to the street by abutting it, easements across an adjoining lot are important for meeting requirements for providing pedestrian and utility connections to the street and for house number visibility. This standard for back lots specifies that easements must be a minimum of 20’ wide, which was determined to be generally sufficient for utilities and access. Like for flag lots, each development scenario is different and varies based on numerous factors. Specifying the minimum width could be increased or reduced further as part of the subdivision review helps to set expectations for the developer throughout the development process. The sentence about the easement needing to reflect utilities, reciprocal access, and shared maintenance responsibilities and regulatory requirements prior to receiving a certificate of occupancy or building permit helps a developer understand their responsibilities and process requirements. The standard for flag lot specifies that an easement may be required for shared vehicle access with the adjoining lot when the lots share a driveway and helps a developer understand their responsibilities and process requirements.】

#### **Sec. 71.06. No permits until number has been issued.**

Every applicant for a new building permit, any sewer or water connection permit, or private well or individual sewage treatment system permit ~~shall~~ **must** first obtain from the department of public works an official designated number for the structure to be built before such permit or permits shall be issued. Except in the ~~R-LL-District~~ **RL residential district**, no number ~~shall~~ **will** be issued for property ~~which does not abut upon a graded and surfaced street, or which that~~ does not have available for connection public sewer or water services. **Except for dwelling units adequately served by municipal services on a back lot in a residential zoning district, no number will be issued for property that does not abut upon a graded and surfaced street.** In the ~~R-LL-District~~ **RL residential district**, an official designated number may be issued for property ~~which that~~ abuts an unimproved street and ~~which~~ is to be served by a private well and/or individual sewage

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treatment system. The director of the department of public works after consultation with the city planning administrator may waive the requirements for graded street, sewer or water when it is determined that because of unique practical difficulties it is not feasible to install such public sewers, water or grade and surface the adjacent street, and that unimproved streets and lack of public sewer and water systems will not pose a threat to the public health and safety. Any person aggrieved by the decision of the director may appeal the decision to the council of the City of Saint Paul; provided, that such appeal shall be taken within thirty (30) days from the notification of the director's decision. No waiver granted by the director or city council shall be valid for a period longer than one (1) year from the date of issuance, unless a building permit for the proposed structure is obtained within such period and the construction of the structure is proceeding in accordance with the terms of such permit, unless the director or city council grants an extension not to exceed one (1) year.

**[Analysis:** These amendments update the references to the R-LL residential district to the correct district name, *RL*, improve grammar, and reflect the allowance of back lots. By definition, back lots do not abut a street, and under the current provisions, would not be able to obtain an official house number and permits. The amendments allow dwelling units that are adequately served by municipal services to be issued a house number.]

## **H. Additional Corrections and Clarifying Updates**

The proposed amendments in this section make additional corrections and clarifying updates to other parts of the zoning code that do not fit in with the amendment topics A-G.

### **Sec. 69.600. Required improvements.**

- (a) *Generally.* In instances where the subdivider owns all the property being served by the following listed improvements, and he petitions the city to construct the same, the subdivider will be charged the full cost of the improvement notwithstanding limitations contained in the city's assessment policy. In the event other properties, not owned by the subdivider, are served by the improvements, and if the city is petitioned to construct the same, the apportionment of costs, if required, will be determined by the City of Saint Paul. Prior to approval of the final plat by the city council, the subdivider ~~shall~~ must either have installed and dedicated to the city, or guaranteed to install in a manner set forth in section 69.500 et seq., and which meets the standards of the director of public works, the following improvements on the site. Exceptions to these requirements are allowed in the ~~R-LL District~~ RL residential district; the nature of these exceptions are noted below.

...

**[Analysis:** These amendments to (a) and subsequent notes (b) through (e) update the references to the R-LL residential district to the correct name and improve clarity.]

### **Sec. 63.107. ~~Reserved Multiple dwelling side yard.~~**

~~For the purpose of side yard regulations, a two family house, a townhouse or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.~~

**[Analysis:** These amendments delete an unnecessary statement that is no longer needed because side yard regulations for residential districts are covered under current 66.231(h), new (f) (discussed in Section A of this report).]

### **Sec. 60.226. Y.**

...

*Yards.* The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this code, and as defined herein:

- 
- (1) *Front yard:* An open space extending the full width of the front lot line, the depth of which is the minimum horizontal distance between the front lot line and the nearest above-grade point of the nearest main building. For a corner lot ~~that which~~ is not a reversed frontage corner lot, the front yard ~~shall~~ must adjoin a front yard in an adjoining lot.
  - (2) *Rear yard:* An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest above-grade point of the nearest main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
  - (3) *Side yard:* An open space between a ~~main building and the~~ side lot line and the nearest main building, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest above-grade point of the nearest main building.

*Yards, required.* The portions of the yard that extend along a lot line and to a depth or width specified in the yard setback requirements for the zoning district.

- (1) *Required front yard:* The portion of the yard extending the full width of the front lot line, the depth of which is the minimum front yard setback.
- (2) *Required rear yard:* The portion of the yard extending the full width of the rear lot line, the depth of which is the minimum rear yard setback.
- (3) *Required side yard:* The portion of the yard extending along a side lot line between the front yard setback line and the rear yard setback line, the depth of which is the minimum side yard setback.

**[Analysis:** These amendments correct grammar, improve clarity, and add new *required yard* definitions. Required front, rear, and side yards are referenced throughout the zoning code, but Section 60.200 General Definitions, which holds definitions for the purposes of the zoning code does not include required yards definitions. The proposed new definitions will apply to entire code, replacing the *required yard* definition in the sign code, discussed below.]

#### **Sec. 64.120. R.**

...

~~*Required yard.* The space between the public right of way and the legal setback line, as defined in chapter 60.~~

...

**[Analysis:** Chapter 64 of the zoning code is the sign code, and definitions in it apply only to the sign code. To reflect the proposal to add new required yard definitions to Section 60.226 that applies to the entire zoning code, this amendment deletes the required yard definition in the sign code.]

## **7. Committee Recommendation**

The Comprehensive and Neighborhood Planning Committee recommends that the Planning Commission release this memo, zoning text amendments, and appendices for public review and comment, and to set a public hearing for April 14, 2023. The Committee recommends these be released with the set of high-level questions, listed in Appendix D, for the community to consider during the public comment period and public hearing on the draft ordinance for the 1-4 Unit Housing Study Phase 2.

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## **8. Appendices**

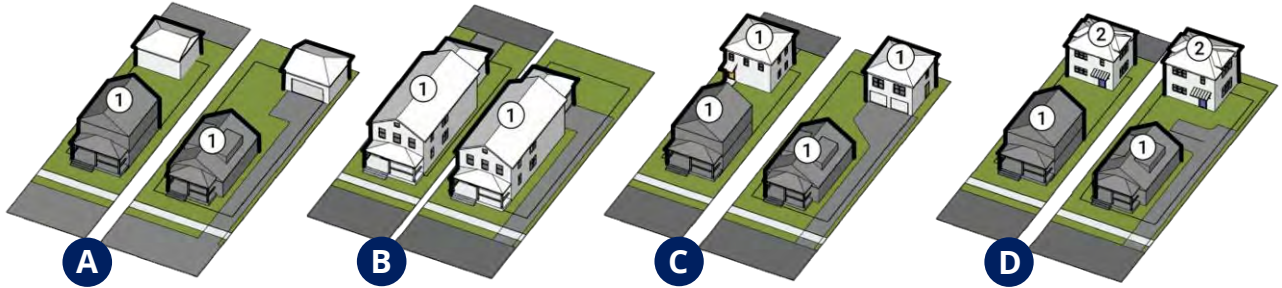
**Appendix A: Conceptual Housing Types**

**Appendix B: Proposed Zoning District Maps**

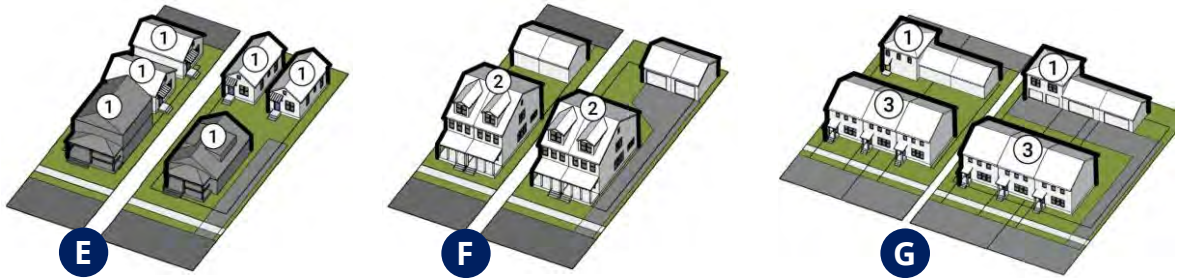
**Appendix C: Proposed Text Amendments**

**Appendix D: Comprehensive and Neighborhood Planning Committee Memo – 1-4  
Unit Housing Study Phase 2: Planning Commission questions for the community**

# Conceptual Housing Types: Batch 1



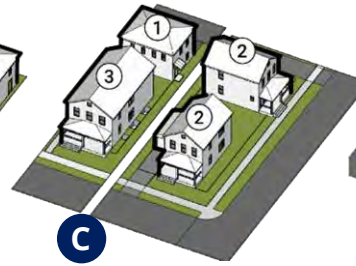
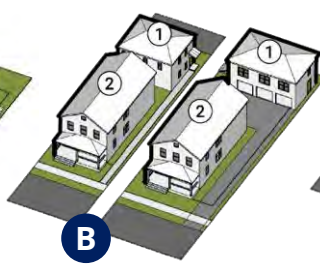
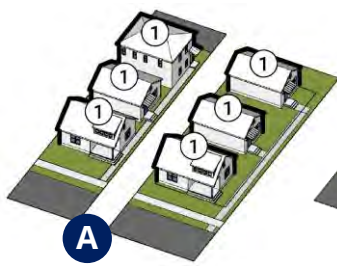
	A. Existing Single-Family Home with Garage		B. Extra-Large Single-Family Replacement		C. Existing House with Backyard ADU		D. Existing House with Backyard Double ADU	
	40' Lot (Alley)	50' Lot (No Alley)	40' Lot (Alley)	50' Lot (No Alley)	40' Lot (Alley)	50' Lot (No Alley)	40' Lot (Alley)	50' Lot (No Alley)
Housing Types	Single-family detached	Single-family detached	Single-family detached	Single-family detached	Single-family detached, ADU	Single-family detached, ADU	Single-family detached, double ADU	Single-family detached, double ADU
Number of Units	1	1	1	1	2	2	3	3
Building Footprints (square feet)	780 (home), 484 (garage)	1,008 (home), 484 (garage)	1,484 (home), 484 (garage)	1,484 (home), 484 (garage)	780 (home), 624 (ADU)	1,008 (home), 624 (ADU)	780 (home), 624 (double ADU)	1,008 (home), 624 (double ADU)
Garage spaces	2	2	2	2	2	2	2	0
Lot area per unit (square feet)	4,520	6,250	4,520	6,250	2,260	3,125	1,507	2,083
Lot width per unit (square feet)	40	50	40	50	20	25	13	17
Total Building Lot Coverage	32.6%	27.2%	48.1%	34.8%	35.7%	29.4%	35.7%	29.4%
Lot Coverage (not including porches)	28.0%	23.9%	43.5%	31.5%	31.1%	26.1%	31.1%	26.1%
Lot Coverage (not including garages)	21.9%	19.5%	37.4%	27.1%	N/A	N/A	N/A	N/A



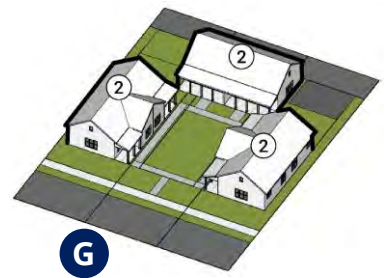
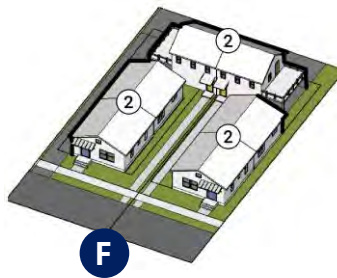
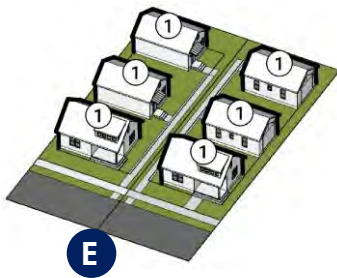
	E. Existing House with Twin Cottages		F. Twin Homes		G. Rowhouses on Double Lot	
	40' Lot (Alley)	50' Lot (No Alley)	40' Lot (Alley)	50' Lot (No Alley)	80' Lot (Alley)	100' Lot (No Alley)
Housing Types	Single-family detached, Cottages	Single-family detached, Cottages	Twin homes	Twin homes	Rowhouses, ADU	Rowhouses, ADU
Number of Units	3	3	2	2	4	4
Building Footprints (square feet)	780 (single-family detached), 540 (each cottage)	1,008 (single-family detached), 540 (each cottage)	1,200 (twin home), 600 (garages)	1,280 (twin home), 600 (garages)	2,310 (rowhouses), 528 (ADU), 840 (garages)	2,520 (rowhouses), 576 (ADU), 840 (garages)
Garage spaces	0	0	2	2	6	6
Lot area per unit (square feet)	1,507	2,083	2,260	3,125	2,260	3,125
Lot width per unit (square feet)	13	17	20	25	20	25
Total Building Lot Coverage	45.8%	36.7%	45.1%	34.2%	40.7%	31.5%
Lot Coverage (not including porches)	41.2%	33.4%	39.8%	30.1%	N/A	N/A
Lot Coverage (not including garages)	N/A	N/A	31.9%	24.6%	31.4%	24.8%



## Conceptual Housing Types: Batch 2

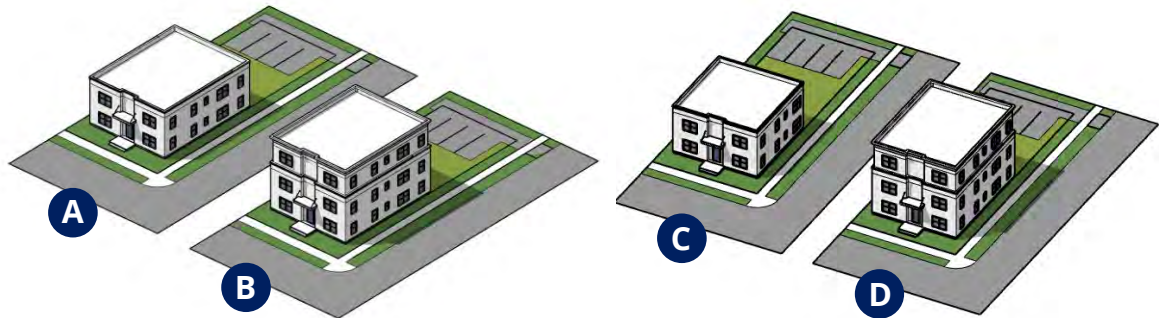


	A. Three Principal Structures		B. Family-Sized Duplex with ADU		C. Four Homes on a Lot		D. Five Homes on a Lot		
	40' Lot (Alley)	50' Lot (No Alley)	40' Lot (Alley)	50' Lot (No Alley)	40' Lot (Alley)	50' Lot (No Alley)	40' Lot (Alley)	50' Lot (No Alley)	50' Lot (Corner)
Housing Types	Single-family detached	Single-family detached	Duplex, ADU	Duplex, ADU	Triplex, ADU	Duplex	Duplex, ADU	Fourplex, ADU	Fourplex, ADU
Number of Units	3	3	3	3	4	4	5	5	5
Building Footprints (square feet)	616-720 (each single-family detached)	616-720 (each single-family detached)	1,352 (duplex), 720 (ADU)	1,352 (duplex), 912 (ADU)	1,196 (triplex), 720 (ADU)	704 (each duplex)	497-528 (each duplex), 576 (ADU)	1,376 (fourplex), 576 (ADU)	1,640 (fourplex), 576 (ADU)
Garage spaces	3	0	3	3	3	1	3	3	3
Lot area per unit (square feet)	1,507	2,083	1,507	2,083	1,130	1,563	904	1,250	1,250
Lot width per unit (square feet)	13	17	13	17	10	3	8	10	10
Total Building Lot Coverage	45.5%	31.2%	50.4%	39.6%	52.6%	25.3%	39.7%	31.2%	35.5%
Lot Coverage (not including porches)	N/A	N/A	45.8%	36.2%	42.4%	22.5%	35.4%	31.2%	35.5%

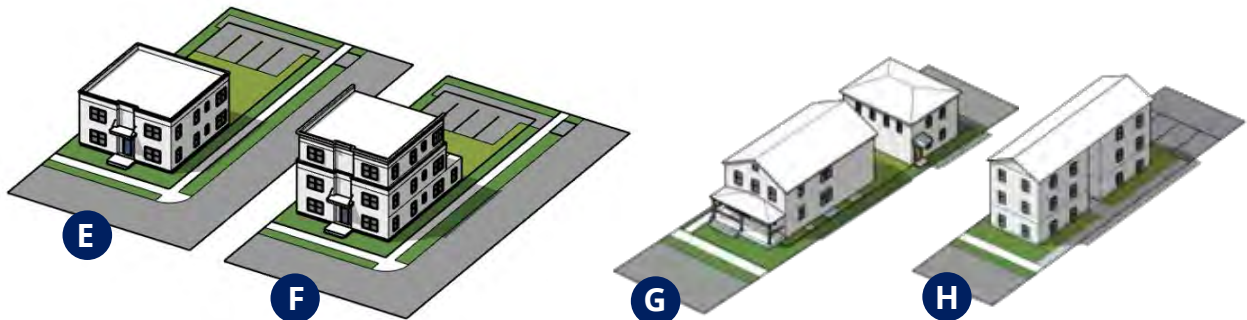


	E. Three Mirrored Cottages	F. Duplex Court on Double Lot	G. Duplex Court on Triple Lot
	100' Lot (No Alley) - Two 50' lots	100' Lot (No Alley) - Two 50' lots	120' Lot (Alley) Three 40' lots
Housing Types	Single-family detached	Duplexes	Duplexes
Number of Units	6	6	6
Building Footprints (square feet)	616-768 (each cottage)	1,152-1,680 (each duplex)	1,352-1,768 (each duplex)
Garage spaces	0	4	0
Lot area per unit (square feet)	2,083	2,083	2,460
Lot width per unit (square feet)	17	17	20
Total Building Lot Coverage	32.0%	38.4%	35.9%
Lot Coverage (not including porches)	N/A	36.1%	33.1%

Conceptual Housing Types: Batch 3



	A. Family-Sized Fourplex 50' Lot (corner)	B. Family-Sized Sixplex 50' Lot (corner)	C. Market-Sized Fourplex 50' Lot (corner)	D. Family-Sized Sixplex 50' Lot (corner)
Housing Types	Fourplex	Sixplex	Fourplex	Sixplex
Number of Units	4	6	4	6
Unit Type	3 bed/1 bath	3 bed/1 bath	2 bed/1 bath	3 bed/1 bath
Building Footprints (square feet)	3,000	3,000	1,833	3,000
Garage spaces	0	0	0	0
Lot area per unit (square feet)	1,563	1,042	1,563	1,042
Lot width per unit (square feet)	13	8	13	8
Total Building Lot Coverage	48%	48%	29%	48%



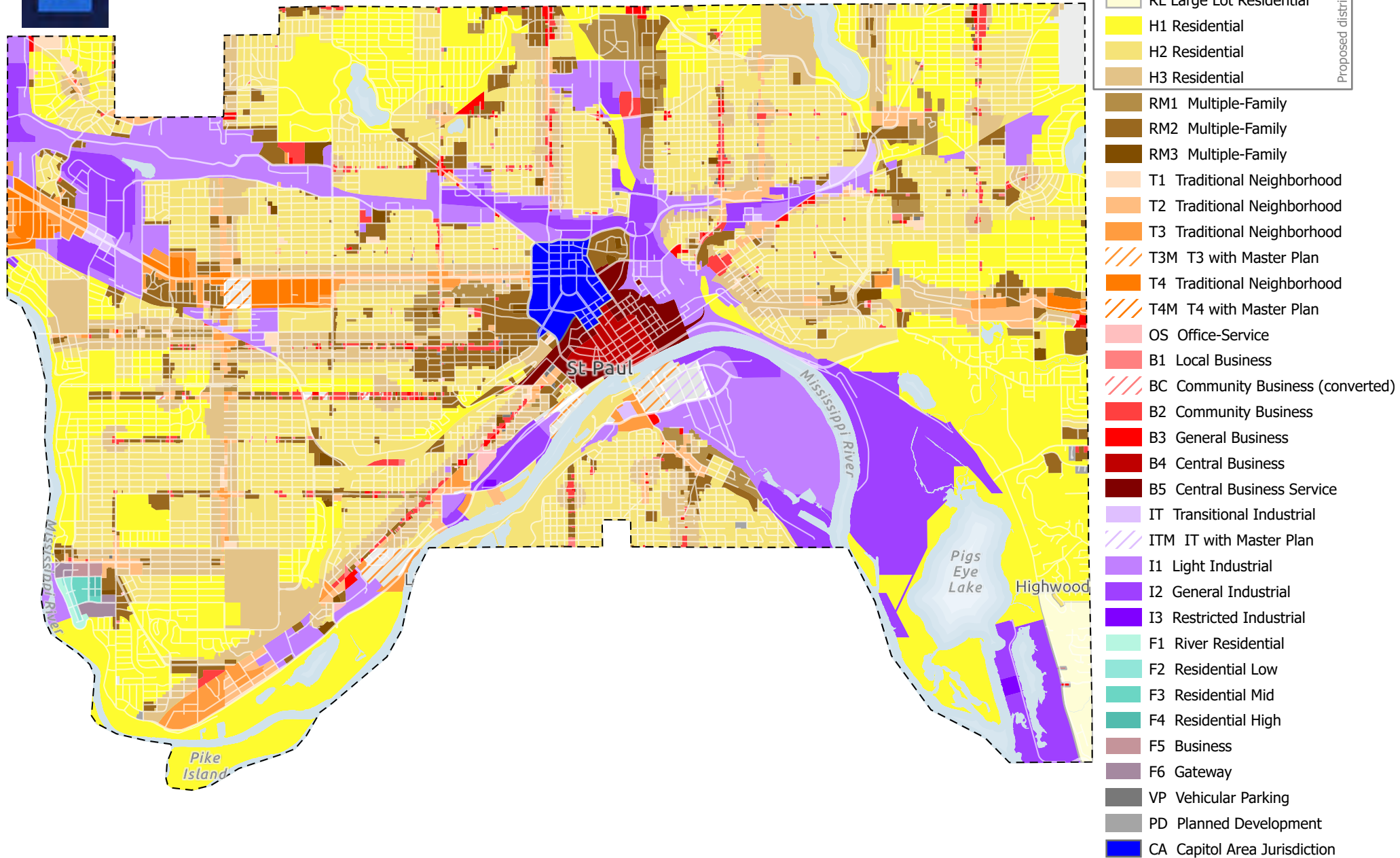
	E. Market-Sized Fourplex 50' Lot (corner)	F. Mixed-Unit Sixplex 50' Lot (corner)	G. Market-sized Double Duplex 40' Lot (Alley)	H. Market-Sized Sixplex 40' Lot (Alley)
Housing Types	Fourplex	Sixplex	Duplex	Sixplex
Number of Units	4	6	4	6
Unit Type	2 bed/1 bath	2 bed/1 bath, 3 bed/1 bath	2 bed/1 bath	2 bed/2 bath
Building Footprints (square feet)	1,833	3,000	1,976	1,810
Garage spaces	0	0	0	0
Lot area per unit (square feet)	1,563	1,042	1,130	753
Lot width per unit (square feet)	13	8	10	7
Total Building Lot Coverage	29%	48%	44%	40%



# Proposed Zoning Districts - All Districts

1-4 Unit Housing Study

January 2023



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Date: 2/7/2023 3:31 PM Document Path: C:\Users\wadem\OneDrive - City of Saint Paul\Documents - PED-Planning and Heritage Preservation\Zoning Studies\1-4 Unit Infill Housing Zoning Study\GIS\Working Mapping\ArcGIS PRO aprx files\4 - GIS\1-4 Unit Housing Study mapping.aprx

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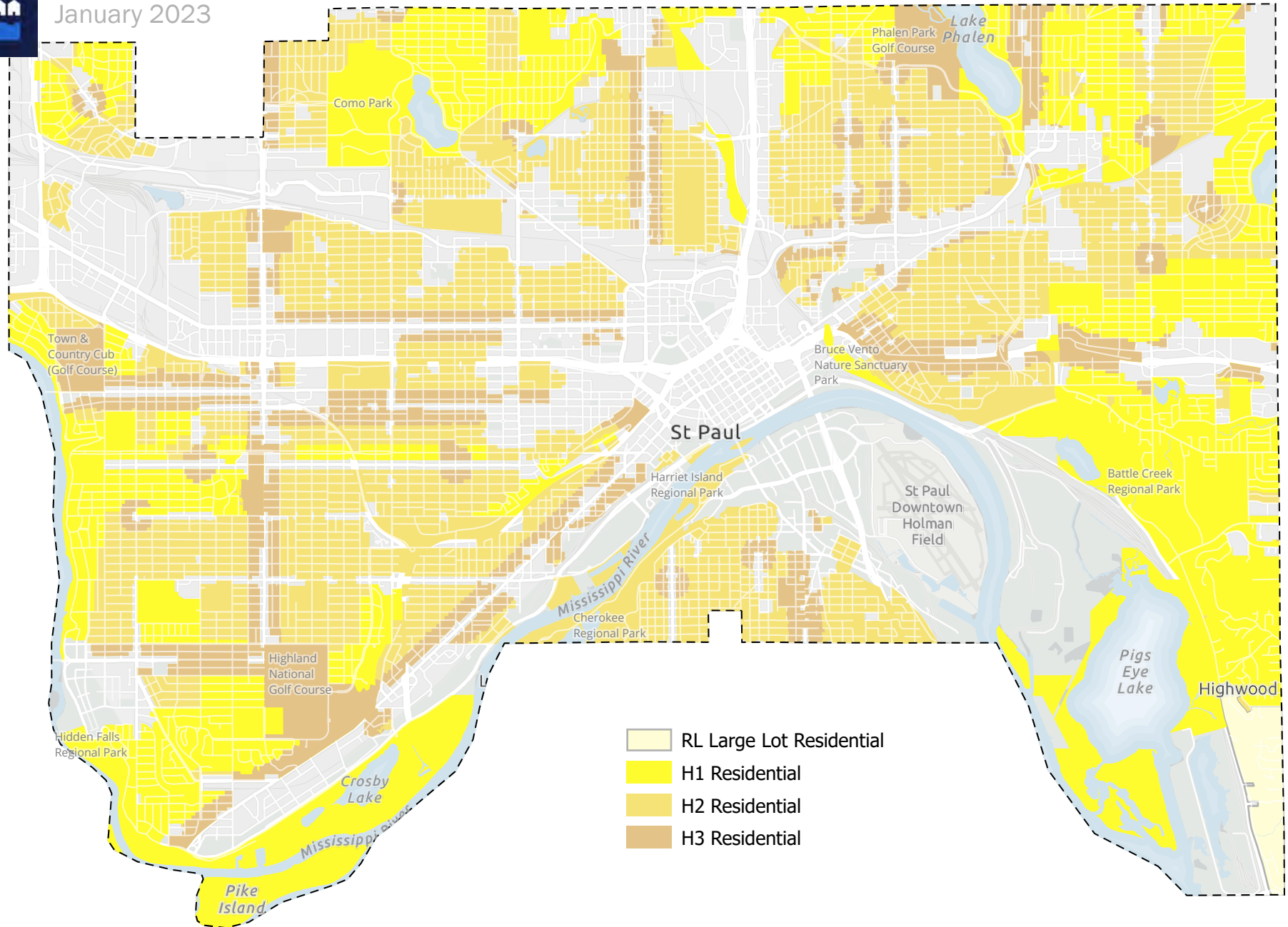


