
..Title

Amending the Zoning Map and specific sections of the Legislative Code pertaining to zoning regulations to promote the production of 1-6 unit residential housing options as recommended in Phase 2 of the 1-4 Unit Housing Study and amending additional Legislative Code sections that regulate those aspects of property maintenance associated with 1-6 unit housing.

..Body

STATEMENT OF FINDINGS BY THE CITY COUNCIL

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, 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, on April 2, 2021, the Planning Commission passed Resolution 21-20 that initiated a zoning study to consider amendments to the Zoning Code pertaining one-family, two-family, and townhouse residential zoning districts and accessory dwelling units, cluster developments, and other related regulations contained in the Zoning Code as well as targeted rezonings based on local housing and other market dynamics; and

WHEREAS, Metropolitan Council forecasts the city's population growing by 12,700 households by 2040, 21.6% of renter households are cost-burdened by paying more than 30% of monthly income for housing, and an additional 22.8% of renter households are considered severely cost-burdened by paying more than 50% of monthly income to housing; and

WHEREAS, the 2040 Comprehensive Plan builds on previous comprehensive plans, including the 2030 Comprehensive Plan that supported additional housing density including smaller multi-family housing compatible with existing established neighborhoods, medium-density multi-family housing along residential corridors, and more intensive housing that supports transit along mixed-use corridors; and

WHEREAS, the 2040 Comprehensive Plan, in Land Use policies LU-1, LU-7, LU-33, LU-34, directs City staff to "encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity"; "use land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities"; "promote amenities that support those who live and work in Neighborhood Nodes, including...a range of housing choices..."; and to "provide for medium-density housing

that diversifies housing options, such as townhouses, courtyard apartments and smaller multi-family developments, compatible with the general scale of Urban Neighborhoods”; and

WHEREAS, the 2040 Comprehensive Plan, in Housing policy H-16, H-46, and H-48, directs City staff to “increase housing choice across the city to support economically diverse neighborhoods by pursuing policies and practices that maximize housing and locational choices for residents of all income levels”; “support the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods”; and 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

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, the Climate Action and Resilience Plan sets the goal of carbon neutrality by 2050 and to reduce emissions 50% by 2030, including transportation emissions which account for 31% of all city emissions, and in Key Initiative TM-8, calls to “increase the number of communities that are mixed-use and higher-density” and staff and best practice research finds that potential increased transportation emissions can be mitigated by increasing the financial viability of more frequent transit service and other less carbon-intensive forms of transportation given the higher number of potential households that could live in neighborhood-scale housing and result in greater demand for such modes; and

WHEREAS, potential local and regional impacts of increased neighborhood-scale housing development such as changes to stormwater runoff and stormwater and sanitary conveyance infrastructure and urban tree canopy were considered and balanced against the city and region’s pressing housing needs based in part on the Metropolitan Council’s population growth projections and as shaped by its regional policy guidance, and that, development techniques, such as the use of permeable paving systems or installation of rain gardens, similar green infrastructure methods, preserving trees, and replacing turf grass with native vegetation, could mitigate the impacts of any increased impervious surfaces, and that City and watershed district permitting requirements related to stormwater and sanitary conveyance will apply, and that City staff will monitor any additional resulting stormwater runoff and develop mitigation plans if needed; and

WHEREAS, potential local and regional impacts of increased neighborhood-scale housing development such as impacts to wildlife were considered and balanced against the city and region’s pressing housing needs based in part on Metropolitan Council’s population growth projections and that potential impacts can be mitigated by supporting local, incremental, and minor densification of existing developed urban lots that are largely not significant sites of wildlife habitat; and

WHEREAS, environmental review is required for any housing development under 24 CFR Part 58 if the same housing development is funded in part with federal funds from the US Department of Housing and Urban Development, and required if the project reaches certain mandatory thresholds for review under the Minnesota Minn. Rules 4410; 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 Housing 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 as needed to achieve the objectives of the study; and

WHEREAS, on April 14, 2023, the Saint Paul Planning Commission held a duly noticed public hearing on the 1-4 Unit Housing Study, and held the public record open for written comments until April 17, 2023; and

WHEREAS, in a memo dated July 28, 2023, the Comprehensive and Neighborhood Planning Committee submitted a report to the Planning Commission in which recommendations and a rationale for amending specific sections of the Legislative Code were set forth; and

WHEREAS, on August 18, 2023, the Planning Commission, based upon the Comprehensive and Neighborhood Planning Committee's report and all the testimony received from the April 14, 2023, public hearing, duly submitted its recommendation to amend certain sections of the Legislative Code and the rezoning of certain properties as shown on the maps incorporated into the 1-4 Unit Housing Study to the Mayor and City Council for its review and consideration;

WHEREAS, a public hearing before the City Council having been duly conducted at which all interested parties were given an opportunity to be heard, and having considered all the testimony and recommendations concerning the proposed zoning text amendments and rezonings, including the Planning Commission's minutes and the Comprehensive and Neighborhood Planning Committee's memorandum and their rationale for the recommended Legislative Code amendments which the Council finds persuasive and thus hereby incorporates by reference into this ordinance for the specific purpose of articulating the Council's reasons and rationale for enacting the recommended amendments as set forth below in Sections 1-14, in addition to any other reasons the Council might articulate on the record in adopting these amendments the Council, having considered all the facts and recommendations concerning the proposed zoning amendments and pursuant to the authority granted by and in accordance with the procedures set forth in Minnesota Statutes Sec. 462.357 states as follows:

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN

SECTION 1

Legislative Code Chapter 60. Zoning Code—General Provisions and Definitions; Zoning Districts and Maps Generally is hereby amended as follows:

ARTICLE II. 60.200. GENERAL DEFINITIONS

Sec. 60.213. L.

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

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

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

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

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

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Sec. 60.226. Y.

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

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

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

- (1) *Required front yard:* The portion of the yard extending the full width of the front lot line, the depth of which is the minimum front yard setback.

(2) Required rear yard: The portion of the yard extending the full width of the rear lot line, the depth of which is the minimum rear yard setback.

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

ARTICLE III. 60.300. ZONING DISTRICTS AND MAPS GENERALLY

Sec. 60.301. Zoning districts established.

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

(a) Residential districts.

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

~~R1 one-family H1 residential district~~

~~R2 one-family H2 residential district~~

~~R3 one-family residential district~~

~~R4 one-family residential district~~

~~RT1 two-family residential district~~

~~RT2 townhouse residential district~~

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SECTION 2

Legislative Code Chapter 61. ARTICLE IV. – 61.400. Site Plan Review is hereby amended as follows:

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

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

(1) Any development of one- and two-family ~~residences~~ dwellings ~~which together that exceeds~~ two (2) acres (87,120 square feet) in total lot area.

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

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

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(8) Any development on a slope of greater than twelve (12) percent ~~or greater.~~

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

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SECTION 3

Legislative Code Chapter 62. Zoning Code—Nonconforming Lots, Uses and Structures is hereby amended as follows:

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

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

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

SECTION 4

Legislative Code Chapter 63. Zoning Code—Regulations of General Applicability is hereby amended as follows:

ARTICLE I. 63.100. GENERAL PROVISIONS AND PERFORMANCE STANDARDS

Sec. 63.101. Lots adjoining alleys.

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

Sec. 63.105. Porches and decks.

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

Sec. 63.106. Projections into yards.

