



---

## MEMORANDUM

**SUBJECT:** Staff review of public comment on the 1-4 Unit Infill Housing Zoning Study PHASE 1

**TO:** Comprehensive and Neighborhood Planning Committee

**FROM:** Michael Wade, Emma Siegworth, Josh William, Luis Pereira  
Planning and Economic Development Department

**DATE:** November 3, 2021

---

### SUMMARY

This memo examines public comment on the proposed 1-4 Unit Housing Study PHASE 1 amendments, and offers staff recommendations to the Comprehensive and Neighborhood Planning Committee.

---

- 1. Public Hearing**
- 2. Analysis of Public Comment**
- 3. Staff Recommendation**
- 4. Appendices**
  - a. Appendix A: Planning Commission resolution with revised proposed text amendments**
  - b. Appendix B: Written public comment**
  - c. Appendix C: Staff memo released by Planning Commission for public comment**



## 1. Public Testimony

On October 15<sup>th</sup>, 2021, a public hearing on the proposed 1-4 Unit Infill Housing Study PHASE 1 zoning text amendments was held during the regularly-scheduled Planning Commission meeting. The period to submit written comment was open from September 3<sup>rd</sup> to October 18<sup>th</sup>, during which time twenty-two letters or emails were received at the study email address [1to4housingstudy@stpaul.gov](mailto:1to4housingstudy@stpaul.gov). One letter was sent from a community organization (Sustain Saint Paul) and two came from district councils (Macalester-Groveland Community Council and Summit Hill Association).

Several common themes emerged from the public comment:

- This is a good first step, but the City should be bolder and go farther to allow more housing opportunity;
- The owner-occupancy requirement for establishment of an accessory dwelling unit (“ADU”) should be removed;
- Dimensional barriers to establishment of ADUs (5,000 square foot minimum lot area, for example) should be removed or addressed;
- Some dimensional zoning text, such as the proposed average front setback calculation, is too complicated in either substance or wording.
- Additional housing types should be allowed citywide, including three- and four-unit residences or other “Missing Middle”-type residential buildings;
- Other barriers to additional housing (height maximums, slow government processes) should be removed or addressed.

Twenty-one of the twenty-two letters explicitly supported the text amendments, some offering preferred edits; one letter did not explicitly support or oppose the amendments, but offered caution against allowing more density. One letter offered additional comments on the clarity of the regulations and formatting suggestions for improved readability.

## 2. Analysis of Public Comment

Generally speaking, Phase 2 of this zoning study will answer calls for additional amendments that will permit greater amounts and varieties of housing in Saint Paul, including dimensional standards around accessory dwelling units and new regulations around 1- to 4-unit housing types. Summit Hill Association’s Zoning Committee submitted a letter with a nuanced critique of the proposed amendments toward the goals of greater clarity and sensibility. While these comments are helpful



in evaluating the proposed amendments, these suggestions and their implications will be better considered during the more comprehensive Phase 2.

One item deserves further discussion and a revision of the originally proposed text amendments; that is the owner-occupancy requirement for accessory dwelling units.

This requirement had been intended for study in this Phase 1 of the 1-4 Unit Housing Study, but moved to Phase 2 at the suggestion of some Planning Commissioners. Phase 2 will include further amendments to the City's ADU ordinance as a part of its broad study of 1- to 4-unit housing types. However, due to the high proportion of public testimony requesting consideration of this requirement's removal during Phase 1, in addition to support from some Planning Commissioners, staff has undertaken a review of this requirement and prepared a recommendation during Phase 1.

This requirement is seen as a major barrier to ADU construction in Saint Paul, and its removal has been promoted nationally as an opportunity to gently increase neighborhood-scale housing in – as well as reverse the historic exclusivity of – single-family-only neighborhoods. Accessory dwelling units have been recognized as uniquely opening doors both for renters for whom an apartment building may be less comfortable, economical, or culturally appropriate; and for property-owners, who could gain agency in addressing Saint Paul's housing crisis through sensitive construction of appropriate housing choices on unused land.

Currently, § 65.913. – *Dwelling unit, accessory* defines an accessory dwelling unit as

*A secondary dwelling unit, subordinate to a principal one-family dwelling, within or attached to a one-family dwelling or in a detached accessory building on the same zoning lot, **with the property owner of record occupying either the principal dwelling unit or the accessory dwelling unit as their permanent and principal residence.** [Emphasis by author]*

Standard (d) *Unit Occupancy* numbers (2) through (4) require a property owner to submit a declaration of restrictive covenants, guaranteeing that an owner occupies some part of the property, in order to receive a building permit for the ADU. The owner must then certify their occupancy of the property annually. If the owner moves away from the property, the ADU may no longer be occupied as a dwelling unit.

The reasons for this requirement are mentioned obliquely in staff memos preceding the original 2016 ADU ordinance (allowing ADUs along University Avenue) and 2018 ordinance update (allowing ADUs city wide). The 2016 memo included three sentences justifying this requirement:



*In addition [to sharing the occupancy maximum in the term Family], many ADU ordinances require that the property owner reside in one of the units. The logic behind this requirement is that if the property owner lives on the property with their tenant, they will find tenants that will not be disruptive. Other pitfalls of absentee landlordism might also be avoided.*

The 2018 memo mentioned the owner-occupancy once, saying the “owner occupancy requirement was included to mitigate issues associated with landlords who do not live on the premises.”

Regarding the prevalence of the requirement, most ADU ordinances in the Twin Cities metro region do require owner-occupancy. In February of 2019, a Family Housing Fund survey of local cities’ ADU ordinances showed that only Crystal and Stillwater did not require owner-occupancy. In 2021, Minneapolis removed their owner-occupancy requirement for detached and attached ADUs, but left it in place for internal ADUs. (Minneapolis staff’s justification for excepting internal ADUs is that, due to an interpretation by the Minneapolis Building Official, a space in a single-family house could be converted into an ADU with relaxed residential code requirements if the property was owner-occupied, as certified by the same kind of declaration Saint Paul currently requires. This is not the Saint Paul Building Official’s interpretation.)

Outside of the Twin Cities, central cities in comparable metro areas differ in their regulations. Austin, TX; Vancouver, BC; Portland, OR; and Seattle, WA do not require owner-occupancy, while Columbus, OH; Philadelphia, PA; Dallas, TX; and Nashville, TN do require it. Chicago, IL requires owner-occupancy only in some geographical areas. The State of California prohibits cities from requiring owner-occupancy for ADU’s, but allows the requirement for Junior ADU’s. (“JADUs” are smaller in size, are interior to and integrated closely with the principal home, and can be paired with a full ADU on a single-family property. Los Angeles, Oakland, and San Francisco follow this distinction, requiring owner-occupancy for JADUs.)

Regarding the impact on a neighborhood of a second rental unit on a property already containing one rental unit, data does not exist for staff to adequately evaluate the claim that any certain number of additional ADUs in a neighborhood would significantly impact the stability and quality of life in that neighborhood. Several factors may mitigate concern over disturbances and neglect of these properties. Rental ADUs would fall under the City’s residential certificate of occupancy program, meaning they would receive regular inspection. ADUs may also serve the function of “eyes on the street” applied to the property itself, deterring disturbing or unlawful behavior in the paired unit. Lastly, production of ADUs is not expected to create a dramatic influx of new units in the near-term. Judging from Twin Cities precedent, a more permissive ADU ordinance is expected to produce additional rental units slowly and dispersed citywide due to the relatively high cost of construction and the relatively low amount of parcels that would meet dimensional requirements



such as maximum percent of rear yard area and maximum square footage allowed for accessory buildings.

During review, staff considered removing the owner-occupancy requirement only in areas identified by the Comprehensive Plan for focused residential density (per Policy LU-1 and LU-30); namely, this would affect parcels with some portion within one quarter mile of either a Neighborhood Node or an existing or funded fixed transit route (which would include the Green Line light rail, A Line aBRT, and the future B Line aBRT and Gold Line BRT). Property owners in that area would be able to establish an ADU without occupying either the principal or accessory dwelling unit, while on properties outside of that area, property owners would need to apply for a variance. Currently the owner-occupancy requirement may not be varied by anyone, as it is in the definition of the land use.

However, the resulting area around Neighborhood Nodes and fixed transit lines would cover almost half of Saint Paul's land area, minimizing the difference between the impact of this partial removal and that of full removal. Additionally, subjecting owner-occupancy to the variance application process for the remaining area is expected to greatly increase the administrative burden on City staff and appointed officials in the Board of Zoning Appeals and Planning Commission. Due to strong public support for removal of this requirement, and for the potential contribution of needed housing units that ADUs on non-owner-occupied lots could bring, staff is recommending full removal of this requirement.

The text amendment to § 65.913 (shown below) would entail removing owner-occupancy from the definition of *Dwelling unit, accessory*, and deleting any requirement for the recording of declaration of restrictive covenants to certify occupancy. The occupancy maximum of one *Household* for the principal and accessory unit together will remain.

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

A secondary dwelling unit, subordinate to a principal one-family dwelling, within or attached to a one-family dwelling or in a detached accessory building on the same zoning lot, ~~with the property owner of record occupying either the principal dwelling unit or the accessory dwelling unit as their permanent and principal residence.~~

*Standards and conditions:*

...

~~(c)(4)~~ *Unit occupancy.* The total occupancy of the principal dwelling unit and accessory dwelling unit shall not exceed the definition of *Household* in [section 60.209](#).



- ~~(1) The total occupancy of the principal dwelling unit and accessory dwelling unit shall not exceed the definition of household in section 60.209.~~
- ~~(2) Using the form provided by the city, the property owner shall execute a declaration of land use restrictive covenants and owner's warranties creating certain covenants running with the land for the purpose of enforcing the definitional requirement of owner occupancy and standards and conditions of this subsection and file the same with the county recorder. The property owner must deliver an executed original of the declaration, which shall display its date and document number of record, to the zoning administrator before any city building or zoning permits required for the accessory dwelling unit can be issued.~~
- ~~(3) The property owner shall file an annual affidavit with the zoning administrator verifying continued owner occupancy of the property as their permanent and principal residence, and identifying the owner-occupied dwelling unit. A fee shall be collected in accordance with section 61.302.~~
- ~~(4) At the request of the property owner and upon inspection finding the accessory dwelling unit has been removed, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit. Any and all filing costs shall be the responsibility of the property owner.~~

### **3. Staff Recommendation**

Staff recommends that the Comprehensive and Neighborhood Planning Committee forward the attached draft Planning Commission resolution to the Planning Commission with a recommendation for City Council adoption of the attached text amendments.