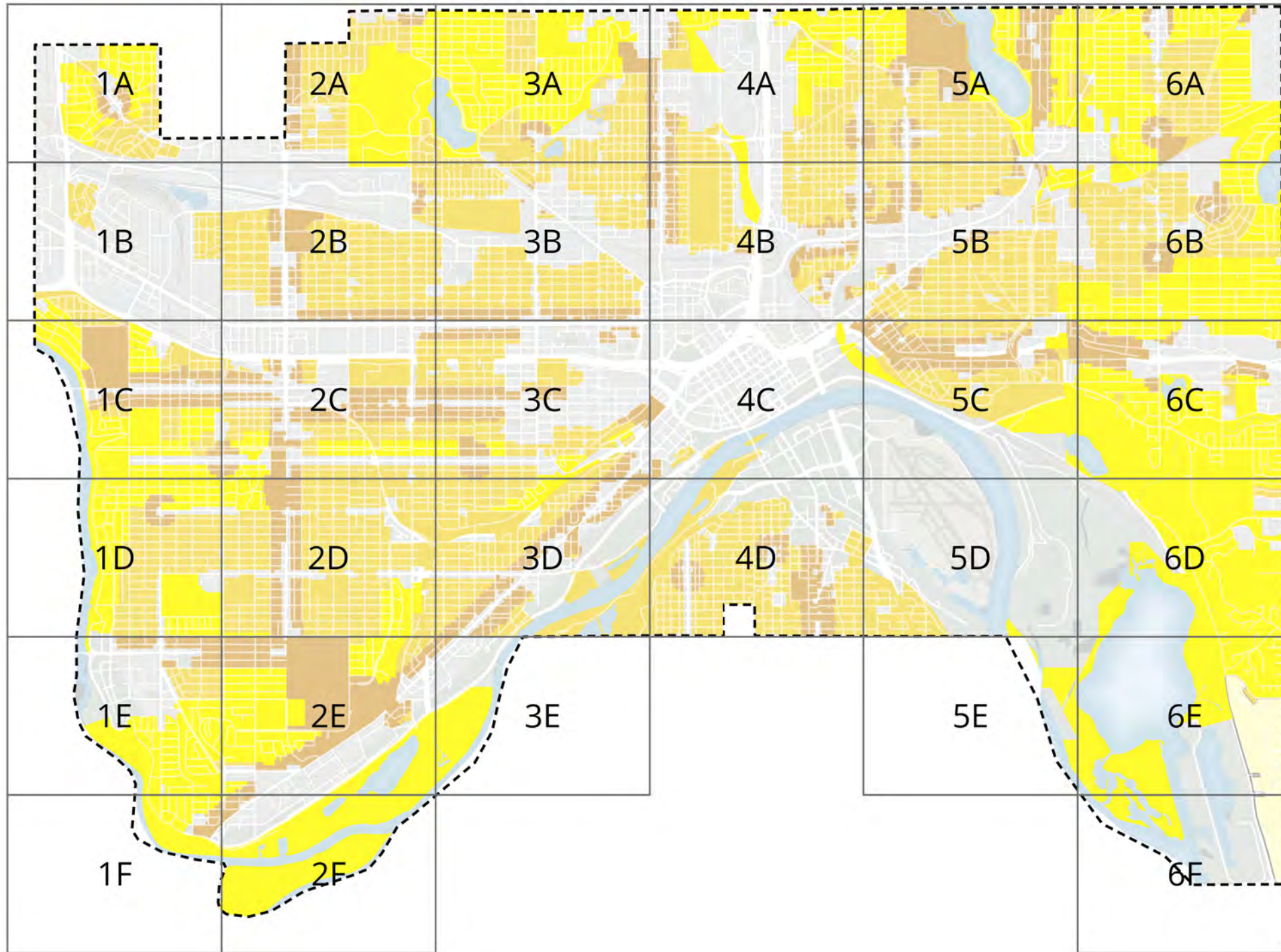


# Proposed Zoning Districts

1-4 Unit Housing Study

January 2023





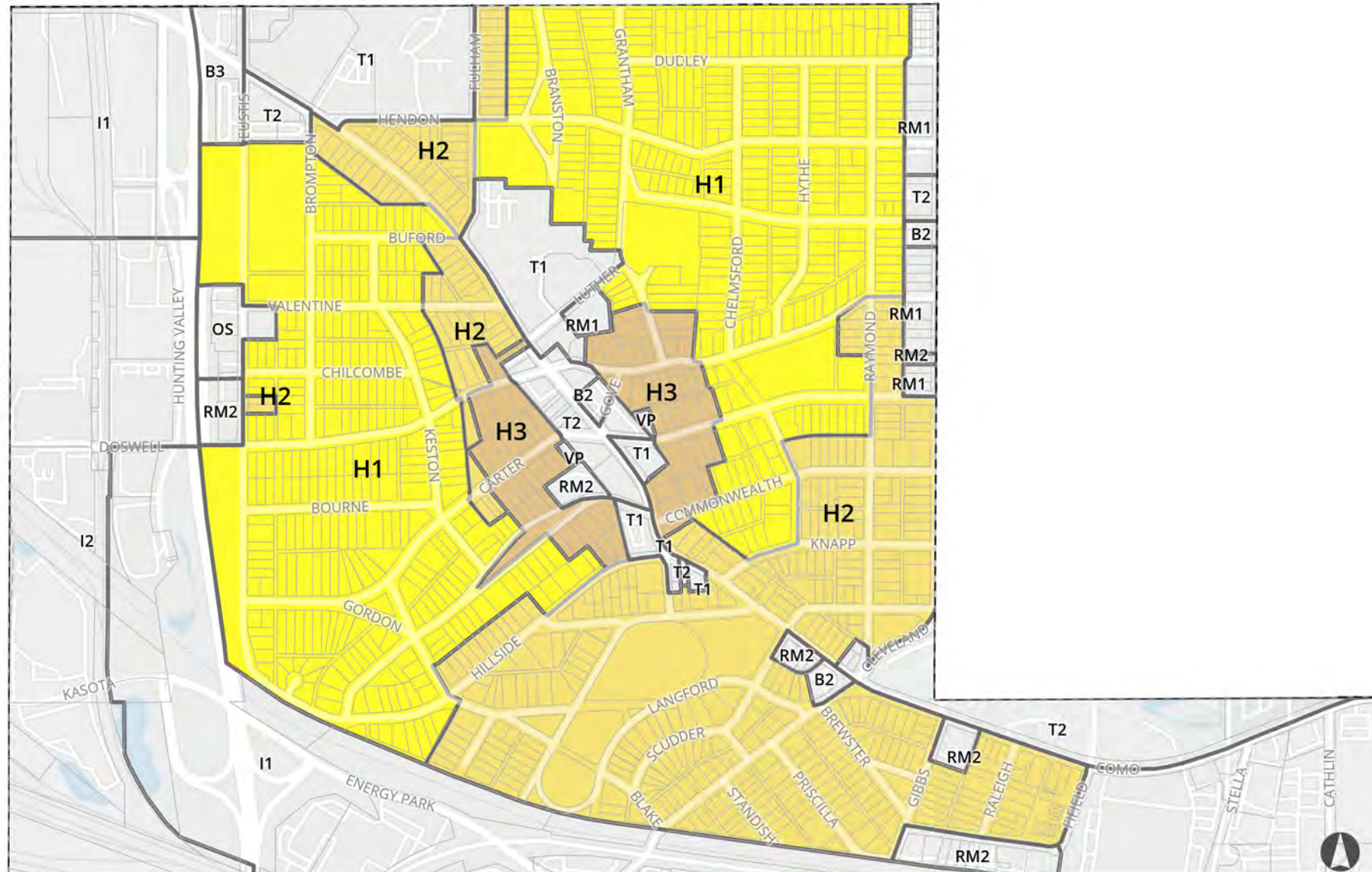
Booklet of  
**Proposed  
 Zoning  
 Districts**  
 1-4 Unit Housing Study

Proposed Zoning Districts

- H3 Residential
- H1 Residential
- H2 Residential
- RL Large Lot Residential

0 2,500 5,000 10,000  
 Feet





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
- B3 - General Business
- B4 - Central Business
- B5 - Central Business Service
- BC - Community Business (Converted)
- CA - Capitol Area Jurisdiction
- F1 - Ford River Residential
- F2 - Ford Residential Mixed Low District
- F3 - Ford Residential Mixed Mid District
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- F5 - Ford Business Mixed District
- F6 - Ford Gateway District
- I1 - Light Industrial
- I2 - General Industrial
- I3 - Restricted Industrial
- IT - Transitional Industrial
- ITM - IT with Master Plan
- OS - Office-Service
- PD - Planned Development
- RM1 - Low-Density Multiple-Family Residential
- RM2 - Medium-Density Multiple-Family Residential
- RM3 - High-Rise Multiple-Family Residential
- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F

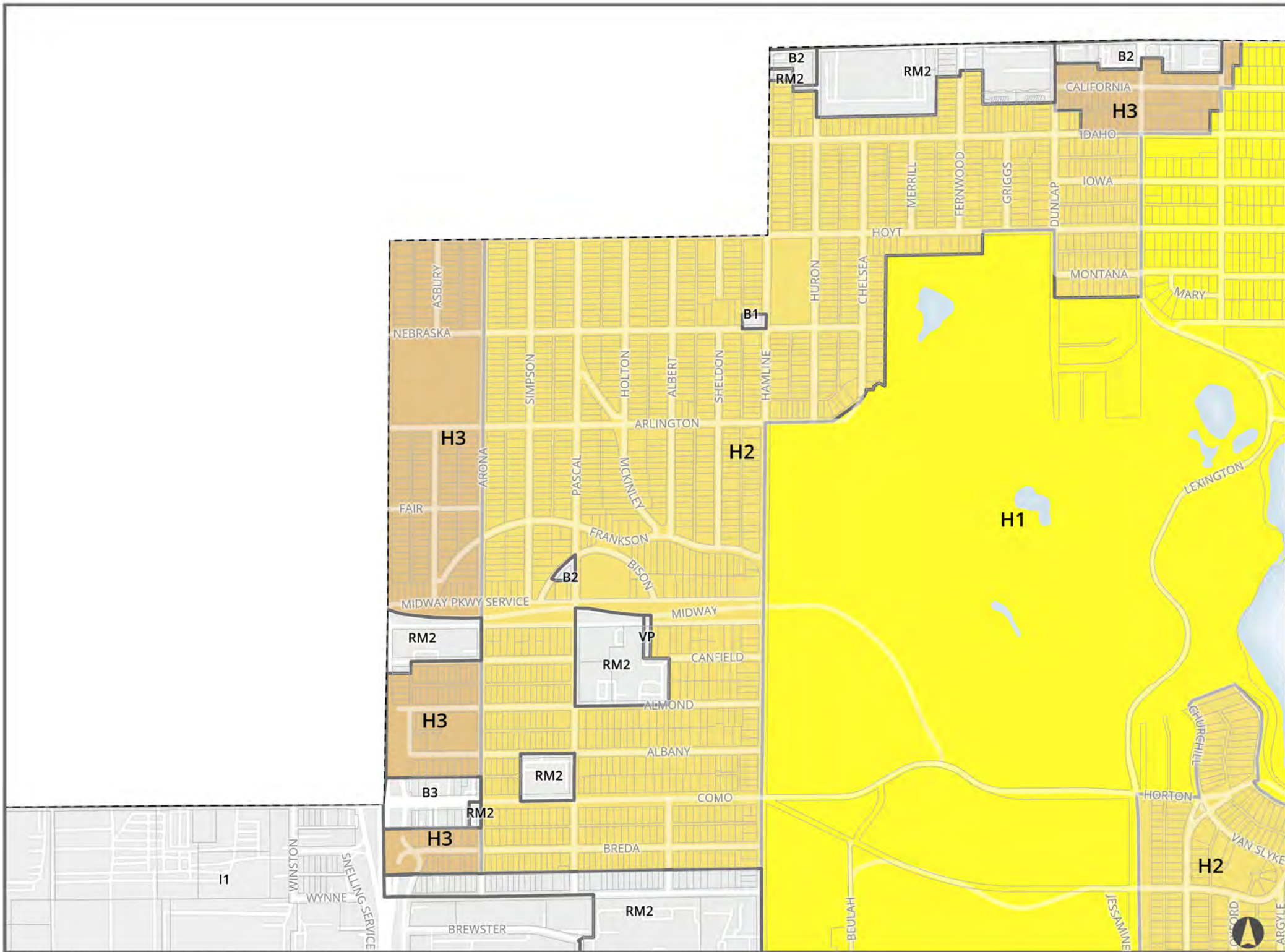


**Proposed Zoning Districts**

**Panel 1A**

1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

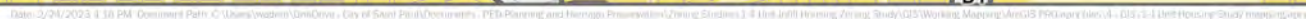
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- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F



**Proposed Zoning Districts**  
**Panel 2A**  
 1-4 Unit Housing Study





- |    |    |    |    |    |    |
|----|----|----|----|----|----|
| 1A | 2A | 3A | 4A | 5A | 6A |
| 1B | 2B | 3B | 4B | 5B | 6B |
| 1C | 2C | 3C | 4C | 5C | 6C |
| 1D | 2D | 3D | 4D | 5D | 6D |
| 1E | 2E | 3E |    | 5E | 6E |
| 1F | 2F |    |    |    | 6F |

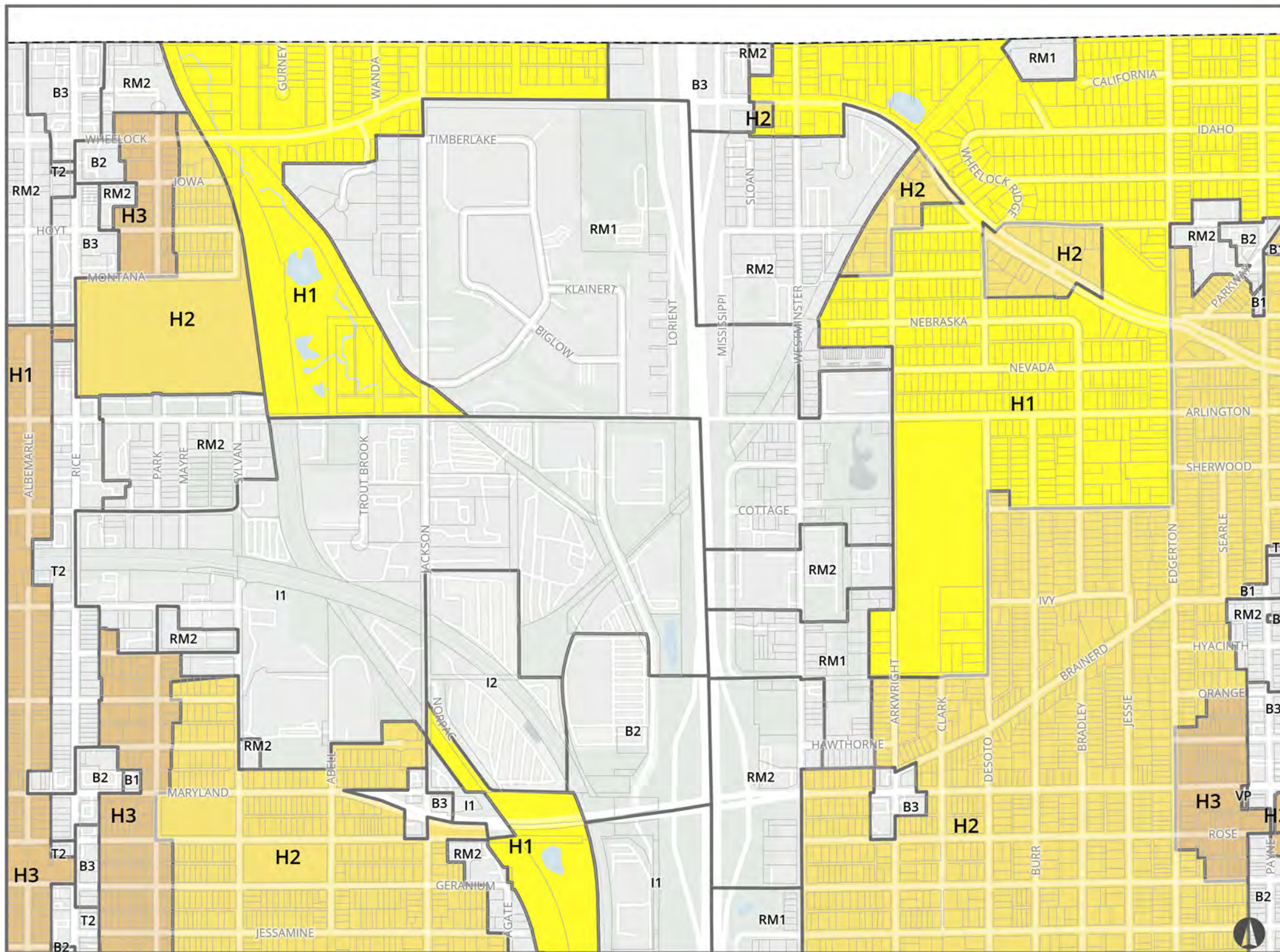


# Proposed Zoning Districts

## Panel 3A

### 1-4 Unit Housing Study

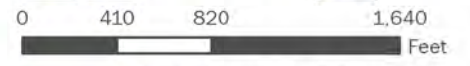




- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
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- B5 - Central Business Service
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- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

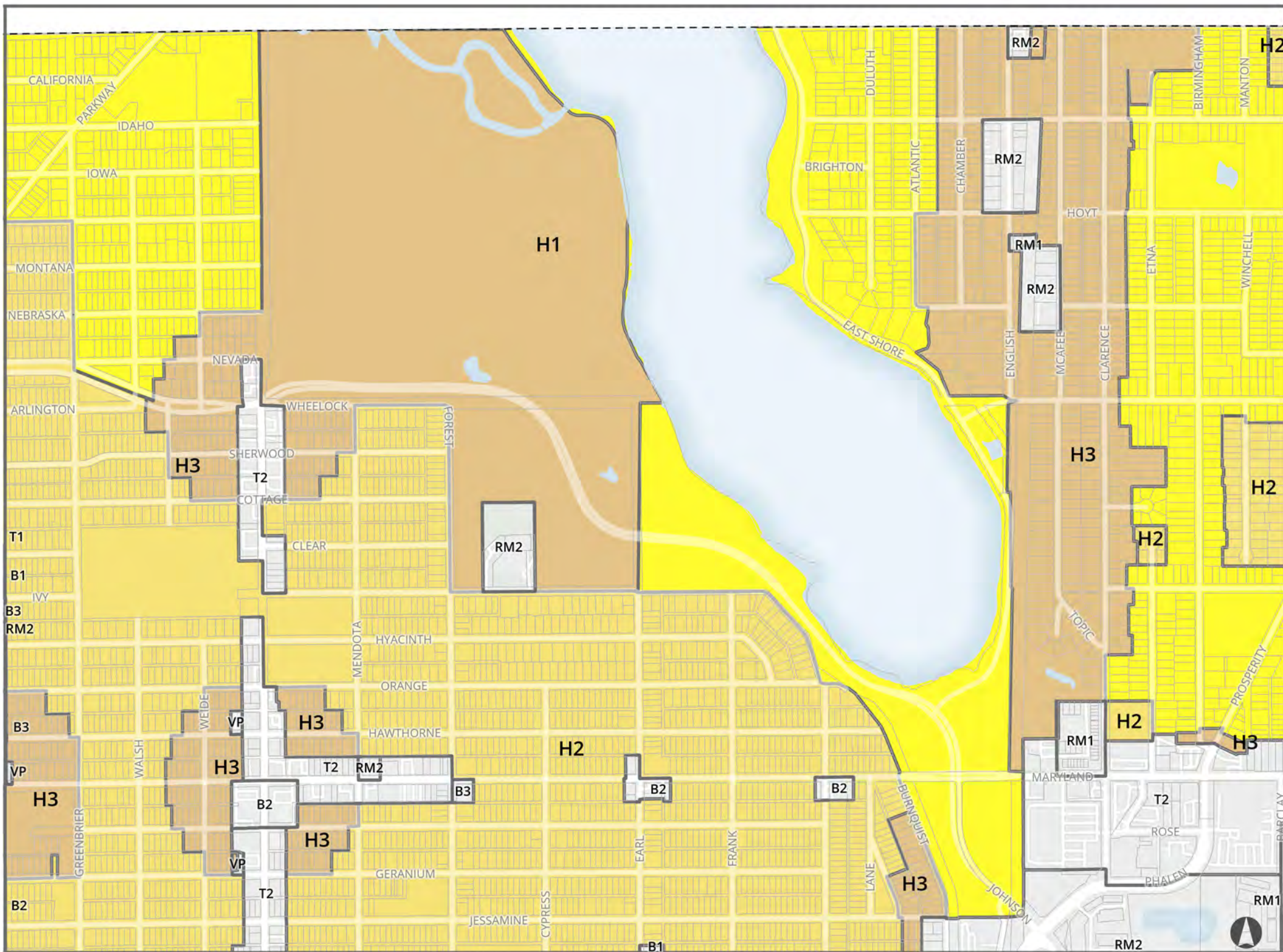
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1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F





Proposed Zoning  
Districts  
**Panel 4A**  
1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
- B3 - General Business
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- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F



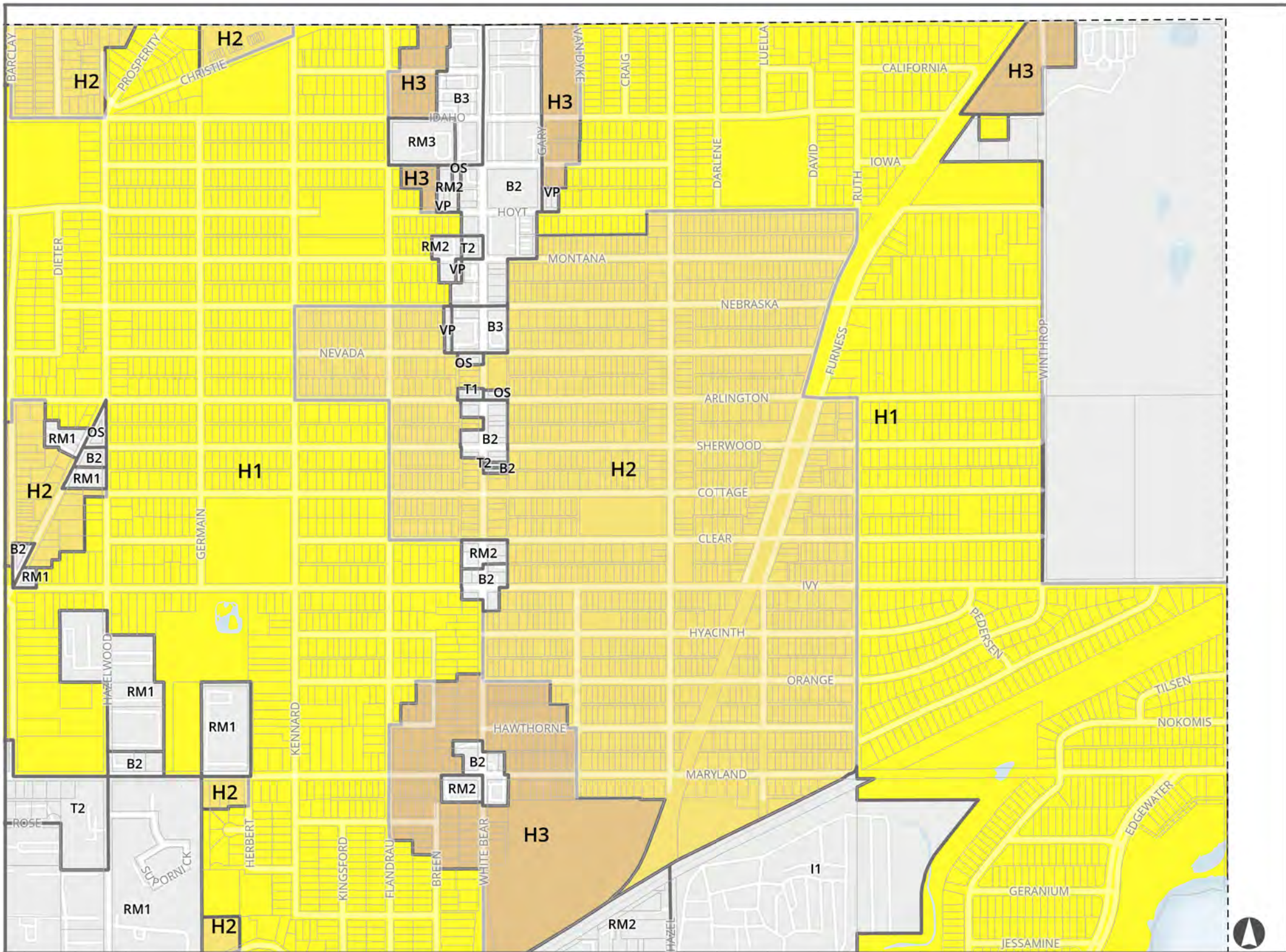


# Proposed Zoning Districts

## Panel 5A

1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
- B3 - General Business
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- RM3 - High-Rise Multiple-Family Residential
- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F