- (a) Attached vestibules, enclosed entrances and greenhouses may project up to twenty (20) square feet into a required front or rear yard and ~~shall be included as part of the principal structure for~~ are subject to lot coverage purposes requirements.
- (b) Ramps for the handicapped ~~are exempted and~~ may project into required yards and are not subject to lot coverage requirements.
- (c) Chimneys and fireplaces may project up to one (1) foot into a required yard and are subject to lot coverage requirements.
- (d) Except as otherwise provided for in section 63.501500(b), overhangs, decorative details and bay windows may project into a required yard sixteen (16) inches plus two (2) inches

for each foot of width of the required side yard and are not subject to lot coverage requirements.

- (e) Air conditioning condensers may be permitted in required side and rear yards and nonrequired front yards and are not subject to lot coverage requirements.
- (f) Attached uncovered balconies located on the second story and above may project up to five (5) feet into a required yard along a street or an alley.

Sec. 63.107. Reserved Multiple dwelling side yard.

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

Sec. 63.110. Building design standards.

- (a) A primary entrance of principal structures ~~shall~~ must be located within the front third of the structure; be delineated with elements such as porches, roof overhangs, pent roofs, hooded front doors, recessed entries, landscaping, or similar design features; and have a direct pedestrian connection to the street.
- (b) ~~In addition, for one-family, and two-family, and multiple-family dwellings with up to six (6) units are also subject to the following standards:~~
 - (1) A primary entrance ~~shall~~ must either: 1) face an improved abutting street; or 2) be located off of a front porch, foyer, courtyard, or similar architectural feature, and set back at least eight (8) feet from the side lot line.
 - (2) Remodeling, additions or other alterations to the front façade of existing buildings must be done in a manner that is compatible with the original scale, massing, detailing and materials of the original building.
 - (3) Front yard areas located between the principal building and the street must be landscaped.
- (bc) For principal buildings, except industrial, production, processing, storage, public service and utility buildings, above grade window and door openings ~~shall~~ must comprise at least fifteen (15) percent of the total area of exterior walls facing a public street or sidewalk. In addition, for new principal residential buildings, above grade window and door openings ~~shall~~ must comprise at least ten (10) percent of the total area of all exterior walls. For principal residential building additions of more than one hundred twenty (120) square feet in floor area, above grade window and door openings ~~shall~~ must comprise at least ten (10) percent of the wall area, or above grade window and door openings ~~shall~~ must comprise at least ten (10) percent of the total area of all exterior walls of the building. Windows in garage doors ~~shall~~ must count as openings; the area of garage doors themselves ~~shall~~ do not count as openings. For residential buildings, windows ~~shall~~ must be clear or translucent. For nonresidential buildings, windows may be clear, translucent, or opaque.
- (ed) In pedestrian-oriented commercial districts characterized by storefront commercial buildings built up to the public sidewalk, new principal structures ~~shall~~ must have a maximum setback of fifteen (15) feet from a commercial front lot line. At intersections, buildings ~~shall~~ must "hold the corner," that is, have street facades within fifteen (15) feet of the lot line along both streets, or the site plan ~~shall~~ must have vertical structural elements that "hold the corner." A primary entrance ~~shall~~ must face a primary abutting public street.

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- (de) Building materials and architectural treatments used on sides of buildings facing an abutting public street should be similar to those used on principal facades.
 - (ef) The visual impact of rooftop equipment shall ~~shall~~ must be reduced through such means as location, screening, or integration into the roof design. Screening shall ~~shall~~ must be of durable, permanent materials that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall ~~shall~~ must not be located on primary building facades.
 - (fg) For property with local heritage preservation site or district designation, compliance with applicable historic guidelines shall ~~be~~ is sufficient to meet the requirements of this section.

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

Sec. 63.303. Parking location.

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

Sec. 63.308. Maneuvering lanes and driveways.

- (a) Off-street parking facility access. Access to ~~all~~ off-street parking facilities ~~for more than four (4) dwelling units on a lot must~~ shall be provided by a maneuvering lane so that any vehicle leaving or entering the facility from or onto a public street shall ~~be~~ is traveling forward, ~~except in the following circumstances: Except where it is determined impractical, unreasonable, or harmful to the public safety by the zoning administrator, driveways accessing off-street parking facilities should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial and collector streets.~~
 - ~~(1) Parking for one- and two-family structures;~~
 - ~~(2) Stacked parking.~~ Stacked parking shall ~~be~~ is allowed in any off-street parking facility ~~whenever an attendant is present. and~~ space for any maneuvering of vehicles must be provided in the ~~attended~~ parking facility. An attendant must be present for parking facilities with stacked parking for more than six (6) principal dwellings.
- (b) Driveways. ~~For one-family lots with up to four (4) total principal dwelling units through four-family dwellings and townhouses,~~ driveways that access a public street in front yards shall ~~must~~ be no more than twelve (12) feet in width, except that a driveway may be up to four (4) feet wider than the garage door within ~~(thirty) (30)~~ feet of the garage door. For dwellings in which any portion of the building is more than one-hundred fifty (150) feet from the street, a driveway up to twenty (20) feet in width is permitted to meet fire access requirements. Driveways for one-family, ~~and two-family, and multiple-family dwellings on zoning lots with up to four (4) total principal dwelling units~~ must ~~shall~~ be a minimum of eight (8) feet in width or driveway pavement may be limited to wheel tracks at least two (2) feet wide.
- (c) Alley access and maneuvering. Off-street parking facilities may be permitted access to an alley except where it is determined in the review of a site plan by the zoning administrator

that allowance of alley access would create or aggravate an unsafe condition or is impractical, unreasonable, harmful to the public safety, or where maintenance of alley surfaces and/or where erosion control and protection of water quality may be impaired.

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

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

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

Sec. 63.310. Entrances and exits.

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

- (a) The number of curb cuts must be minimized, and shared curb cuts for adjacent parking areas on adjacent lots are encouraged, except where it is determined in the review of a site plan that consolidating curb cuts would create or aggravate an unsafe condition.
- (~~a~~b) Entrances and exits to and from all parking facilities for commercial or industrial uses located in commercial, industrial, or traditional neighborhood districts ~~shall~~ must be at least six (6) feet from any adjoining property in RL-RT2H2 zoning districts.
- (~~b~~c) Entrances and exits to and from a parking facility ~~shall~~ must be at least thirty (30) feet from the point of intersection of curb lines of two (2) or more intersecting streets.
- (~~c~~d) Entrances and exits to and from a parking facility ~~shall~~ must be at least five (5) feet from existing or planned boulevard trees.

Sec. 63.316. Paving.

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

The total amount of paving for surface parking spaces and driveways for one-family, ~~and~~ two-family, ~~and~~ multi-family dwellings on a lot with up to six (6) principal dwelling units, ~~shall~~ must not exceed ten (10) percent of the lot area for lots adjoining a dedicated public alley and corner lots and fifteen (15) percent of the lot area ~~or one thousand (1,000) square feet, whichever is less~~ for all other lots.

ARTICLE V. 63.500. ACCESSORY BUILDINGS

Sec. 63.501. Accessory buildings and uses.

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

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

make this impractical, unreasonable, or harmful to the public safety; or where maintenance of alley surfaces, erosion control, or protection of water quality may be impaired. On corner lots, access to parking may be from the side street.

- (2) Off-street parking spaces shall must not be located within the front yard.
- ~~(3) Garages shall be set back from the front lot line at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure).~~
- (43) Except in the rear yard, garage doors that face a public street shall must be no more than nine (9) feet in height and shall must not exceed sixty (60) percent of the width of the principal structure facing the same street.
- (54) Passenger vehicles may be parked on an approved driveway in front or side yards provided the driveway leads to a legal parking space.