### **4. Appendices**

- a. Appendix A: Planning Commission resolution with revised proposed text amendments**
- b. Appendix B: Written public comment**
- c. Appendix C: Staff memo released by Planning Commission for public comment**

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

WHEREAS, the Saint Paul Zoning Code, found in chapters 60 through 69 of the Saint Paul Legislative Code, is established to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community; and

WHEREAS, Section 61.801(a) of the Zoning Code calls for periodic review of said code to reflect current city policies, to address current technology and market conditions, and to bring the zoning code up-to-date; and

WHEREAS, Metropolitan Council forecasts the city's population growing by 12,700 households by 2040, 22.5% of renter households are cost-burdened by paying more than 30% of monthly income for housing, and an additional 25% of renter households are considered severely cost-burdened by paying more than 50% of monthly income to housing; and

WHEREAS, the 2040 Comprehensive Plan, in Housing policy H-48 and H-49, directs City staff to "expand permitted housing types in Urban Neighborhoods to include duplexes, triplexes, town homes, small-scale multi-family...to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living" and to "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"; and

WHEREAS, in order to support the creation and preservation of housing that is affordable to all income levels, address racial, social, and economic disparities, and create infrastructure to stabilize housing for all in Saint Paul, City Council Resolution 18-1204 calls for a study of the Zoning Code to explore the potential for allowing three- and four-unit dwellings in currently single-family zoning districts located in Neighborhood Nodes and/or along transit corridors; and

WHEREAS, under provisions of Section 61.801(b) of the Legislative Code, the Planning Commission issued Resolution 21-20 which initiated the 1-4 Unit Infill Housing Zoning Study to consider amendments to the Zoning Code pertaining to one-family, two-family, and townhouse residential zoning districts and accessory dwelling units, and other related regulations contained in the Zoning Code.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the following proposed amendments to the Legislative Code is recommended for approval by the Mayor and Council of the City of Saint Paul:



Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining.

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

### ARTICLE V. – 63.500. ACCESSORY BUILDINGS

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

Accessory buildings, except as otherwise provided in this code, shall be subject to the following regulations:

- (a) When ~~an the~~ accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this code applicable to main buildings. Accessory buildings shall be located at least six (6) feet from any principal building or shall be considered attached for setback and lot coverage purposes.
- (b) Accessory buildings, ~~structures or uses~~ shall not be erected in or established in a required yard except a rear yard. ...
- (c) On corner lots, accessory buildings, ~~structures or uses~~ shall be set back from the side street lot line a distance equal to that required ~~of the principal buildings structure~~. 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, ~~structure or use~~ is constructed in a nonrequired front yard ~~or~~ rear yard ~~which that~~ adjoins a side yard or front yard, the accessory building, ~~structure or use~~ shall be set back from the interior lot line a distance equal to the minimum side yard required of ~~the~~ principal buildings structure.

...

- (d) ...

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

- (e) In RL-RM2 residential districts, 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, and that the height of an accessory building containing a dwelling unit shall not exceed ~~of~~ twenty-five (25) feet or the height of the principal structure, whichever is less.

...

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

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

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

- (1) There shall be a maximum of three (3) accessory buildings, the total of which may occupy a maximum of twelve hundred (1200) square feet of the lot.
- (2) Accessory buildings may occupy a maximum of thirty-five (35) percent of the rear yard. Where the rear yard adjoins an alley, half the area of the adjoining alley may be included in calculating the area of the rear yard that may be occupied by accessory buildings.
- ~~(g) In those instances where a lot line adjoins an alley right-of-way, the accessory building shall not be closer than one foot to such lot line.~~
- ~~(h) On through lots, where frontage is clearly established within a given block, rear yard setbacks shall be equal to the side yard required of the principal structure.~~
- ~~(i) Accessory buildings shall be located at least six (6) feet from the principal structure or shall be considered attached for purposes of the zoning code.~~

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

### **ARTICLE VI. – 65.900. ACCESSORY USES**

#### **Sec. 65.121. – Dwelling, carriage house**

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

##### *Development standards:*

- (a) A carriage house building may be regulated as an accessory building or as an additional principal residential building.

##### *Standards and conditions in residential districts:*

- ~~(b)~~(a) The building planned for use as a carriage house dwelling had space originally built to house domestic employees.

- ~~(c)(b)~~ The applicant shall obtain a petition signed by two-thirds ( $\frac{2}{3}$ ) of the property owners within one hundred (100) feet of the applicant's property line consenting to the carriage house dwelling.
- ~~(d)(e)~~ The applicant shall not reduce the number of existing off-street parking spaces on the property and shall also provide additional off-street parking as required for the carriage house dwelling.
- ~~(e)(d)~~ A site plan and a building plan shall be submitted to the planning commission at the time of application. ~~Carriage house dwellings are exceptions to one (1) main building per zoning lot requirements.~~

#### **Sec. 65.161. – Sober house**

...

*Standards and conditions:*

...

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

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

A secondary dwelling unit, subordinate to a principal one-family dwelling, within or attached to a one-family dwelling or in a detached accessory building on the same zoning lot, ~~with the property owner of record occupying either the principal dwelling unit or the accessory dwelling unit as their permanent and principal residence.~~

*Standards and conditions:*

- ~~(a) Minimum lot size. For accessory dwelling units located in an accessory structure, the lot shall be at least five thousand (5,000) square feet in area.~~
- ~~(a)(b)~~ *Number of accessory units.* There shall be no more than one (1) accessory dwelling unit on a zoning lot.
- ~~(b)(e)~~ 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)(d)~~ *Unit occupancy.* The total occupancy of the principal dwelling unit and accessory dwelling unit shall not exceed the definition of Household in section 60.209.
- ~~(1) The total occupancy of the principal dwelling unit and accessory dwelling unit shall not exceed the definition of household in section 60.209.~~
- ~~(2) Using the form provided by the city, the property owner shall execute a declaration of land use restrictive covenants and owner's warranties creating certain covenants running with the land for the purpose of enforcing the definitional requirement of~~

~~owner occupancy and standards and conditions of this subsection and file the same with the county recorder. The property owner must deliver an executed original of the declaration, which shall display its date and document number of record, to the zoning administrator before any city building or zoning permits required for the accessory dwelling unit can be issued.~~

~~(3) The property owner shall file an annual affidavit with the zoning administrator verifying continued owner occupancy of the property as their permanent and principal residence, and identifying the owner occupied dwelling unit. A fee shall be collected in accordance with section 61.302.~~

~~(4) At the request of the property owner and upon inspection finding the accessory dwelling unit has been removed, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit. Any and all filing costs shall be the responsibility of the property owner.~~

~~(d)(e)~~ *Unit size.* The floor area of the accessory unit shall not exceed 75% of the floor area of the principal dwelling unit ~~be a maximum of eight hundred (800) square feet.~~ If the accessory unit is within ~~located interior to~~ the principal building structure, the principal building structure shall have a minimum floor area of one thousand (1,000) square feet ~~and the accessory unit shall not exceed one third (1/3) of the total floor area of the structure.~~ For multi-story principal buildings structures built prior to the enactment of this section, the maximum floor area of an accessory dwelling unit may be equal to that of the first floor, but shall be less than or equal to fifty (50) percent of the floor area of the building structure.

~~(e)(f)~~ *Access and entrances.*

...

~~(g)~~ *Parking.* ~~Provided that the minimum parking requirement for the principal one-family dwelling on the lot is met, no additional parking is required.~~

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

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

### ARTICLE II. – 66.200. RESIDENTIAL DISTRICTS

#### Division 3. – 66.230. Residential District Density and Dimensional Standards

#### Sec. 66.231. – Density and dimensional standards table.

...

Zoning District	Floor Area Width (FAR)	Building Height Maximum	Yard Setbacks Minimum (feet)		
	Maximum (e)	Feet	Front	Side	Rear

RM1 multiple-family <del>(a)</del>	0.6 FAR with surface parking 1.0 FAR with structured parking	40 (i)	25 (f)	9 (h) (m)	25
RM2 multiple-family <del>(a)</del>	1.5 FAR with surface parking 2.25 FAR with structured parking	50 (j) (m)	25 (f)	9 (h) (k)	9 (k)
RM3 multiple-family	1.5 FAR with surface parking 3.5 FAR with structured parking	no maximum	25 (f)	9 (h) (k)	9 (k)

Notes to table 66.231, residential district dimensional standards:

...

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

...

- (h) Side yards are required only for dwelling units on the ends of townhouse structures. ~~When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal buildings. For one-family dwellings in RM1 and RM2 districts, the minimum side yard setback shall be four (4) feet.~~ For two-family and multifamily dwellings in RM1 and RM2 districts on lots of sixty (60) feet width or narrower, the minimum side yard setback is reduced to six (6) feet for buildings of thirty-five (35) feet height or less. The side yard setback requirement from interior lot lines may be reduced or waived when an easement or common wall agreement, certified by the city building official for conformance with the state building code, is recorded on the deeds of the adjoining parcels.

...

**~~Sec. 66.233. — Minimum building width.~~**

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

**Sec. 66.233. ~~66.234~~ - Sidewall articulation.**

...

Division 4. 66.240. Required Conditions

**~~Sec. 66.241. — Number of main (principal) buildings.~~**

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

**Sec. 66.241. ~~66.242~~ Multiple-family design standards.**

...

**Sec. 66.242. ~~66.243~~ Parking requirements in RM1-RM3 multiple-family residential districts.**

ARTICLE III. 66.200. TRADITIONAL NEIGHBORHOOD DISTRICTS

Division 3. 66.230. Traditional Neighborhood District Density and Dimensional Standards

**Sec. 66.331. – Density and dimensional standards table.**

...

Notes to table 66.331, traditional neighborhood district dimensional standards:

...

- (i) Where at least fifty (50) percent of the front footage of any block is built up with principal structures residential buildings and the front yard setbacks of existing buildings with front yards that adjoin the front yard of the lot are all greater or all less than the district standard setback requirement, the minimum front yard setback for new structures 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. average setback of the existing structures, or if the block average is more than the minimum required front setback listed in the dimensional standard table, it shall be the setback requirement in the district plus half the amount the average setback is greater than the setback requirement in the table. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula.~~ The minimum front yard setback shall not exceed the maximum front yard setback requirement. Sixty (60) percent of the front facade must fall within the maximum setback. For local heritage preservation sites, the standard may be modified to comply with the preservation program and design review guidelines.

ARTICLE VII. 66.700. SH STUDENT HOUSING NEIGHBORHOOD IMPACT OVERLAY DISTRICT

**Sec. 67.708. – Revocation of status as registered and established student dwellings**

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

- (1) Suspension or revocation of fire certificate of occupancy;
- (2) Residence by more than ~~four (4)~~ six (6) students in any unit;
- (3) Residence by less than three (3) students for more than twenty-four (24) of the preceding thirty-six (36) months.

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

## Wade, Michael (CI-StPaul)

---

**From:** Jamie Stolpestad <jamie@yardhomesmn.com>  
**Sent:** Friday, October 8, 2021 3:17 PM  
**To:** \*CI-StPaul\_1to4HousingStudy  
**Subject:** Re: Feedback on 1-4 unit housing study

see address below

Jamie Stolpestad  
Partner, YardHomes MN  
203-585-7248  
Jamie@YardHomesMN.com

On Oct 8, 2021, at 10:38 AM, \*CI-StPaul\_1to4HousingStudy <1to4HousingStudy@ci.stpaul.mn.us> wrote:

Hi Jamie,

So sorry, one more thing. In order for your comment to be entered into the public record, all contributors are required to submit their address as well. You can edit the email one more time or simply send it in a response to this email and I will include it in the record.