**Proposed Zoning**

**Districts**

**Panel 6A**

1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

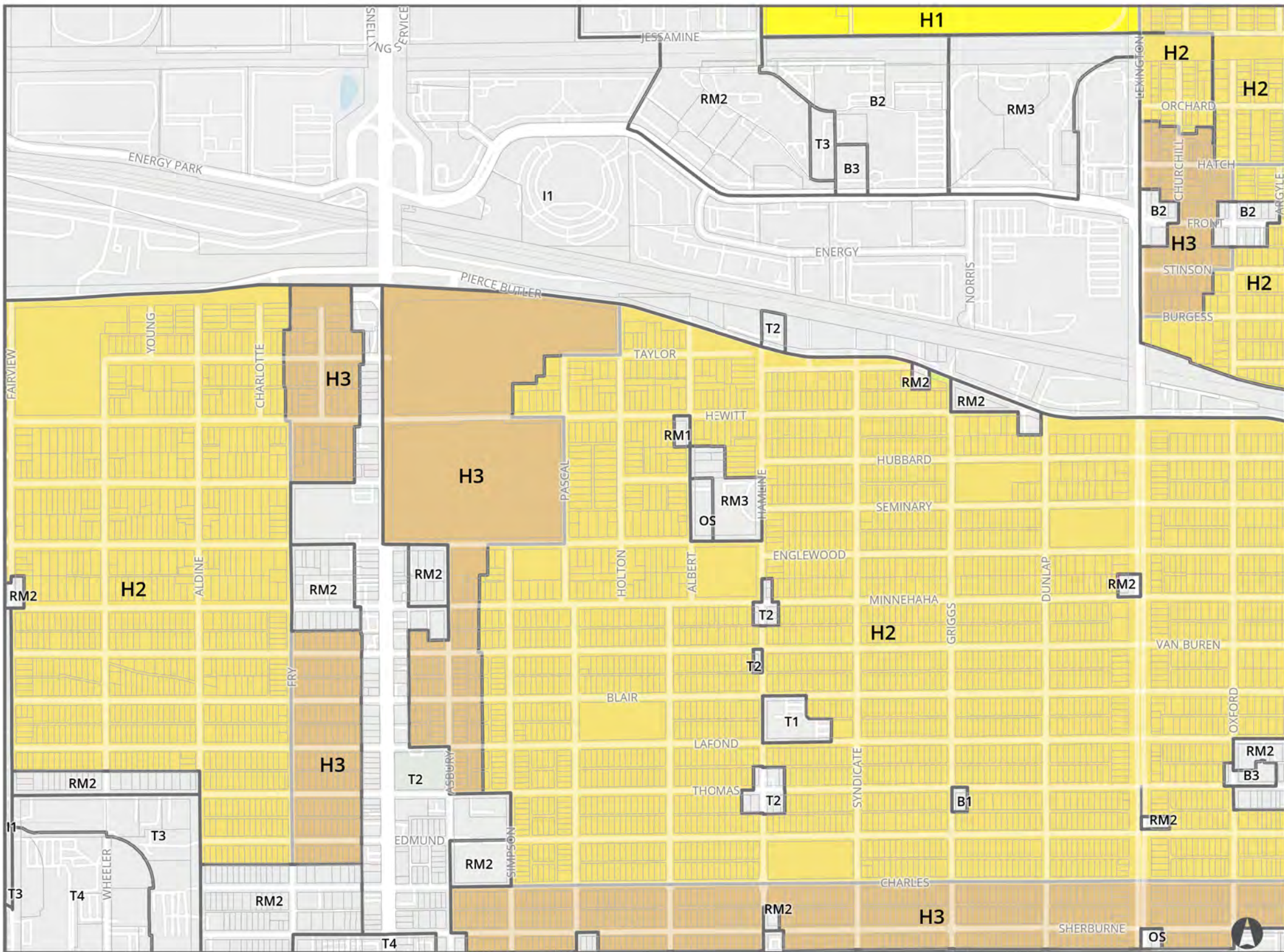
- B1 - Local Business
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- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F



Proposed Zoning  
Districts  
**Panel 1B**  
1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
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- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F

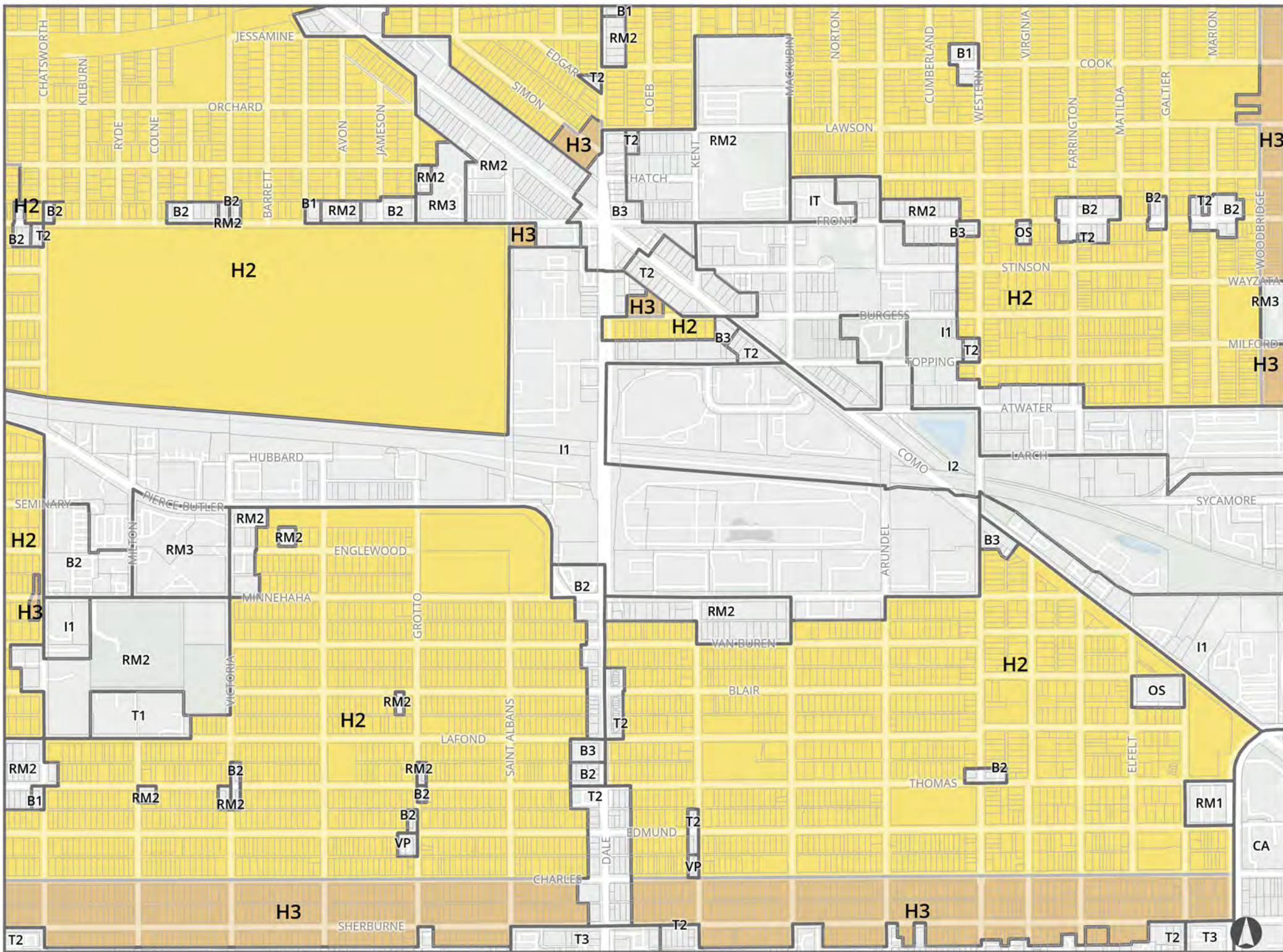


## Proposed Zoning Districts

# Panel 2B

1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

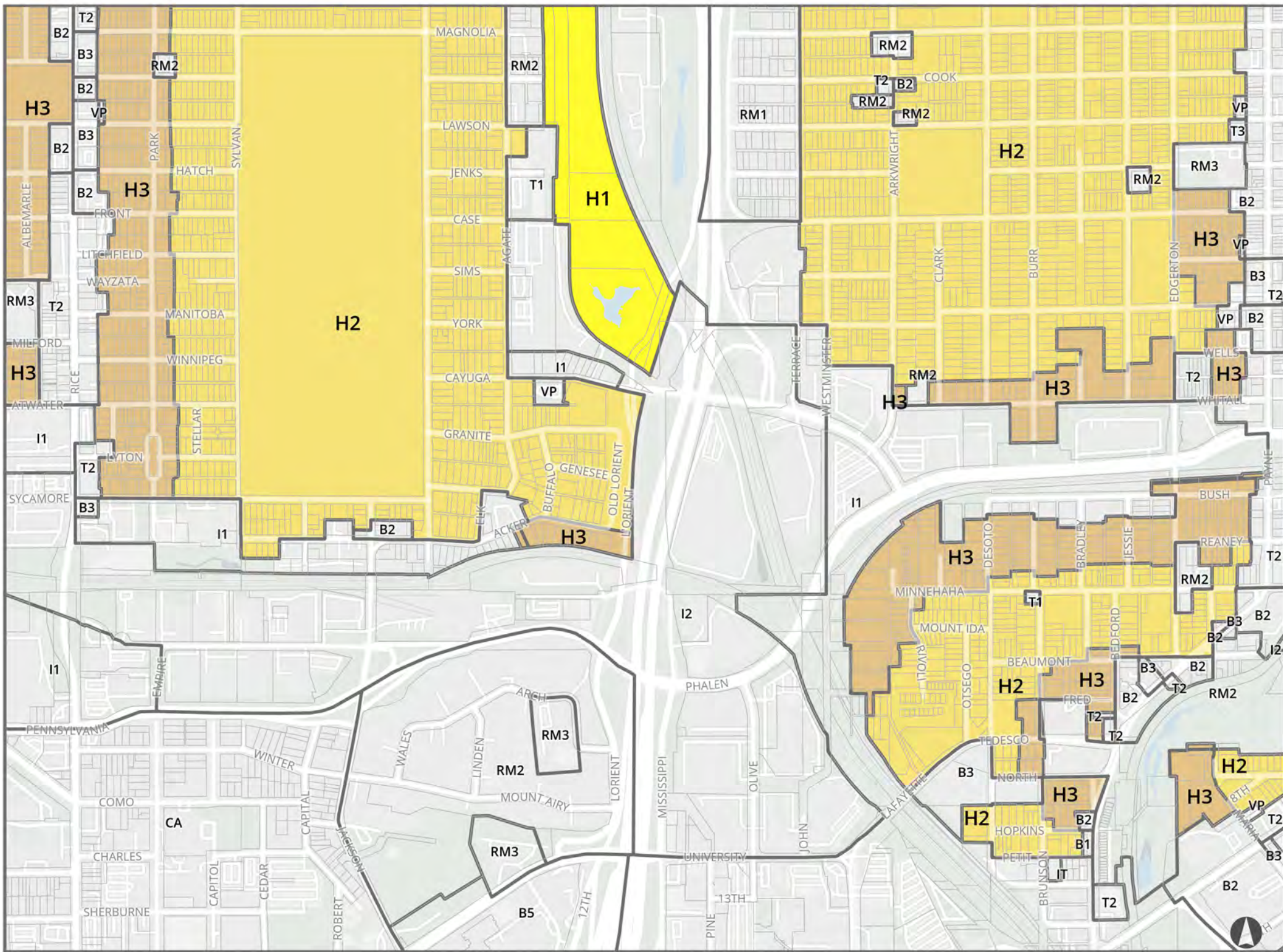
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- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E	4E	5E	6E
1F	2F	3F	4F	5F	6F



Proposed Zoning  
Districts  
**Panel 3B**  
1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
- B3 - General Business
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- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F

0 410 820 1,640 Feet



Proposed Zoning  
Districts  
**Panel 4B**  
1-4 Unit Housing Study

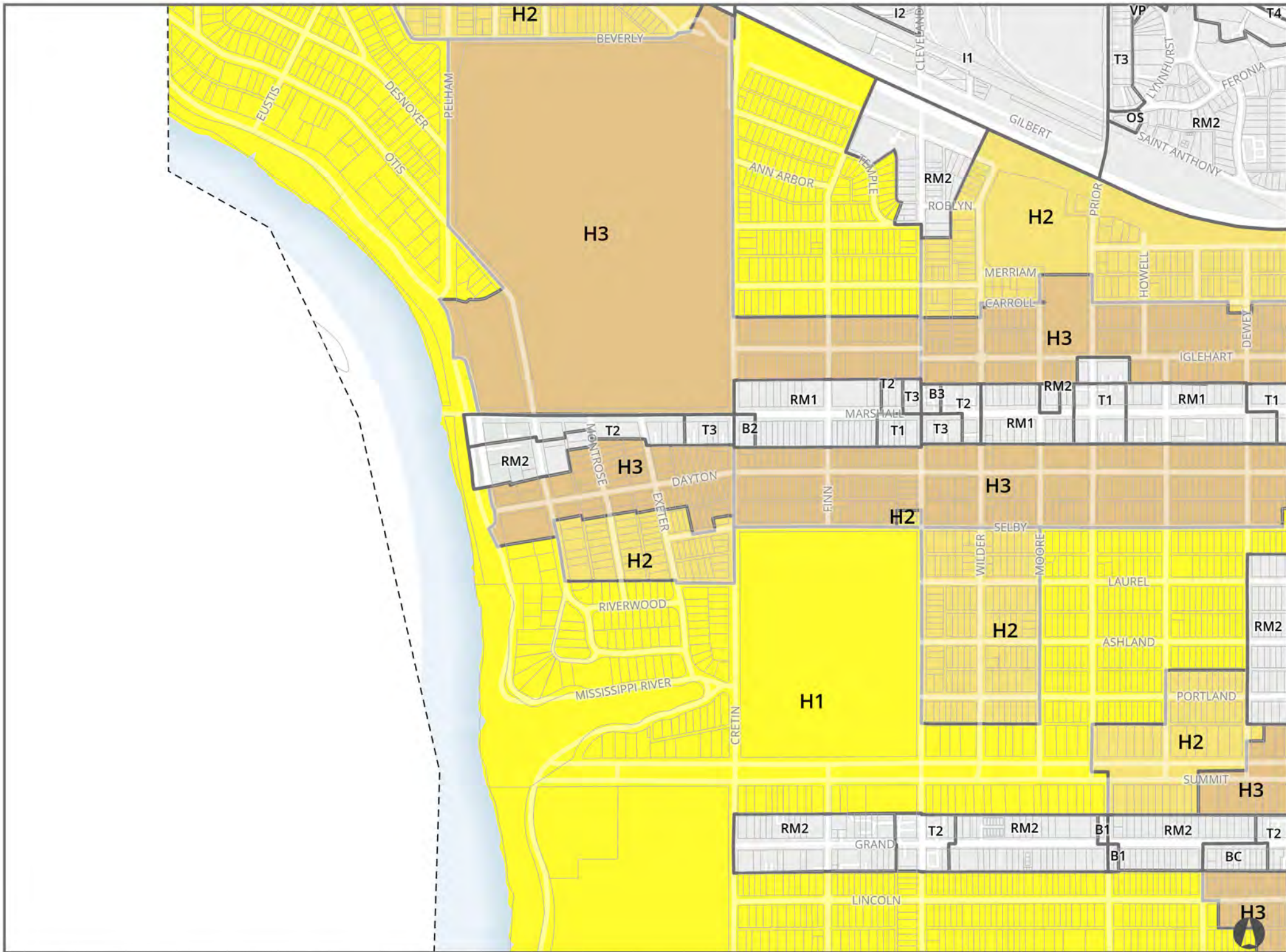












- H3 Residential
- H2 Residential
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- RL Large Lot Residential

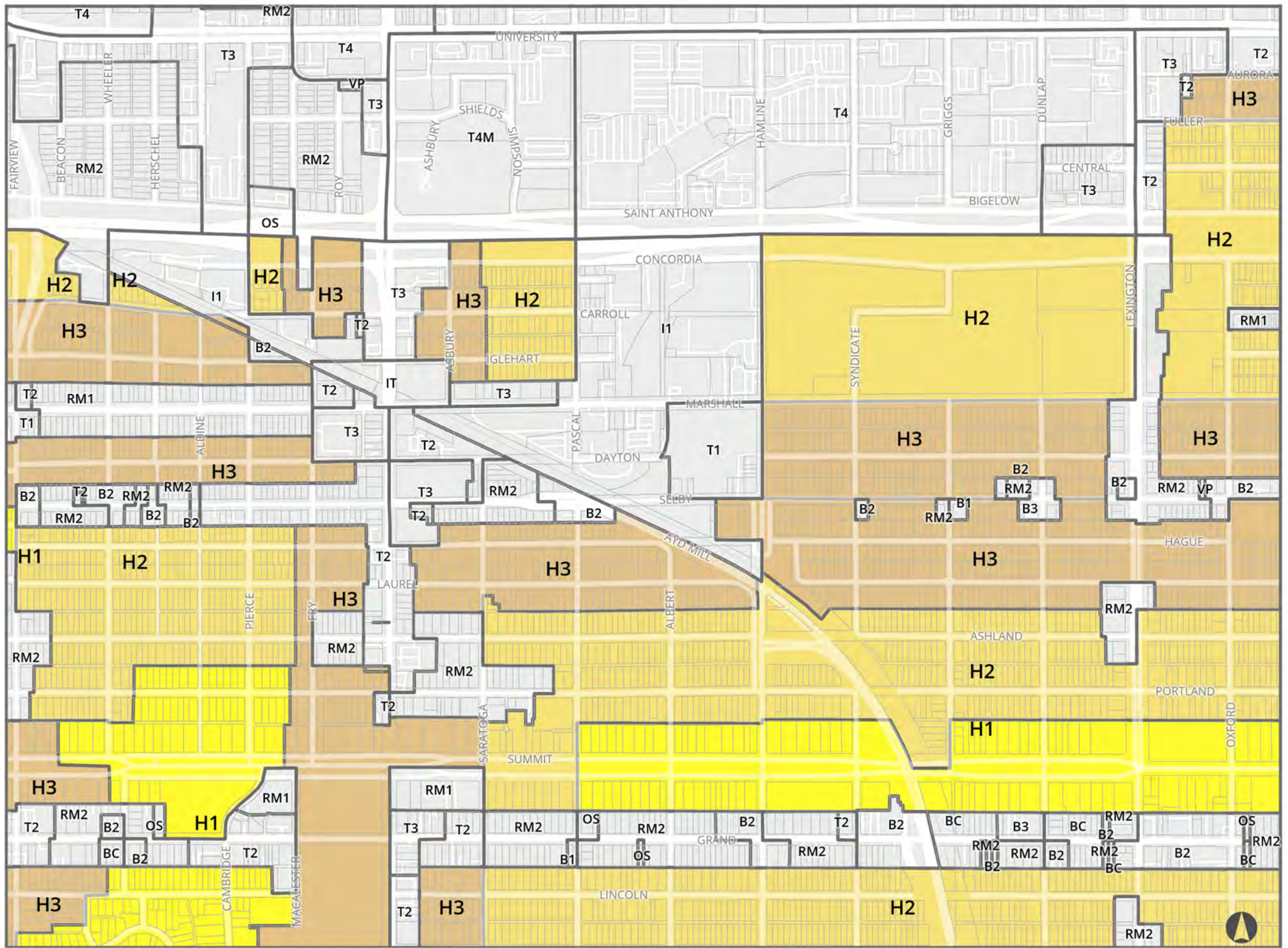
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- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F



# Proposed Zoning Districts **Panel 1C** 1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
- B3 - General Business
- B4 - Central Business
- B5 - Central Business Service
- BC - Community Business (Converted)
- CA - Capitol Area Jurisdiction
- F1 - Ford River Residential
- F2 - Ford Residential Mixed Low District
- F3 - Ford Residential Mixed Mid District
- F4 - Ford Residential Mixed High District
- F5 - Ford Business Mixed District
- F6 - Ford Gateway District
- I1 - Light Industrial
- I2 - General Industrial
- I3 - Restricted Industrial
- IT - Transitional Industrial
- ITM - IT with Master Plan
- OS - Office-Service
- PD - Planned Development
- RM1 - Low-Density Multiple-Family Residential
- RM2 - Medium-Density Multiple-Family Residential
- RM3 - High-Rise Multiple-Family Residential
- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F

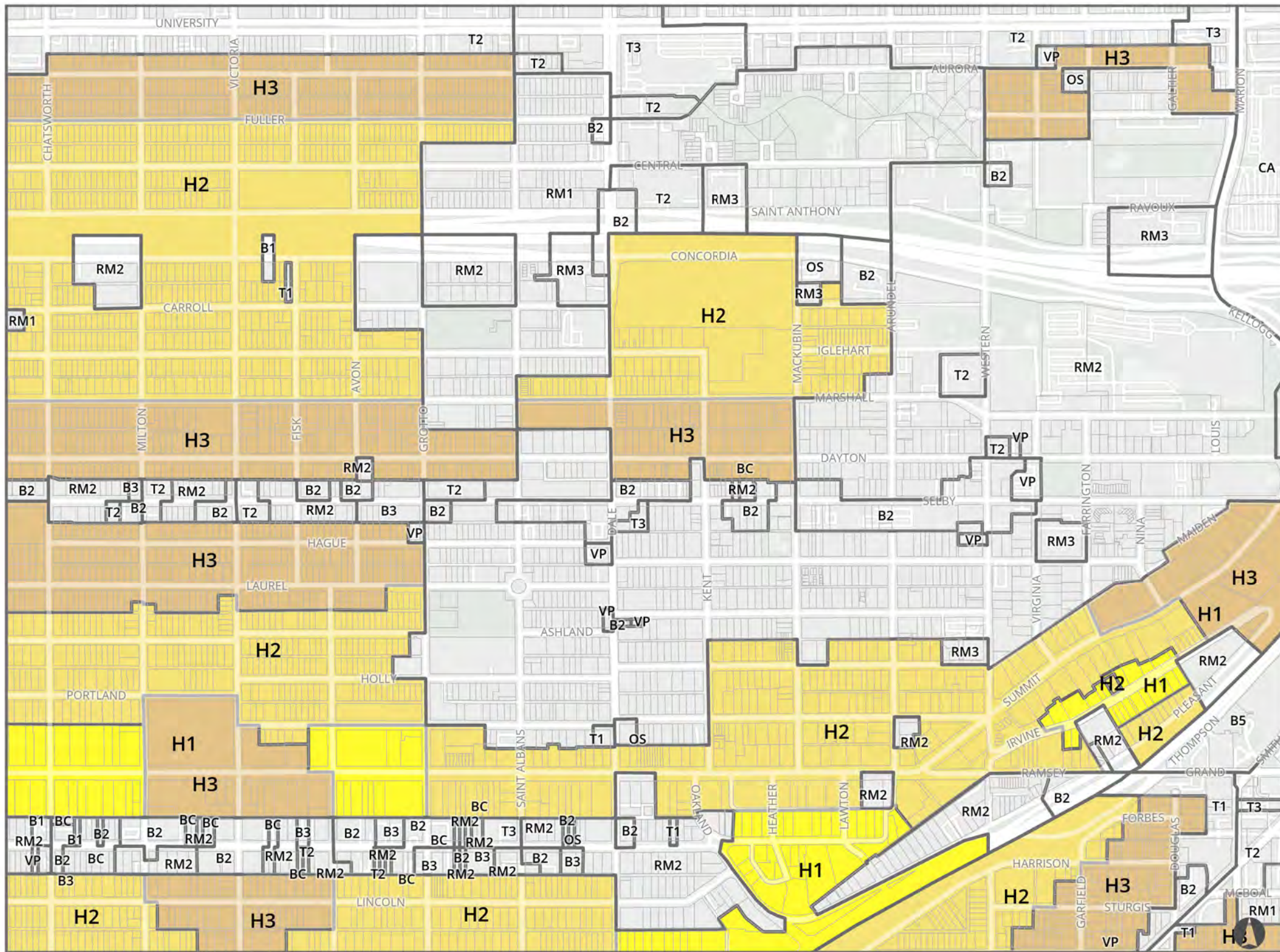


# Proposed Zoning Districts

## Panel 2C

1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

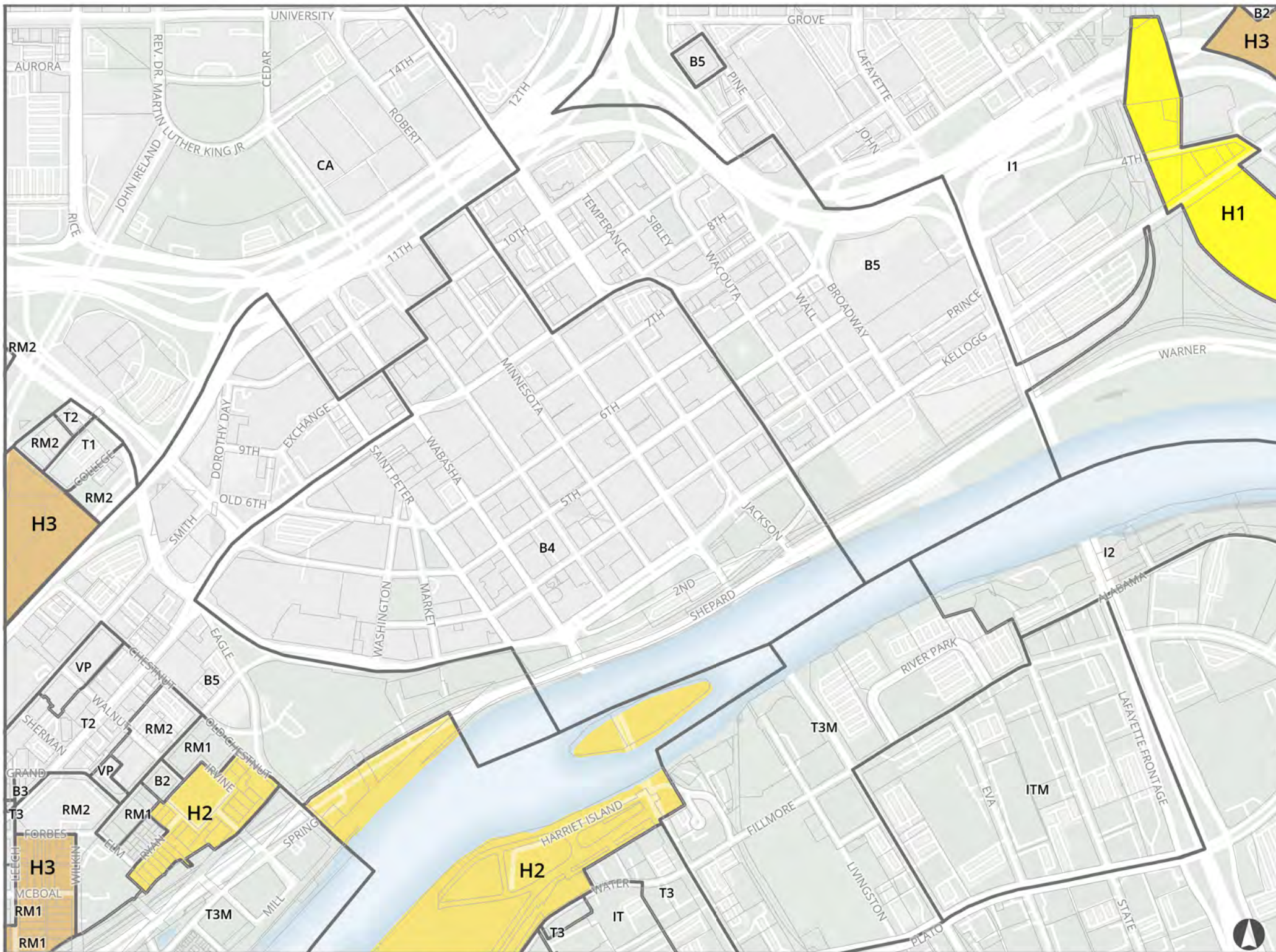
- B1 - Local Business
- B2 - Community Business
- B3 - General Business
- B4 - Central Business
- B5 - Central Business Service
- BC - Community Business (Converted)
- CA - Capitol Area Jurisdiction
- F1 - Ford River Residential
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- F3 - Ford Residential Mixed Mid District
- F4 - Ford Residential Mixed High District
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- F6 - Ford Gateway District
- I1 - Light Industrial
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- I3 - Restricted Industrial
- IT - Transitional Industrial
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- OS - Office-Service
- PD - Planned Development
- RM1 - Low-Density Multiple-Family Residential
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- RM3 - High-Rise Multiple-Family Residential
- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F