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

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

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

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

- ~~(1) Adequate supply of sunlight and air to adjacent property;~~
- ~~(2) Sufficient space for maintenance of the building from the same lot; and~~
- ~~(3) Prevention of damage to adjoining property by fire or runoff from roofs.~~

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

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

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

- ~~(fe) Accessory buildings oOn zoning lots containing one- and two-family dwellings are subject to the following standards: with up to four (4) principal dwelling units (except for cluster developments),~~
- ~~(1) Tthere shall be is a maximum of three (3) non-dwelling accessory buildings, the total of which may occupy a maximum of twelve hundred (1200) square feet of the lot.~~
- ~~(2) Accessory buildings may occupy a maximum of thirty-five (35) percent of the rear yard. Where the rear yard adjoins an alley, half the area of the adjoining alley may be included in calculating the area of the rear yard that may be occupied by accessory buildings.~~

SECTION 5

Legislative Code Chapter 64. – ARTICLE I. Purpose and Definitions is hereby amended as follows:

Sec. 64.120. R.

...

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

...

SECTION 6

Legislative Code Chapter 65. Zoning Code—Land Use Definitions and Development Standards is hereby amended as follows:

ARTICLE II. 65.100. RESIDENTIAL USES

Sec. 65.111. Dwelling, one-family.

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

Condition in H2 residential district:

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

...

Sec. 65.112. Dwelling, two-family.

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

Sec. 65.113. Dwelling, multiple-family.

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

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

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

Sec. 65.130. Cluster development.

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

~~Standards and conditions:~~

- ~~(a) Applications for cluster development shall include site plans, including landscaping and elevations and other information the planning commission may request.~~
- ~~(b) No unit shall intrude on the vertical airspace of any other unit.~~
- ~~(ca) Lot size. The parcel must have a minimum frontage of eighty (80) feet on an improved street and meet the lot area required per unit in the zoning district size of nine thousand six hundred (9,600) square feet and a maximum size of a one-half (1/2) acre, but parcels of record prior to August 1, 2023, that are larger than one-half (1/2) acre are permitted. Individual lots within a cluster development may have less than the required lot area for the zoning district provided such reductions are compensated for by an equivalent amount of property owned in common elsewhere in the cluster development. Lot area shall not include areas designated as public or private streets.~~
- ~~(cb) Zoning district standards. Buildings ~~Structures~~ must conform to the dimensional standards for minimum lot area per unit, minimum lot width, height, lot coverage, and setbacks for the zoning district. Required yards within a cluster development may be reduced or eliminated provided required yards are maintained along the periphery of the cluster development. In the RL-H2 districts, the maximum number of principal units per lot does not apply to cluster developments.~~
- ~~(c) Lot coverage. In the RL residential district, the total lot coverage of all buildings must not exceed forty-five (45) percent of the zoning lot. In the H1 residential district, the total lot coverage of all buildings must not exceed fifty (50) percent of the zoning lot. In the H2 residential district, total lot coverage of all buildings must not exceed fifty-five (55) percent of the zoning lot.~~
- ~~(d) Accessory buildings. No more than one (1) accessory dwelling unit is permitted per one-family dwelling in the cluster development. The accessory dwelling unit must meet standards (b) – (e) in section 65.913. The accessory unit does not count towards the minimum lot size per unit standard. Accessory buildings must conform to the standards in section 63.501, except (e).~~
- ~~(e) Principal buildings. Principal buildings must meet the following standards:~~
 - ~~(1) Each principal building must either have an entrance that abuts the common open space or must be directly connected to it by a pedestrian path.~~

-
- (2) Principal buildings within twenty (20) feet of a street property line may have their entrances facing the street and can connect to the common open space by the sidewalk in public rights-of-way that connects to the pedestrian path.
 - (3) Principal buildings not facing the common open space or the street must have their main entrances facing a pedestrian path that is directly connected to the common open space.
 - (4) The building design standards in section 63.110.
 - (f) Common open space. The cluster development must have a common open space for use by all residents. Common open spaces must meet the following standards:
 - (1) The common open space must be a single, contiguous area.
 - (2) The common open space must contain a minimum of one hundred fifty (150) square feet per principal unit within the cluster development. Accessory dwelling units are not subject to this requirement.
 - (3) The common open space must be a minimum of fifteen (15) feet wide at its narrowest dimension.
 - (4) The common open space must contain landscaping, lawn area, community garden, paved courtyard area, recreational amenities, or a mix of any of these, and may also include stormwater management infrastructure. Impervious elements of the common open space must not exceed seventy-five (75) percent of the total common area. Driveways and parking areas do not count as common open space.
 - (g) Pedestrian path. An accessible, hard-surfaced pedestrian path that is a minimum of four (4) feet wide must be provided that connects an entrance of each dwelling to the following:
 - (1) The common open space;
 - (2) Parking areas, if applicable;
 - (3) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks; and
 - (4) A community building, if applicable.
 - (h) Community building. A cluster development may include one community building, for the shared use of residents, that provides space for accessory uses such as a community meeting room, exercise room, day care, laundry facilities, non-commercial community kitchen, or eating area.
 - (i) Off-street parking. Off-street parking facilities for the cluster development must conform to the standards in section 63.300.
 - ~~(e) The design shall be compatible with the surrounding neighborhood.~~
 - (fj) Individual lots, buildings, street and parking areas shall must be designed and situated to minimize alteration of the natural features and topography.
 - (k) Conditional use permit. A minimum lot area per unit that is lower than that required by the zoning district may be permitted with a conditional use permit, subject to the following conditions:

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

Sec. 65.151. Adult care home.

...

Standards and conditions:

- (a) ~~In residential and T1 traditional neighborhood districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be is regulated as for multifamily uses.~~
- (b) In traditional neighborhood development districts, a facility located within a predominantly residential or mixed-use area ~~shall~~ must have direct access to a collector or higher classification street.
- (c) In traditional neighborhood development districts, the site ~~shall~~ must contain a minimum of fifty (50) square feet of outdoor community space per resident, consisting of seating areas, yards and/or gardens.
- (d) ~~In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2-RM1 RL-H2 residential, T1 traditional neighborhood and OS-B2 business districts, the facility shall must serve sixteen (16) or fewer facility residents.~~
- (e) In ~~residential~~ RM1-RM3 and T1 traditional neighborhood districts, a conditional use permit is required for facilities serving ~~seven (7) or more~~ than sixteen (16) facility residents.

Sec. 65.152. Community residential facility, licensed correctional.

...

Standards and conditions:

- (a) Preliminary licensing review by the state department of corrections.
- (b) The facility ~~shall~~ must be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than six (6) adult residents, except in B4-B5 business districts where it ~~shall~~ must be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.
- (c) The facility serves no more than sixteen (16) facility residents, except in B4-B5 business districts where it ~~shall~~ must serve no more than thirty-two (32) facility residents.
- (d) It ~~shall~~ must occupy the entire structure.

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

Sec. 65.153. Dormitory.

...

Standards and conditions:

- (a) In RL-H1 residential districts, the use must be on the campus. In H2-RM3 residential, T1 traditional neighborhood, and BC community business (converted) districts, a conditional use permit is required for off-campus dormitories.
- (b) The use must be within two hundred fifty (250) feet of the campus of the institution it serves, for a college, university, seminary or other such institution of higher learning as established in a conditional use permit. ~~In RL-R4 residential districts, the use shall be on the campus.~~

...

Sec. 65. 154. Emergency housing facility.

...

Standards and conditions:

- (a) In ~~RL-RT2~~H2 residential, OS office-service, B1 local business, IT transitional industrial, F1 Ford river residential, and F5-F6 Ford districts the use ~~shall~~ must be located on the same zoning lot as a religious institution.
- (b) In the I2 general industrial district, the use requires a conditional use permit. In RM1-RM3 residential, T1-T4 traditional neighborhood, BC-B5 business, I1 light industrial, and F2-F4 Ford districts, the use requires a conditional use permit if not located on the same zoning lot as a religious institution.
- (c) If not located on the same zoning lot as a religious institution, the use ~~shall be~~ is subject to standards and conditions (a)-(d) for supportive housing facility, section 65.162.