### Michael Wade

City Planner | Saint Paul Planning & Economic Development | 651-266-8703

---

**From:** jamie@yardhomesmn.com <jamie@yardhomesmn.com>  
**Sent:** Thursday, October 7, 2021 2:00 PM  
**To:** \*CI-StPaul\_1to4HousingStudy <1to4HousingStudy@ci.stpaul.mn.us>  
**Subject:** Feedback on 1-4 unit housing study

---

Dear Sir or Madam,

I am writing to provide feedback on the 1-4 Unit Infill Housing Zoning Study.

My company, YardHomes, has a unique perspective on these topics as we interact with dozens if not hundreds of residents who are interested in adding housing to their property via an Accessory Dwelling Unit or ADU. There are 25 municipalities across Minnesota that have ADU ordinances, and St. Paul is currently among the more restrictive. Changes that you have proposed, and those that might still come forward, would better position the city to welcome this widely accepted and highly desirable housing typology.

Most people interested in an ADU are older and are seeking a cost-effective, accessible unit that is smaller than their current housing and allows them to stay in their neighborhood and age in community. Another large group of users are multi-generational families who wish to have more space for more family members in close proximity, and therefore provide resources for child and elder care, and to enhance the social cohesiveness that inter-generational living provides. Another group of interested



adopters are nonprofits that own land and/or existing housing and wish to add a unit, often to serve those most in need. Finally, please know that interest in ADUs has increased significantly through the Covid-19 Pandemic as more people are economically struggling and looking for lower-cost housing, and as more people are seeking a safe and close-by living option for aging parents.

A. I strongly support the following proposed changes:

1. Eliminating building width
2. Deleting language around a single principal dwelling
3. Restoring 4' setback for RM1-RM2 zoning districts
4. Adjusting minimum distance between structure rules to comport with State requirements
5. Deleting minimum lot area for an ADU
6. Increasing maximum area of accessory buildings to 1,200 sf
7. Eliminating duplex and triplex "guidelines" - which are not aligned with underlying zoning code requirements

B. Topics where I disagree and/or feel the Commission should take a different action:

1. Eliminate owner-occupancy requirements for ADUs. This was pushed from a Part 1 topic to a Part 2 topic but represents such a discriminatory rule and has such negative impacts on the city's housing market I believe it should be eliminated immediately. This provision was eliminated by a unanimous vote by both the Minneapolis Planning Commission and City Council last year. St. Paul is now in the unfavorable position of being in an extreme minority of cities – across MN and nationally - with such a discriminatory rule. This rule has an enormous negative impact on nonprofit housing owners and prevents new cost-effective housing on their property to meet the needs of our most vulnerable residents.
2. Don't limit ADUs only to back yards – allow them to go on side yards also. This is where so many residents have available land area and where it is most practical to add a unit.
3. Don't limit ADU to 35% of back yard. Most cities use the overall lot coverage in calculating the area for accessory structures, and this is much fairer across wealthier white neighborhoods vs. poorer neighborhoods of color. An overall lot coverage approach is also easier to administer.
4. Don't require immediate neighbor approval to add a carriage house. This pits neighbor against neighbor and results in uneven rights and opportunities across the city. Everyone should have the opportunity to add an ADU.
5. The front setback requirement that relates to existing homes is overly complex and burdensome. I recommend you use a standard dimension for front yard setbacks that the average property owner can understand and calculate from their own lot.
6. Minimum and maximum size of ADUs. Given the range of uses for an ADU and the unique conditions of existing structures, having broad flexibility around minimum and maximum sizes is useful, and care should be made in text language to make the calculations simple and practical in an effort to make it easier to add an ADU.
7. Height limits. One of the most confusing parts of the existing ADU ordinance is about height. Please simplify this to a single number and a clear explanation of how a regular property owner can calculate it.

C. Future action:

1. Act Faster. Many residents are suffering during our housing crisis. Many people are unsheltered and suffering tremendously. Some people complain that the Commission spends too much time studying things and isn't acting quickly enough. This is not an unreasonable criticism given the urgency of need.

2. Act more Boldly. The enormous scale of the housing crisis deserves bold action. Many of the steps outlined so far are largely incremental and do not have the scale of impact needed to create more housing. For the next phase of the study, please create opportunities for two ADUs per property or up to 3 units of housing on residential lots. Before the mid-1970's every property in St. Paul could house a

duplex. The city is already diverse with a wide range of housing options and this creates an interesting, appealing, vibrant and economically sustainable city. Having so much of the city's land area so limited to just a single large house is not aligned with the times and the housing needs of residents. Over 40% of households in the metro area are single-person households, with the fastest-growing segment those over 65. Those folks want and need smaller, more accessible and more cost-effective housing options. And many of them do not want to live in a giant impersonal apartment building.

3. Make it easier for the average person to navigate the process. The zoning ordinance has become way too complicated, way too long, and a far too burdensome obstacle course that very few people can navigate. Rather than make changes by addition, please find ways to eliminate old and unnecessary provisions and streamline and modernize the language. For example, the city has 18 different zones where residential uses can go. I don't know of another city in America that has so many different residential zones. Most cities have only 3. And the process of determining what is allowed and not allowed is far, far too complicated. Setbacks plus FAR plus area mins and maxes that are different by zone – are enough to cause the average person to throw up their hands and give up. And having a complicated process that takes 6 to 12 months to make changes or get a permit is far too long given the urgency of our housing needs.

Thank you for considering.

Jamie Stolpestad  
Partner, YardHomesMN

475 Old Highway 8 NW  
New Brighton, MN 55112

**From:** [Chris Wells](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** Re: Support for Phase 1 amendments to zoning code  
**Date:** Friday, October 8, 2021 12:07:25 PM  
**Attachments:** [image002.png](#)

---

Chris Wells  
1420 Fairmount Ave  
St Paul, MN 55105

On Fri, Oct 8, 2021 at 10:36 AM \*CI-StPaul\_1to4HousingStudy  
<[1to4HousingStudy@ci.stpaul.mn.us](mailto:1to4HousingStudy@ci.stpaul.mn.us)> wrote:

Good Morning, Mr. Wells,

Thank you for your contribution to the public hearing! In order for your email to be entered into the record, please send along your address. This is a requirement for all public comment to be entered.

**Michael Wade**

City Planner

Pronouns: he/him/his

Department of Planning and Economic Development (PED)

1400 City Hall Annex, 25 W 4<sup>th</sup> Street

Saint Paul, MN 55102

P: 651-266-8703

[Michael.Wade@stpaul.gov](mailto:Michael.Wade@stpaul.gov)

[www.StPaul.gov](http://www.StPaul.gov)



**SAINT PAUL**  
**MINNESOTA**

---

**From:** Chris Wells <[wells@macalester.edu](mailto:wells@macalester.edu)>  
**Sent:** Friday, October 8, 2021 10:19 AM

**To:** \*CI-StPaul\_1to4HousingStudy <[1to4HousingStudy@ci.stpaul.mn.us](mailto:1to4HousingStudy@ci.stpaul.mn.us)>  
**Subject:** Support for Phase 1 amendments to zoning code

To the Members of the Department of Planning and Economic Development,

I'm writing to express my support for the proposed Phase 1 changes to the St. Paul zoning code, and to express my enthusiasm for even bolder zoning reform proposals next year in Phase 2. These are practical, common sense solutions to address the current housing crisis by allowing more housing, of all types, at a time when more housing is desperately needed.

As you consider the question of ADUs next year, I strongly encourage you to allow ADUs on all properties, not just homeowners who live on their property. If ADUs are to be a practical tool in efforts to expand housing, it makes no sense to exclude areas of the city with low rates of home ownership.

Best,

Chris

--

**CHRISTOPHER W. WELLS** (he/him/his)  
Professor of Environmental Studies  
Macalester College  
651-696-6803 | <http://cwwells.net>  
1600 Grand Avenue  
Saint Paul, MN 55105 USA



Make an appointment with me [here](#).

--

**CHRISTOPHER W. WELLS** (he/him/his)

Professor of Environmental Studies

Macalester College

651-696-6803 | <http://cwwells.net>

1600 Grand Avenue

Saint Paul, MN 55105 USA



Make an appointment with me [here](#).

**From:** [Mark Thieroff](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** Zoning Code amendments  
**Date:** Friday, October 8, 2021 7:29:49 PM

---

I am writing to express my very strong support for the proposed Code amendments that have come out of the 1-4 unit infill study. While I agree that these changes as well as ambitious steps in Phase Two could make a meaningful impact on the availability of housing in St. Paul, and that the City should be doing everything it can to accomplish that goal, I was surprised by the lack of reference in the study to the impact of increasing housing density on achieving the City's climate goals. Many studies have shown that increasing housing density reduces carbon emissions, such as this one:

<https://www.law.berkeley.edu/research/clee/research/land-use/right-type-right-place/>

Our land use patterns remain dominated by the car-centric planning philosophies of decades ago that we must continue to move away from if we are to have any hope of reaching the City's climate goals. The more we talk about and recognize this reality, the easier it will be to usher in further necessary changes.

I am looking forward to bold action in Phase Two, including the end of single-family zoning and amendments that will make it easier to build infill housing by subdividing oversized single-family lots and building on nonconforming vacant lots to meet more flexible dimensional requirements.

Thank you.

Mark Thieroff  
1438 Chelmsford St.



## Sustain Saint Paul

Abundant housing, low-carbon transportation, and sustainable land use

October 8, 2021

Attention:

Mr. Michael Wade, Ms. Emma Siegworth, Luis Pereira

Mr. Richard Holst, Chair, Comprehensive and Neighborhood Planning Committee

Mr. Luis Rangel Morales, Chair, Planning Commission

St. Paul Department of Planning & Economic Developments

City Hall Annex

25 West Fourth Street, Suite 1300

Saint Paul, MN 55102

Re: 1-4 Unit Infill Housing Zoning Study – Phase 1 (the “Study”)

Dear All,

We are writing to provide feedback and suggestions related to the Study referenced above, in the hope of driving significant and positive change to the land use regulatory framework for the City of Saint Paul.

We applaud the Planning Commission, its Comprehensive and Neighborhood Planning Committee, and the Department of Planning & Economic Development for tackling these important topics, and for the very thoughtful and detailed work embedded within the Study. We feel there is the potential for meaningful progress to achieving the goals of the approved 2040 Comprehensive Plan and the various City Council Resolutions and policy goals of the City if these recommendations were to be fully implemented, but we also feel the Study falls short on some topics, which we address herein.