Proposed Zoning  
Districts  
**Panel 3C**  
1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
- B3 - General Business
- B4 - Central Business
- B5 - Central Business Service
- BC - Community Business (Converted)
- CA - Capitol Area Jurisdiction
- F1 - Ford River Residential
- F2 - Ford Residential Mixed Low District
- F3 - Ford Residential Mixed Mid District
- F4 - Ford Residential Mixed High District
- F5 - Ford Business Mixed District
- F6 - Ford Gateway District
- I1 - Light Industrial
- I2 - General Industrial
- I3 - Restricted Industrial
- IT - Transitional Industrial
- ITM - IT with Master Plan
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- RM1 - Low-Density Multiple-Family Residential
- RM2 - Medium-Density Multiple-Family Residential
- RM3 - High-Rise Multiple-Family Residential
- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

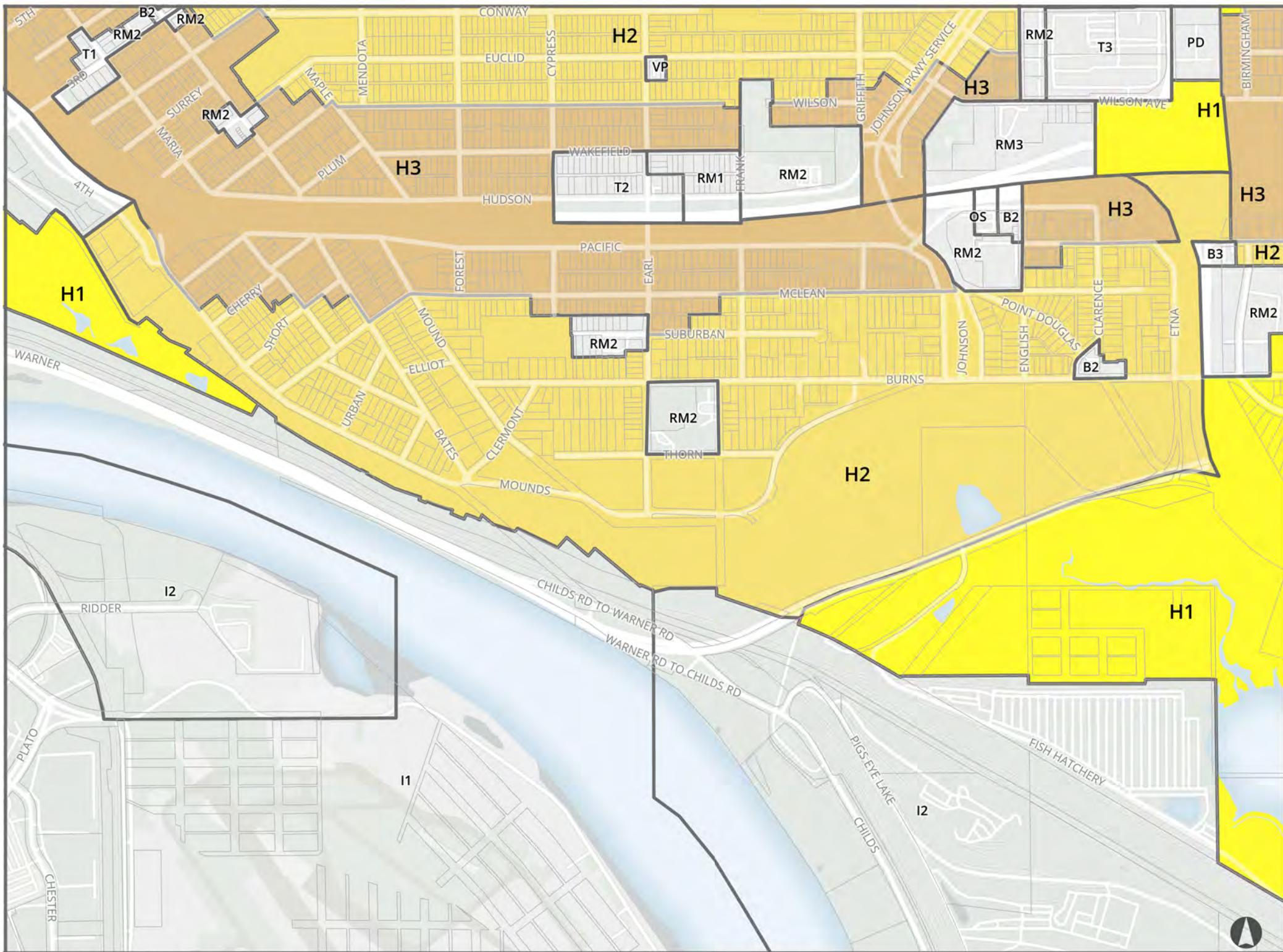
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1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F

0 410 820 1,640 Feet



**Proposed Zoning Districts**  
**Panel 4C**  
 1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
- B3 - General Business
- B4 - Central Business
- B5 - Central Business Service
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- RM3 - High-Rise Multiple-Family Residential
- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

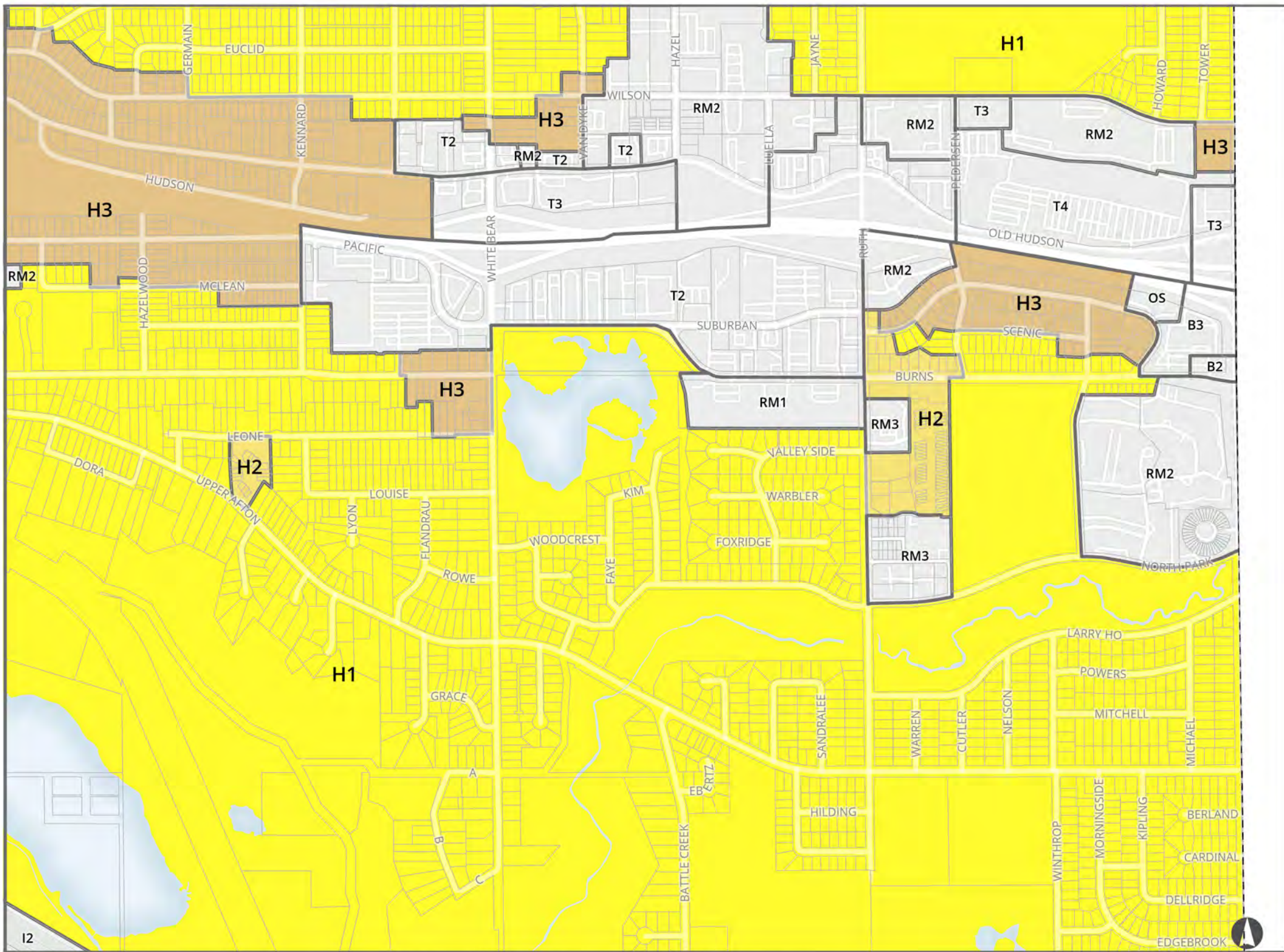
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1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F

0 410 820 1,640 Feet



**Proposed Zoning  
Districts  
Panel 5C**  
1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
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- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

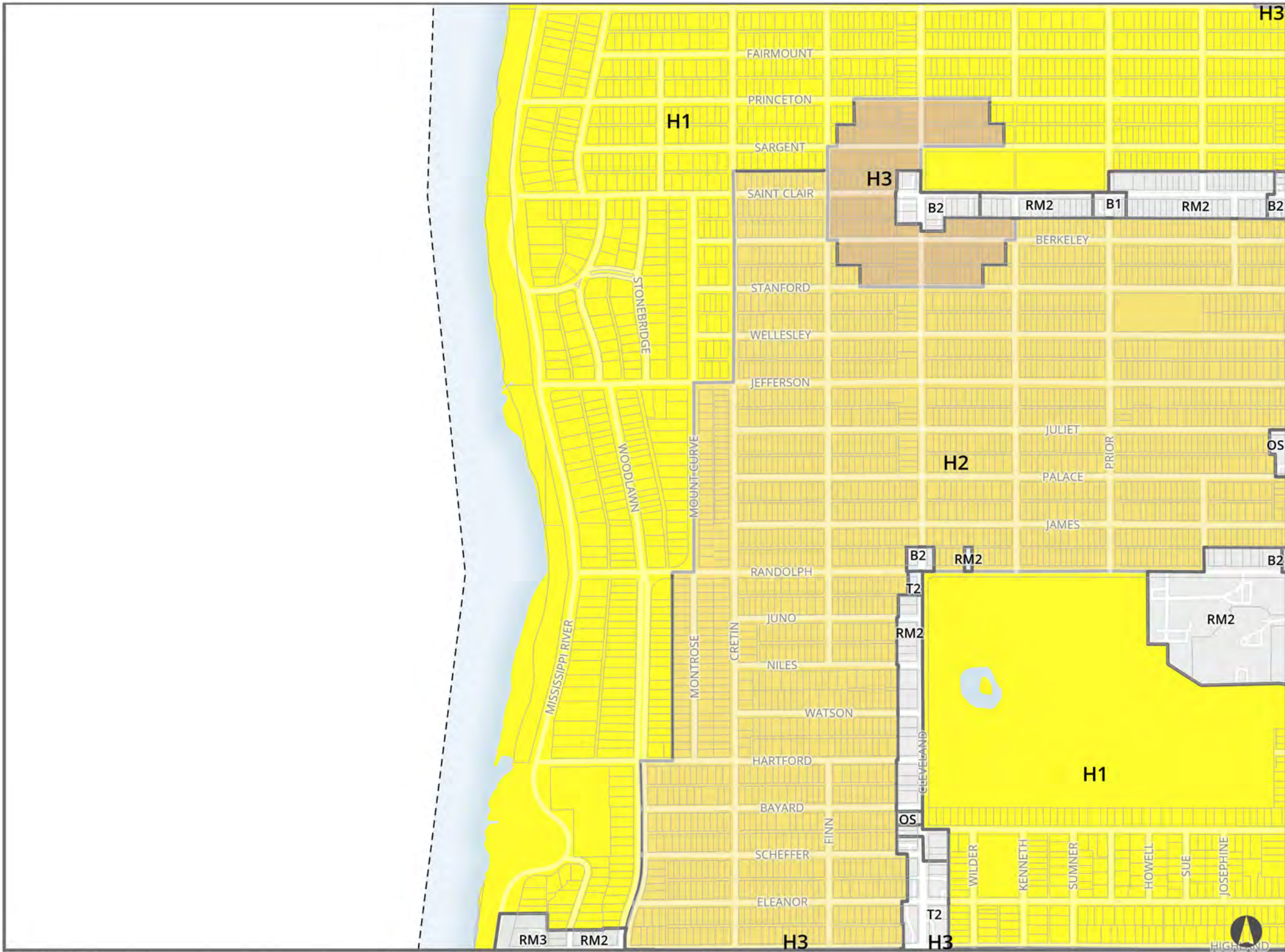
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1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F





Proposed Zoning  
Districts  
**Panel 6C**  
1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
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- T2 - Traditional Neighborhood
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- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F

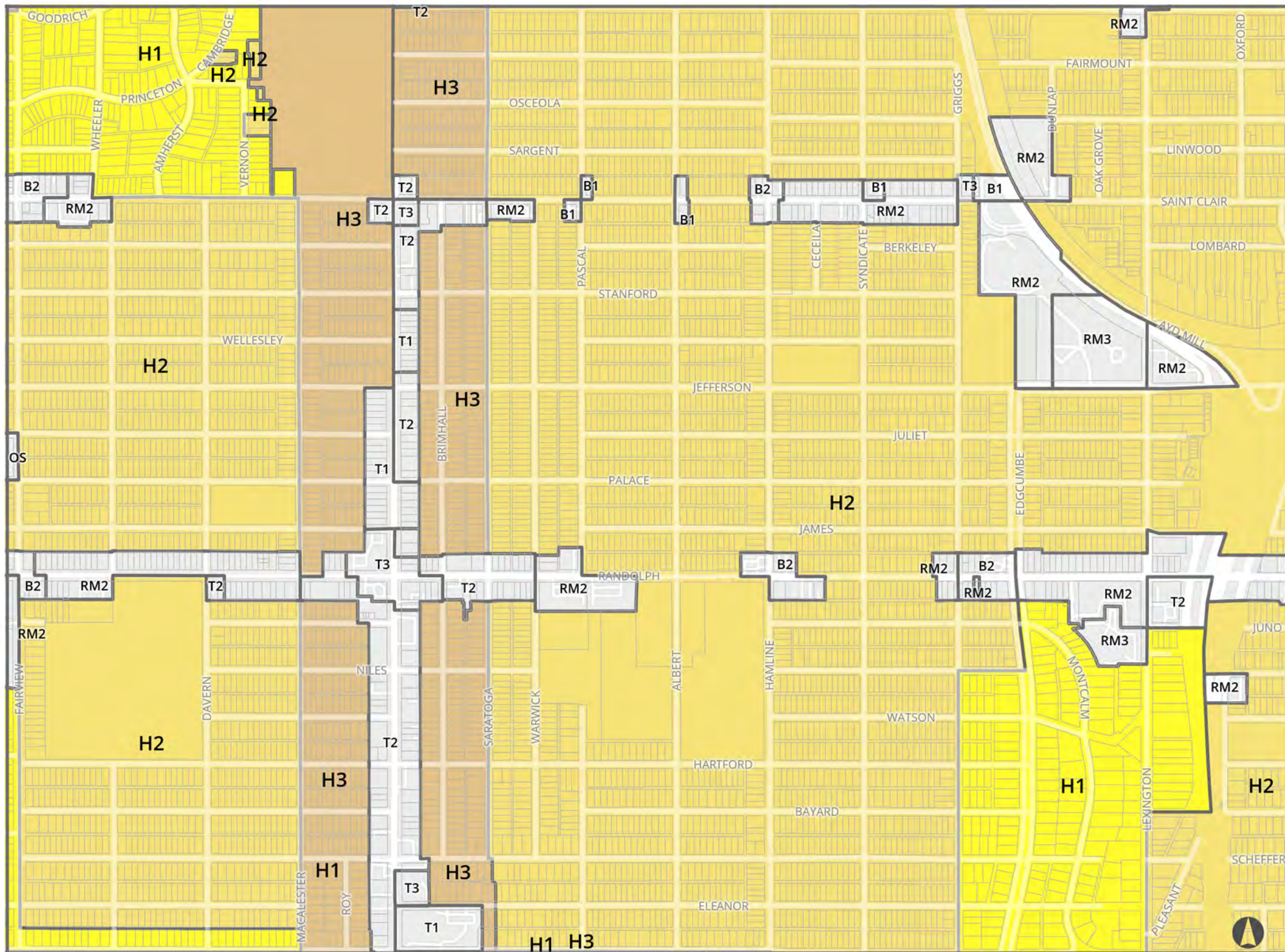


## Proposed Zoning Districts

# Panel 1D

1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
- B3 - General Business
- B4 - Central Business
- B5 - Central Business Service
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- T1 - Traditional Neighborhood
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- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F



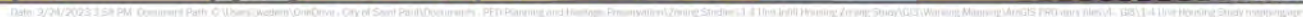


# Proposed Zoning Districts

## Panel 2D

1-4 Unit Housing Study

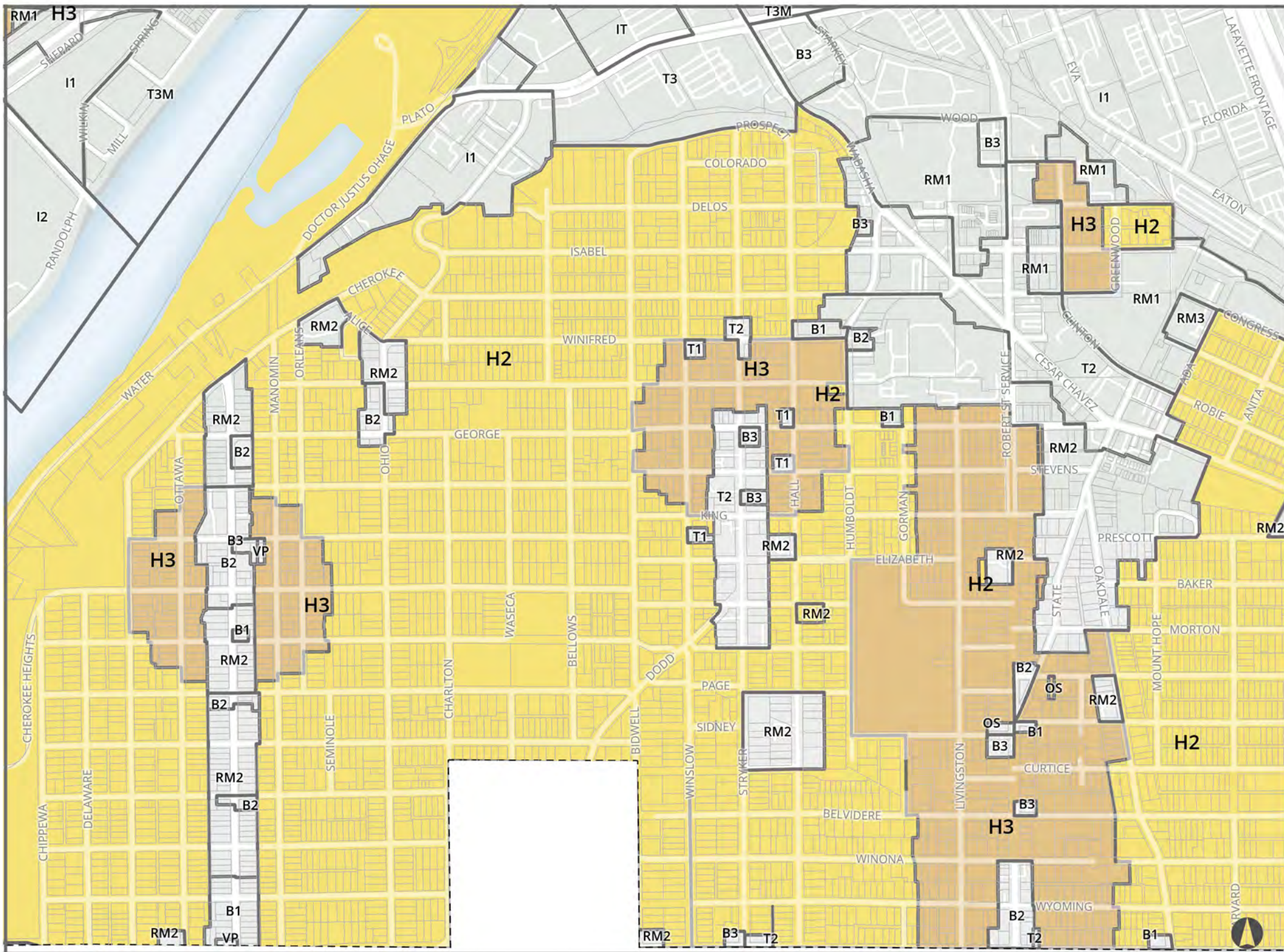




- |    |    |    |    |    |    |
|----|----|----|----|----|----|
| 1A | 2A | 3A | 4A | 5A | 6A |
| 1B | 2B | 3B | 4B | 5B | 6B |
| 1C | 2C | 3C | 4C | 5C | 6C |
| 1D | 2D | 3D | 4D | 5D | 6D |
| 1E | 2E | 3E |    | 5E | 6E |
| 1F | 2F |    |    |    | 6F |







- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
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- RM3 - High-Rise Multiple-Family Residential
- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F





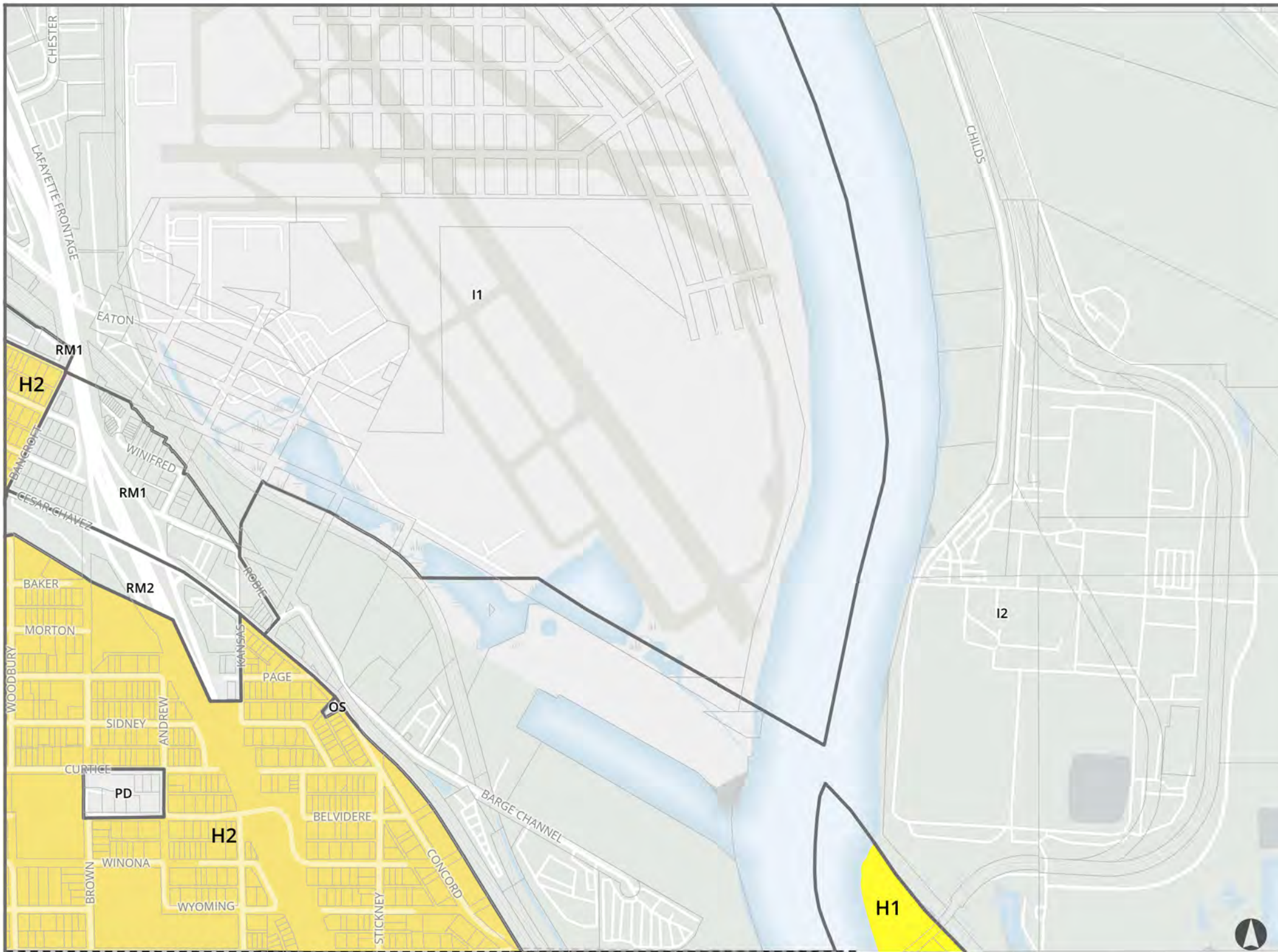
Proposed Zoning

Districts

Panel 4D

1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
- B3 - General Business
- B4 - Central Business
- B5 - Central Business Service
- BC - Community Business (Converted)
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- F5 - Ford Business Mixed District
- F6 - Ford Gateway District
- I1 - Light Industrial
- I2 - General Industrial
- I3 - Restricted Industrial
- IT - Transitional Industrial
- ITM - IT with Master Plan
- OS - Office-Service
- PD - Planned Development
- RM1 - Low-Density Multiple-Family Residential
- RM2 - Medium-Density Multiple-Family Residential
- RM3 - High-Rise Multiple-Family Residential
- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F