Sec. 65. 156. Fraternity, sorority.

...

Standards and conditions:

- (a) In RL-H1 residential districts, the use must be on the campus. In H2-RM3 residential, T1 traditional neighborhood, and BC community business (converted) districts, a conditional use permit is required for off-campus fraternities and sororities.
- (b) The use must be within two hundred fifty (250) feet of the campus boundary as established in the conditional use permit for the institution it serves. ~~In RL-R4 residential districts, the use shall be on the campus.~~

...

Sec. 65.160. Shelter for battered persons.

...

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

...

- (b) The facility ~~shall~~ must be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than six (6) adult residents: shelter for battered persons, supportive housing facility, licensed correctional community residential facility, emergency housing facility, or overnight shelter.
- (c) In RL-RT2H2 residential, traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility ~~shall~~ must serve sixteen (16) or fewer adult facility residents and minor children in their care.
- (d) The facility ~~shall~~ must not be located in a two-family or multifamily dwelling unless it occupies the entire structure.
- (e) ~~In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be is~~ regulated as for multifamily uses.

Sec. 65.161. Sober house.

...

Standards and conditions:

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

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

Sec. 65.162. Supportive housing facility.

...

Standards and conditions:

...

- (a) The facility ~~shall~~ must be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than six (6) adult residents, except in B4-B5 business districts where it ~~shall~~ must be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.
- (b) ~~In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2RL-H2 residential, T1 traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility shall~~ must serve sixteen (16) or fewer facility residents.
- (c) In ~~RM1-RM3~~ residential, T1 traditional neighborhood and F1 Ford districts, a conditional use permit is required for facilities serving ~~seven (7) or more than~~ sixteen (16) facility residents.
- (d) ~~In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be~~ is regulated as for multifamily uses

ARTICLE III. 65.200. CIVIC AND INSTITUTIONAL USES

Sec. 65.222. Day care.

...

Standards and conditions:

- (a) In ~~RL—R4H1~~ residential districts, a child care center shall be located in a nonresidential structure currently or formerly occupied by a church, community center, school or similar facility. In industrial districts, a child care center ~~shall~~ must be accessory to a principal use permitted in the district.

ARTICLE V. - 65.400. COMMERCIAL USES

Sec. 65.641. Bed and breakfast residence.

...

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

- (a) In residential districts, a conditional use permit is required for bed and breakfast residences with two (2) or more guest rooms, and for any bed and breakfast residence

located in a two-family dwelling. In ~~RL—R4 residential districts, a bed and breakfast residence may contain no more than one (1) guest room.~~

...

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

...

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

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

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

Sec. 65.645. Short term rental dwelling unit.

...

Standards and conditions:

- (a) In ~~RL—RT1H1~~ districts, there shall must be no more than one (1) short term rental dwelling unit on a zoning lot unless a duplex, triplex or fourplex is owner occupied and the owner is in residence during the rental period. In other districts, one (1) or up to fifty (50) percent of dwelling units on a zoning lot, to a maximum of four (4), may be short term rental dwelling units, except that an owner occupied duplex may have two (2) units, an owner-occupied triplex may have three (3) units, and an owner occupied fourplex may have four (4) units, provided in all these cases the owner is in residence during the stay and except that more than four (4) short term rental dwelling units may be permitted when a conditional use permit is obtained by the building owner for a specific number of short term rental dwelling units.

ARTICLE VII. 65.900. ACCESSORY USES

Sec. 65.913. Dwelling unit, accessory.

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

Standards and conditions:

- (a) *Number of accessory units.* There ~~shall~~ must be no more than ~~one (1)~~ two (2) accessory dwelling units for each one-family dwelling on a zoning lot. If there are two accessory dwelling units for a one-family dwelling, at least one must be detached from the one-family dwelling, except for development that retains at least fifty (50) percent of the floor area of an existing principal residential structure on the zoning lot. If the development retains at least fifty (50) percent of the floor area of an existing principal residential structure on the zoning lot, both accessory dwelling units may be attached.
- (b) Compliance with other city, local, regional, state and federal regulations. Pursuant to section 60.109 of the Zoning Code, all accessory dwelling units must comply with city, local, regional, state and federal regulations.
- (c) *Unit occupancy.* The ~~total~~ combined occupancy of the principal dwelling unit and accessory dwelling units ~~shall~~ must not exceed the number of occupants as specified in the definition of Household in section 60.209.
- (d) *Unit size.* The total floor area of ~~the~~ each accessory unit ~~shall~~ must not exceed eight hundred (800) square feet or 75% seventy-five (75) percent of the floor area of the principal dwelling unit, whichever is greater. ~~If the accessory unit is within the principal building, the principal building shall have a minimum floor area of one thousand (1,000) square feet. For multi-story principal buildings built prior to the enactment of this section, the maximum floor area of an accessory dwelling unit may be equal to that of the first floor, but shall be less than or equal to fifty (50) percent of the floor area of the building.~~
- (e) *Access and entrances.*
 - (1) A walkway ~~shall~~ must be provided from an abutting public street to the primary entrance of the accessory dwelling unit.
 - (2) Upper floor units within the principal structure ~~shall~~ must have interior stairway access to the primary entrance of the unit. Secondary stairways required for fire safety may be located on the exterior of the side or rear of the building, but ~~shall~~ are not ~~be~~ allowed on the front of the building.
 - (3) Exterior stairways ~~shall~~ must be built of durable materials that match the finish of the principal structure or accessory building to which they are attached. Raw or unfinished lumber ~~shall~~ is not ~~be~~ permitted.
- (f) *Ownership.* ~~The a~~ Accessory dwelling units ~~shall~~ must not be sold separately from the principal dwelling unit, and may not be a separate tax parcel.
- (g) *Height.* In RL-RM2 residential districts, the height of a detached accessory building containing accessory dwelling units must conform to section 63.501(d).

Legislative Code Chapter 66. Zoning Code—Zoning District Uses, Density and Dimensional Standards is hereby amended as follows:

ARTICLE II. 66.200. RESIDENTIAL DISTRICTS

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

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

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

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

Sec. 66.212. Intent, H1 residential district.

The H1 residential district provides for a variety of housing options along with civic and institutional uses, public services and utilities that serve residents in the district. The district allows for reuse and/or conversion of existing homes and infill development in existing neighborhoods, lots, and backyards, without having to demolish existing viable housing.

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

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

Sec. 66.213. Intent, H2 residential district.

The H2 residential district provides for a variety of housing options along with civic and institutional uses, public services and utilities that serve residents in the district. The district allows for reuse and/or conversion of existing homes and infill development in existing neighborhoods, lots, and backyards, without having to demolish existing viable housing. It is intended for use in Neighborhood Nodes and near transit routes along fixed rail and bus rapid transit corridors and high-frequency bus routes.

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

The RT2 ~~townhouse residential district~~ provides for two-, three-, and four-family and townhouse structures, along with civic and institutional uses, public services and utilities that

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

Sec. 66.221. Principal uses.

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

Table 66.221. Principal Uses in Residential Districts

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

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

Support services in housing for the elderly						P	P	(d), (s)
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P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.221, principal uses in residential districts:

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

Sec. 66.231. Density and dimensional standards table.