The overarching theme of our comments is simple: we must make it easier to build accessory dwelling units in Saint Paul. In the years since our original ADU ordinance was adopted, only a few ADUs have been constructed in the city. Several elements of the current ordinance—especially size

requirements and the owner-occupancy requirement— serve to exclude all but wealthy homeowners living on large lots from building an ADU. These exclusionary requirements must be removed if the ordinance is to achieve its core purpose: to catalyze the construction of low-cost housing units in our city.

This is an historic moment, and St. Paul is at a critical juncture. We are facing a housing crisis, and we have passed one of the most ambitious and visionary Comprehensive Plan documents in at least a generation. The challenge we see is to turn this ambitious vision into the day-to-day and practical reality in our Zoning Code. We encourage everyone, from Planning Commission members to the most junior staff members at PED and DSI, to keep in mind the need for bold action. When it might be comfortable to take a little step forward, please take a giant leap. The will of the people, and the vast majority of elected officials, are fully behind you. The future of our city is at stake. Thank you for taking this Part 1 further and thank you in advance for a bold and transformative Part 2 that is fully aligned with the 2040 Plan and City Council Resolutions.

Thank you for considering our feedback. We are happy to discuss our comments with you in further detail.

Sincerely yours,

Luke Hanson, Co-Chair  
Liz Wefel, Co-Chair  
Melanie Day, Secretary  
Melissa Wenzel  
James Slegers  
Karen Allen

Sustain Saint Paul's Board of Directors



## Appendix A: Proposed Text Amendments and Further Feedback and Suggestions

1. Where can ADUs go?

*We recommend they not be limited just to Rear Yards as proposed. Many side yards are suitable and appropriate.*

2. How tall can they be?

*We recommend a clean-up and simplification of Sec 63.501(e) to something like, "In RL-RM2 residential districts, accessory structures shall not exceed fifteen (15) feet in height and accessory structures containing a dwelling shall not exceed twenty-five (25) feet in height."*

*We don't think it's appropriate to create a different height limit for different roof styles.*

3. How much of a lot can an ADU cover?

*We recommend the size not be tied to the rear yard but that the entire lot coverage be the governing ratio.*

4. What about carriage houses?

*We recommend Section 65.121 be deleted in its entirety. The reference to "domestic employees" is antiquated and adds no value. Importantly, to condition any type of ADU based on what immediate neighbors approve or don't approve is inappropriate to achieve the goals of the 2040 Plan and could lead to civil tensions and unequal opportunities.*

5. How big or small can an ADU be?

*We see no compelling rationale to limit the minimum or maximum size of an ADU. The overall lot coverage, FAR and other limitations of the underlying zoning district should apply. In addition, the building must comply with the specific implementation rules within the then-current Minnesota Residential Building Code, which now allows dwellings to be less than 400 square feet. We see no reason St. Paul should deviate from this state provision.*

6. What about parking?

*Since parking minimums have been eliminated by separate revision to the code, we recommend sections related to parking be updated or eliminated entirely if no longer relevant.*

7. Owner-Occupancy

*Limiting an ADU to households with owner-occupancy is bad policy and does not align with the aspirations of the 2040 Plan or the City Council resolutions. We recommend “studying the elimination of the owner-occupancy provision” be addressed in Part 1 as originally intended, and that the study recommend this provision be eliminated.*

8. Duplex and tri-plex conversion guidelines

*Congratulations on removing these unnecessary constraints to adding more housing in St. Paul! The ability to have two or three households on a lot in this housing format, without regard for owner-occupancy, is another reason the owner-occupancy provision in the ADU ordinance should be eliminated.*

**From:** [Ellen Bendewald](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** 1-4 Unit Housing Study  
**Date:** Sunday, October 10, 2021 3:20:58 PM

---

Hello,

I am a renter in downtown St. Paul, writing about the 1-4 Unit Housing Study. I am concerned about the housing crisis in St. Paul and want the city to enact bold and practical changes to allow more housing of all types in all areas of the city. The zoning changes proposed in Phase One are a step in the right direction.

Saint Paul's current Accessory Dwelling Unit policy is too constraining to allow an average homeowner to create a good looking and functional ADU at a reasonable cost. We should not limit Accessory Dwelling Units only to homeowners who live on their property. The right to add an ADU should be provided on all residential lots in the city. Everyone can help address our housing crisis, and we should not discriminate against poorer neighborhoods where there are lower rates of home ownership.

I support the changes recommended by the City in Phase One of the 1-4 unit infill study, but they are not enough. Saint Paul now has the largest housing crisis in the country, and it is time for bold and urgent action. I urge you to pursue ambitious changes to the Zoning Code in Phase Two in 2022.

Thank you for your work on this issue!

Ellen Bendewald  
180 E Kellogg Blvd  
St. Paul, MN 55101

**From:** [Mark Gilbert](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** Zoning Code Changes  
**Date:** Sunday, October 10, 2021 3:39:38 PM

---

Greetings:

I am writing to thank you for your work on zoning code updates for St. Paul. I fully support allowing a wide range of more dense home building in St. Paul. The Phase 1 and Phase 2 I read about sound great. I'd also like to see less expensive construction allowed, like pre-fab homes, as long as safety standards are maintained. And, I think that in busy corridors, we should allow taller buildings than we currently do.

Thanks again!  
Mark Gilbert  
Macalester Groveland, St. Paul

**From:** [Tumbleweed Weed](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** Housing density  
**Date:** Sunday, October 10, 2021 6:19:57 PM

---

Hi,

Weighing in on changing zoning to allow more density. We have sprawled for too many years and it's time to tighten our belts for a bit and allow more housing within the city itself.

Sprawling out cost a lot of money to maintain all that infrastructure! I love living in the city but barely afford to live here. Thanks.

Russ Yttri

658 greenbrier st

#11

St. Paul

**From:** [Pat Thompson](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** Support for changes to Zoning Code on housing choices  
**Date:** Monday, October 11, 2021 4:22:54 PM

---

Hello,

I'm writing to say I support this first round of changes to the Zoning Code, and my only disappointment is that the proposal doesn't already include the expansion to allow at least up to triplexes anywhere. I would love to see four-plexes anywhere, myself.

For instance, I live in a single-family-only zoning area. Multiple houses here could be converted to duplexes or triplexes — except for the current restrictions. There are some open lots that could be built up to four-plexes easily.

We need to make room for more neighbors, given the climate crisis, and also recognize that household unit sizes are often not what they were in the past. Our housing stock needs to be retrofitted to reality.

—

Pat Thompson  
1496 Raymond Avenue

**From:** [Zakary Yudhishthu](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** Voicing My Support  
**Date:** Tuesday, October 12, 2021 11:33:45 AM

---

Hello,

My name is Zak Yudhishthu. I'm a student at Macalester College, and the student representative for the Macalester-Groveland Community Council.

I'm writing to express my support for Phase 1 of the City's housing study. These changes represent important first steps to addressing housing crisis.

The fact that the Phase 1 recommendations are relatively incremental should affirm the city in moving forward here. It's apparent that the minor changes in the code outlined here are not going to destroy neighborhood character, and disingenuous arguments of that ilk shouldn't deter the city.

I also urge the city to be bold in Phase 2. There's no contention about whether single-family zoning is exclusive, and I'm sure that the city understands how it contributes to the housing shortage and creates far too many cost-burdened households. So it's time to follow our peers —not just Minneapolis, but now Portland, Oregon, and the whole of California — and rezone for multifamily housing across the city.

Sincerely,  
Zak Yudhishthu

**From:** [Jake Rueter](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** Support for Zoning Code Changes  
**Date:** Tuesday, October 12, 2021 6:42:17 PM

---

Hello PED Staff,

Thank you for putting together such a compelling list of options to think big about how zoning in Saint Paul can allow for more housing options. I urge you to support the more expansive vision in Phase 2.

Take care,

Jake Rueter  
1347 Blair Ave, St Paul, MN 55104





320 South Griggs Street  
St. Paul, MN 55105  
www.macgrove.org

651-695-4000  
mgcc@macgrove.org

October 13, 2021

Saint Paul Planning Commission  
City Hall, Room 40  
15 Kellogg Blvd.  
Saint Paul, MN 55102  
VIA EMAIL

Re: Phase 1 of the 1-4 Housing Unit Study

Dear Saint Paul City Planning Commission Members:

On September 22, 2021, the Housing and Land Use Committee of the Macalester Groveland Community Council ("MGCC") held a public eMeeting via Zoom, at which it considered the proposed changes outlined in Phase 1 of the 1-4 Housing Unity Study by the City of Saint Paul Department of Planning and Economic Development.

Prior to the meeting, MGCC did not receive any written comments in support or in opposition of the application.

After speaking with staff members from the Department of Planning and Economic Development, considering neighborhood feedback, consulting the Macalester Groveland Long Range plan and 2040 Comprehensive Plan, and assessing the merits of the proposed changes, the Housing and Land Use Committee passed the following resolution by a final vote of 12-3, with 2 abstentions:

***\*\* The MGCC Housing and Land Use Committee recommends approval of the changes outlined in Phase 1 of the 1-4 Housing Unit Study by the City of Saint Paul Department of Planning and Economic Development. \*\****

If you have questions or concerns, please do not hesitate to contact me.

Alexa Golemo  
Executive Director  
Macalester-Groveland Community Council

cc (via email): Ward 3 Office, City of Saint Paul  
Ward 4 Office, City of Saint Paul  
Emma Siegworth, City of Saint Paul PED  
Josh Williams, City of Saint Paul PED

## Wade, Michael (CI-StPaul)

---

**From:** Daniel Tikk <daniel.m.tikk@gmail.com>  
**Sent:** Thursday, October 14, 2021 12:04 PM  
**To:** \*CI-StPaul\_1to4HousingStudy  
**Subject:** Re: Phase 1 of 1-4 Unit Infill Housing Study

791 Ashland Ave, St Paul, MN 55104

Thank you,  
Daniel

On Thu, Oct 14, 2021 at 11:44 AM \*CI-StPaul\_1to4HousingStudy <[1to4HousingStudy@ci.stpaul.mn.us](mailto:1to4HousingStudy@ci.stpaul.mn.us)> wrote:

Good morning,

Thank you for your contribution to the public hearing! In order for your email to be entered into the record, please send along your address. This is a requirement for all public comment to be entered.

Best,

**Emma Siegworth**

City Planner

Pronouns: she/her

Department of Planning and Economic Development

1400 City Hall Annex, 25 West Fourth Street

Saint Paul, MN 55102

P: 651-266-6657

[emma.siegworth@ci.stpaul.mn.us](mailto:emma.siegworth@ci.stpaul.mn.us)

[www.StPaul.gov](http://www.StPaul.gov)



**SAINT PAUL**  
**MINNESOTA**

---

**From:** Daniel Tikk <[daniel.m.tikk@gmail.com](mailto:daniel.m.tikk@gmail.com)>  
**Sent:** Thursday, October 14, 2021 11:17 AM  
**To:** \*CI-StPaul\_1to4HousingStudy <[1to4HousingStudy@ci.stpaul.mn.us](mailto:1to4HousingStudy@ci.stpaul.mn.us)>  
**Subject:** Re: Phase 1 of 1-4 Unit Infill Housing Study

Dear PED staff and Planning Commission,

Thank you for the opportunity to submit comments regarding Phase 1 of the 1-4 Unit Housing Study being undertaken by the City of St. Paul. I write to voice my support for the efforts undertaken in the proposed language to ease some of the restrictions on housing in the city, including for ADUs as well as discontinuing the duplex and triplex conversion guidelines. These are positive steps that will be beneficial to expand the variety and quantity of housing.