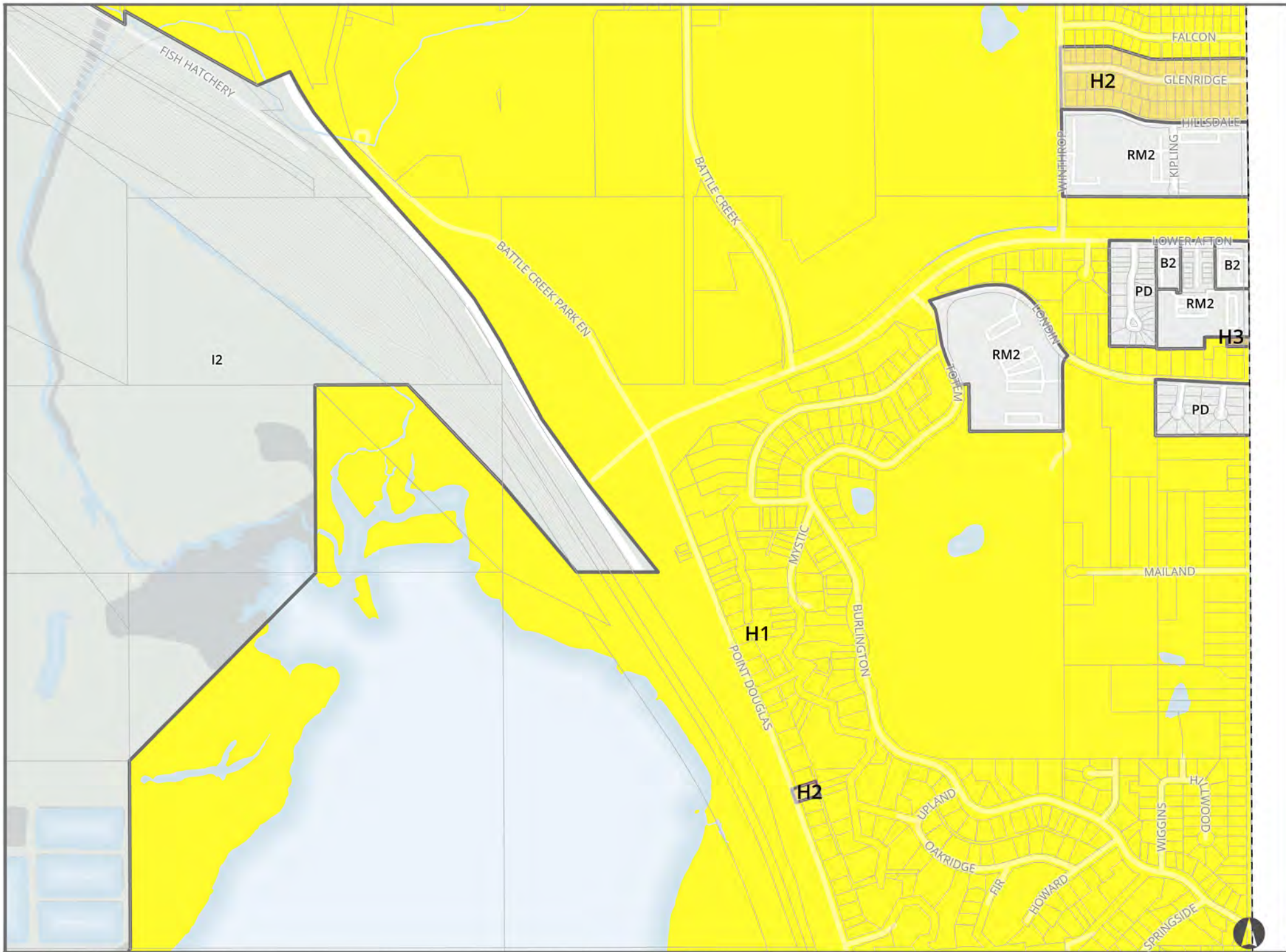
**Proposed Zoning**

**Districts**

**Panel 5D**

1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
- B3 - General Business
- B4 - Central Business
- B5 - Central Business Service
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- RM3 - High-Rise Multiple-Family Residential
- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F

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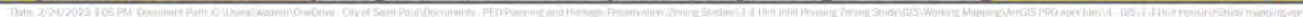


**Proposed Zoning Districts**  
**Panel 6D**  
 1-4 Unit Housing Study







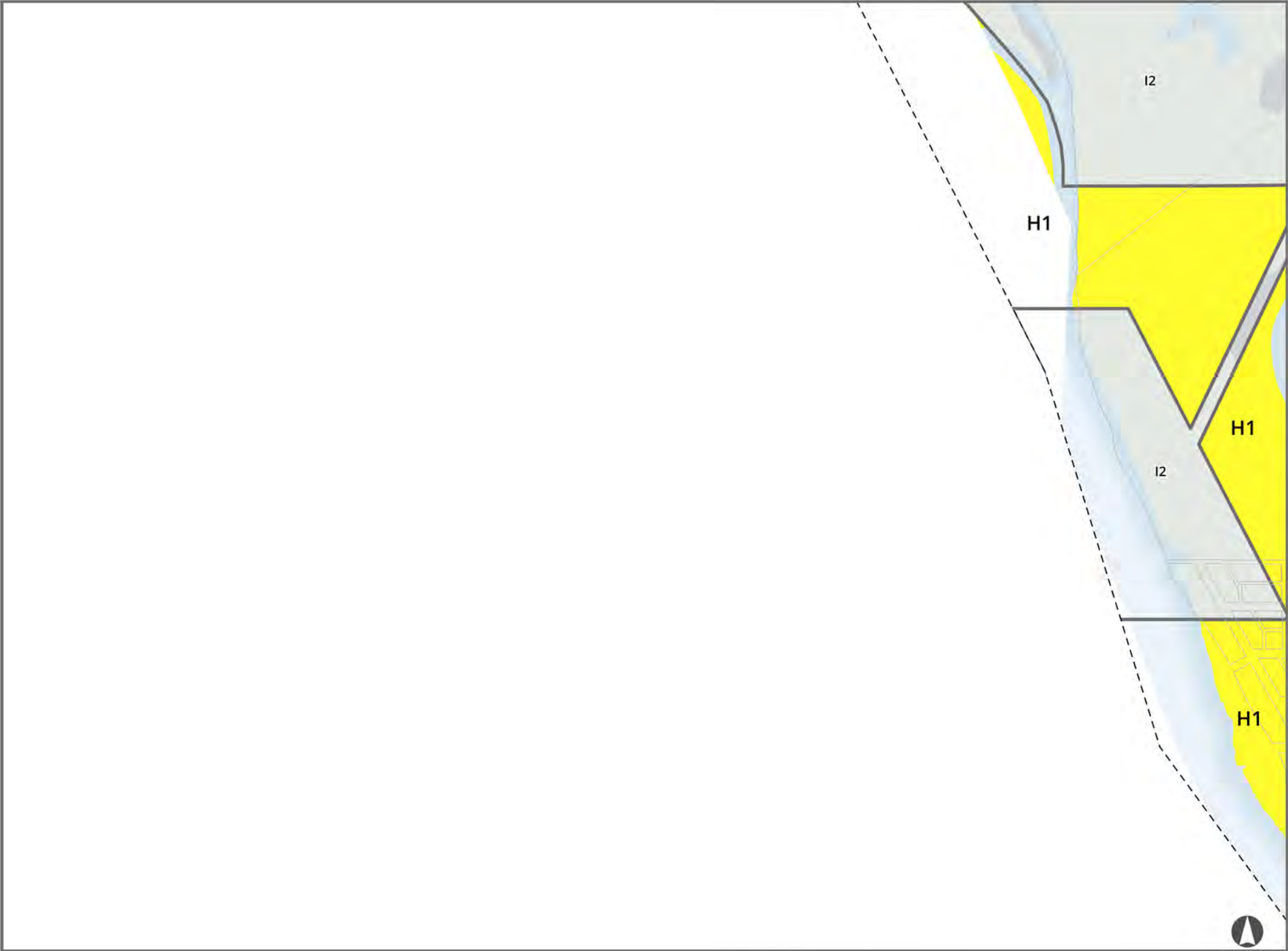


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- Feet





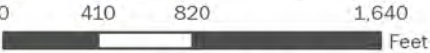




- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

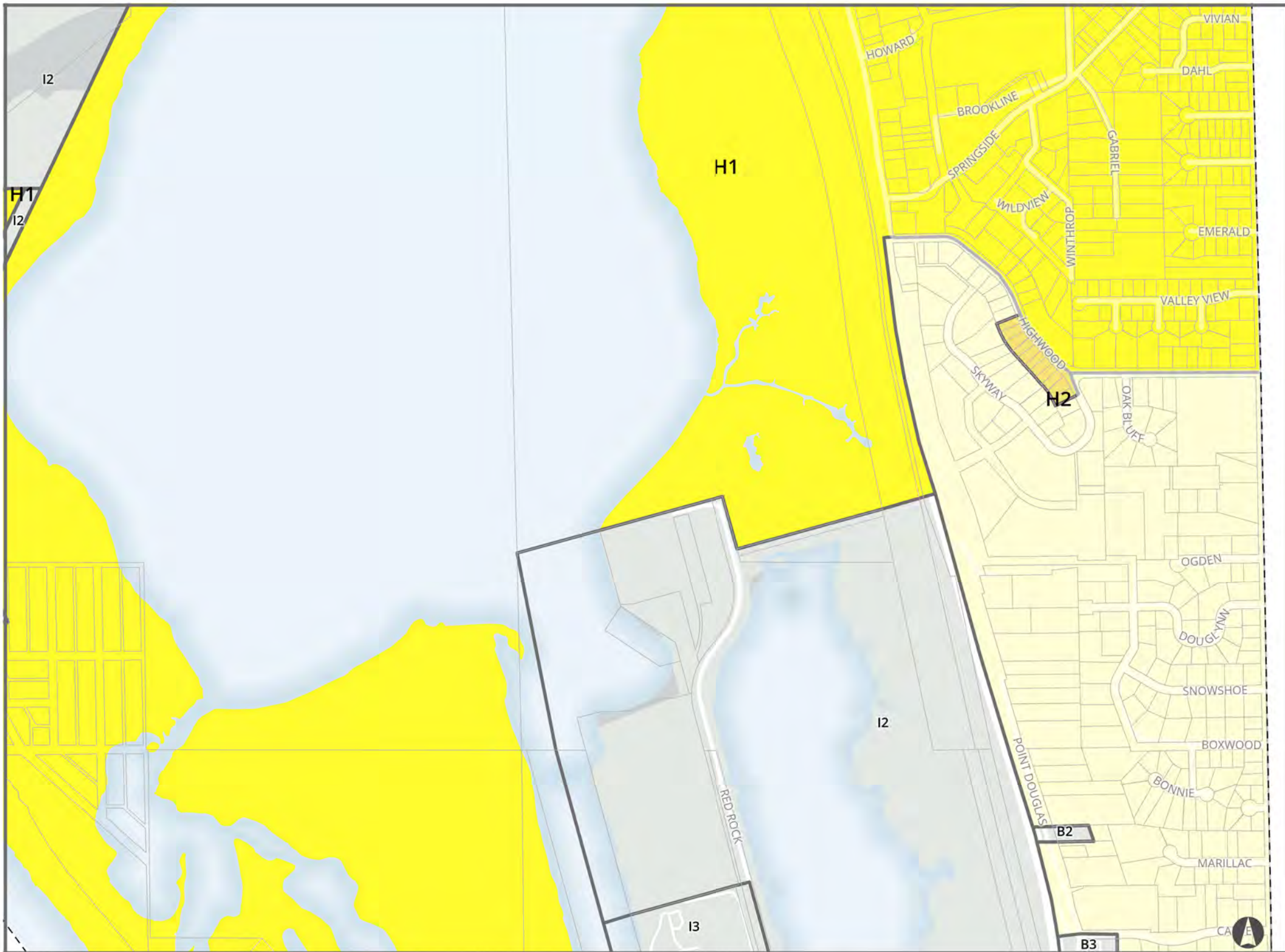
- B1 - Local Business
- B2 - Community Business
- B3 - General Business
- B4 - Central Business
- B5 - Central Business Service
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- PD - Planned Development
- RM1 - Low-Density Multiple-Family Residential
- RM2 - Medium-Density Multiple-Family Residential
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- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F



Proposed Zoning  
Districts  
**Panel 5E**  
1-4 Unit Housing Study





- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
- B3 - General Business
- B4 - Central Business
- B5 - Central Business Service
- BC - Community Business (Converted)
- CA - Capitol Area Jurisdiction
- F1 - Ford River Residential
- F2 - Ford Residential Mixed Low District
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- I3 - Restricted Industrial
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- ITM - IT with Master Plan
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- PD - Planned Development
- RM1 - Low-Density Multiple-Family Residential
- RM2 - Medium-Density Multiple-Family Residential
- RM3 - High-Rise Multiple-Family Residential
- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

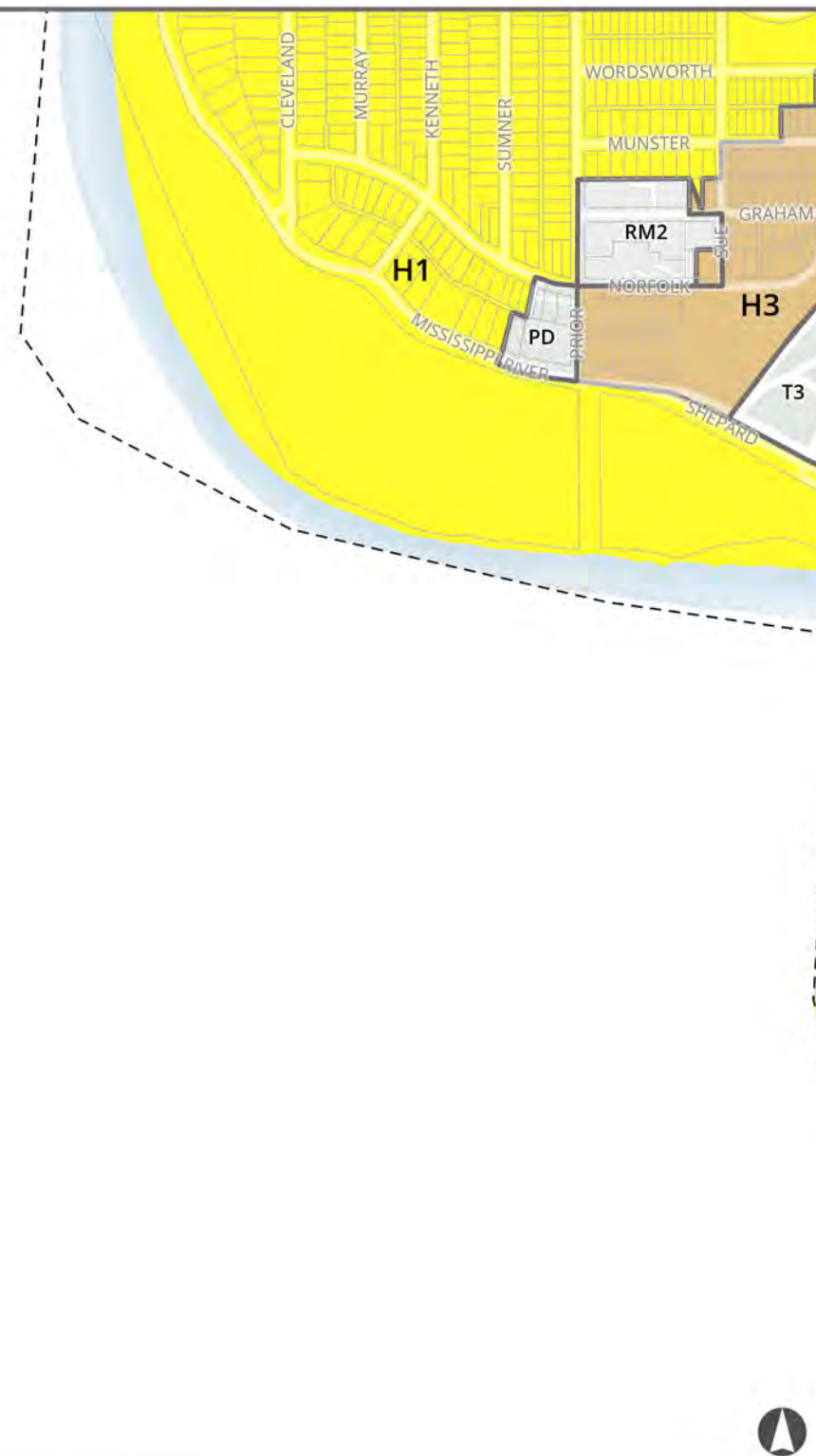
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1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F

0 410 820 1,640 Feet



**Proposed Zoning Districts**  
**Panel 6E**  
 1-4 Unit Housing Study

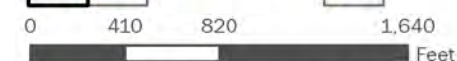




-  H3 Residential
-  H2 Residential
-  H1 Residential
-  RL Large Lot Residential

- B1 - Local Business
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- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F

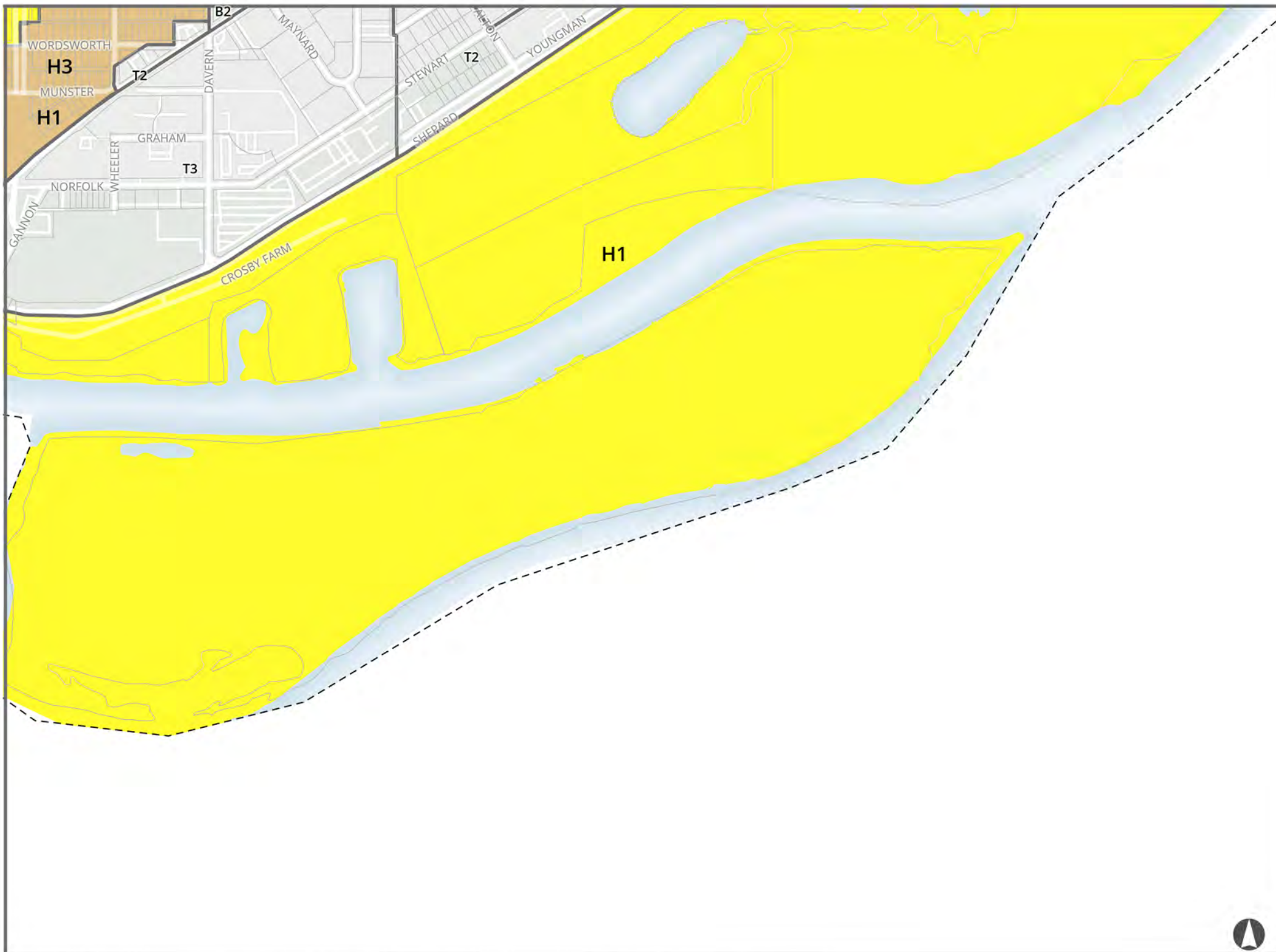




**Proposed Zoning Districts**

**Panel 1F**

1-4 Unit Housing Study



- H3 Residential
- H2 Residential
- H1 Residential
- RL Large Lot Residential

- B1 - Local Business
- B2 - Community Business
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- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- T4M - T4 with Master Plan
- VP - Vehicular Parking

1A	2A	3A	4A	5A	6A
1B	2B	3B	4B	5B	6B
1C	2C	3C	4C	5C	6C
1D	2D	3D	4D	5D	6D
1E	2E	3E		5E	6E
1F	2F				6F

0 410 820 1,640 Feet



**Proposed Zoning  
Districts  
Panel 2F**  
1-4 Unit Housing Study









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## Appendix C: Proposed Text Amendments

Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining. The amendments are in the order that they would appear in the Zoning Code and Legislative Code.

### ***Chapter 60. Zoning Code—General Provisions and Definitions; Zoning Districts and Maps Generally***

#### ***ARTICLE II. 60.200. GENERAL DEFINITIONS***

##### **Sec. 60.226. Y.**

...

*Yards.* The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this code, and as defined herein:

- (1) *Front yard:* An open space extending the full width of the front lot line, the depth of which is the minimum horizontal distance between the front lot line and the nearest above-grade point of the nearest main building. For a corner lot ~~that which~~ is not a reversed frontage corner lot, the front yard ~~shall~~ must adjoin a front yard in an adjoining lot.
- (2) *Rear yard:* An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest above-grade point of the nearest main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) *Side yard:* An open space between a ~~main building and the~~ side lot line and the nearest main building, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest above-grade point of the nearest main building.

*Yards, required.* The portions of the yard that extend along a lot line and to a depth or width specified in the yard setback requirements for the zoning district.

- (1) *Required front yard:* The portion of the yard extending the full width of the front lot line, the depth of which is the minimum front yard setback.
- (2) *Required rear yard:* The portion of the yard extending the full width of the rear lot line, the depth of which is the minimum rear yard setback.
- (3) *Required side yard:* The portion of the yard extending along a side lot line between the front yard setback line and the rear yard setback line, the depth of which is the minimum side yard setback.

##### **Sec. 60.213. L.**

...

*Lot area.* The total horizontal area within the lot lines of the lot.

*Lot, back.* A lot abutting an alley that does not also abut a street.

...

*Lot, reversed frontage corner.* A corner lot, the rear lot line of which abuts a side lot line of an abutting lot.

*Lot, reverse flag.* A lot with alley access provided to the bulk of the lot by means of a corridor of lesser width.

...

*Lot width.* The horizontal distance between the side lot lines, measured at the required front setback line. For flag lots or pie-shaped lots, the lot width ~~shall be~~ is the horizontal distance between the side lot lines, measured at the proposed front building line. Regardless of lot shape, the minimum lot width ~~shall~~ must be met for the entire length of the principal buildings. For back lots, the lot width applies to both lot dimensions and be met for the entire length and width of the principal buildings.

...

### ARTICLE III. 60.300. ZONING DISTRICTS AND MAPS GENERALLY

#### Sec. 60.301. Zoning districts established.

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

(a) Residential districts.

RL ~~one-family~~ large lot residential district

~~R1 one-family~~ H1 residential district

~~R2 one-family~~ H2 residential district

~~R3 one-family~~ H3 residential district

~~R4 one-family residential district~~

~~RT1 two-family residential district~~

~~RT2 townhouse residential district~~

...

### Chapter 61. Zoning Code—Administration and Enforcement

#### ARTICLE IV. 61.400. SITE PLAN REVIEW

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

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

- (1) Any development of one- and two-family ~~residences dwellings which together that~~ exceeds two (2) acres (87,120 square feet) in total lot area.
- (2) In the TP tree preservation district, any development of one- and two-family ~~residences dwellings~~ over one (1) acre (43,560 square feet) in total lot area.

- 
- (3) ~~All residentially related uses in one-family districts, such as, but not limited to, churches, schools and public facilities. Cluster developments as defined in section 65.130.~~

...

- (8) Any development on a slope of greater than twelve (12) percent ~~or greater.~~
- (9) Any development in the river corridor critical area or in the floodplain district except one- and two-family dwellings which do not affect slopes of greater than twelve (12) percent ~~or greater.~~

...

## ***Chapter 62. Zoning Code—Nonconforming Lots, Uses and Structures***

### **Sec. 62.106. Nonconforming uses of structures, or structures and land in combination.**

Nonconforming uses of structures, or structures and land in combination, are subject to the following regulations:

...

- ~~(m)~~ ~~In RL—R4 districts, existing legal nonconforming two-family residential uses may be expanded. The expansion must meet the yard setbacks and the percentage of lot coverage requirements of the zoning district in which located or the RT1 district, whichever is greater; the height limit of the district in which located; and the requirements for off-street parking in article 63.200.~~
- ~~(n)~~ In any residential district, existing commercial greenhouses may be expanded, or altered. The greenhouses must meet the height, yard setbacks, and percentage of lot coverage of section 66.230, residential district density and dimensional standards, for the district in which they are located and the requirements for off-street parking, article 63.200.
- ~~(o)~~ Existing auto body shops located in zones other than industrial zones shall be considered, for purposes of changes in nonconforming uses, as B3 uses. Auto body shops that are legally nonconforming in T2-T4 and B3 zoning districts may expand even though they are not permitted uses in these zoning districts. Auto service stations in T2, T3 and B2 zoning districts which remove their gas tanks and pumps will be regarded as legal nonconforming auto repair stations. Auto repair stations and auto specialty stores that are legally nonconforming in T2-T4 zoning districts may expand even though they are not permitted uses in these zoning districts.
- ~~(p)~~ Existing gun shops that are legally nonconforming, and are not pawn shops, shall be considered, for purposes of changes in nonconforming uses, as permitted uses and may expand even though gun shops are not permitted uses in the district, provided that the amount of floor area devoted to the display and sale of firearms is not increased and that any new public entrance is not located within one thousand (1,000) radial feet of any "protected use," as defined in section 65.520(a) of this Code.
- ~~(q)~~ Existing municipal yard waste sites that are legally nonconforming in the IT transitional industrial district may expand as a conditional use under the provision of sections 61.501—61.504 and section 65.331 even though new municipal yard waste sites are not permitted in the IT transitional industrial district.



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## Chapter 63. Zoning Code—Regulations of General Applicability

### ARTICLE I. 63.100. GENERAL PROVISIONS AND PERFORMANCE STANDARDS

#### Sec. 63.101. Lots adjoining alleys.

In calculating the area of a lot that adjoins a dedicated public alley, for the purpose of applying lot area, lot coverage, and density requirements of this code, one-half the width of such alley adjoining the lot ~~shall be~~ is considered as part of such lot.

#### Sec. 63.105. Porches and decks.

- (a) An open, uncovered porch or deck up to two (2) feet above the adjacent grade is considered landscaping and is not subject to setback or lot coverage requirements.
- (ab) An open, uncovered porch or deck ~~serving the principal structure~~ more than two (2) feet above the adjacent grade and attached to a principal building is ~~shall be~~ subject to setback and lot coverage requirements for the principal structure with the following exceptions:
  - (1) ~~The porch or deck may project into a required front or rear yard for a distance not exceeding ten (10) feet, providing the walking surface of the porch or deck is not higher than thirty (30) inches above the adjacent grade in the front yard and not higher than eight (8) feet above the adjacent grade in the rear yard, but this shall not be interpreted to include or permit fixed canopies. These permitted projections shall be excluded from lot coverage calculations. An open, uncovered porch or deck that is up to thirty (30) inches above the adjacent grade may project up to five (5) feet into a required front yard and is not subject to lot coverage requirements.~~
  - (2) ~~The porch or deck shall be no closer than six (6) feet to a detached accessory building, unless the porch or deck is not higher than two (2) feet above the adjacent grade. An open, uncovered porch or deck up to eight (8) feet above the adjacent grade may project up to five (5) feet into a required rear yard and is not subject to lot coverage requirements.~~
- (bc) ~~The walking surface of a~~An open, uncovered porch or deck ~~serving a detached accessory building only shall not exceed more than~~ two (2) feet ~~in height~~ above the adjacent grade ~~or shall be considered part of the~~ and attached to an accessory building ~~and must meet~~ is subject to all setback requirements for an accessory building and building lot coverage requirements ~~for the accessory building.~~
- (c) ~~An uncovered porch, deck or patio not exceeding two (2) feet in height is considered landscaping and is not subject to setback or lot coverage requirements.~~
- (d) An open, covered porch may project up to ~~six (6)~~ five (5) feet into a required front yard and is subject to side setback, rear setback, and lot coverage requirements.