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

Table 66.231. Residential District Dimensional Standards

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

Zoning District	Lot Area Minimum (per principal unit)	Lot Width Minimum	Maximum Number of Principal Units Per Lot (f)	Building Height Maximum	Yard Setbacks Minimum (feet)			Maximum lot coverage for all buildings
	(sq. feet) (f)	(feet)		(feet)	Front	Side	Rear	(percent of the lot) (f)
RL large lot (l)	9,000 (a)	60	2	35	30 (d)	10 (e)	10	40%
H1 residential (l)	1,500 (a)	30	4 (b)	35	10 (d)	5 (e)	10	45%
H2 residential (l)	1,000 (a)	25	5 (b)	39 (c)	10 (d)	5 (e)	10	50%

Zoning District	Floor Area Ratio Width (FAR)	Building Height Maximum	Yard Setbacks Minimum (feet)		
	Maximum (eg)	(feet)	Front	Side	Rear
RM1 multiple-family (l)	0.6 FAR with surface parking	40 (ih)	25 10 (d) (f)	9 (he) (mk)	25 9

	1.0 FAR with structured parking				
RM2 multiple-family	1.5 FAR with surface parking 2.25 FAR with structured parking	50 (j) (mk)	25-10 (d) (f)	9 (he) (kj)	9 (kj)
RM3 multiple-family	1.5 FAR with surface parking 3.5 FAR with structured parking	no maximum	25-10 (d) (f)	9 (he) (kj)	9 (kj)

Notes to table 66.231, residential district dimensional standards:

- ~~(a) R4 one-family district dimensional standards shall apply when one-family dwellings are erected in RT1-RT2 residential districts. RT1 two-family district dimensional standards shall apply when two-family dwellings are erected in the RT2 residential district.~~
- ~~(b) A larger lot may be required depending on how much square footage is actually needed to properly site and install an individual sewage treatment system.~~
- ~~(c) Where over half of the lot has slopes of twelve (12) percent or greater, the minimum lot size shall be fifteen thousand (15,000) square feet. When determining lot size, the slope shall be that in existence prior to any grading or filling. Alterations shall not be allowed that will lower the slope from twelve (12) percent or greater to less than twelve (12) percent prior to the creation of new lots.~~
- ~~(da) If townhouses a two-family or multiple-family dwelling are is developed on parcels where only the land immediately beneath each dwelling unit constitutes an individually described lot and all other land required for yards, other open space, parking, and other necessary land as required by this code constitutes "common" properties, jointly owned by the owners of the described lots beneath each dwelling unit, the minimum size lot per unit shall be is applied to the entire parcel.~~
- (b) Up to two (2) additional dwelling units for the H1 residential district or one (1) additional dwelling unit for the H2 residential district and an additional five (5) percent lot coverage are permitted on the zoning lot through any combination of the following methods. These additional units are not subject to the minimum lot size per unit standard.
 - (1) Affordable rental units. Two additional dwelling units in H1 and one additional dwelling unit in H2 is permitted if twenty (20) percent of the total number of principal units on the zoning lot are leased at a rate at or below the sixty (60) percent of the area median income (AMI) rent limits as defined by the Multifamily Tax Subsidy Program published by Minnesota Housing and are affordable to and occupied by households earning up to sixty (60) percent of the area median income for at least ten (10) years. Each affordable unit must have at least the same floor area as another principal dwelling unit on the zoning lot. Prior to issuance of a building permit for the new building (or building expansion or conversion), demonstration of the commitment to affordable housing in accordance with this footnote must be provided as a deed restriction or other

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

<u>Number of total principal units on the zoning lot with a density bonus</u>	<u>Number of units required to be affordable at 60% of AMI on the zoning lot</u>
<u>2</u>	<u>1</u>
<u>3</u>	<u>1</u>
<u>4</u>	<u>1</u>
<u>5</u>	<u>2</u>
<u>6</u>	<u>2</u>

- (2) Affordable owner-occupied units. One additional dwelling unit is permitted for each principal dwelling unit on the zoning lot that is sold at a price affordable to a household earning up to eighty (80) percent of the area median income as defined by the Metropolitan Council's Livable Communities Act Affordability limits for ownership housing. The affordable dwelling unit must have at least the same floor area as another principal dwelling unit on the zoning lot. Prior to issuance of a building permit, demonstration of the commitment to affordable housing in accordance with this footnote must be provided as documentation of the fair market sales price via an appraisal based on full plans and specifications. Upon sale of the affordable unit to the end buyer, documentation of the household's income qualifications is required, and may include but not be limited to base pay or variable pay, income from business or self-employment, income from financial assets, government transfer payments, and insurance or benefit payments.
- (3) Three-bedroom units. One additional dwelling unit is permitted for each principal dwelling unit on the zoning lot containing three (3) or more bedrooms.
- (4) Conversions of or additions to an existing residential structure. One additional dwelling unit is permitted if at least 50% of the floor area of an existing principal residential structure on the zoning lot is retained.
- (c) In the H2 district, the maximum height for buildings with flat or shed roofs is thirty-six (36) feet.
- (fd) Where at least fifty (50) percent of the front footage of any block is built up with principal residential buildings and at least one of the front yard setbacks of the existing principal buildings with front yards that adjoin the front yard of the lot are all is greater or all less than fifteen (15) feet in the H1-RM3 districts or less than thirty (30) feet in the RL district the district standard setback requirement, the following standards apply: the minimum front yard setback for new buildings shall be the same as the adjoining front yard setback that is closest to the district standard setback requirement, except where only one existing front yard adjoins the front yard of the lot the minimum front yard setback for new buildings shall be the midpoint between the district standard setback requirement and the adjoining front yard setback. The property owner is responsible for reporting the relevant adjacent existing front setback to the zoning administrator on a registered land survey.

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- (1) Where there are two existing front yards that adjoin the front yard of the lot, the minimum front yard setback is the midpoint between the district standard setback requirement and the larger of the two adjoining front yard setbacks in the H1-RM3 districts or the midpoint between the district standard setback requirement and the smaller of the two adjoining front yard setbacks in the RL district.
- (2) Where only one existing front yard adjoins the front yard of the lot, the minimum front yard setback is the midpoint between the district standard setback requirement and the adjoining front yard setback.

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

- (e) Side yards are required only for dwelling units on the ends of townhouse structures. The side yard setback requirement from interior lot lines may be reduced or waived when an easement or common wall agreement, certified by the city building official for conformance with the state building code, is recorded on the deeds of the adjoining parcels

In RM1 and RM2 districts, the minimum side yard setback for a one-family dwelling, two-family dwelling, and multiple-family dwellings of thirty-five (35) feet in height or less on lots of sixty (60) feet width or narrower is five (5) feet.

- (f) See Section 65.130(a) for additional lot size requirements for cluster developments.

The maximum number of principal units per lot does not apply to cluster developments.

See Section 65.130(c) for maximum lot coverage for all buildings for cluster developments.