However, I believe the proposed language can be adjusted to go even further, in order to truly rise to the level of bold action necessary to be as impactful as desired. The proposed amendments continue to maintain a number of unnecessary restrictions which will limit the effectiveness of this strategy.

For instance, ADUs should not be limited to only owner-occupied properties, as renter-occupied properties will already have in place experience with property management. In addition, the additional revenue from ADUs for renter-occupied properties would assist owners who have been raising concerns about rising property taxes as well as the proposed rent stabilization ordinance. In addition, there should not be limitations placed on the maximum size of ADUs or limiting them to the rear yard of a property.

Overall, I support the proposed changes, as every step the city can take to ease the housing crisis is worthwhile. However, I also urge you to be even more ambitious, both with the proposed changes to Phase 1 as well as the direction you take with Phase 2. More flexibility, more availability, and more residents should be the guide for all decisions made in regards to housing.

Thank you,



**From:** [Elizabeth Wefel](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** Support for proposed zoning changes  
**Date:** Thursday, October 14, 2021 10:11:54 AM

---

Dear members of the planning commission,

I'm very concerned about the housing crisis in Saint Paul. To address this crisis, the city must enact bold changes to allow more housing of all types throughout the city. The phase one proposed changes are a good first step, but not enough.

The current Accessory Dwelling Unit ordinance is to constrain as evidenced by the few homeowners who have taken advantage of it. The right to add an ADU should apply to all lots throughout the city and should not require that the homeowner live on the property.

Thank you for your consideration.

Elizabeth Wefel  
Ward 3 - Macalester groveland  
444 WARWICK STREET

**From:** [Kevin L. Vargas](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** 1-4 Housing Study Support  
**Date:** Thursday, October 14, 2021 9:35:48 AM

---

Hello,

My name is Kevin and I live on 1034 Cleveland Ave S. I support the changes recommended by the City in Phase One of the 1-4 unit infill study, but they are not enough. Saint Paul now has the largest housing crisis in the country, and it is time for bold and urgent action. I urge you to pursue ambitious changes to the Zoning Code in Phase Two in 2022, such as legalizing Missing Middle Housing throughout the city.

Thank you.

Kevin Vargas

--

Best,  
Kevin

**From:** [Luke Hanson](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** Re: Supporting "Phase One" amendments  
**Date:** Thursday, October 14, 2021 1:36:29 PM  
**Attachments:** [image002.png](#)  
[image002.png](#)

---

1423 Eleanor Avenue, St. Paul, MN 55116

On Thu, Oct 14, 2021, 11:43 AM \*CI-StPaul\_1to4HousingStudy  
<[1to4HousingStudy@ci.stpaul.mn.us](mailto:1to4HousingStudy@ci.stpaul.mn.us)> wrote:

Good morning,

Thank you for your contribution to the public hearing! In order for your email to be entered into the record, please send along your address. This is a requirement for all public comment to be entered.

Best,

**Emma Siegworth**

City Planner

Pronouns: she/her

Department of Planning and Economic Development

1400 City Hall Annex, 25 West Fourth Street

Saint Paul, MN 55102

P: 651-266-6657

[emma.siegworth@ci.stpaul.mn.us](mailto:emma.siegworth@ci.stpaul.mn.us)

[www.StPaul.gov](http://www.StPaul.gov)



---

**From:** Luke Hanson <[lukehanson91@gmail.com](mailto:lukehanson91@gmail.com)>  
**Sent:** Thursday, October 14, 2021 10:45 AM  
**To:** \*CI-StPaul\_1to4HousingStudy <[1to4HousingStudy@ci.stpaul.mn.us](mailto:1to4HousingStudy@ci.stpaul.mn.us)>  
**Subject:** Supporting "Phase One" amendments

Hi,

My name is Luke Hanson, and I live in Ward 3. I am writing to voice my strong support for the amendments proposed in "Phase One" of the 1-4 unit infill study. They represent a small step in the right direction to make it easier to expand housing choices in Saint Paul.

I also believe that these proposed amendments do not go nearly far enough to respond to our housing crisis, which is the worst in the nation. I am disappointed that the City's Planning team has not proposed to eliminate the Owner Occupancy requirement for ADUs in Phase One, as it had originally proposed, and delayed this consideration to Phase Two. It's past time that our City stopped putting off bold, progressive reforms to our City's zoning and housing policies: ending Single-Family Zoning (which reinforces the legacies of redlining and racial covenants), legalizing Missing Middle Housing citywide, and designing incentives for developers to add affordable units to new construction. I believe that the majority of Saint Paulites support bold actions like these, and I implore you to pursue these goals and others in Phase Two (or sooner!).

Sincerely,

Luke Hanson



## Wade, Michael (CI-StPaul)

---

**From:** Terri Thao <territhao1@gmail.com>  
**Sent:** Thursday, October 14, 2021 10:32 AM  
**To:** \*CI-StPaul\_1to4HousingStudy  
**Subject:** Re: Testimony for 10/15/21 Public Hearing on 1-4 Unit Infill Housing Zoning Study

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sure it's 1492 Clarence St, St. Paul, MN 55106

On Thu, Oct 14, 2021 at 10:31 AM \*CI-StPaul\_1to4HousingStudy <[1to4HousingStudy@ci.stpaul.mn.us](mailto:1to4HousingStudy@ci.stpaul.mn.us)> wrote:

Good Morning, Ms. Thao,

Thank you for your contribution to the public hearing! In order for your email to be entered into the record, please send along your address. This is a requirement for all public comment to be entered.

Best,

**Emma Siegworth**

City Planner

Pronouns: she/her

Department of Planning and Economic Development

1400 City Hall Annex, 25 West Fourth Street

Saint Paul, MN 55102

P: 651-266-6657

[emma.siegworth@ci.stpaul.mn.us](mailto:emma.siegworth@ci.stpaul.mn.us)

[www.StPaul.gov](http://www.StPaul.gov)



**SAINT PAUL**  
**MINNESOTA**

---

**From:** Terri Thao <[territhao1@gmail.com](mailto:territhao1@gmail.com)>

**Sent:** Wednesday, October 13, 2021 8:11 PM

**To:** \*CI-StPaul\_1to4HousingStudy <[1to4HousingStudy@ci.stpaul.mn.us](mailto:1to4HousingStudy@ci.stpaul.mn.us)>

**Subject:** Testimony for 10/15/21 Public Hearing on 1-4 Unit Infill Housing Zoning Study

October 13, 2021

Dear Planning Commission Members,

My name is Terri Thao and I am a mother, worker, advocate, volunteer, and longtime resident of St. Paul. I am writing this letter in regards to the proposed 1-4 Unit Infill Housing Zoning Study PHASE 1. The majority of the policies being proposed are great solutions to how we will increase housing density in the city of St. Paul, however there are few recommendations I would like to make in regards to the proposed zoning study.

First and foremost, we desperately need more homes to be built in the city and at different affordability levels. The most recent Census data noted that St. Paul grew by 9.3% yet our housing stock has not increased by this same percentage according to the 2021 Minnesota's Housing Scorecard (<https://frontdoorcampaign.org/marking-our-progress>). In addition to this we rents are also increasing and almost 50% of families across the state pay more than 30% of their income to rent, increasing their cost burdens (Minnesota Housing Partnership State of the State's Housing 2021 Report <https://mhponline.org/images/stories/docs/research/reports/KeyFindingsOnePager.pdf> with a higher number of Black, Indiegenous, and People of Color (BIPOC) households paying more than half of their disposable income on rent alone. Coincidentally the population growth in St. Paul is amongst BIPOC communities so I do worry about being able to create housing stability for our families and upcoming workforce participants.

My second comment is that we need to stop studying, start acting. As a former planning commissioner and long time policy maker, I understand that our systems move slower to ensure engagement and thorough planning, however, this study comes on top of other work being done on a state and regional level that has called for increased and creative housing solutions. We can shift policies once we learn about the impact of their work. Please do not let perfect be the enemy of good.

Last but not least, in regards to the language in the ordinance, I would recommend elimination of all these restrictions on adding an Accessory Dwelling Unit (ADU), including the horribly discriminatory owner-occupancy rule. I understand the original intent was to prevent the bad actors from taking

advantage of potential renters or provide substandard housing. However, in St. Paul, we already have several thousand non-owner occupied units in St. Paul; the majority of which are properly managed. It is only the bad (and really bad ones) that receive the attention and which we should not be making public policy for these few, but instead creating policies where a larger number would benefit - and benefit from having a roof over their heads.

Thank you for your time and taking my testimony today,

Terri Thao

**Wade, Michael (CI-StPaul)**

---

**From:** Rick Varco <rvarco@hotmail.com>  
**Sent:** Friday, October 15, 2021 10:04 AM  
**To:** \*CI-StPaul\_1to4HousingStudy  
**Subject:** Study Comments

St. Paul has a housing crisis. We must enact bold and practical changes to allow more housing of all types in all areas of the city. The zoning changes proposed in Phase One are a step in the right direction.

Saint Paul's current Accessory Dwelling Unit policy is too constraining to allow an average homeowner to create a good looking and functional ADU at a reasonable cost.

Everyone, not just homeowners who live on their property, should be able to add and ADU, because everyone needs housing. The right to add an ADU should be provided on all residential lots in the city. Everyone can help address our housing crisis, and we should not discriminate against poorer neighborhoods where there are lower rates of home ownership.

I support the changes recommended by the City in Phase One of the 1-4 unit infill study, but they are not enough. Saint Paul now has the largest housing crisis in the country, and it is time for bold and urgent action. I urge you to pursue ambitious changes to the Zoning Code in Phase Two in 2022, such as legalizing Missing Middle Housing throughout the city.

Beyond that we should recognize limits on housing density serve no justifiable public policy and should be scrapped whenever possible.

Rick Varco  
2265 Yougman Ave #208  
St. Paul MN 55116

Summit Hill Association District 16  
Zoning and Land Use Committee

CITY OF ST PAUL  
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

October 18<sup>th</sup>, 2021

RE: Public Comments on 1-4 Unit Housing Study, Phase 1.

Dear Planning Department Staff:

The Zoning and Land Use Committee of the Summit Hill Association offers the following comments on the 1-4 Unit Housing Study, Phase 1. We discussed the proposed changes at working meetings during September, but given the timing of the public comment and other board obligations (including our annual meeting), the full board was not able to vote on our recommendations. We are having a rotating substitute chair among committee members while our chairperson is on paternity leave.