#### Sec. 63.106. Projections into yards.

- (a) Attached vestibules, enclosed entrances and greenhouses may project up to twenty (20) square feet into a required front or rear yard and ~~shall be included as part of the principal structure for~~ are subject to lot coverage ~~purposes~~ requirements.
- (b) Ramps for the handicapped ~~are exempted and~~ may project into required yards and are not subject to lot coverage requirements.

- 
- (c) Chimneys and fireplaces may project up to one (1) foot into a required yard and are subject to lot coverage requirements.
  - (d) Except as otherwise provided for in section 63.501500(b), overhangs, decorative details and bay windows may project into a required yard sixteen (16) inches plus two (2) inches for each foot of width of the required side yard and are not subject to lot coverage requirements.
  - (e) Air conditioning condensers may be permitted in required side and rear yards and nonrequired front yards and are not subject to lot coverage requirements.
  - (f) Attached uncovered balconies located on the second story and above may project up to five (5) feet into a required yard along a street or an alley.

**Sec. 63.107. Reserved Multiple-dwelling-side yard.**

~~For the purpose of side yard regulations, a two-family house, a townhouse or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.~~

**ARTICLE III. 63.300. OFF-STREET PARKING FACILITY STANDARDS AND DESIGN**

**Sec. 63.303. Parking location.**

- (a) Parking spaces for one- and two-family dwellings ~~shall~~ must be located on the same zoning lot that they are intended to serve.
- (b) Off-street parking spaces for uses other than one- and two-family dwellings ~~shall~~ must be located on the same zoning lot as the building it is intended to serve or within five hundred (500) feet of the building it is intended to serve and in ~~the same or a less-restrictive zoning district as the principal use, or within a more restrictive zoning district providing where~~ the principal use is ~~also~~ an allowed use ~~in that zone~~.

**Sec. 63.308. Maneuvering lanes and driveways.**

- (a) Off-street parking facility access. Access to ~~all~~ off-street parking facilities for more than four (4) dwelling units on a lot must ~~shall~~ be provided by a maneuvering lane so that any vehicle leaving or entering the facility from or onto a public street ~~shall be~~ is traveling forward. ~~except in the following circumstances: Except where it is determined impractical, unreasonable, or harmful to the public safety by the zoning administrator, driveways accessing off-street parking facilities should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial and collector streets.~~
- ~~(1) — Parking for one- and two-family structures;~~
- ~~(2) — Stacked parking.~~ Stacked parking ~~shall be~~ is allowed in any off-street parking facility ~~whenever an attendant is present, and~~ space for any maneuvering of vehicles must be provided in the attended parking facility. An attendant must be present for parking facilities with stacked parking for more than six (6) principal dwellings.
- (b) Driveways. For ~~one-family lots with up to four (4) total principal dwelling units through four-family dwellings and townhouses,~~ driveways that access a public street in front yards ~~shall~~ must be no more than twelve (12) feet in width, except that a driveway may be up to four (4) feet wider than the garage door within ~~(thirty)~~ (30) feet of the garage door. For dwellings in which any portion of the building is more than one-hundred fifty (150) feet from the street, a driveway up to twenty (20) feet in width is permitted to meet fire access requirements. Driveways for one-family, ~~and~~ two-family, and multiple-family dwellings on zoning lots with up

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~~to four (4) total principal dwelling units must shall~~ be a minimum of eight (8) feet in width or driveway pavement may be limited to wheel tracks at least two (2) feet wide.

- (c) *Alley access and maneuvering.* Off-street parking facilities may be permitted access to an alley except where it is determined in the review of a site plan ~~by the zoning administrator~~ that allowance of alley access would create or aggravate an unsafe condition ~~or is impractical, unreasonable, harmful to the public safety, or where maintenance of alley surfaces and/or where erosion control and protection of water quality may be impaired.~~

For parking facilities of seven (7) or fewer parking spaces, the spaces may be directly off of the alley and the maneuvering lane may include the alley.

For parking facilities of eight (8) or more spaces, the spaces may be directly off of the alley and the maneuvering lane may include the alley, provided notice is sent to adjacent property owners in the manner set forth in section 61.402(b)(5) and there is an opportunity for them to comment. If the spaces are directly off of the alley and the maneuvering lane includes the alley, the spaces ~~shall must~~ be set back a minimum of ten (10) feet from the centerline of the alley.

Uses prohibited alley access elsewhere in the zoning code ~~shall must~~ not be permitted alley access by the provisions of this section.

### **Sec. 63.310. Entrances and exits.**

Adequate entrances and exits to and from ~~the a~~ parking facility ~~shall must~~ be provided by means of clearly defined and limited drives. ~~The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged.~~ When ~~a~~ driveways no longer lead to legal off-street parking, the driveway and curb cut ~~must shall~~ be removed and landscaping and curbing ~~must shall~~ be restored.

~~(a)~~ The number of curb cuts must be minimized, and shared curb cuts for adjacent parking areas on adjacent lots are encouraged, except where it is determined in the review of a site plan that consolidating curb cuts would create or aggravate an unsafe condition.

~~(ab)~~ Entrances and exits to and from all parking facilities for commercial or industrial uses located in commercial, industrial, or traditional neighborhood districts ~~shall must~~ be at least six (6) feet from any adjoining property in RL-RT2 zoning districts.

~~(bc)~~ Entrances and exits to and from a parking facility ~~shall must~~ be at least thirty (30) feet from the point of intersection of curb lines of two (2) or more intersecting streets.

~~(ed)~~ Entrances and exits to and from a parking facility ~~shall must~~ be at least five (5) feet from existing or planned boulevard trees.

### **Sec. 63.316. Paving.**

All parking spaces, driveways and off-street parking facilities ~~shall-must~~ be paved with standard or pervious asphalt or concrete, or with brick, concrete or stone pavers, or material comparable to the adjacent street surfacing, in accordance with specifications of the zoning administrator, within one (1) year of the date of the permit except as provided in section 61.402(e).

The total amount of paving for surface parking spaces for one-family, ~~and two-family, and multi-family dwellings on a lot with up to six (6) principal dwelling units, shall-must~~ not exceed ~~fifteen twenty (1520)~~ percent of the lot area ~~or one thousand (1,000) square feet, whichever is less.~~



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## ARTICLE V. 63.500. ACCESSORY BUILDINGS

### Sec. 63.501. Accessory buildings and uses.

Accessory buildings, and uses, except as otherwise provided in this Code, ~~shall be~~ are subject to the following regulations:

- (a) When an accessory building is structurally attached to a main building, it ~~shall be~~ is subject to, and must conform to, all regulations of this code applicable to main buildings. Accessory buildings ~~shall be~~ located ~~at least less than~~ six (6) feet from any principal building ~~or shall be~~ are considered attached for setback and lot coverage purposes.
- (b) Setbacks. Accessory buildings are subject to the setback standards for principal buildings, with the following exceptions.
  - (1) Accessory buildings may be erected or established in a required rear yard and must be set back a minimum of one (1) foot from any alley right-of-way. On corner lots, accessory buildings must be set back from the side street lot line a distance equal to that required of principal buildings.
  - (2) Garages must be set back from the front lot line at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure).
  - (3) Accessory buildings must be set back at least three (3) feet from all interior lot lines, and overhangs must be set back at least one-third (⅓) the distance of the setback of the garage wall or one (1) foot, whichever is greater. When an accessory building is constructed in a nonrequired front yard or rear yard that adjoins a side yard or front yard, the accessory building must be set back from the interior lot line a distance equal to the minimum side yard required of principal buildings.
  - (4) The setback requirement from interior lot lines for accessory buildings in rear yards is waived when a maintenance easement is recorded as to the affected properties, proof of such recorded easement is provided at the time of application for a building permit and the accessory building is located at least three (3) feet from any building on an adjoining lot. The recording of the maintenance easement is interpreted to mean that the following intents and purposes of this setback requirement are met:
    - a. Adequate supply of sunlight and air to adjacent property;
    - b. Sufficient space for maintenance of the building from the same lot; and
    - c. Prevention of damage to adjoining property by fire or runoff from roofs.A recorded common wall agreement is permitted in lieu of a maintenance easement if the accessory building is attached to an accessory building on an adjoining lot.
- (bc) ~~Accessory buildings shall not be erected in or established in a required yard except a rear yard. The following additional standards shall apply to residential parking. Residential parking is subject to the following standards.~~
  - (1) Access to off-street parking ~~shall~~ must be from an abutting ~~improved~~ alley when available, except where it is determined in the review of a site plan application by the zoning administrator that there are circumstances unique to the property that make this impractical, unreasonable, ~~or~~ harmful to the public safety; or where maintenance of alley surfaces, erosion control, or protection of water quality may be impaired. On corner lots, access to parking may be from the side street.
  - (2) Off-street parking spaces ~~shall~~ must not be located within the front yard.

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- ~~(3) — Garages shall be set back from the front lot line at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure).~~
- (43) Except in the rear yard, garage doors that face a public street ~~shall~~ must be no more than nine (9) feet in height and ~~shall~~ must not exceed sixty (60) percent of the width of the principal structure facing the same street.
- (54) Passenger vehicles may be parked on an approved driveway in front or side yards provided the driveway leads to a legal parking space.
- ~~(c) — On corner lots, accessory buildings shall be set back from the side street lot line a distance equal to that required of principal buildings. On through lots where frontage is clearly established on the block, rear yard setbacks for accessory buildings shall be equal to the side yard required of principal buildings. Accessory buildings shall be set back a minimum of one (1) foot from any alley right-of-way.~~
- ~~When an accessory building is constructed in a nonrequired front yard or rear yard that adjoins a side yard or front yard, the accessory building shall be set back from the interior lot line a distance equal to the minimum side yard required of principal buildings.~~
- ~~On all other lots, accessory buildings shall be set back at least three (3) feet from all interior lot lines, and overhangs shall be set back at least one-third (1/3) the distance of the setback of the garage wall or one (1) foot, whichever is greater.~~
- ~~(d) — This setback requirement from all interior lot lines for accessory buildings in rear yards shall be waived when a maintenance easement is recorded as to the affected properties, when proof of such recorded easement is provided at the time of application for a building permit and when the accessory building is located at least three (3) feet from any building on an adjoining lot. The recording of the maintenance easement shall be interpreted to mean that the following intents and purposes of this setback requirement are met:~~
- ~~(1) — Adequate supply of sunlight and air to adjacent property;~~
- ~~(2) — Sufficient space for maintenance of the building from the same lot; and~~
- ~~(3) — Prevention of damage to adjoining property by fire or runoff from roofs.~~
- ~~A recorded common wall agreement is permitted in lieu of a maintenance easement if the accessory building is attached to an accessory building on an adjoining lot.~~
- ~~(ed) Accessory building height on a zoning lot with residential use in RL-RM2 districts. In RL-RM2 residential districts, The height of accessory buildings that do not contain a dwelling unit on a zoning lot with residential use shall may not exceed fifteen (15) feet in height; provided, however, that accessory buildings with a in the case of a flat or shed roof style shall not exceed twelve (12) feet in height and eighteen (18) feet in the case of all other roof styles, and that ~~the height of an accessory building containing a dwelling unit shall may~~ not exceed twenty-five (25) feet ~~or the height of the principal structure, whichever is less.~~~~
- ~~Exception: These accessory building height limits do shall not apply to property within designated heritage preservation sites and districts, where, in these cases appropriate building heights for accessory structures are shall be determined through the design review process to ensure that heights are acceptable and in keeping with the scale and style of development on the property.~~
- ~~(fe) Accessory buildings on zoning lots containing one and two family dwellings are subject to the following standards: with up to four principal dwelling units,~~
- ~~(1) — There ~~shall be is~~ a maximum of three (3) non-dwelling accessory buildings, the total of which may occupy a maximum of twelve hundred (1200) square feet of the lot.~~

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

## **Chapter 64. Zoning Code—Signs**

### **ARTICLE I. PURPOSE AND DEFINITIONS**

#### **Sec. 64.120. R.**

...

~~Required yard. The space between the public right-of-way and the legal setback line, as defined in chapter 60.~~

...

## **Chapter 65. Zoning Code—Land Use Definitions and Development Standards**

### **ARTICLE II. 65.100. RESIDENTIAL USES**

#### **Division 1. 65.110. Dwellings**

##### **Sec. 65.111. Dwelling, one-family.**

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

Condition in H3 residential district:

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

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##### **Sec. 65.112. Dwelling, two-family.**

A building designed exclusively for ~~or~~ and occupied exclusively by no more than two (2) households living independently of each other in two (2) separate dwelling units.

##### **Sec. 65.113. Dwelling, multiple-family.**

A building, or portion thereof, designed exclusively for occupancy by three (3) or more households living independently of each other in individual dwelling units.

~~Development standards in the RT2 townhouse residential district:~~

~~No more than six (6) dwelling units shall be attached to form a townhouse structure, and other types of multiple-family dwellings shall contain no more than four (4) dwelling units.~~



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## Sec. 65.130. Cluster development.

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

*Standards and conditions:*

- ~~(a) Applications for cluster development shall include site plans, including landscaping and elevations and other information the planning commission may request.~~
- ~~(b) No unit shall intrude on the vertical airspace of any other unit.~~
- ~~(ea) Lot size. The parcel must have a minimum frontage of eighty (80) feet on an improved street and meet the lot area required per unit in the zoning district size of nine thousand six hundred (9,600) square feet and a maximum size of a one-half (1/2) acre. Individual lots within a cluster development may have less than the required lot area for the zoning district provided such reductions are compensated for by an equivalent amount of property owned in common elsewhere in the cluster development. Lot area shall not include areas designated as public or private streets.~~
- ~~(eb) Zoning district standards. Buildings Structures must conform to the dimensional standards for minimum lot area per unit, height, lot coverage, and setbacks for the zoning district. Required yards within a cluster development may be reduced or eliminated provided required yards are maintained along the periphery of the cluster development.~~
- ~~(c) Lot coverage. In RL and H1 residential districts, total lot coverage of all buildings must not exceed fifty-five (55) percent of the zoning lot. In H2 and H3, total lot coverage of all buildings must not exceed sixty (60) percent of the zoning lot.~~
- ~~(d) Accessory buildings. No more than one (1) accessory dwelling unit is permitted per one-family dwelling in the cluster development. The accessory dwelling unit must meet standards (b) – (e) in section 65.913. The accessory unit does not count towards the minimum lot size per unit standard. Accessory buildings must conform to the standards in section 63.500.~~
- ~~(e) Principal buildings. Principal buildings must meet the following standards:~~
  - ~~(1) Each principal building must either have an entrance that abuts the common open space or must be directly connected to it by a pedestrian path.~~
  - ~~(2) Principal buildings within twenty (20) feet of a street property line may have their entrances facing the street and can connect to the common open space by the sidewalk in public rights-of-way that connects to the pedestrian path.~~
  - ~~(3) Principal buildings not facing the common open space or the street must have their main entrances facing a pedestrian path that is directly connected to the common open space.~~
  - ~~(4) The building design standards in section 63.110.~~
- ~~(f) Common open space. The cluster development must have a common open space for use by all residents. Common open spaces must meet the following standards:~~
  - ~~(1) The common open space must be a single, contiguous area.~~
  - ~~(2) The common open space must contain a minimum of one hundred fifty (150) square feet per principal unit within the cluster development. Accessory dwelling units are not subject to this requirement.~~
  - ~~(3) The common open space must be a minimum of fifteen (15) feet wide at its narrowest dimension.~~

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- (4) The common open space must contain landscaping, lawn area, community garden, paved courtyard area, recreational amenities, or a mix of any of these, and may also include stormwater management infrastructure. Impervious elements of the common open space must not exceed seventy-five (75) percent of the total common area. Driveways and parking areas do not count as common open space.
- (g) Pedestrian path. An accessible, hard-surfaced pedestrian path that is a minimum of four (4) feet wide must be provided that connects an entrance of each dwelling to the following:
- (1) The common open space;
  - (2) Parking areas, if applicable;
  - (3) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks; and
  - (4) A community building, if applicable.
- (h) Community building. A cluster development may include one community building, for the shared use of residents, that provides space for accessory uses such as a community meeting room, exercise room, day care, laundry facilities, non-commercial community kitchen, or eating area.
- (i) Off-street parking. Off-street parking facilities for the cluster development must conform to the standards in section 63.300.
- ~~(e) The design shall be compatible with the surrounding neighborhood.~~
- (f) Individual lots, buildings, street and parking areas ~~shall~~ must be designed and situated to minimize alteration of the natural features and topography.
- (k) Conditional use permit. A minimum lot area per unit that is lower than that required by the zoning district may be permitted with a conditional use permit, subject to the following conditions:
- (1) Applications must include site plans, including landscaping and elevations and other information the planning commission may request.
  - (2) The floor area of individual dwelling units must be limited to no more than six hundred (600) square feet.
  - (3) The development must not contain any accessory dwelling unit.

### **Division 3. 65.150. Congregate Living<sup>1</sup>**

#### **Sec. 65.151. Adult care home.**

...

*Standards and conditions:*

- (a) ~~In residential and T1 traditional neighborhood districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms.~~ In T2-T4 traditional neighborhood districts, the density ~~shall be~~ is regulated as for multifamily uses.

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<sup>1</sup>Editor's note(s)—Ord 16-5, § 1, adopted April 13, 2016 in effect repealed div. 3. §§ 65.151—61-191 and enacted a new div. 3, §§ 65-151—65-161. Former div. 3 pertained to similar subject matter and derived from C.F. No. 05-441, adopted August 24, 2005; C.F. No. 08-640, adopted July 9, 2008; Ord. No. 11-27, adopted April 20, 2011; and Ord 15-5, adopted February 5, 2015

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- (b) In traditional neighborhood development districts, a facility located within a predominantly residential or mixed-use area ~~shall~~ must have direct access to a collector or higher classification street.
  - (c) In traditional neighborhood development districts, the site ~~shall~~ must contain a minimum of fifty (50) square feet of outdoor community space per resident, consisting of seating areas, yards and/or gardens.
  - (d) ~~In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents.~~ In ~~RT2-RM1~~ RL-H3 residential, T1 traditional neighborhood and OS-B2 business districts, the facility ~~shall~~ must serve sixteen (16) or fewer facility residents.
  - (e) In ~~residential~~ RM1-RM3 and T1 traditional neighborhood districts, a conditional use permit is required for facilities serving ~~seven (7) or more~~ than sixteen (16) facility residents.

#### **Sec. 65.152. Community residential facility, licensed correctional.**

...

##### *Standards and conditions:*

- (a) Preliminary licensing review by the state department of corrections.
- (b) The facility ~~shall~~ must be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than six (6) adult residents, except in B4-B5 business districts where it ~~shall~~ must be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.
- (c) The facility serves no more than sixteen (16) facility residents, except in B4-B5 business districts where it ~~shall~~ must serve no more than thirty-two (32) facility residents.
- (d) It ~~shall~~ must occupy the entire structure.
- (e) ~~In residential and T1 traditional neighborhood districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms.~~ In T2-T4 traditional neighborhood districts, the density ~~shall be~~ is regulated as for multifamily uses.

#### **Sec. 65.153. Dormitory.**

...

##### *Standards and conditions:*

- (a) In RL-H2 residential districts, the use must be on the campus. In H3-RM3 residential, T1 traditional neighborhood, and BC community business (converted) districts, a conditional use permit is required for off-campus dormitories.
- (b) The use must be within two hundred fifty (250) feet of the campus of the institution it serves, for a college, university, seminary or other such institution of higher learning as established in a conditional use permit. ~~In RL-R4 residential districts, the use shall be on the campus.~~

...

#### **Sec. 65.154. Emergency housing facility.**

...

##### *Standards and conditions:*



- 
- (a) In RL-~~RT2~~H3 residential, OS office-service, B1 local business, IT transitional industrial, F1 Ford river residential, and F5-F6 Ford districts the use ~~shall~~ must be located on the same zoning lot as a religious institution.
  - (b) In the I2 general industrial district, the use requires a conditional use permit. In RM1-RM3 residential, T1-T4 traditional neighborhood, BC-B5 business, I1 light industrial, and F2-F4 Ford districts, the use requires a conditional use permit if not located on the same zoning lot as a religious institution.
  - (c) If not located on the same zoning lot as a religious institution, the use ~~shall be~~ is subject to standards and conditions (a)-(d) for supportive housing facility, section 65.162.

#### **Sec. 65.156. Fraternity, sorority.**

...

*Standards and conditions:*

- (a) ~~In RL-H2 residential districts, the use must be on the campus.~~ In ~~H3-RM3~~ residential, T1 traditional neighborhood, and BC community business (converted) districts, a conditional use permit is required for off-campus fraternities and sororities.
- (b) The use must be within two hundred fifty (250) feet of the campus boundary as established in the conditional use permit for the institution it serves. ~~In RL-R4 residential districts, the use shall be on the campus.~~

...

#### **Sec. 65.160. Shelter for battered persons.**

...

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

...

- (b) The facility ~~shall~~ must be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than six (6) adult residents: shelter for battered persons, supportive housing facility, licensed correctional community residential facility, emergency housing facility, or overnight shelter.
- (c) In RL-~~RT2~~H3 residential, traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care.
- (d) The facility ~~shall~~ must not be located in a two-family or multifamily dwelling unless it occupies the entire structure.
- (e) ~~In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms.~~ In T2-T4 traditional neighborhood districts, the density ~~shall be~~ is regulated as for multifamily uses.

#### **Sec. 65.161. Sober house.**

...

*Standards and conditions:*

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A request for reasonable accommodation for this use as required under the Federal Fair Housing Act Amendments of 1988 by providing an exception to the maximum number of unrelated persons living together in a dwelling unit shall automatically be granted if the following standards and conditions are met. This does not limit the city from granting additional reasonable accommodation for this use under the general provisions of this Code.

- (a) The operator ~~shall~~ must submit a request for reasonable accommodation to the zoning administrator on a form provided by the city, specify the number of residents, and provide information necessary to assure the use meets applicable zoning standards. The maximum total number of residents permitted in the sober house ~~shall be~~ is specified by the fire certificate of occupancy.
- (b) In ~~RL-R4H1~~ Residential Districts, the sober house ~~shall~~ must serve ten (10) or fewer residents.
- (c) For a structure serving seventeen (17) or more sober house residents, a conditional use permit is required. This use ~~shall be~~ is exempt from section 61.501 conditional use permit general standards (a), (c), and (d).
- (d) A building containing one (1) or more sober house units ~~shall~~ must be a minimum distance of three hundred thirty (330) feet from any other building containing a sober house.

#### **Sec. 65.162. Supportive housing facility.**

...

*Standards and conditions:*

...

- (a) The facility ~~shall~~ must be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than six (6) adult residents, except in B4-B5 business districts where it ~~shall~~ must be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.
- (b) ~~In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2RL-H3 residential, T1 traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility shall serve sixteen (16) or fewer facility residents.~~
- (c) In ~~RM1-RM3~~ residential, T1 traditional neighborhood and F1 Ford districts, a conditional use permit is required for facilities serving ~~seven (7) or more~~ than sixteen (16) facility residents.
- (d) ~~In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be~~ is regulated as for multifamily uses

### **ARTICLE III. 65.200. CIVIC AND INSTITUTIONAL USES<sup>2</sup>**

#### **Sec. 65.222. Day care.**

...

*Standards and conditions:*

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<sup>2</sup>Editor's note(s)—Ord 18-1, § 1, adopted January 24, 2018, amended art. III, in its entirety. Former art. III pertained to similar subject matter.

- (a) In RL ~~—R4H2~~ residential districts, a child care center shall be located in a nonresidential structure currently or formerly occupied by a church, community center, school or similar facility. In industrial districts, a child care center shall be accessory to a principal use permitted in the district.

...

### Division 3. 65.640. Commercial Recreation, Entertainment and Lodging

#### Sec. 65.641. Bed and breakfast residence.

...

*Standards and conditions in residential and BC community business (converted) districts:*

- (a) In residential districts, a conditional use permit is required for bed and breakfast residences with two (2) or more guest rooms, and for any bed and breakfast residence located in a two-family dwelling. ~~In RL—R4 residential districts, a bed and breakfast residence may contain no more than one (1) guest room.~~

...

- (c) The guest rooms ~~shall~~ must be contained within the principal structure.
- (d) There ~~shall~~ must be no more than one (1) person employed by the bed and breakfast residence who is not a resident of the dwelling.

...

- ~~(g) The zoning lot shall meet the minimum lot size for the one-family dwelling or two-family dwelling in the district in which it is located, and shall have a minimum size according to the following combination of dwelling units and guest rooms:~~

<del>Dwelling Units</del>	<del>Guest Rooms</del>	<del>Minimum Lot Size</del>
<del>1</del>	<del>2</del>	<del>6,000</del>
<del>1</del>	<del>3</del>	<del>7,000</del>
<del>1</del>	<del>4</del>	<del>8,000</del>
<del>2</del>	<del>1</del>	<del>6,000</del>
<del>2</del>	<del>2</del>	<del>7,000</del>
<del>2</del>	<del>3</del>	<del>8,000</del>

- ~~(hg)~~ One-family dwellings may contain no more than four (4) guest rooms. Two-family dwellings may contain no more than three (3) guest rooms.
- ~~(ih)~~ No bed and breakfast residence containing two (2) through four (4) guest rooms shall be located closer than one thousand (1,000) feet to an existing bed and breakfast residence containing two (2) through four (4) guest rooms, measured in a straight line from the zoning lot of an existing bed and breakfast residence.

#### Sec. 65.645. Short term rental dwelling unit.

...

*Standards and conditions:*



- (a) In RL—~~RT1H2~~ districts, there ~~shall~~ must be no more than one (1) short term rental dwelling unit on a zoning lot unless a duplex, triplex or fourplex is owner occupied and the owner is in residence during the rental period. In other districts, one (1) or up to fifty (50) percent of dwelling units on a zoning lot, to a maximum of four (4), may be short term rental dwelling units, except that an owner occupied duplex may have two (2) units, an owner-occupied triplex may have three (3) units, and an owner occupied fourplex may have four (4) units, provided in all these cases the owner is in residence during the stay and except that more than four (4) short term rental dwelling units may be permitted when a conditional use permit is obtained by the building owner for a specific number of short term rental dwelling units.

...