- (eg) Floor area ratio (FAR) shall be is prorated upon the percentage of parking that is provided as structured parking. The FAR maximum may be increased by 0.5 if at least ten (10) percent of the new dwelling units on the zoning lot are affordable at sixty (60) percent of the area median income for at fifteen ten (1510) years. The FAR maximum may be increased by an additional 0.5 (total of 1.0 increase) if at least twenty (20) percent of the new dwelling units on the zoning lot are affordable at sixty (60) percent of the area median income for at least fifteen ten (1510) years. Units required to be affordable shall must be occupied by qualifying residents households earning up to sixty (60) percent of the area median income. Prior to receiving a certificate of occupancy issuance of a building permit for the new building (or building expansion), demonstration of the commitment to affordable housing in accordance with this footnote must be provided as: a deed restriction or other contractual agreement with the city, or a city housing and redevelopment authority financing agreement or other similar financing agreement, and documentation of low-income residents' qualifications. Upon occupancy of the units, documentation of households' income qualifications is required.
- ~~(g) For permitted and conditional principal uses allowed in these residential districts other than residential uses, the side yard setback shall be a minimum of nine (9) feet.~~
- ~~(h) Side yards are required only for dwelling units on the ends of townhouse structures. For one-family dwellings in RM1 and RM2 districts, the minimum side yard setback shall be four (4) feet. For two-family and multifamily dwellings in RM1 and RM2~~

~~districts on lots of sixty (60) feet width or narrower, the minimum side yard setback is reduced to six (6) feet for buildings of thirty-five (35) feet height or less. The side yard setback requirement from interior lot lines may be reduced or waived when an easement or common wall agreement, certified by the city building official for conformance with the state building code, is recorded on the deeds of the adjoining parcels~~

- ~~(ih)~~ On lots more than sixty (60) feet wide and on corner lots, a maximum height of forty-five (45) feet may be permitted with a conditional use permit.
- ~~(ji)~~ If at least half of provided parking is structured parking, a maximum building height of seventy-five (75) feet may be permitted with a conditional use permit. A shadow study may be required for a conditional use permit application to help determine the impact of the additional height.
- ~~(kj)~~ For portions of a building over fifty (50) feet in height, the minimum side and rear yard setbacks ~~shall be~~ are twenty-five (25) feet or nine (9) feet plus one-half the building height over fifty (50) feet, whichever is less.
- ~~(l)~~ For principal residential structures in planning districts 14 and 15, new construction including additions shall have the following maximum building heights at required side setback lines: Twenty-eight (28) feet in R1, twenty-six (26) feet in R2, twenty-four (24) feet in R3 and R4. One (1) foot shall be added to the maximum building height per each one (1) foot the portion of the building is set back from the nearest required side setback line, to the maximum height allowed in the district. Building height for flat roofs shall be measured to the highest point of the parapet, if present. Properties with local heritage preservation site or district designation are excluded from the requirements of this note.
- ~~(mk)~~ For property along Grand Avenue between Fairview Avenue and Cretin Avenue, between lines defined by the parallel alleys immediately north and south of Grand Avenue, building height ~~shall be~~ is limited to four (4) stories and forty (40) feet.
- (l) In the RL-RM1 districts, permitted and conditional principal uses other than residential uses must meet the dimensional standards for the RM2 district.

Sec. 66.232. ~~Maximum lot coverage~~ Reserved.

~~In R1—R4 residential districts, principal buildings shall not cover more than thirty-five (35) percent of any zoning lot. For R1—R4 residential districts in planning districts 14 and 15, excluding property with local heritage preservation site or district designation, the total lot coverage of all buildings, including accessory buildings, shall not exceed forty (40) percent.~~

Sec. 66.233. Sidewall articulation.

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

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

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

ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS

Sec. 66.321. Principal uses.

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Table 66.321. Principal Uses in Traditional Neighborhood Districts

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

–Dormitory	P/C	P	P	P	(d), (s)
–Fraternity, sorority	P/C	P	P	P	(d), (s)
Civic and Institutional Uses					
Club, fraternal organization, lodge hall <u>noncommercial</u>		P	P	P	(d)
College, university, seminary, etc. <u>or similar institution of higher learning</u>	P	P	P	P	(d), (s)
Community center	P	P	P	P	(d), (s)
Day care	P	P	P	P	(d), (s)
Homeless services facility	P/C	P/C	P/C	P/C	(d), (s)
Museum	P/C	P	P	P	(s)
Public library	P	P	P	P	
Public and private park, playground	P	P	P	P	
Religious institution	P	P	P	P	(d)
School, primary & secondary	P	P	P	P	
Trade school, arts school, dance school, etc.	P	P	P	P	
Public Services and Utilities					
Antenna, cellular telephone	P/C	P/C	P/C	P/C	(d), (s)
Municipal building or use	P	P	P	P	(s)
Solar energy generation facility, community	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	C	C	C	C	(d), (s)
Commercial Uses					
<i>Offices, Retail, and Service Uses</i>					
Administrative office	P	P	P	P	
–Artist, photographer studio, etc.	P	P	P	P	(d)
–Insurance office, real estate office, sales office <u>General office, studio</u>	P	P	P	P	(d)
–Professional office	P	P	P	P	(d)
<i>Medical Facilities</i>					
–Clinic, medical or dental	P	P	P	P	(d)
–Hospital		C	C	C	(d)
–Medical laboratory	P	P	P	P	
–Veterinary clinic		P	P	P	(d), (s)
<i>Retail Sales and Services</i>					
General retail		P/C	P/C	P/C	(d), (s)
<u>Service business, general</u>	P	P	P	P	(d)
<u>Service business with showroom or workshop</u>		P/C	P/C	P/C	(d), (s)
–Bank, credit union	P	P	P	P	
Animal boarding			P		(d), (s)
Animal day care			P	P	(d), (s)
Artist’s studio	P	P	P	P	(d)
Business sales and services		P	P		(d)
Drive-through sales and services, <u>primary principal and accessory</u>		C			(s)
Dry cleaning, commercial laundry		P	P	P	(s)
Farmers market	P/C	P/C	P/C	P/C	(d), (s)
–Food and related goods sales		P/C	P/C	P/C	(d), (s)
–Food shelf	P	P	P	P	(d)
Garden center, outdoor		P	P	P	(d), (s)
–Laundromat, self-service		P	P	P	

—Liquor store		P/C	P/C	P/C	(s)
—Massage center	P	P	P	P	(d)
Hospital		C	C	C	(d)
Mortuary, funeral home		P	P	P	
Outdoor uses, commercial		P/C	P/C	P/C	(d), (s)
—Post office	P	P	P	P	
—Service business	P	P	P	P	(d)
—Service business with showroom or workshop		P/C	P/C	P/C	(d), (s)
—Small appliance repair		P	P	P	
Tattoo shop		P	P	P	
Tobacco products shop		P/C	P	P	(d), (s)
Veterinary clinic		P	P	P	(d), (s)
<i>Food and Beverages</i>					
Bar		P/C	P/C	P/C	(d), (s)
Brew on premises store		P	P	P	(d), (s)
—Catering		P	P	P	
Coffee shop, tea house	P/C	P/C	P/C	P/C	(d), (s)
Restaurant		P/C	P/C	P/C	(d), (s)
—Restaurant, carry out, deli		P/C	P/C	P/C	(d), (s)
Restaurant, fast food		P/C	P/C	P/C	(d), (s)
—Restaurant, outdoor		P	P	P	(s)
<i>Commercial Recreation, Entertainment and Lodging</i>					
Bed and breakfast residence	P	P	P	P	(d)
Hotel		P	P	P	(d)
Short term rental dwelling unit	P/C	P/C	P/C	P/C	(d), (s)
Health/sports club		P	P	P	(d)
Indoor recreation		C	C	C	(d), (s)
Outdoor sports/entertainment				P	(d), (s)
Reception hall/rental hall		C	C	C	
—Short term rental dwelling unit	P/C	P/C	P/C	P/C	(d), (s)
Theater, assembly hall		P/C	P/C	P/C	(s)
<i>Automobile Services</i>					
Auto body shop				C	(d), (s)
Auto convenience market		C	C		(d), (s)
Auto service station		C	C		(d), (s)
<i>Parking Facilities</i>					
Parking facility, commercial		C	C	C	(d), (s)
<i>Transportation</i>					
Bus or railroad passenger station			C	C	
Railroad right-of-way	C	C	C	C	(s)
<i>Limited Production and Processing</i>					
Agriculture	P/C	P/C	P/C	P/C	(d), (s)
Brewery, craft		P/C	P/C	P/C	(d), (s)
Distillery, craft		P/C	P/C	P/C	(d), (s)
Limited production and processing		P/C	P/C	P/C	(d), (s)
Mail order house		P	P	P	
Printing and publishing		P/C	P/C	P/C	(s)
Winery, craft		P/C	P/C	P/C	(d), (s)
Accessory Uses					

Accessory use	P	P	P	P	(d), (s)
Dwelling unit, accessory	P	P	P		(d), (s)

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ARTICLE IV. 66.400. BUSINESS DISTRICTS

Sec. 66.421. Principal uses.