We support the stated goals of the first phase of 1-4 Unit Infill Housing Zoning: “to reduce barriers to **neighborhood-scale residential** development.”

Neighborhood-scale development has been called “Missing Middle”—defined as “a range of house-scale buildings with multiple units—compatible in scale and form with detached single-family homes—located in a walkable neighborhood” (MissingMiddleHousing.com). Summit Hill is fortunate to have a wide range of this type of “middle” housing. Missing Middle is “missing” because many zoning codes, including ours, have created barriers to this scale of housing. In Summit Hill, like other historic St Paul neighborhoods, much of this mid-scale housing was built before the 1920s, and remarkably few examples have been built since the introduction of the current zoning code in 1975.

As we looked at the details of the proposed amendment, we looked around at the excellent examples of historic Missing Middle housing in our neighborhood. The two- and three-story brick apartments and condos both on and off Grand Avenue, the former carriage houses, the third floor apartments in large houses, the converted mansions, triplexes and duplexes, the townhouses and rowhouses. Our district’s Middle density housing supports walkability, and also creates economic diversity in housing options. We see it as one of the strengths of our district. Our goal was that these amendments would allow more housing to be developed that is similar in form and scale to our historic models.

We also appreciate the recognition of *barriers*. We used this lens to evaluate the proposed amendments as well. There are two types of barriers we wish to underscore. The first is the time and expense of extra processes, specifically variances and

conditional use permits. These types of bureaucratic processes are a significant barrier *for smaller scale projects*. Stated differently, a large scale project is less likely to see the costs or time to apply for a CUP or variance as meaningful hurdle. We appreciate that easing this is a stated goal of Phase 1. The flip side of this is the barrier of the zoning code itself—it is dense, complicated, and hard to read. This is a barrier to accessibility, and, once again, is a more significant barrier for a smaller scale project. This reduction of barriers is the second lens we used in evaluating the changes.

We, generally speaking, would like to see footnotes used more sparingly, made more clear, and limited to one topic per footnote. Additionally, we appreciated the bulleted sections in the proposed changes to footnote 65.501 (f) as a clear and more accessible manner to break down a complex topic. We have attempted to use this as a model in our suggestions. Footnote (h) is notably dense with several topics, and would greatly benefit from bulleted or hierarchical presentation.

Based on these two lenses, we offer the following suggestions for improvements to the amendments.

In places we have made specific recommendations for text amendments, in others we have simply pointed out areas that we think need deeper study. We offer these suggestions in the interest of improving accuracy and clarity, increasing zoning code comprehension and accessibility, and supporting Missing Middle development.

Sincerely,

Zoning and Land Use Committee  
Summit Hill Association

## Recommendations

---

### 66.233. - Minimum building width

**Support** as is, reduces the need for a variance for existing small lots; variances are an expense in time and money that can serve as a barrier to development, and that can increase building costs.

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

**Support** as is, reduces the need for a CUP for building more than one house on existing large lots; CUPs are an expense in time and money that can serve as a barrier to development, and that can increase building costs

### Sec. 65.121. – Dwelling, carriage house

**Suggestions** for better clarity:

Replace this section with a reference to ADUs. (See 65.913 for changes to ADUs)  
Rationale: carriage houses would now have a much higher barrier threshold (signatures from neighbors, historic use by domestic servants, etc.) but, assuming other proposed Phase 1 changes are adopted, would no longer have any increased benefit compared to an ADU (other than perhaps being able to choose to be an additional residential building or an ADU, but this is now allowed on large lots everywhere due to changes to 66.241) . This will simplify the zoning code to have one process.

### Sec. 65.121. – Dwelling, carriage house

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

*Standards and conditions in residential districts*

*Proposed  
amendment  
- § 65.121:*

See 65. § 65.913. - Accessory dwelling unit

## § 65.913. - Accessory dwelling unit: (a) *Minimum lot size* (e) *Unit Size*

**Support** elimination of minimum lot size requirement (5,000 SF) and simplification of building size limits.

**Support** the *title* given to each aspect—this makes the zoning code more readable and accessible.

### **(1) Suggestions** for better clarity:

The [hand out](#) for ADUs lists three distinct types of ADUs: Interior ADU, Attached ADU (via addition), or Detached ADU, complete with illustrations. The requirements for each type are slightly different. For increased clarity, we would recommend listing the three types here (in footnote (a) that is being eliminated), and, if at all possible, including the illustrations.

### **(2) Suggestions** to decrease a barrier and avoid unnecessary costs:

Simplify the size changes. The intent is to allow larger ADUs on larger lots. Computing the size of a house is professional skill. Retaining the 800 SF (former) limit by right, but allowing an increase for large lots, will decrease a barrier.

### **(3) Suggestions** to decrease a barrier:

Simpler computation for building size. Most people understand square footage and footprint<sup>1</sup>, as they are common terms in real estate. Neither of these is defined in Zoning code. Recommend use of *square footage* instead of the defined term *floor area*. The common conception of square footage is the defined term *maximum gross floor area*, which is intended only for the computation of parking, per the definition.

*Floor area* does not include attached parking –this is a problem for clarity and intent. (1) It adds unnecessary complexity to computing the application. Secondly, by excluding the parking area, it could make for too large (i.e. not subordinate) detached ADUs.

---

<sup>1</sup> *Floor area*. The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breezeways, and enclosed and unenclosed porches, elevator or stair bulkheads and accessory structures. *Floor area, gross* (for the purposes of computing parking). The sum of the horizontal areas of each floor of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The gross floor area measurement is exclusive of areas of unfinished basements, unfinished cellars, unfinished attics, attached garages, space used for off-street parking or loading, breezeways, enclosed and unenclosed porches and accessory structures.



(Footprint is more or less included in the definition of *lot coverage*<sup>2</sup>, and is used for accessory buildings.) Side note: Minneapolis recently changed their zoning code for accessory buildings from a lot coverage standard to an FAR. We recommend NOT using FAR for 1-4 Unit, due to its complexity. Additionally, in Minneapolis, the move to the FAR standard has created an unintended barrier to adding second floor space for home offices etc. that would have been allowed under the former combined lot coverage and height limit.

#### **(4) Suggestions** to decrease a barrier:

Formatting to separate distinct concepts

### **Compilation of Suggestions**

- (a) *Type of accessory units.* Accessory Dwelling Units may be Interior Attached, Attached via Addition, or Detached.
- (b) *Number of accessory units.* There shall be no more than one (1) accessory dwelling unit on a zoning lot.
- (c) 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.
- (d) *Unit occupancy.*  
...
- (e) *Unit size.* The square footage for accessory units shall be a maximum of eight hundred (800) square feet. The maximum square footage can be increased if the following conditions are met:
  - (1) For Detached Accessory Units: The ~~floor area~~ square footage can be increased up to 75% of the floor area of the principal dwelling, whichever is larger.
  - (2) For Interior Attached and Attached Accessory Units via Addition: The square footage can be increased to up to 1/3 of the square footage of the principal dwelling.
  - (3) For Interior Attached ADUs located in multi-story principal buildings ~~structures~~ built prior to the enactment of this section, the maximum floor area of ~~an~~ the interior accessory dwelling unit may be increased up to equal to that of the first floor, but shall be less than or equal to fifty (50) percent of the ~~floor area square footage~~ of the building structure.

---

<sup>2</sup> *Lot coverage.* The part or percent of the lot occupied by the above-grade portion of buildings

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

This is an area where we have more open-ended suggestions. Our committee had lengthy discussions on the front yard setbacks. In short: the goal to “move toward conformity”<sup>3</sup> could lead away from “missing middle” housing and is not a goal we would support. We very much support retaining “match existing” as a modification for setbacks. However, we also support the stated goal of reducing the complexity of computing it. We recognize that this is a difficult balance to strike.

Philosophical difference: in the rationale for this change, the desire to create conformity over time is antithetical to the purpose of this provision. We have a lot of examples of shortened front setbacks in Summit Hill, generally on “side lots” that front the side streets. These are, typically, either (a) smaller houses with smaller lots, or (b) multifamily housing, often on smaller lots. The shallower setbacks are (1) needed for these housing types and (2) an interesting and important aspect of our neighborhood. This is true in other older parts of St Paul as well. (W 7<sup>th</sup>, Ramsey Hill, etc.) In other areas of the city, for example the extra deep setbacks along Mississippi River Blvd the established setbacks are fundamentally important to the unique character of these neighborhoods.

We also have clarification questions: the proposed changes recognize the “setback requirement of the district”; how does that work when adjacent properties are zoned differently, with different setbacks?

Finally, requiring certificate of survey is an expense that can be prohibitive for small projects. We want to promote/allow small developments as well as large. Members of our committee felt that small projects are particularly beneficial and should be given special promotion on the zoning code. Small scale projects have lower construction costs per square foot (lowering housing costs), are more likely to be locally owned, and promote fine-grain urbanism (see [Marketreport Strong Towns Andrew Alexander Price](#) )

**Support** simplifying average front yard setback computations

**Suggestions** to avoid increased barrier:

Similarly, surveys are a professional service that represents a significant expense on a small project. For additions or a detached ADU that is sited far from setbacks, a professional survey may not be required. Survey should only “may be required.” The

---

<sup>3</sup> “Additionally, basing the setback for a new structure on the adjacent existing setback that is closest to the district standard setback can both simplify the calculation and gradually move the block face toward the district standard”

provision should continue to apply to new “structures”, and not just new buildings, so that additions are subject to the established setbacks as well.

**Suggestions** to avoid unintended consequences:

The intent is to simplifying average front yard setback computations, but an unintended consequences could be (1) more variances for small lots and (2) loss of neighborhood features and character.

**Clarification Question** to avoid unintended consequences:

Second, we have a clarification question regarding “setback requirement of the district” and how that works when adjacent properties are zoned differently, with different setbacks. This happens in areas adjacent to mixed use corridors. We would like the zoning code to support green space and transitions.

In summary, we think this provision needs further study and discussion.

(a) Established Front Setback: The front setback requirements will be based on the existing setbacks when the following two conditions exist:

- (1) Where at least fifty (50) percent of the front footage of any block is built up with principal ~~structures~~ residential buildings
- (2) The ~~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<sup>4</sup>,

When both of the above conditions are met, the minimum front yard setback for new ~~structures~~ buildings shall be the average setback of the existing two adjacent structures.

- (a) Where only one existing front yard adjoins the front yard of the lot, the minimum front yard setback for new buildings shall be determined based on the average of the adjacent building and the next closest front setback on the same block face.
- (b) If there is only one structure on the block face, the setback will be the midpoint of the adjacent structure and average for the district. In the case of more than one district, the more restrictive setback will be used for computing the average.

---

<sup>4</sup> As a committee we were not in agreement on the suggested wording. As a committee, we felt this needs greater study as to how to strike the right balance between clarity and the desired result of preserving established block faces.

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

**Support** the side yard reduction for one-family for RM2 and the reduction in distance between buildings from 12 feet to 10 feet to align with State building code.