## ARTICLE VII. 65.900. ACCESSORY USES

### Sec. 65.913. Dwelling unit, accessory.

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

*Standards and conditions:*

- (a) *Number of accessory units.* There ~~shall~~ must be no more than ~~one (1)~~ two (2) accessory dwelling units for each one-family dwelling on a zoning lot. If there are two accessory dwelling units for a one-family dwelling, at least one must be detached from the one-family dwelling.
- (b) Compliance with other city, local, regional, state and federal regulations. Pursuant to section 60.109 of the Zoning Code, all accessory dwelling units must comply with city, local, regional, state and federal regulations.
- (c) *Unit occupancy.* The ~~total combined~~ occupancy of the principal dwelling unit and accessory dwelling units ~~shall~~ must not exceed the number of occupants as specified in the definition of *Household* in section 60.209.
- (d) *Unit size.* The total floor area of ~~the each~~ accessory unit ~~shall~~ must not exceed eight hundred (800) square feet or 75% seventy-five (75) percent of the floor area of the principal dwelling unit, whichever is greater. If the accessory unit is within the principal building, the principal building shall have a minimum floor area of one thousand (1,000) square feet. For multi-story principal buildings built prior to the enactment of this section, the maximum floor area of an accessory dwelling unit may be equal to that of the first floor, but shall be less than or equal to fifty (50) percent of the floor area of the building.
- (e) *Access and entrances.*
- (1) A walkway ~~shall~~ must be provided from an abutting public street to the primary entrance of the accessory dwelling unit.
  - (2) Upper floor units within the principal structure ~~shall~~ must have interior stairway access to the primary entrance of the unit. Secondary stairways required for fire safety may be located on the exterior of the side or rear of the building, but ~~shall are~~ not be allowed on the front of the building.
  - (3) Exterior stairways ~~shall~~ must be built of durable materials that match the finish of the principal structure or accessory building to which they are attached. Raw or unfinished lumber ~~shall is~~ not be permitted.
- (f) *Ownership.* ~~The a~~ Accessory dwelling units ~~shall~~ must not be sold separately from the principal dwelling unit, and may not be a separate tax parcel.

(g) Height. In RL-RM2 residential districts, the height of a detached accessory building containing accessory dwelling units must conform to section 63.501(d).

## **Chapter 66. Zoning Code—Zoning District Uses, Density and Dimensional Standards**

### **ARTICLE II. 66.200. RESIDENTIAL DISTRICTS**

#### **Division 1. 66.210. Intent**

##### **Sec. 66.211. Intent, RL one-family large lot residential district. Intent, RL ~~one-family~~ large lot residential district.**

The RL ~~one-family~~ large lot residential district is the lowest density residential district. It provides for a semirural environment of predominantly low-density, ~~one-family dwellings~~ residential uses along with civic and institutional uses, public services and utilities that serve the residents in the district. The district is designed to protect, maintain and enhance wooded areas, wildlife and plant resources, fragile bluff areas, topography and large expanses of natural vegetative cover; to ~~reduce~~ minimize erosion and excessive stormwater runoff ~~associated with higher-density development~~; and to ~~facilitate installation of~~ provide enough lot area for private wells and individual sewage treatment systems ~~for one-family detached dwellings~~.

##### **~~Sec. 66.212. Intent, R1—R4 one family residential districts.~~**

~~The R1—R4 one family residential districts provide for an environment of predominantly low density, one-family dwellings along with civic and institutional uses, public services and utilities that serve the residents in the districts. Because of their residential nature, these districts are not intended for more intensive uses such as small conference centers, private retreat centers and reception houses.~~

##### **Sec. 66.212. Intent, H1-H2 residential districts.**

The H1-H2 residential districts provide for a variety of housing options along with civic and institutional uses, public services and utilities that serve residents in the district. The districts allow for reuse and/or conversion of existing homes and infill development in existing neighborhoods, lots, and backyards, without having to demolish existing viable housing. H1 and H2 facilitate increments in residential character according to unit density.

##### **~~Sec. 66.213. Intent, RT1 two family residential district.~~**

~~The RT1 two-family residential district provides for an environment of predominantly low density one and two-family dwellings along with civic and institutional uses and public services and utilities that serve the residents in the district. The district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. Because of its residential nature, this district is not intended for more intensive uses such as small conference centers, private retreat centers and reception houses.~~

##### **Sec. 66.213. Intent, H3 residential district.**

The H3 residential district provides for a variety of housing options along with civic and institutional uses, public services and utilities that serve residents in the district. The district allows for reuse and/or conversion of existing homes and infill development in existing neighborhoods, lots, and backyards, without having to demolish

existing viable housing. It is intended for use in Neighborhood Nodes and near transit routes along fixed rail and bus rapid transit corridors.

#### **Sec. 66.214. Intent, RT2 townhouse residential district.**

The RT2 townhouse residential district provides for two-, three-, and four-family and townhouse structures, along with civic and institutional uses, public services and utilities that serve residents in the district. It is intended to provide for a variety of housing needs and to serve as zones of transition between one- and two-family residential districts and multiple-family residential districts and business districts. The district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-, three-, or four-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. The RT2 district further provides for housing that has many of the amenities of single-family dwellings arranged in a low-density, multiple-family pattern. Because of its residential nature, this district is not intended for more intensive uses such as small conference centers, private retreat centers and reception houses.

### **Division 2. 66.220. Principal Uses in Residential Districts**

#### **Sec. 66.221. Principal uses.**

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

Table 66.221. Principal Uses in Residential Districts

Use	RL	<del>R1- R4 H1</del>	<del>RT1 H2</del>	<del>RT2 H3</del>	RM1	RM2	RM3	Definition (d) Standards (s)
<b>Residential Uses</b>								
<i>Dwellings</i>								
One-family dwelling	P	P	P	P	P	P		(d)
Two-family dwelling	<u>P</u>	<u>P</u>	P	P	P	P		(d)
<del>Three-and four-family dwelling</del>				<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
<del>Townhouse</del>				<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
Multiple-family dwelling		<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	(d)
<del>Carriage house dwelling</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>(d), (s)</del>
Cluster development	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>		(d), (s)
Housing for the elderly					P	P	P	(d)
Reuse of large structures	C	C	C	C	C	C	C	(d), (s)
<i>Mixed Commercial-Residential Uses</i>								
Home occupation	P	P	P	P	P	P	P	(d), (s)
<i>Congregate Living</i>								
<del>Adult care home</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
<del>Community residential facility, licensed correctional</del>					<u>C</u>	<u>C</u>	<u>C</u>	<u>(d), (s)</u>
<del>Dormitory</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
<del>Emergency housing facility</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
Foster home	P	P	P	P	P	P	P	(d)



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

Accessory Uses								
Accessory use	P	P	P	P	P	P	P	(d), (s)
Dwelling unit, accessory	P	P	P	P	P	P		(d), (s)
<del>-Accessory</del> <del>R</del> Retail service and office, <del>accessory</del>						C	C	(s)
Support services in housing for the elderly						P	P	(d), (s)

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.221, principal uses in residential districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

### 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

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

	<u>(sq. feet)</u>	<u>(feet)</u>		<u>(feet)</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>RL large lot</u>	<u>9,000 (a)</u>	<u>60</u>	<u>2</u>	<u>30</u>	<u>30 (d)</u>	<u>10 (f)</u>	<u>10</u>
<u>H1 residential</u>	<u>2,000 (a)</u>	<u>30</u>	<u>3 / 4 on corners (b)</u>	<u>30 (c)</u>	<u>10 (d)</u>	<u>5 (f)</u>	<u>10</u>
<u>H2 residential</u>	<u>1,500 (a)</u>	<u>25</u>	<u>4 (b)</u>	<u>35 (c)</u>	<u>10 (d)</u>	<u>5 (f)</u>	<u>10</u>
<u>H3 residential</u>	<u>1,000 (a)</u>	<u>25</u>	<u>6</u>	<u>40</u>	<u>10 (d)</u>	<u>5 (f)</u>	<u>10</u>

<u>Zoning District</u>	<u>Floor Area <del>Ratio</del> <del>Width</del> (FAR)</u>	<u>Building Height Maximum</u>	<u>Yard Setbacks Minimum (feet)</u>		
	<u>Maximum (e)</u>	<u>(feet)</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>RM1 multiple-family</u>	0.6 FAR with surface parking 1.0 FAR with structured parking	40 (ig)	<u>25 10 (d)</u> (fe)	9 (hf) (mj)	<u>25 9</u>
<u>RM2 multiple-family</u>	1.5 FAR with surface parking 2.25 FAR with structured parking	50 (jh) (mj)	<u>25-10 (d)</u> (fe)	9 (hf) (kj)	9 (ki)
<u>RM3 multiple-family</u>	1.5 FAR with surface parking 3.5 FAR with structured parking	no maximum	<u>25-10 (d)</u> (fe)	9 (hf) (ki)	9 (ki)

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 RT1-RT2 residential districts. RT1 two-family district dimensional standards shall apply when two-family dwellings are erected in the RT2 residential district.~~
- (b) ~~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.~~
- (c) ~~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.~~
- (da) ~~If townhouses a two-family or multiple-family dwelling are is 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 is applied to the entire parcel.~~
- (b) A total of two additional dwelling units are permitted and an additional five (5) percent lot coverage is permitted on the zoning lot through any combination of the following methods. These additional units are not subject to the minimum lot size per unit standard.
- (1) One additional dwelling unit is permitted for each principal dwelling unit on the zoning lot that is affordable to households at eighty (80) percent of the area median income for at least fifteen (15) years and has at least the same floor area as another principal dwelling unit on the zoning lot. Units required to be affordable must be occupied by income-qualifying residents. Prior to receiving a certificate of occupancy for the new building (or building expansion), demonstration of the commitment to affordable housing in accordance with this footnote must be provided as: a deed restriction or other contractual agreement with the city, or a city housing and redevelopment



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authority financing agreement or other similar financing agreement. Prior to occupancy of the units, documentation of residents' income qualifications is required.

- (2) One additional dwelling unit is permitted for each principal dwelling unit on the zoning lot containing three (3) or more bedrooms.
- (c) In H1, a maximum height of thirty-five (35) feet may be permitted if set back from the setback lines a distance equal to the additional height. In H2, a maximum height of forty (40) feet may be permitted if set back from the setback lines a distance equal to the additional height.
- (fd) Where at least fifty (50) percent of the front footage of any block is built up with principal residential buildings and the front yard setbacks of existing buildings with front yards that adjoin the front yard of the lot are all greater or all less than the district standard setback requirement, the minimum front yard setback for new buildings shall be the same as the adjoining front yard setback that is closest to the district standard setback requirement, except where only one existing front yard adjoins the front yard of the lot the minimum front yard setback for new buildings shall be the midpoint between the district standard setback requirement and the adjoining front yard setback. The property owner is responsible for reporting the relevant adjacent existing front setback to the zoning administrator on a registered land survey.

Front setback for new buildings.

- (1) In H1-RM3 residential districts, where the front yard setbacks of existing front yards that adjoin the new front yard are all fifteen (15) feet or greater, the minimum front yard setback for new buildings is fifteen (15) feet.
- (2) In RL residential districts, where two existing front yards with front yard setbacks less than the district standard adjoin the new front yard, the minimum front yard setback for new buildings is the greater of the adjoining front yard setbacks, where only one existing front yard adjoins the new front yard, the minimum front yard setback for new buildings is the midpoint between the existing front yard setback and the district standard.

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

- (e) Floor area ratio (FAR) ~~shall be~~ is prorated upon the percentage of parking that is provided as structured parking. The FAR maximum may be increased by 0.5 if at least ten (10) percent of new dwelling units are affordable at sixty (60) percent of the area median income for at least fifteen (15) years. The FAR maximum may be increased by an additional 0.5 (total of 1.0 increase) if at least twenty (20) percent of new dwelling units are affordable at sixty (60) percent of the area median income for at least fifteen (15) years. Units required to be affordable ~~shall must~~ be occupied by income-qualifying ~~low-income~~ residents. Prior to receiving a certificate of occupancy for the new building (or building expansion), demonstration of the commitment to affordable housing in accordance with this footnote must be provided as: a deed restriction or other contractual agreement with the city, or a city housing and redevelopment authority financing agreement or other similar financing agreement, ~~and documentation of low-income residents' qualifications. Prior to occupancy of the units, documentation of residents' income qualifications is required.~~
- (f) ~~Where at least fifty (50) percent of the front footage of any block is built up with principal residential buildings and the front yard setbacks of existing buildings with front yards that adjoin the front yard of the lot are all greater or all less than the district standard setback requirement, the minimum front yard setback for new buildings shall be the same as the adjoining front yard setback that is closest to the district standard setback requirement, except where only one existing front yard adjoins the front yard of the lot the minimum front yard setback for new buildings shall be the midpoint between the district standard setback requirement and the adjoining front yard setback. The property owner is~~

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~~responsible for reporting the relevant adjacent existing front setback to the zoning administrator on a registered land survey.~~

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

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

In H1-H3 districts, the minimum side yard setback for permitted and conditional principal uses other than residential uses is nine (9) feet.

In RM1 and RM2 districts, the minimum side yard setback for a one-family dwelling is four (4) feet, and for two-family and multiple-family dwellings of thirty-five (35) feet in height or less on lots of sixty (60) feet width or narrower is six (6) feet.

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

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

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

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

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

## **Sec. 66.232. Maximum lot coverage.**

~~In R1—R4 residential districts, principal buildings shall not cover more than thirty five (35) percent of any zoning lot. For R1—R4 residential districts in planning districts 14 and 15, excluding property with local heritage preservation site or district designation, the total lot coverage of all buildings, including accessory buildings, shall not exceed forty (40) percent. The total lot coverage of all buildings, including principal and accessory buildings, must not exceed forty (40) percent of any zoning lot in RL or H1, forty-five (45) percent in H2, and fifty (50) percent in H3, except for cluster developments under the provisions in section 65.130.~~

## **Sec. 66.233. Sidewall articulation.**

For principal residential structures in ~~R1-R4~~ H1-H2 residential districts in planning districts 14 and 15, sidewall articulation is required for building faces that exceed thirty-five (35) feet in length for new construction

and additions that increase the floor area by more than fifty (50) percent of the existing building footprint. Articulation shall be in the form of a structural projection of at least one (1) foot in depth and six (6) feet in length, and at least one (1) story tall starting at or below the first floor elevation. New construction and additions that maintain the same footprint and property with local heritage preservation site or district designation are exempt from this requirement.

**Sec. 66.234. ~~Sidewall articulation Reserved.~~**

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

**ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS**

**Division 2. 66.320. Principal Uses in Traditional Neighborhood Districts**

**Sec. 66.321. Principal uses.**

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Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	Definition (d) Standards (s)
<b>Residential Uses</b>					
<i>Dwellings</i>					
One-family dwelling	P	P	P		(d), (s)
Two-family dwelling	P	P	P		(d)
<del>Townhouse</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
Multiple-family dwelling	P	P	P	P	(d)
<del>Carriage house dwelling</del>	<del>C</del>	<del>C</del>	<del>P</del>		<del>(d)</del>
Housing for the elderly	P	P	P	P	(d)
<i>Mixed Commercial—Residential Uses</i>					
Home occupation	P	P	P	P	(d), (s)
Live-work unit	P	P	P	P	(d), (s)
Mixed residential and commercial use	P	P	P	P	
<i>Congregate Living</i>					
<del>Adult care home</del>	<del>P/C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>Community residential facility, licensed correctional</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>(d), (s)</del>
<del>Dormitory</del>	<del>P/C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>Emergency housing facility</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
Foster home	P	P	P	P	(d)
<del>Fraternity, sorority</del>	<del>P/C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>



<u>Roominghouse</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	(d), (s)
<del>—Supportive housing facility</del>	<del>P/C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>—Community residential facility, licensed correctional</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>(d), (s)</del>
<del>—Emergency housing facility</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
Shelter for battered persons	P/C	P/C	P/C	P/C	(d), (s)
Sober house	P/C	P/C	P/C	P/C	(d), (s)
<u>Supportive housing facility</u>	<u>P/C</u>	<u>P</u>	<u>P</u>	<u>P</u>	(d), (s)
<del>—Roominghouse</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>(d), (s)</del>
<del>—Adult care home</del>	<del>P/C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>—Dormitory</del>	<del>P/C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>—Fraternity, sorority</del>	<del>P/C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<b>Civic and Institutional Uses</b>					
Club, <del>fraternal organization, lodge hall noncommercial</del>		P	P	P	(d)
College, university, seminary, <del>etc.</del> <u>or similar institution of higher learning</u>	P	P	P	P	(d), <del>(s)</del>
Community center	P	P	P	P	(d), (s)
Day care	P	P	P	P	(d), (s)
Homeless services facility	P/C	P/C	P/C	P/C	(d), (s)
Museum	P/C	P	P	P	(s)
Public library	P	P	P	P	
Public and private park, playground	P	P	P	P	
Religious institution	P	P	P	P	(d)
School, primary & secondary	P	P	P	P	
Trade school, arts school, dance school, etc.	P	P	P	P	
<b>Public Services and Utilities</b>					
Antenna, cellular telephone	P/C	P/C	P/C	P/C	(d), (s)
Municipal building or use	P	P	P	P	(s)
Solar energy generation facility, community	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	C	C	C	C	(d), (s)
<b>Commercial Uses</b>					
<u>Offices, Retail, and Service Uses</u>					
<u>Administrative office</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<del>—Artist, photographer studio, etc.</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
<del>—Insurance office, real estate office, sales office</del> <u>General office, studio</u>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
<del>—Professional office</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
<u>Medical Facilities</u>					
<del>—Clinic, medical or dental</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
<del>—Hospital</del>		<del>C</del>	<del>C</del>	<del>C</del>	<del>(d)</del>
<del>—Medical laboratory</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
<del>—Veterinary clinic</del>		<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<u>Retail Sales and Services</u>					
General retail		P/C	P/C	P/C	(d), (s)
<u>Service business, general</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d)</u>
<u>Service business with showroom or workshop</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
<del>—Bank, credit union</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	

<u>Animal boarding</u>			<u>P</u>		<u>(d), (s)</u>
<u>Animal day care</u>			<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<u>Artist's studio</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d)</u>
Business sales and services		P	P		(d)
Drive-through sales and services, <del>primary principal</del> and accessory		C			(s)
Dry cleaning, commercial laundry		P	P	P	(s)
Farmers market	P/C	P/C	P/C	P/C	(d), (s)
<del>Food and related goods sales</del>		<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
<del>Food shelf</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
Garden center, outdoor		P	P	P	(d), (s)
<del>Laundromat, self-service</del>		<del>P</del>	<del>P</del>	<del>P</del>	
<del>Liquor store</del>		<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(s)</del>
<del>Massage center</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
<u>Hospital</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>(d)</u>
Mortuary, funeral home		P	P	P	
Outdoor uses, commercial		P/C	P/C	P/C	(d), (s)
<del>Post office</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
<del>Service business</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
<del>Service business with showroom or workshop</del>		<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
<del>Small appliance repair</del>		<del>P</del>	<del>P</del>	<del>P</del>	
Tattoo shop		P	P	P	
Tobacco products shop		P/C	P	P	(d), (s)
<u>Veterinary clinic</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<i>Food and Beverages</i>					
Bar		P/C	P/C	P/C	(d), (s)
Brew on premises store		P	P	P	(d), (s)
<del>Catering</del>		<del>P</del>	<del>P</del>	<del>P</del>	
Coffee shop, tea house	P/C	P/C	P/C	P/C	(d), (s)
Restaurant		P/C	P/C	P/C	(d), (s)
<del>Restaurant, carry-out, deli</del>		<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
Restaurant, fast food		P/C	P/C	P/C	(d), (s)
<del>Restaurant, outdoor</del>		<del>P</del>	<del>P</del>	<del>P</del>	<del>(s)</del>
<i>Commercial Recreation, Entertainment and Lodging</i>					
Bed and breakfast residence	P	P	P	P	(d)
Hotel		P	P	P	(d)
<u>Short term rental dwelling unit</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
Health/sports club		P	P	P	(d)
Indoor recreation		C	C	C	(d), (s)
Outdoor sports/entertainment				P	<del>(d)</del> , (s)
Reception hall/rental hall		C	C	C	
<del>Short term rental dwelling unit</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
Theater, assembly hall		P/C	P/C	P/C	(s)
<i>Automobile Services</i>					
Auto body shop				C	(d), (s)
Auto convenience market		C	C		(d), (s)

Auto service station		C	C		(d), (s)
<i>Parking Facilities</i>					
Parking facility, commercial		C	C	C	(d), (s)
<i>Transportation</i>					
Bus or railroad passenger station			C	C	
Railroad right-of-way	C	C	C	C	(s)
<i>Limited Production and Processing</i>					
Agriculture	P/C	P/C	P/C	P/C	(d), (s)
Brewery, craft		P/C	P/C	P/C	(d), (s)
Distillery, craft		P/C	P/C	P/C	(d), (s)
Limited production and processing		P/C	P/C	P/C	(d), (s)
Mail order house		P	P	P	
Printing and publishing		P/C	P/C	P/C	(s)
Winery, craft		P/C	P/C	P/C	(d), (s)
<b>Accessory Uses</b>					
Accessory use	P	P	P	P	(d), (s)
Dwelling unit, accessory	P	P	P		(d), (s)

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## ARTICLE IV. 66.400. BUSINESS DISTRICTS

### Division 2. 66.420. Principal Uses in Business Districts

#### Sec. 66.421. Principal uses.

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Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Standards (s)
<b>Residential Uses</b>								
<i>Dwellings</i>								
One-family dwelling			P					(d)
Two-family dwelling			P					(d)
<del>Townhouse</del>			<del>P</del>					<del>(d)</del>
Multiple-family dwelling	P		P			P	P	(d)
<del>Carriage house dwelling</del>			<del>C</del>					<del>(d), (s)</del>
Housing for the elderly	P		P			P	P	(d)
<i>Mixed Commercial-Residential Uses</i>								
Home occupation	P	P	P	P	P	P	P	(d), (s)
Live-work unit			P					(d), (s)
Mixed residential and commercial use	P	P	P	P	P	P	P	(d), (s)
<i>Congregate Living</i>								



<u>Adult care home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<u>Community residential facility, licensed correctional</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>(d), (s)</u>
<u>Dormitory</u>			<u>P/C</u>			<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<u>Emergency housing facility</u>	<u>P</u>	<u>P</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
Foster home	P	P	P	P	P	P	P	(d), (s)
<u>Fraternity, sorority</u>			<u>P/C</u>					<u>(d), (s)</u>
<del>Supportive housing facility</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>Community residential facility, licensed correctional</del>			<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>(d), (s)</del>
<del>Emergency housing facility</del>	<del>P</del>	<del>P</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
Overnight shelter						C	C	(d), (s)
<u>Roominghouse</u>			<u>C</u>			<u>P</u>	<u>P</u>	<u>(d), (s)</u>
Shelter for battered persons	P/C	P/C	P/C	P/C	P	P	P	(d), (s)
Sober house	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
<del>Roominghouse</del>			<del>C</del>			<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<u>Supportive housing facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
<del>Adult care home</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>Dormitory</del>			<u>P/C</u>			<del>P</del>	<del>P</del>	<del>(d), (s)</del>
<del>Fraternity, sorority</del>			<u>P/C</u>					<del>(d), (s)</del>
<b>Civic and Institutional Uses</b>								
Club, fraternal organization, lodge hall <u>noncommercial</u>				P	P	P	P	(d)
College, university, seminary, <del>etc.</del> <u>or similar institution of higher learning</u>	P	P	P	P	P	P	P	(d), (s)
Community center	P	P	P	P	P	P	P	(d), (s)
Day care	P	P	P	P	P	P	P	(d), (s)
Homeless services facility		P/C	P/C	P/C	P	P	P	(d), (s)
Museum						P	P	
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Religious institution	P	P	P	P	P	P	P	(d)
School, primary & secondary	P	P	P	P	P	P	P	
Trade school, arts school, dance school, etc.	P	P	P	P	P	P	P	
<b>Public Services and Utilities</b>								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Electric transformer or gas regulator substation		C	C	C	P	P	P	(s)
Municipal building or use	P	P	P	P	P	P	P	(s)
Public utility heating or cooling plant						P		
Solar energy generation facility, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	C	P	P	P	P	P	P	(d), (s)
<b>Commercial Uses</b>								
<u>Offices, Retail, and Service Uses</u>								
<del>Administrative office</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
<del>Artist, photographer studio, etc.</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>

<del>Insurance office, real estate office, sales office</del>	P	P	P	P	P	P	P	
<u>General office, studio</u>								
<del>Professional office</del>	P	P	P	P	P	P	P	(d)
<i>Medical Facilities</i>								
<del>Clinic, medical or dental</del>	P	P	P	P	P	P	P	(d)
<del>Hospital</del>					P	P	P	(d)
<del>Medical laboratory</del>	P	P	P	P	P	P	P	
<del>Veterinary clinic</del>				P	P	P	P	(d), (s)
<i>Retail Sales and Services</i>								
General retail		P	P	P	P	P	P	(d)
<u>Service business, general</u>	P	P	P	P	P	P	P	(d)
<u>Service business with showroom or workshop</u>			P	P	P	P	P	(d)
Alternative financial establishment					C	P	P	(d), (s)
<del>Bank, credit union</del>	P	P	P	P	P	P	P	
<u>Animal day care</u>					P	P	P	(d), (s)
<u>Artist's studio</u>	P	P	P	P	P	P	P	(d)
Business sales and services					P	P	P	(d)
Drive-through sales and services, primary and accessory	C	C		C	P	P	P	(s)
Dry cleaning, commercial laundry		P	P	P	P	P	P	(s)
Farmers market	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
<del>Food and related goods sales</del>		P	P	P	P	P	P	(d)
<del>Food shelf</del>	P	P	P	P	P	P	P	(d)
Garden center, outdoor			C	C	P			(d), (s)
Greenhouse					C			(d), (s)
<u>Hospital</u>					P	P	P	(d)
<del>Laundromat, self-service</del>		P	P	P	P	P	P	
<del>Liquor store</del>		P	P	P	P	P	P	
<del>Massage center</del>	P	P	P	P	P	P	P	
Mortuary, funeral home					P	P	P	
Outdoor uses, commercial				P/C	P/C	P/C	P/C	(d), (s)
Outdoor uses, commercial sales of consumer fireworks					C			(d), (s)
Package delivery service					P	P	P	(d)
Pawn shop					C	P	P	(d), (s)
<del>Post office</del>		P	P	P	P	P	P	
<del>Service business</del>	P	P	P	P	P	P	P	(d)
<del>Service business with showroom or workshop</del>			P	P	P	P	P	(d)
<del>Small appliance repair</del>				P	P	P	P	
Small engine repair, automotive bench work					P	P	P	
Tattoo shop			P	P	P	P	P	
Tobacco products shop			P/C	P	P	P	P	(d), (s)
<u>Veterinary clinic</u>				P	P	P	P	(d), (s)
<i>Food and Beverages</i>								
Bar				P/C	P	P	P	(d), (s)
Brew on premises store				P	P	P	P	(d), (s)