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Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Standards (s)
Residential Uses								
<i>Dwellings</i>								
One-family dwelling			P					(d)
Two-family dwelling			P					(d)
Townhouse			P					(d)
Multiple-family dwelling	P		P			P	P	(d)
Carriage house dwelling			C					(d), (s)
Housing for the elderly	P		P			P	P	(d)
<i>Mixed Commercial-Residential Uses</i>								
Home occupation	P	P	P	P	P	P	P	(d), (s)
Live-work unit			P					(d), (s)
Mixed residential and commercial use	P	P	P	P	P	P	P	(d), (s)
<i>Congregate Living</i>								
Adult care home	P	P	P	P	P	P	P	(d), (s)
<u>Community residential facility, licensed correctional</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>(d), (s)</u>
<u>Dormitory</u>			<u>P/C</u>			P	P	(d), (s)
<u>Emergency housing facility</u>	P	P	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
Foster home	P	P	P	P	P	P	P	(d), (s)
Fraternity, sorority			<u>P/C</u>					<u>(d), (s)</u>
Supportive housing facility	P	P	P	P	P	P	P	(d), (s)
Community residential facility, licensed correctional			C	C	C	C	C	(d), (s)
Emergency housing facility	P	P	P/C	P/C	P/C	P/C	P/C	(d), (s)
Overnight shelter						C	C	(d), (s)
Roominghouse			<u>C</u>			P	P	(d), (s)
Shelter for battered persons	P/C	P/C	<u>P/C</u>	<u>P/C</u>	P	P	P	(d), (s)
Sober house	P/C	P/C	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
Roominghouse			C			P	P	(d), (s)
<u>Supportive housing facility</u>	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
Adult care home	P	P	P	P	P	P	P	(d), (s)
Dormitory			P/C			P	P	(d), (s)
Fraternity, sorority			P/C					(d), (s)
Civic and Institutional Uses								

Club, fraternal organization, lodge hall noncommercial				P	P	P	P	(d)
College, university, seminary, etc. or similar institution of higher learning	P	P	P	P	P	P	P	(d), (s)
Community center	P	P	P	P	P	P	P	(d), (s)
Day care	P	P	P	P	P	P	P	(d), (s)
Homeless services facility		P/C	P/C	P/C	P	P	P	(d), (s)
Museum						P	P	
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Religious institution	P	P	P	P	P	P	P	(d)
School, primary & secondary	P	P	P	P	P	P	P	
Trade school, arts school, dance school, etc.	P	P	P	P	P	P	P	
Public Services and Utilities								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Electric transformer or gas regulator substation		C	C	C	P	P	P	(s)
Municipal building or use	P	P	P	P	P	P	P	(s)
Public utility heating or cooling plant						P		
Solar energy generation facility, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	C	P	P	P	P	P	P	(d), (s)
Commercial Uses								
<i>Offices, Retail, and Service Uses</i>								
—Administrative office	P	P	P	P	P	P	P	
—Artist, photographer studio, etc.	P	P	P	P	P	P	P	(d)
—Insurance office, real estate office, sales office—General office, studio	P	P	P	P	P	P	P	
—Professional office	P	P	P	P	P	P	P	(d)
<i>Medical Facilities</i>								
—Clinic, medical or dental	P	P	P	P	P	P	P	(d)
—Hospital					P	P	P	(d)
—Medical laboratory	P	P	P	P	P	P	P	
—Veterinary clinic				P	P	P	P	(d), (s)
<i>Retail Sales and Services</i>								
General retail		P	P	P	P	P	P	(d)
Service business, general	P	P	P	P	P	P	P	(d)
Service business with showroom or workshop			P	P	P	P	P	(d)
Alternative financial establishment					C	P	P	(d), (s)
—Bank, credit union	P	P	P	P	P	P	P	
Animal day care					P	P	P	(d), (s)
Artist's studio	P	P	P	P	P	P	P	(d)
Business sales and services					P	P	P	(d)
Drive-through sales and services, primary and accessory	C	C		C	P	P	P	(s)
Dry cleaning, commercial laundry		P	P	P	P	P	P	(s)
Farmers market	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)

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

Adult use					C	C	C	(d), (s)
<i>Automobile Services</i>								
Auto convenience market				C	C		P	(d), (s)
Auto service station				C	C		P	(d), (s)
Auto specialty store				C	C		P	(d), (s)
Auto repair station					C		P	(d), (s)
Auto sales, indoor					P	P	P	
Auto sales and rental, outdoor					C			(d), (s)
Car wash, detailing					C			(s)
<i>Parking Facilities</i>								
Parking facility, commercial						P	P	(d), (s)
<i>Transportation</i>								
Bus or railroad passenger station					P	P	P	
Helistop					C	C	C	(d), (s)
Railroad right-of-way	C	C	C	C	C	P	P	(s)
<i>Limited Production, Processing and Storage</i>								
Agriculture	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Brewery, craft				P/C	P/C	P/C	P/C	(d), (s)
Distillery, craft				P/C	P	P	P	(d), (s)
Finishing shop					P		P	(d), (s)
Limited production and processing					P		P	(d), (s)
Mail order house			P	P	P	P	P	
Plastic products							P	(d)
Printing and publishing				P/C	P	P	P	(s)
Recycling collection center					P			(d), (s)
Recycling drop-off station			P	P	P	P	P	(d), (s)
Storage facility, rental						P	P	(s)
Toiletries and cosmetic manufacturing							P	
Warehousing and storage							P	(s)
Wholesale establishment					P	P	P	(d), (s)
Winery, craft				P/C	P/C	P/C	P/C	(d), (s)
Accessory Uses								
Accessory use	P	P	P	P	P	P	P	(d), (s)
Dwelling unit, accessory			P					(d), (s)

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ARTICLE V. 66.500. INDUSTRIAL DISTRICTS

Sec. 66.521. Principal uses.

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Table 66.521. Principal Uses in Industrial Districts

Use	IT	I1	I2	I3	Definition (d) Standards (s)
Residential Uses					
<i>Mixed Commercial-Residential Uses</i>					
Home occupation	P	P	P		(d), (s)
Mixed residential and commercial use	P	P	P/C		(s)