**Several suggestions** for better clarity and to prevent unintended consequences.

The use of footnotes for important and even fundamental components of zoning code is not ideal. We, generally speaking, would like to see footnotes used more sparingly, made more clear, and limited to one topic per footnote. AS noted earlier, we appreciated the bulleted sections in the proposed changes to footnote (f) as a clear and accessible manner to break down a complex topic. We have attempted to use this as a model in our suggestions. Footnote (h) is notably dense with several topics, and would greatly benefit from bulleted, hierarchical presentation.

We have added topics (in italics) and numbering to help break up the several

(b) *Adjustments to Sideyard setbacks:*

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

*(2) One-family Dwelling Setbacks:* ~~For one-family dwellings in RM1 and RM2 districts, the minimum side yard setback shall be four (4) feet, for buildings of thirty-five (35) feet height or less.~~<sup>5</sup>

*(3) Two family Dwelling Setbacks* 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.

*(4) Common Wall Setbacks:* 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.

...

---

<sup>5</sup> It might be easier to revert to the previous standard, i.e. use "R4" for single family and "RT1" (duplex) standards for those building types in RM districts. It was more direct and therefore simpler. It also has the benefit that is those numbers are likely to be adjusted in Phase 2, it would then automatically adjust the footnote as well. The big differences: (1) RM2 and RM1 do not have the 35% lot coverage limit. Instead they use FAR, which is too abstract and complicated to be readily understood by a lay person. There is also a potential unintended consequence with height limits. The height limits are higher (50 ft RM2; and 40 feet RM1; vs 30 ft R4) (3) rear setbacks are less for RM2 (9 feet instead of 25). The way this is written, a 1-family or 2-family building could be build to RM3 standards – 50 feet tall and with 9 foot rear setbacks. Also could potentially allow several 50 feet tall one family houses with 4 foot setbacks, due to new changes. While this is, hopefully, an unlikely scenario, its possibility is not likely an intended consequence.

## Wade, Michael (CI-StPaul)

---

**From:** David Heberlein <davidheberlein@gmail.com>  
**Sent:** Tuesday, October 19, 2021 9:00 AM  
**To:** \*CI-StPaul\_1to4HousingStudy  
**Subject:** Re: 1-4 unit infill housing study

I'm sorry. I forgot to include the address.

David and Judy Heberlein  
78 10th Street East, Unit 2502  
St. Paul, MN 55101

On Tue, Oct 19, 2021 at 8:56 AM \*CI-StPaul\_1to4HousingStudy <[1to4HousingStudy@ci.stpaul.mn.us](mailto:1to4HousingStudy@ci.stpaul.mn.us)> wrote:

Hello,

My apologies. In order for your comment to be entered into the public record we'll need your home address. Thanks!

**Michael Wade**

City Planner | | Saint Paul Planning & Economic Development | | 651-266-8703

---

**From:** \*CI-StPaul\_1to4HousingStudy  
**Sent:** Monday, October 18, 2021 1:53 PM  
**To:** 'David Heberlein' <[davidheberlein@gmail.com](mailto:davidheberlein@gmail.com)>  
**Subject:** RE: 1-4 unit infill housing study

Hello,

Thank you for your contribution to the public record! Your email will be forwarded to the Planning Commission as they consider the proposed Phase 1 amendments and public comment.

Best,

**Michael Wade**

City Planner

Pronouns: he/him/his

Department of Planning and Economic Development (PED)

1400 City Hall Annex, 25 W 4<sup>th</sup> Street

Saint Paul, MN 55102

P: 651-266-8703

[Michael.Wade@stpaul.gov](mailto:Michael.Wade@stpaul.gov)

[www.StPaul.gov](http://www.StPaul.gov)



**SAINT PAUL**  
**MINNESOTA**

---

**From:** David Heberlein <[davidheberlein@gmail.com](mailto:davidheberlein@gmail.com)>

**Sent:** Monday, October 18, 2021 1:32 PM

**To:** \*CI-StPaul\_1to4HousingStudy <[1to4HousingStudy@ci.stpaul.mn.us](mailto:1to4HousingStudy@ci.stpaul.mn.us)>

**Subject:** 1-4 unit infill housing study

Hi,

We are residents of St. Paul. Since only 48% of the city's land area can be used for duplex, triplex and fourplex, we believe allowing additional units of this type AND Accessory Dwelling Units (ADU) is a simple way of supplying more housing options to current and future residents.

Please stop studying and start acting! This is a dire crisis for our city. We hope you put your words into actions ASAP.

Thanks for listening. Good luck.

Sincerely,

Judy and David Heberlein

**From:** [Jessa Anderson-Reitz](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** Zoning Comments  
**Date:** Monday, October 18, 2021 3:17:16 PM

---

Hello,

My name is Jessa Anderson-Reitz and I live at 1423 Eleanor Avenue, Saint Paul, MN 55116.

I support the Zoning Code amendments that the Saint Paul City staff have recommended for Phase One of the 1-4 unit infill study. They will make it modestly easier to construct more housing throughout the city.

However, the changes outlined in the amendments are low-hanging fruit, and they do not go far enough. Saint Paul has a severe housing crisis, and it's time for bigger, bolder solutions, such as to:

Eliminate the owner occupancy requirements for ADUs, end single family zoning and legalize Missing Middle Housing throughout the city, and institute an inclusionary zoning ordinance

Thank you for your time and attention.

Sincerely,  
Jessa Anderson-Reitz



**From:** [Kimberly S](#)  
**To:** [\\*CI-StPaul\\_1to4HousingStudy](#)  
**Subject:** A comment from the public!  
**Date:** Monday, October 18, 2021 12:40:22 PM

---

Hello St Paul Planning Commission,

This email is my comment to the Housing Study – Phase 1 portion of the 10/15/2021 Planning Commission meeting I attended virtually. I did not get an opportunity to raise my hand and comment, so I wanted to provide written comments. They are:

1. I support **eliminating the owner-occupy requirement** regarding ADUs.
2. In. The future, where would I find the link/email address to send email comments – I had to do a lot of searching to find where to send this comment before 4:30 pm today. Hopefully you get this!!

Thank you for your time on the commission!  
Kimberly

Kimberly Sannes PE

290 Dayton Ave

St Paul, MN 55102

218.260.9017

[kimmymailbox@gmail.com](mailto:kimmymailbox@gmail.com)



---

## MEMORANDUM

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

TO: Saint Paul Planning Commission

FROM: Comprehensive and Neighborhood Planning Committee

DATE: September 3, 2021

---

### SUMMARY

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

---

1. Study Objectives
2. Background
3. Analysis
  - Arrangement and Dimensions of Principal Buildings
  - Arrangement and Dimensions of Accessory Dwelling Units and Accessory Buildings
  - Duplex and Triplex Conversion Guidelines and other amendments
4. Committee Recommendation
5. Appendices
  - Appendix A: Proposed text amendments
  - Appendix B: Duplex and Triplex Conversion Guidelines



## 1. Study Objectives

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

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

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

## 2. Background

### City Council Resolution 18-1204

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

### Saint Paul 2040 Comprehensive Plan

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



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

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

### Other Context

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

### 3. Analysis

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



---

## Arrangement and Dimensions of Principal Buildings

i. § 66.233. - Minimum building width

*Suggested action:* Delete the minimum building width.

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

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

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



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

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

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

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

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



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

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

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

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

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

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

---

<sup>1</sup> United States, Congress, Office of Policy Development and Research, and Casey J. Dawkins. *Regulatory Barriers to Manufactured Housing Placement in Urban Communities*, 2011.  
[www.huduser.gov/portal/publications/mfghsg\\_hud\\_2011.pdf](http://www.huduser.gov/portal/publications/mfghsg_hud_2011.pdf).



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

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

*Proposed  
amendment:*

~~Sec. 66.233 - Minimum building width~~

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

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

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

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

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

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





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

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

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

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



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

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

*Proposed  
amendment -  
§ 66.241:*

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

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

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

*Proposed  
amendment -  
§ 65.121:*

Sec. 65.121. – Dwelling, carriage house

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

*Development standards:*

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

*Standards and conditions in residential districts:*

...



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

*Proposed amendment - § 65.161:* (e) ~~A building Property~~ containing one (1) or more sober house units shall be a minimum distance of three hundred thirty (330) feet from any other ~~building property~~ containing a sober house.

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

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

*Existing text:*

(a) R4 one-family district dimensional standards shall apply when one-family dwellings are erected in RT1-RT2 residential districts. RT1 two-family district dimensional standards shall apply when two-family dwellings are erected in the RT2 residential district.

(h) Side yards are required only for dwelling units on the ends of townhouse structures. When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal buildings. For two-family and multifamily dwellings in RM1 and RM2 districts on lots of sixty (60) feet width or narrower, the minimum side yard setback is reduced to six (6) feet for buildings of thirty-five (35) feet height or less. The side yard setback requirement from interior lot lines may be reduced or waived when an easement or common wall agreement, certified by the city building official for conformance with the state building code, is recorded on the deeds of the adjoining parcels.

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



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

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

*Proposed amendment:* (h) Side yards are required only for dwelling units on the ends of townhouse structures. When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal buildings. For one-family dwellings in RM1 and RM2 districts, the minimum side yard setback shall be four (4) feet. For two-family and multifamily dwellings in RM1 and RM2 districts on lots of sixty (60) feet width or narrower, the minimum side yard setback is reduced to six (6) feet for buildings of thirty-five (35) feet height or less. The side yard setback requirement from interior lot lines may be reduced or waived when an easement or common wall agreement, certified by the city building official for conformance with the state building code, is recorded on the deeds of the adjoining parcels.

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

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

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

*Existing text (with recommended text addition from item iii. above):* (h) Side yards are required only for dwelling units on the ends of townhouse structures. When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal buildings. For one-family dwellings in RM1 and RM2 districts, the minimum side yard setback shall be four (4) feet. For two-family and multifamily dwellings in RM1 and RM2 districts on lots of sixty (60) feet width or narrower, the minimum side yard setback is reduced to six (6) feet for buildings of thirty-five (35) feet height or less. The side yard setback requirement



from interior lot lines may be reduced or waived when an easement or common wall agreement, certified by the city building official for conformance with the state building code, is recorded on the deeds of the adjoining parcels.

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

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

(h) Side yards are required only for dwelling units on the ends of townhouse structures. ~~When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal buildings.~~ For one-family dwellings in RM1 and RM2 districts, the minimum side yard setback shall be four (4) feet. For two-family and multifamily dwellings in RM1 and RM2 districts on lots of sixty (60) feet width or narrower, the minimum side yard setback is reduced to six (6) feet for buildings of thirty-five (35) feet height or less. The side yard setback requirement from interior lot lines may be reduced or waived when an easement or common wall agreement, certified by the city building official for conformance with the state building code, is recorded on the deeds of the adjoining parcels.

