

DENSITY BONUSES

Chapter 63. Zoning Code – Regulations of General Applicability

ARTICLE I. 63.100. GENERAL PROVISIONS AND PERFORMANCE STANDARDS

Sec. 63.109. Density bonus ~~Reserved~~.

For development on a lot within one-half (1/2) mile of University Avenue and in B4-B5 business districts, the maximum density (maximum floor area ratio or maximum number of dwelling units) as provided in chapter 66, Zoning District Uses, Density and Dimensional Standards, shall be increased for provision of affordable housing and for meeting sustainable development standards as follows. The maximum total density bonus for a lot under this section shall be no more than thirty (30) percent.

(a) *Affordable housing bonus.* Density bonuses shall apply to buildings containing four (4) or more dwelling units where at least twenty (20) percent of the dwelling units are required to remain affordable for at least fifteen (15) years, protected by an adequate guarantee of affordability such as a recorded instrument or contractual agreement with the city, at a percentage of metropolitan area median income (AMI) as defined by the Department of Housing and Urban Development and adjusted for family size, as follows:

- (1) Fifteen (15) percent bonus for units purchased by an owner-occupant and the annualized cost of the sale price plus mortgage interest, real estate taxes, insurance, and homeowner dues does not exceed thirty five (35) percent of sixty (60) percent of annual AMI;
- (2) Fifteen (15) percent bonus for units for which the annual cost of rent plus utilities does not exceed thirty (30) percent of sixty (60) percent of annual AMI;
- (3) Twenty (20) percent bonus for units for which the annual cost of rent plus utilities does not exceed thirty (30) percent of fifty (50) percent of annual AMI;
- (4) Twenty five (25) percent bonus for units for which the annual cost of rent plus utilities does not exceed thirty (30) percent of thirty (30) percent of annual AMI.

(b) *Sustainable development bonus.* A twenty (20) percent density bonus shall apply to new construction projects that meet sustainable development standards as follows:

- (1) The project adheres to the Saint Paul Sustainable Building Policy¹ when not otherwise required to do so²; or

¹ The baseline standards in the Saint Paul Sustainable Building Policy are equivalent to LEED Silver.

² The idea is to require the number of additional points or recommended performance criteria that would allow a developer to meet the Saint Paul Overlay component of the Sustainable Building Policy but limit the opportunity for double counting of points/recommended performance criteria. For example, the areas of emphasis under the Overlay are potable water for interior use, potable water for landscaping, diversion of construction waste from

(2) for a project that is otherwise required to adhere to the Saint Paul Sustainable Building Policy, the project also: 1) meets the Leadership in Energy and Environmental Design (LEED) Gold standard; or 2) achieves Enterprise Green Communities³ certification with at least fifty (50) optional points; or 3) achieves the B3 Sustainable Building Standard⁴ including meeting at least nine (9) recommended performance criteria items.

ACCESSORY DWELLING UNITS

ARTICLE V. 63.500. ACCESSORY BUILDINGS

Sec. 63.501. Accessory buildings and uses.

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(e) In ~~any RL – RM2 residential districts area~~, accessory buildings ~~on a zoning lot with residential use~~ shall not exceed fifteen (15) feet in height; provided, however, that accessory buildings with a flat or shed roof style shall not exceed twelve (12) feet in height. ~~Carriage house dwellings~~ Accessory buildings containing a dwelling unit shall not exceed twenty-five (25) feet in height.

Exception: Accessory building heights shall not apply to property within designated heritage preservation districts nor to designated historic sites. In these cases appropriate building heights for accessory structures 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.

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Chapter 65. Zoning Code – Land use Definitions and Development Standards

ARTICLE VII. 65.900. ACCESSORY USES

landfills, stormwater management and predicted energy use (divided further into predicted greenhouse gas emissions and the tracking of actual energy use for 10 years); a recommended performance criteria under B3 is conducting a planning/review workshop at key project phases. This optional item is not covered under the Overlay requirements. If the number of optional criteria that relate directly to the Overlay requirements is 10, then it makes sense to increase the number of optional criteria that the developer must pursue in order to get the bonus; this ensures that the project will be *over and above* the base requirements of the Overlay and the Sustainable Building Policy.