<del>Catering</del>				<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
Coffee kiosk				P	P	P	P	(d), (s)
Coffee shop, tea house		P/C		P	P	P	P	(d), (s)
Restaurant				P	P	P	P	(d), <del>(s)</del>
<del>Restaurant, carry-out, deli</del>		<del>P</del>		<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
Restaurant, fast-food				P/C	P/C	P	P	(d), (s)
<del>Restaurant, outdoor</del>				<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(s)</del>
<i>Commercial Recreation, Entertainment and Lodging</i>								
Bed and breakfast residence		P	P	P	P			(d), (s)
Bingo hall, auction hall				C	P	P	P	
<del>Health/sports club</del>				<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>(d)</del>
Hotel, <del>motel</del>					P	P	P	(d)
<u>Motel</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>(d)</u>
<u>Short term rental dwelling unit</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>(d), (s)</u>
<u>Health/sports club</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d)</u>
Indoor recreation				C	P	P	P	(d), <del>(s)</del>
Outdoor sports/entertainment							P	
Reception hall/rental hall				P	P	P	P	
<del>Short term rental dwelling unit</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>(d), (s)</del>
Steam room/bathhouse facility			P	P	P	P	P	(d)
Theater, assembly hall, <del>concert hall</del>				P	P	P	P	
<i>Adult Entertainment</i>								
Adult use					C	C	C	(d), (s)
<i>Automobile Services</i>								
Auto convenience market				C	C		P	(d), (s)
Auto service station				C	C		P	(d), (s)
Auto specialty store				C	C		P	(d), (s)
Auto repair station					C		P	(d), (s)
Auto sales, indoor					P	P	P	
Auto sales and rental, outdoor					C			(d), (s)
Car wash, <u>detailing</u>					C			(s)
<i>Parking Facilities</i>								
Parking facility, commercial						P	P	(d), <del>(s)</del>
<i>Transportation</i>								
Bus or railroad passenger station					P	P	P	
Helistop					C	C	C	(d), (s)
Railroad right-of-way	C	C	C	C	C	P	P	(s)
<i>Limited Production, Processing and Storage</i>								
Agriculture	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Brewery, craft				P/C	P/C	P/C	P/C	(d), (s)
Distillery, craft				P/C	P	P	P	(d), (s)
Finishing shop					P		P	(d), (s)
Limited production and processing					P		P	(d), (s)
Mail order house			P	P	P	P	P	
Plastic products							P	(d)
Printing and publishing				P/C	P	P	P	(s)



Recycling collection center					P			(d), (s)
Recycling drop-off station			P	P	P	P	P	(d), (s)
Storage facility, rental						P	P	(s)
Toiletries and cosmetic manufacturing							P	
Warehousing and storage							P	(s)
Wholesale establishment					P	P	P	(d), (s)
Winery, craft				P/C	P/C	P/C	P/C	(d), (s)
<b>Accessory Uses</b>								
Accessory use	P	P	P	P	P	P	P	(d), (s)
<u>Dwelling unit, accessory</u>			<u>P</u>					<u>(d), (s)</u>

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## ARTICLE V. 66.500. INDUSTRIAL DISTRICTS

### Division 2. 66.520. Principal Uses in Industrial Districts

#### Sec. 66.521. Principal uses.

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Table 66.521. Principal Uses in Industrial Districts

Use	IT	I1	I2	I3	Definition (d) Standards (s)
<b>Residential Uses</b>					
<i>Mixed Commercial-Residential Uses</i>					
Home occupation	P	P	P		(d), (s)
Mixed residential and commercial use	P	P	P/C		(s)
<i>Congregate Living</i>					
<u>Adult care home</u>	<u>P</u>	<u>P</u>	<u>C</u>		<u>(d), (s)</u>
<del>Supportive housing facility</del>	<del>P</del>	<del>P</del>	<del>C</del>		<del>(d), (s)</del>
Community residential facility, licensed correctional		C	C		(d), (s)
<del>Correctional facility</del>		<del>C</del>	<del>P</del>		
Emergency housing facility	P	P/C	C		(d), (s)
Overnight shelter		C	C		(d), (s)
<u>Roominghouse</u>	<u>P</u>	<u>P</u>	<u>C</u>		<u>(d), (s)</u>
Shelter for battered persons	P	P	P		(d), (s)
Sober house	P/C	P/C	P/C		(d), (s)
<del>Roominghouse</del>	<del>P</del>	<del>P</del>	<del>C</del>		<del>(d), (s)</del>
<u>Supportive housing facility</u>	<u>P</u>	<u>P</u>	<u>C</u>		<u>(d), (s)</u>
<del>Adult care home</del>	<del>P</del>	<del>P</del>	<del>C</del>		<del>(d), (s)</del>
<b>Civic and Institutional Uses</b>					
Club, <del>fraternal organization, lodge hall noncommercial</del>	P	P	C		(d)
College, university, seminary, <del>etc.</del> <u>or similar institution of higher learning</u>	P	P	C		(d), (s)
Community center	P	P	C		(d), (s)

<del>Child care center</del> <u>Day care</u>	P	P	C		(d), (s)
Homeless services facility	P	P			(d), (s)
Museum	P	P	C		
Public library	P	P	C		
Public and private park, playground	P	P	P		
Religious institution	P	P	C		(d)
School, primary & secondary	P	P	C		
Trade school, arts school, dance school, etc.	P	P	C		
<b>Public Services and Utilities</b>					
Antenna, cellular telephone	P	P	P	P	(d), (s)
Antenna, public utility microwave	C	C	P	P	(d), (s)
Antenna, radio and television transmitting	C	C	P	P	(d), (s)
Antenna, satellite dish	C	C	P	P	(d), (s)
Electric transformer or gas regulator substation	P	P	P	P	
Municipal building or use	P	P	P		
Municipal incinerator			P	P	
Power plant			P	P	
Public utility heating or cooling plant		P	P	P	
Public works yard or maintenance facility		P	P	P	
Sewage treatment plant			P	P	
Solar energy generation facility, community	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building or yard	P	P	P	P	(d)
Water supply plant	P	P	P	P	
Yard waste site, commercial <del>and municipal</del>		C	C	P	(d), (s)
<u>Yard waste site, municipal</u>		<u>C</u>	<u>C</u>	<u>P</u>	<u>(d), (s)</u>
<b>Commercial Uses</b>					
<i><u>Offices, Retail, and Service Uses</u></i>					
<del>—Administrative office</del>	<del>P</del>	<del>P</del>	<del>P</del>		
<del>—Artist, photographer studio, etc.</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>(d)</del>
<del>Insurance office, real estate office, sales office</del> <u>General office, studio</u>	P	P	P		<u>(d)</u>
<del>—Professional office</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>(d)</del>
<i><u>Medical Facilities</u></i>					
<del>—Clinic, medical or dental</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>(d)</del>
<del>—Hospital</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>(d)</del>
<del>—Medical laboratory</del>	<del>P</del>	<del>P</del>	<del>P</del>		
<del>—Veterinary clinic</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>(d), (s)</del>
<i><u>Retail Sales and Services</u></i>					
General retail	P	P	P		(d)
<u>Service business, general</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d)</u>
<u>Service business with showroom or workshop</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d), (s)</u>
Alternative financial establishment		C	P		(d), (s)
<del>—Bank, credit union</del>	<del>P</del>	<del>P</del>	<del>P</del>		
<u>Animal boarding</u>		<u>P</u>	<u>P</u>		<u>(d), (s)</u>
<u>Animal day care</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d), (s)</u>
<u>Artist's studio</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d)</u>

Business sales and services	P	P	P		(d)
Drive-through sales and services, <del>primary principal</del> and accessory	P	P	P		(s)
Dry cleaning, commercial laundry	P	P	P		
Farmers market	P/C	P/C	P/C		(d), (s)
<del>— Food and related goods sales</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>-(d)</del>
<del>— Food shelf</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>-(d)</del>
Garden center, outdoor	P	P	P		(d), (s)
Greenhouse	P	P	P		(d), (s)
Gun shop, shooting gallery		C	P	P	(d), (s)
<del>— Laundromat, self-service</del>	<del>P</del>	<del>P</del>	<del>P</del>		
<del>— Liquor store</del>	<del>P</del>	<del>P</del>	<del>P</del>		
<del>— Massage center</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>-(d)</del>
<u>Hospital</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d)</u>
Mortuary, funeral home		P	C		
Outdoor uses, commercial	P/C	P/C	P		(d), (s)
Outdoor uses, commercial sales of consumer fireworks		C	C		(d), (s)
Package delivery service	P	P	P		(d)
Pawn shop		C	P		(d), (s)
<del>— Post office</del>	<del>P</del>	<del>P</del>	<del>P</del>		
<del>— Service business</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>-(d)</del>
<del>— Service business with showroom or workshop</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>-(d)</del>
<del>— Small appliance repair</del>	<del>P</del>	<del>P</del>	<del>P</del>		
<del>— Small engine repair, automotive bench work</del>	<del>P</del>	<del>P</del>	<del>P</del>		
Tattoo shop	P	P	P		
Tobacco products shop	P	P	P		(d), (s)
<u>Veterinary clinic</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d), (s)</u>
<i>Food and Beverages</i>					
Bar	P	P	P		(d)
Brew on premises store	P	P	P		(d), (s)
<del>— Catering</del>	<del>P</del>	<del>P</del>	<del>P</del>		
Coffee kiosk	P	P	P		(d), (s)
Coffee shop, tea house	P	P	P		(d)
Restaurant	P	P	P		(d)
<del>— Restaurant, carry-out deli</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>-(d)</del>
Restaurant, fast food	P/C	P	P		(d), (s)
<del>— Restaurant, outdoor</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>-(s)</del>
<i>Commercial Recreation, Entertainment and Lodging</i>					
Bingo hall, auction hall	P	P	C		
<del>— Health/sports club</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>-(d)</del>
Hotel, <del>motel</del>	P	P	P		(d)
<u>Motel</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Short term rental dwelling unit</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>		<u>(d), (s)</u>
Indoor recreation	P	P	P		(d), <del>-(s)</del>
Outdoor sports/entertainment		C	P	P	



Reception hall/rental hall	P	P	C		
<del>—Short term rental dwelling unit</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>		<del>(d), (s)</del>
Steam room/bathhouse facility	P	P	P		(d)
Theater, assembly hall, <del>concert hall</del>	P	P	C		
<i>Adult Entertainment</i>					
Adult use		C	C		(d), (s)
<i>Automobile Services</i>					
Auto body shop	C	P	P	P	(d), (s)
Auto convenience market	C	P	P		(d), (s)
Auto service station	C	P	P		(d), (s)
Auto specialty store	C	P	P		(d), (s)
Auto repair station	C	P	P		(d), (s)
Auto sales, indoor	P	P	P		
Auto sales and rental, outdoor	C	P	P		(d), (s)
Car wash, <u>detailing</u>		P	P		(s)
<i>Parking facilities</i>					
Parking facility, commercial	C	P	P	C	(d), (s)
<i>Transportation</i>					
Airport		C	C	C	(d)
Bus garage, station, lot, or turnaround		P	P	C	
Heliport		C	C	C	(d), (s)
Helistop	C	C	C	C	(d), (s)
Intermodal freight yard			C	C	(d), (s)
Motor freight terminal			C	C	(d), (s)
Railroad right-of-way, <del>transfer and storage tracks</del>	P	P	P	P	
Railroad station or terminal freight facility	P	P	P	C	
Railroad yard or shop	C	C	P	P	
Taxi dispatching, maintenance and storage		P	P	P	
<i>Limited Production, Processing and Storage</i>					
Agriculture	P	P	P		(d), (s)
Brewery, craft	P	P	P		(d)
Distillery, craft	P	P	P		(d)
Finishing shop	P	P	P		(d), (s)
Limited production and processing	P	P	P		(d), (s)
Mail order house	P	P	P		
Plastic products	P	P	P		(d)
Printing and publishing	P	P	P		
Recycling collection center		P	P		(d), (s)
Recycling drop-off station	P	P	P		(d), (s)
Storage facility, rental	P	P	P	P	
Toiletries and cosmetic manufacturing	P	P	P		
Warehousing and storage	P	P	P		
Wholesale establishment	P	P	P		(d)
Winery, craft	P	P	P		(d)
<b>Industrial Uses</b>					

Light manufacturing	P	P	P	P	(d)
General industrial			P	P	(d)
General outdoor processing			C	C	(d), (s)
Brewery, micro and regional	P	P	P		(d)
Brewery, national			P		(d)
Cement, asphalt cement, and asphalt manufacturing			C	C	(s)
Concrete, asphalt and rock crushing facility, outdoor				C	(d), (s)
Crematorium		P	P	P	
Greenhouse, industrial	P	P	P		(d)
Hazardous waste processing facility			C	C	(d), (s)
Hazardous waste recycling transfer facility			C	C	(d), (s)
Infectious waste incinerator				C	(s)
Infectious waste processing facility			C	C	(d), (s)
Lumber yard	P	P	P		
Mining			C	C	(d)
Motor vehicle salvage operation			C	C	(d), (s)
Petroleum and gasoline tank farm				P	
Recycling processing center, indoor		P	P	P	(d), (s)
Recycling processing center, outdoor			C	C	(d), (s)
Research, development and testing laboratory	P	P	P		
Solid waste compost facility			C	C	(d), (s)
Solid waste transfer station			P	P	(d)
Tire retreading		P	P	P	
<b>Accessory Uses</b>					
Accessory use	P	P	P	P	(d), (s)

...

## ***Chapter 69. Zoning Code—Subdivision Regulations<sup>3</sup>***

### ***ARTICLE III. GENERAL PROVISIONS PERTAINING TO SUBDIVISION APPROVAL AND PLATTING REQUIREMENTS***

#### **Sec. 69.304. Approval of lot splits and adjustments of common boundaries.**

Lot splits and adjustments of common boundaries are permitted without platting, provided the following conditions are met:

<sup>3</sup>Editor's note(s)—This chapter is derived from Ord. No. 16919, adopted May 27, 1982, as amended by Ord. No. 17204, adopted Jan. 15, 1985. C.F. No. 03-1028, § 1, adopted April 7, 2004, amended the Code by renumbering former ch. 67, §§ 67.100—67.708, as ch. 69, §§ 69.100—69.708. Additionally Ord. No. 11-27, § 1, adopted April 20, 2011, amended the title of this chapter.

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- (1) The lot or lots have frontage on an existing improved street (except for back lots) and access to municipal services. For back lots, an easement for pedestrian and municipal services access and house number visibility must be provided as required under 69.508(j).

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## **Sec. 69.508. Lots.**

- (a) *Street frontage.* All lots ~~which are~~ designated for residential use ~~shall~~ must adjoin a street except for back lots and developments that which have individually described lots for each dwelling structure and a common lot for open space, yards and off-street parking, in which case the common lot ~~shall~~ must adjoin a street.
- (b) Alley frontage. All interior lots designated for residential use must adjoin an alley when available.
- ~~(bc)~~ *Through lots.* Through lots ~~shall~~ must be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- ~~(ed)~~ *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street.
- ~~(ee)~~ *Lots on slopes.* Newly created lots must allow for a minimum setback for development of forty (40) feet from the top of bluff lines as defined by the comprehensive plan. Lot arrangement shall avoid, wherever possible, the placement of structures on eighteen (18) percent slope or steeper, or the necessity to alter such slopes for purposes of construction.
- ~~(ef)~~ *Solar access.* In subdivisions of ten (10) acres or larger, lots ~~shall~~ must be platted in a north-south orientation to maximize solar access.
- ~~(fg)~~ *Lot access.*
- (1) Street access. Lots ~~shall~~ must not, in general, derive access exclusively from an arterial or collector roadway. The number of curb cuts must be minimized and ~~Where~~ driveway access from a major or secondary street may be necessary for several adjoining lots, ~~the planning commission it may is~~ generally required that such lots be served by a combined access drive in order to limit possibility of traffic hazard and limit curb cuts on such street. Except where it is determined impractical, unreasonable, or harmful to the public safety by the zoning administrator, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials and collector streets.
- (2) Alley access. Vehicular access may be from an abutting alley when available, except where it is determined in the review of a site plan application by the zoning administrator that there are circumstances unique to the property that make this impractical, unreasonable, harmful to the public safety; or where maintenance of alley surfaces, erosion control, or protection of water quality may be impaired.
- ~~(gh)~~ *Lot dimensions.* Lot dimensions shall comply with the minimum standards of the zoning code. Where lots are more than double the minimum required area for the zoning district, the city council may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning code and these regulations.
- (i) Flag lot width. Lot widths must conform to the minimum lot standards of the zoning district with the following additional standards:
- (1) For flag lots, the width of the narrow corridor that provides street access must be a minimum of twenty (20) feet. As part of subdivision review, the minimum width may be increased or reduced further based on easement requirements related to emergency access, utilities, steep slopes or other site conditions as approved by the City.



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- (2) For reverse flag lots, the width of the narrow corridor that provides alley access must be a minimum of twelve (12) feet.

(j) Easements.

- (1) For back lots, an easement that is a minimum of twenty (20) feet wide across a single adjoining lot must be provided for pedestrian, water, sanitary sewer, and gas line connections to the nearest public street and for house numbers that can be clearly seen and read from the public street. As part of subdivision review, the minimum width may be increased or reduced further based on City and other applicable regulatory requirements related to emergency access, utilities, steep slopes or other site conditions and constraints. An easement reflecting all utilities, reciprocal pedestrian and vehicular access for pedestrians and any vehicles, and shared maintenance responsibilities must address regulatory requirements and be the responsibility of developer to record prior to receiving a certificate of occupancy or building permit.
- (2) For flag lots, an easement across the narrow corridor that provides street access may be required for shared vehicular access with the adjoining lot. If shared vehicular access is used, an easement reflecting reciprocal vehicular access and shared maintenance responsibilities is the responsibility of developer to record prior to receiving a certificate of occupancy or building permit.

(hk) *Side lot lines.* Side lot lines generally ~~shall~~ must be at right angles to or radial to street lines.

(il) *Split zoning.* Lots ~~shall~~ must not be created which result in split zoning classifications.

## ARTICLE VI. IMPROVEMENTS

### Sec. 69.600. Required improvements.

- (a) *Generally.* In instances where the subdivider owns all the property being served by the following listed improvements, and he petitions the city to construct the same, the subdivider will be charged the full cost of the improvement notwithstanding limitations contained in the city's assessment policy. In the event other properties, not owned by the subdivider, are served by the improvements, and if the city is petitioned to construct the same, the apportionment of costs, if required, will be determined by the City of Saint Paul. Prior to approval of the final plat by the city council, the subdivider ~~shall~~ must either have installed and dedicated to the city, or guaranteed to install in a manner set forth in section 69.500 et seq., and which meets the standards of the director of public works, the following improvements on the site. Exceptions to these requirements are allowed in the ~~R-LL District~~ RL residential district; the nature of these exceptions are noted below.
- (b) *Water facilities.* Except in the ~~R-LL District~~ RL residential district, public water service to be installed by the city. Such service ~~shall~~ must consist of adequate water facilities, including fire hydrants and laterals to the property line. In the ~~R-LL District~~ RL residential district, where new private wells or central water systems are permitted and existing private systems are not required to connect to a public water main, public water service need not be provided.
- (c) *Sewer facilities.* Except in the ~~R-LL District~~ RL residential district, public sanitary sewer service to be installed by the city. Such service ~~shall~~ must consist of adequate sanitary sewer facilities, including installation of laterals to the public right-of-way line. In the ~~R-LL District~~ RL residential district, where new individual sewage treatment systems are permitted and existing systems are not required to connect to a public sewer system, public sewer facilities need not be provided.
- (d) *Storm sewer.* Storm sewer facilities not connected with street construction, to be installed by the city. The subdivider may install or may petition the city to install those storm sewer facilities that are connected with street construction (i.e., catch basins, leads to storm sewers).

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- (e) *Streets.* Except in the ~~R-LL-District~~ RL residential district, paved public streets, including curb and gutter, for those streets proposed in an approved subdivision. The subdivider may install the improvements, or he may petition the city to install such improvements. In the ~~R-LL-District~~ RL residential district, new streets may be unpaved and existing unpaved streets ~~shall~~ is not be required to be paved.

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## **Title IX CITY PLANNING<sup>4</sup>**

### ***Chapter 71. House Numbering***

#### **Sec. 71.06. No permits until number has been issued.**

Every applicant for a new building permit, any sewer or water connection permit, or private well or individual sewage treatment system permit ~~shall~~ must first obtain from the department of public works an official designated number for the structure to be built before such permit or permits shall be issued. Except in the ~~R-LL-District~~ RL residential district, no number ~~shall~~ will be issued for property ~~which does not abut upon a graded and surfaced street, or which that~~ does not have available for connection public sewer or water services. ~~Except for dwelling units adequately served by municipal services on a back lot in a residential zoning district, no number will be issued for property that does not abut upon a graded and surfaced street.~~ In the ~~R-LL-District~~ RL residential district, an official designated number may be issued for property ~~which that~~ abuts an unimproved street and ~~which~~ is to be served by a private well and/or individual sewage treatment system. The director of the department of public works after consultation with the city planning administrator may waive the requirements for graded street, sewer or water when it is determined that because of unique practical difficulties it is not feasible to install such public sewers, water or grade and surface the adjacent street, and that unimproved streets and lack of public sewer and water systems will not pose a threat to the public health and safety. Any person aggrieved by the decision of the director may appeal the decision to the council of the City of Saint Paul; provided, that such appeal shall be taken within thirty (30) days from the notification of the director's decision. No waiver granted by the director or city council shall be valid for a period longer than one (1) year from the date of issuance, unless a building permit for the proposed structure is obtained within such period and the construction of the structure is proceeding in accordance with the terms of such permit, unless the director or city council grants an extension not to exceed one (1) year.

## **Title XV PARKING<sup>5</sup>**

### ***Chapter 157. General Parking Restrictions<sup>6</sup>***

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

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<sup>4</sup>**Administrative Code reference**—For provisions pertaining to the city's planning commission, see Ch. 107.

<sup>5</sup>Cross reference(s)—Licensing provisions for parking lots, Ch. 417.

<sup>6</sup>Editor's note(s)—Ord. No. 11-84, § 1, adopted September 28, 2011, amended the Code by, in effect, repealing former ch. 157, §§ 157.01—157.21, and adding a new ch. 157. Former ch. 157 pertained to similar subject matter, and derived from the Code of 1956, §§ 144.02—144.14, 144.17, 144.19 and 144.20; Ord. No. 16911, adopted April 20, 1982; Ord. No. 17376, adopted July 29, 1986; Ord. No. 17479, adopted July 29, 1987; Ord. No. 17648, adopted April 13, 1989; Ord. No. 17668, adopted July 13, 1989; Ord. No. 17712, adopted February 8, 1990; Ord. No. 17753, adopted July 17, 1990; Ord. No. 17782, adopted November 6, 1990; C.F. No. 96-779, adopted August 7, 1996; C.F. 99-1202, adopted January 12, 2000; C.F. No. 00-164, adopted

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- (i) No vehicle containing scrap materials or recyclable materials in an amount that fills a space of four (4) square feet or more shall be parked or left standing on any street in an ~~R1 through R4, RT1, RT2-H1 through H3~~, RM1 through RM3, T1, T2, T3 or T4 Zoning District for more than thirty (30) minutes. It shall not be a violation of this section if the recyclable materials are fully enclosed within the structure of the vehicle. Recyclable materials shall have the definition found in Saint Paul Legislative Code Section 408.02. Scrap materials shall be defined as recyclable materials left over from product manufacturing and consumption, such as parts of vehicles, building supplies, and surplus materials.

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#### **Sec. 157.11. Parking for larger vehicles.**

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- (b) *Garbage, rubbish or recycling trucks.* No vehicle designed, used or maintained for the transportation of garbage or rubbish, or recyclable material as defined in St. Paul Legislative Code Chapter 408, whether licensed or unlicensed, shall be parked or left standing on any private property, street or alley in any ~~R1, R2, R3, R4, RT1, RT2-H1, H2, H3~~, RM1, RM2, RM3, T1, T2, T3, or T4 Zoning District for more than thirty (30) minutes.

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### ***Chapter 165. Agricultural Vehicles—Special Parking Permits.***

#### **Sec. 165.02. Permit required.**

No agricultural vehicle may be permitted to stop, stand, or park on any street in an ~~R1 through R4, RT1, RT2-H1 through H3~~, or RM1 through RM3 zoning district, in violation of section 157.11, subd. (d)(3), without special parking permits issued by the City of Saint Paul and displayed in accordance with this chapter. Permit holders may only park pursuant to this subdivision within the street frontage of the permit holder's domicile.





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## MEMORANDUM

SUBJECT: 1-4 Unit Housing Study Phase 2: Planning Commission questions for the community

TO: Saint Paul Planning Commission

FROM: Comprehensive and Neighborhood Planning Committee

DATE: February 24, 2023

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The [1-4 Unit Housing Study](#) seeks to support greater housing choices in Saint Paul through zoning text amendments that enable more small, multifamily, “neighborhood-scale housing” that includes accessory dwelling units, duplexes, triplexes, fourplexes, townhomes, and cluster-style developments in the one-family, two-family, and townhouse zoning districts. Responding to actions called for in [City Council Resolution 18-1204](#) and policy direction in the [2040 Comprehensive Plan](#), the proposed zoning code text amendments are broad and touch on many different topics.

Releasing a set of high-level questions along with the lengthy draft ordinance can help the community weigh choices about the detailed amendments against higher-level goals/objectives about housing. To this end, the Comprehensive and Neighborhood Planning Committee recommends that the Planning Commission ask the community’s thoughts on the following questions during the public comment period and public hearing on the draft ordinance for the 1-4 Unit Housing Study Phase 2.

1. Single-family home-only zoning has been found to be socially exclusionary, especially toward Saint Paul renters, low-income households, and communities of color. **Does this draft ordinance propose a zoning approach that supports more new housing options for all Saint Paul residents in a fair or neutral way? Why or why not?**
2. Do you support creating **two lower-density residential districts** - the **proposed H1 district** (for areas currently zoned R1-R3) **and proposed H2 district** (for areas currently zoned R4-RT2) - or should the **H1 and H2 districts be combined into one district** that uses the proposed H2 standards?
  - Note: In the draft ordinance, H1 requires a 2,000 square foot minimum lot size per unit, and generally allows up to 3 units on lots internal to a block and 4 units on corners, while H2 requires a 1,500 square foot minimum lot size per unit, and generally allows up to 4 units on any lot.
3. The Commission recognizes that the effects of the proposed zoning changes will be mostly long-term, but that some short-term impact may be seen. **Does the draft ordinance strike the right balance of encouraging more neighborhood-scale housing to be developed over the long term on lots throughout the city, while also managing the pace of change to minimize potential displacement pressures on existing neighborhoods and residents? Why or why not?**



- Note: Some ordinance features to support growth but still manage the pace of change include special incentives for the development of 3+ bedroom homes and homes affordable at 80% of Area Median Income, regulations enabling the creation of smaller lots for development of 1-4 unit housing than is currently allowed, and a maximum lot size for cluster developments to support their integration into existing neighborhoods.
4. The draft ordinance would rezone lots that are currently zoned R1-RT2 to the **proposed new H3** district if any portion of the lot is located within 1/8 mile of an existing or planned rail line, most bus rapid transit lines, or a Neighborhood Node. The proposed H3 district would require a 1,000 square foot minimum lot size per unit and allow up to 6 units per lot. Questions:
- **Should more areas be rezoned to H3? If so, which locations and why?**
  - The draft ordinance proposes special incentives for the development of 3+ bedroom homes and homes affordable at 80% of Area Median Income for lots (a density bonus of 1 or 2 units and an additional 5% permitted lot coverage) on lots proposed to be rezoned to H1 and H2 districts. **Should this incentive also apply in H3?**
5. **What other City policy goals** (in addition to 3+ bedroom units, and homes affordable to 80% of Area Median Income) might the City consider to incentivize via **zoning density bonuses**?