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

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



*Existing text -*  
§ 66.231:

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

*Existing text -*  
§ 66.331:

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

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

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



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

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

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

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



*Proposed  
amendment -  
§ 66.231:*

- (f) Where at least fifty (50) percent of the front footage of any block is built up with principal ~~structures~~ residential buildings and the front yard setbacks of existing buildings with front yards that adjoin the front yard of the lot are all greater or all less than the district standard setback requirement, the minimum front yard setback for new ~~buildings~~ structures shall be the same as the adjoining front yard setback that is closest to the district standard setback requirement, except where only one existing front yard adjoins the front yard of the lot, the minimum front yard setback for new structures shall be the midpoint between the district standard setback requirement and the adjoining front yard setback. The property owner is responsible for reporting the relevant adjacent existing front setback to zoning staff on a registered land survey. average setback of the existing structures, or if the block average is more than the minimum required front setback listed in the dimensional standard table, it shall be the setback requirement in the district plus half the amount the average setback is greater than the setback requirement in the table. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula.

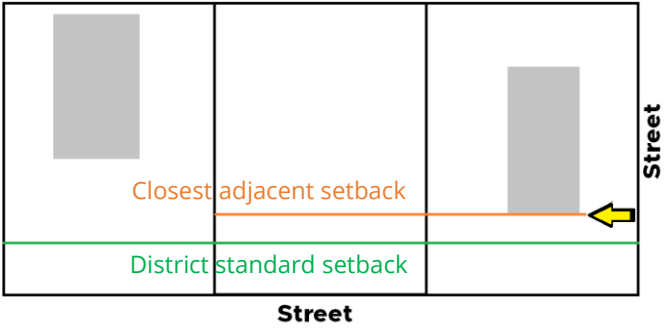
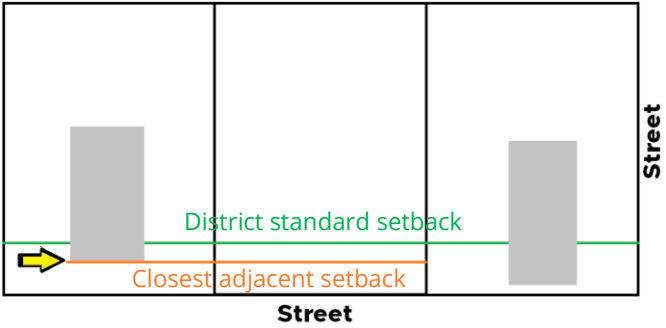
*Proposed  
amendment -  
§ 66.331:*

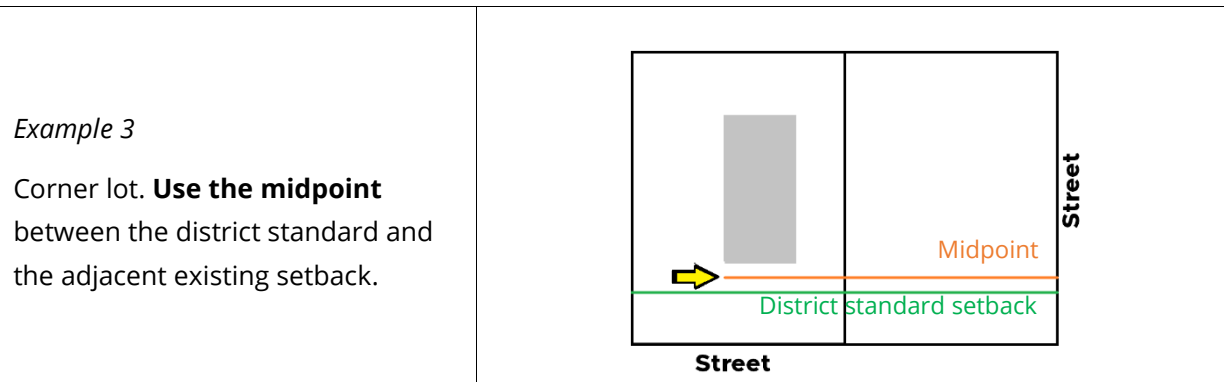
- (i) Where at least fifty (50) percent of the front footage of any block is built up with principal ~~structures~~ residential buildings and the front yard setbacks of existing buildings with front yards that adjoin the front yard of the lot are all greater or all less than the district standard setback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





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

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



### Arrangement and Dimensions of Accessory Dwelling Units and Accessory Buildings

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

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

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

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

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

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



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

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

*Proposed  
amendment:*

§ 65.913. - Accessory dwelling unit

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

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

*Suggested action:*

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

*Existing text:*

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



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

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

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

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

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

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



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

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

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

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

*Proposed  
amendment:*

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



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

iii. § 65.501. - Accessory buildings and uses

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

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

63.501(f)

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

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



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

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

*Proposed  
amendment:*

§ 65.501. – Accessory buildings and uses (f)

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

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

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

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

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



---

## Duplex and Triplex Conversion Guidelines and other amendments

### i. Duplex and Triplex Guidelines

*Suggested action:* Discontinue the Duplex and Triplex Conversion Guidelines.

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

### **Background**

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

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

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

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





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

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

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

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

This is the form of Guidelines in use today.

### **Elements of the Guidelines**

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



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

## Discussion

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

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



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

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

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

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

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

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

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

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

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



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

#### **4. Committee Recommendation**

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

#### **5. Appendices**

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

## **DUPLEX CONVERSION GUIDELINES FOR ZONING CASES**

Approved by the Board of Zoning Appeals June 30, 2009  
Approved by the Planning Commission August 21, 2009 (09-52)

### **1. Application Requirements.**

**Plans.** In addition to the general application requirements of Zoning Code §§ 61.301, 61.302, and 61.801(b) (for rezonings), applications shall include a site plan showing total lot area and proposed off street parking (improved with a durable, permanent, dustless surface). In calculating the floor area of habitable rooms, only those portions of the floor area of a room having a clear ceiling height in excess of five (5) feet may be included. At least half of the floor area of any habitable room shall have a clear ceiling height of seven (7) feet or more. If exterior changes are proposed, exterior changes shall be consistent with the General Design Standards in Zoning Code § 63.110. All plans and drawings must show dimensions or be drawn to scale.

**Economic Feasibility Analysis.** An economic analysis worksheet provided by the City shall be completed and submitted with the application.

**MLS Listing from Most Recent Sale.** A copy of the MLS listing from the most recent sale shall be submitted with the application.

### **2. Applications for *variances* in RT1 or higher residential zones.**

For proposed conversions of existing single-family structures to duplexes, staff will recommend denial unless, in addition to the required findings for variances contained in Zoning Code § 61.600, the following guidelines are met:

- A. Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.
- B. Gross living area, after completion of duplex conversion, of at least 1500 square feet. Neither unit shall be smaller than 500 square feet.
- C. Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.
- D. All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)
- E. For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.

**3. Applications for *establishment of legal nonconforming use* or *reestablishment of legal nonconforming use*.**

For residential uses in residential districts, staff will recommend denial unless the following guidelines are met:

- A. All required findings for nonconforming use permits in Zoning Code § 62.109(a) *Establishment of legal nonconforming use* or (e) *Reestablishment of nonconforming use* are met.
- B. That guidelines A - E in section 2 above are met.

**4. Applications to *rezone single parcels to RT1 to provide for conversion to a duplex*.**

Staff will assess the on-street parking conditions in the area as well as review the application against the following guidelines. Staff will recommend denial unless these guidelines are met:

- A. Lot size of at least 6000 square feet with a lot width or front footage of 50 feet.
- B. Gross living area after completion of the conversion of at least 1500 square feet for the two units. Neither unit shall be smaller than 500 square feet.
- C. Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.
- D. The proposed duplex structure is located in a mixed density neighborhood, not in a homogeneous single-family area.
- E. Notwithstanding any other law to the contrary, for the purpose of protecting the welfare and safety of the occupants of any structure that was converted without building permits prior to the application for rezoning, a code compliance inspection shall be conducted, and the necessary permits obtained to bring the entire structure up to building and fire code standards; or the property owner must make the necessary improvements to bring the entire structure into building and fire code compliance prior to registration of the structure as a duplex.
- F. The lot and surrounding area have not been previously rezoned as part of a community-wide plan and zoning study (district plan or small area plan).

## **TRIPLEX CONVERSION GUIDELINES FOR ZONING CASES**

Approved by the Board of Zoning Appeals June 30, 2009  
Approved by the Planning Commission August 21, 2009 (09-52)

### **1. Application Requirements.**

**Plans.** In addition to the general application requirements of Zoning Code §§ 61.301, 61.302, and 61.801(b) (for rezonings), applications shall include a site plan showing total lot area and proposed off street parking (improved with a durable, permanent, dustless surface). In calculating the floor area of habitable rooms, only those portions of the floor area of a room having a clear ceiling height in excess of five (5) feet may be included. At least half of the floor area of any habitable room shall have a clear ceiling height of seven (7) feet or more. If exterior changes are proposed, exterior changes shall be consistent with the General Design Standards in Zoning Code § 63.110. All plans and drawings must show dimensions or be drawn to scale.

**Economic Feasibility Analysis.** An economic analysis worksheet provided by the City shall be completed and submitted with the application.

**MLS Listing from Most Recent Sale.** A copy of the MLS listing from the most recent sale shall be submitted with the application.

### **2. Applications for *variances* in RT2 or higher residential zones.**

For proposed conversions of existing single-family and duplex structures to triplexes, staff will recommend denial unless, in addition to the required findings for variances contained in Zoning Code § 61.600, the following guidelines are met:

- A. Lot size of at least 6000 square feet with a lot width or front footage of 50 feet.
- B. Gross living area, after completion of duplex conversion, of at least 2100 square feet. No unit shall be smaller than 500 square feet.
- C. Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum.
- D. All remodeling work for the triplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)
- E. For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a triplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.

**3. Applications for *establishment of legal nonconforming use* or *reestablishment of legal nonconforming use*.**

For residential uses in residential districts, staff will recommend denial unless the following guidelines are met:

- A. All required findings for nonconforming use permits in Zoning Code § 62.109(a) *Establishment of legal nonconforming use* or (e) *Reestablishment of nonconforming use* are met.
- B. That guidelines A - E in section 2 above are met.

**4. Applications to *rezone* single parcels to RT2 or higher to provide for conversion to a triplex.**

Staff will assess the on-street parking conditions in the area as well as review the application against the following guidelines. Staff will recommend denial unless these guidelines are met:

- A. Lot size of at least 9000 square feet.
- B. Gross living area after completion of the conversion of at least 2100 square feet for the three units. No unit shall be smaller than 500 square feet.
- C. Four off-street parking spaces (non-stacked) are preferred; three spaces are a required minimum.
- D. The property is located in a mixed density or mixed use neighborhood.
- E. The units must be inspected by the Fire Marshal's Office as part of the Certificate of Occupancy program required for all residential structures with three or more units. The entire structure must meet building and fire code standards; or the property owner must obtain the necessary permits for the necessary improvements to bring the entire structure into building and fire code compliance.
- F. The lot and surrounding area have not been previously rezoned as part of a community-wide plan and zoning study (district plan or small area plan).