³ Under Green Communities there are 42 prerequisite items that must be complied with in order to get certified. In addition there are 145 optional points for new construction – every new construction project must get 35 optional points as part of its certification. The 35 optional points required for new construction represents approximately 17% of the optional points available. It is estimated that a project would only need 25 points to comply with the Overlay. It may be reasonable to increase the project's performance level by increasing the number of optional points required to 50, which is approximately 34% of the optional points available.

⁴ Under B3 there are 95 prerequisite items that must be complied with in order to get certified. In addition there are 27 Recommended Performance Criteria items. Following the same assumptions/method used to determine the number of optional points required under Green Communities, 34% of 27 results in a requirement of 9 additional items. It is estimated that there is no overlap between the Recommended Performance Criteria and the Overlay requirements; any Criteria achieved is above and beyond the Overlay requirements.

Sec. 65.913. Dwelling unit, accessory.

A dwelling unit, subordinate to and independent of a principal one-family dwelling, attached to a one-family dwelling or in a detached accessory building on the same zoning lot.

Standards and conditions:

- (a) Unit size. The unit shall be a minimum of three hundred (300) and a maximum of eight hundred (800) square feet. The unit must consist of newly constructed floor area. There shall be no more than one (1) accessory dwelling unit on a zoning lot.
- (b) Unit occupancy. The total occupancy of both the principal dwelling unit and the accessory dwelling unit shall not exceed the definition of family in Section 60.207. The property owner shall file with the county recorder a deed restriction, which shall lapse upon removal of the accessory unit, stating that the accessory unit shall not be sold separately and at least one (1) property owner of record shall occupy either the principal dwelling unit or the accessory dwelling unit as their permanent and principal residence.
- (c) Lot size and location. The lot shall be at least five thousand (5,000) square feet in area and located within one-half (1/2) mile of University Avenue.
- (d) Parking. Provided that the minimum parking requirement for the principal one-family dwelling on the lot is met no additional parking is required.
- (e) Access and entrances. A clear, direct walkway shall be provided from an abutting public street to the primary entrance of the accessory dwelling unit. Second floor space shall have interior stairway access.

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

ARTICLE II. 66.200. RESIDENTIAL DISTRICTS

Sec. 66.221. Principal uses

Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	Development Standards
<i>Accessory Uses</i>								
Accessory use	P	P	P	P	P	P	P	√
<u>Dwelling unit, accessory</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>√</u>
Accessory retail service and office						C	C	√

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ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS

Sec. 66.321. Principal uses

Use	T1	T2	T3	T4	Development Standards
<i>Accessory Uses</i>					
Accessory use	P	P	P	P	
<u>Dwelling unit, accessory</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>v</u>

ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS

Sec. 66.331. Density and dimensional standards table.

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Table 66.331. Traditional Neighborhood District Dimensional Standards

Building Type by Zoning District	Density	Lot Size Minimum (per unit)		Height (Feet)		Yard Setbacks (Feet)		
	Min.-Max. (a)	Area (sq. ft.)(a)	Width (feet)	Min.	Max.	Front Min.-Max.	Side Min.	Rear Min.
.... T4								
Multifamily	0.5 min. - 4.0 FAR(d)	n/a	n/a	25	75(e),(h)	10-25(i)	(k)	(k)
Nonresidential or mixed use	0.5 min. - 4.0 FAR(d)	n/a	n/a	25	75(e),(h)	0-10(j)	(k)	(k)

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(d) 1.0-3.0 4.0 FAR in light rail station areas for lots more than twenty-five thousand (25,000) square feet in area, with no maximum FAR in T4. The floor area of structured parking above or below space used for principal uses, up to an amount equal to the floor area of the principal uses, may be counted toward meeting the minimum FAR. For lots more than twenty-five thousand (25,000) square feet partly in a light rail station area, minimum FAR shall be prorated upon the percentage of the lot in a light rail station area.

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