Congregate Living					
Adult care home	<u>P</u>	<u>P</u>	<u>C</u>		(d), (s)
Supportive housing facility	P	P	C		(d), (s)
Community residential facility, licensed correctional		C	C		(d), (s)
Correctional facility		C	P		
Emergency housing facility	P	P/C	C		(d), (s)
Overnight shelter		C	C		(d), (s)
Roominghouse	<u>P</u>	<u>P</u>	<u>C</u>		(d), (s)
Shelter for battered persons	P	P	P		(d), (s)
Sober house	P/C	P/C	P/C		(d), (s)
Roominghouse	P	P	C		(d), (s)
Supportive housing facility	<u>P</u>	<u>P</u>	<u>C</u>		(d), (s)
Adult care home	P	P	C		(d), (s)
Civic and Institutional Uses					
Club, fraternal organization, lodge hall noncommercial	P	P	C		(d)
College, university, seminary, etc. or similar institution of higher learning	P	P	C		(d), (s)
Community center	P	P	C		(d), (s)
Child care center Day care	P	P	C		(d), (s)
Homeless services facility	P	P			(d), (s)
Museum	P	P	C		
Public library	P	P	C		
Public and private park, playground	P	P	P		
Religious institution	P	P	C		(d)
School, primary & secondary	P	P	C		
Trade school, arts school, dance school, etc.	P	P	C		
Public Services and Utilities					
Antenna, cellular telephone	P	P	P	P	(d), (s)
Antenna, public utility microwave	C	C	P	P	(d), (s)
Antenna, radio and television transmitting	C	C	P	P	(d), (s)
Antenna, satellite dish	C	C	P	P	(d), (s)
Electric transformer or gas regulator substation	P	P	P	P	
Municipal building or use	P	P	P		
Municipal incinerator			P	P	
Power plant			P	P	
Public utility heating or cooling plant		P	P	P	
Public works yard or maintenance facility		P	P	P	
Sewage treatment plant			P	P	
Solar energy generation facility, community	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building or yard	P	P	P	P	(d)
Water supply plant	P	P	P	P	
Yard waste site, commercial and municipal		C	C	P	(d), (s)
Yard waste site, municipal		<u>C</u>	<u>C</u>	<u>P</u>	(d), (s)
Commercial Uses					

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

Tobacco products shop	P	P	P		(d), (s)
<u>Veterinary clinic</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d), (s)</u>
<i>Food and Beverages</i>					
Bar	P	P	P		(d)
Brew on premises store	P	P	P		(d), (s)
Catering	P	P	P		
Coffee kiosk	P	P	P		(d), (s)
Coffee shop, tea house	P	P	P		(d)
Restaurant	P	P	P		(d)
Restaurant, carry-out deli	P	P	P		(d)
Restaurant, fast food	P/C	P	P		(d), (s)
Restaurant, outdoor	P	P	P		(s)
<i>Commercial Recreation, Entertainment and Lodging</i>					
Bingo hall, auction hall	P	P	C		
Health/sports club	P	P	P		(d)
Hotel, motel	P	P	P		(d)
<u>Motel</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Short term rental dwelling unit</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>		<u>(d), (s)</u>
Indoor recreation	P	P	P		(d), (s)
Outdoor sports/entertainment		C	P	P	
Reception hall/rental hall	P	P	C		
Short term rental dwelling unit	P/C	P/C	P/C		(d), (s)
Steam room/bathhouse facility	P	P	P		(d)
Theater, assembly hall, concert hall	P	P	C		
<i>Adult Entertainment</i>					
Adult use		C	C		(d), (s)
<i>Automobile Services</i>					
Auto body shop	C	P	P	P	(d), (s)
Auto convenience market	C	P	P		(d), (s)
Auto service station	C	P	P		(d), (s)
Auto specialty store	C	P	P		(d), (s)
Auto repair station	C	P	P		(d), (s)
Auto sales, indoor	P	P	P		
Auto sales and rental, outdoor	C	P	P		(d), (s)
Car wash, detailing		P	P		(s)
<i>Parking facilities</i>					
Parking facility, commercial	C	P	P	C	(d), (s)
<i>Transportation</i>					
Airport		C	C	C	(d)
Bus garage, station, lot, or turnaround		P	P	C	
Heliport		C	C	C	(d), (s)
Helistop	C	C	C	C	(d), (s)
Intermodal freight yard			C	C	(d), (s)
Motor freight terminal			C	C	(d), (s)
Railroad right-of-way, transfer and storage tracks	P	P	P	P	
Railroad station or terminal freight facility	P	P	P	C	
Railroad yard or shop	C	C	P	P	

Taxi dispatching, maintenance and storage		P	P	P	
<i>Limited Production, Processing and Storage</i>					
Agriculture	P	P	P		(d), (s)
Brewery, craft	P	P	P		(d)
Distillery, craft	P	P	P		(d)
Finishing shop	P	P	P		(d), (s)
Limited production and processing	P	P	P		(d), (s)
Mail order house	P	P	P		
Plastic products	P	P	P		(d)
Printing and publishing	P	P	P		
Recycling collection center		P	P		(d), (s)
Recycling drop-off station	P	P	P		(d), (s)
Storage facility, rental	P	P	P	P	
Toiletries and cosmetic manufacturing	P	P	P		
Warehousing and storage	P	P	P		
Wholesale establishment	P	P	P		(d)
Winery, craft	P	P	P		(d)
Industrial Uses					
Light manufacturing	P	P	P	P	(d)
General industrial			P	P	(d)
General outdoor processing			C	C	(d), (s)
Brewery, micro and regional	P	P	P		(d)
Brewery, national			P		(d)
Cement, asphalt cement, and asphalt manufacturing			C	C	(s)
Concrete, asphalt and rock crushing facility, outdoor				C	(d), (s)
Crematorium		P	P	P	
Greenhouse, industrial	P	P	P		(d)
Hazardous waste processing facility			C	C	(d), (s)
Hazardous waste recycling transfer facility			C	C	(d), (s)
Infectious waste incinerator				C	(s)
Infectious waste processing facility			C	C	(d), (s)
Lumber yard	P	P	P		
Mining			C	C	(d)
Motor vehicle salvage operation			C	C	(d), (s)
Petroleum and gasoline tank farm				P	
Recycling processing center, indoor		P	P	P	(d), (s)
Recycling processing center, outdoor			C	C	(d), (s)
Research, development and testing laboratory	P	P	P		
Solid waste compost facility			C	C	(d), (s)
Solid waste transfer station			P	P	(d)
Tire retreading		P	P	P	
Accessory Uses					
Accessory use	P	P	P	P	(d), (s)

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SECTION 8

Legislative Code Chapter 69. Zoning Code—Subdivision Regulations is hereby amended as follows:

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

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

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

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

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ARTICLE V. GENERAL REQUIREMENTS AND DESIGN STANDARDS

Sec. 69.508. Lots.

- (a) *Street frontage.* All lots ~~which are~~ designated for residential use ~~shall~~ must adjoin a street except for back lots and developments that which have individually described lots for each dwelling structure and a common lot for open space, yards and off-street parking, in which case the common lot ~~shall~~ must adjoin a street.
- (b) *Alley frontage.* All interior lots designated for residential use must adjoin an alley when available.
- (~~b~~c) *Through lots.* Through lots ~~shall~~ must be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (~~e~~d) *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street.
- (~~d~~e) *Lots on slopes.* Newly created lots must allow for a minimum setback for development of forty (40) feet from the top of bluff lines as defined by the comprehensive plan. Lot arrangement shall avoid, wherever possible, the placement of structures on eighteen (18) percent slope or steeper, or the necessity to alter such slopes for purposes of construction.
- (~~e~~f) *Solar access.* In subdivisions of ten (10) acres or larger, lots ~~shall~~ must be platted in a north-south orientation to maximize solar access.
- (~~f~~g) *Lot access.*
 - (1) *Street access.* Lots shall ~~must~~ not, in general, derive access exclusively from an arterial or collector roadway. The number of curb cuts must be minimized and ~~where~~ where driveway access from a major or secondary street may be necessary for several adjoining lots, ~~the planning commission it may~~ is generally required that such lots be served by a combined access drive in order to limit possibility of traffic hazard and limit

curb cuts on such street. Except where it is determined impractical, unreasonable, or harmful to the public safety by the zoning administrator, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials and collector streets.

- (2) Alley access. Vehicular access may be from an abutting alley when available, except where it is determined in the review of a site plan application by the zoning administrator that there are circumstances unique to the property that make this impractical, unreasonable, harmful to the public safety; or where maintenance of alley surfaces, erosion control, or protection of water quality may be impaired.
- (gh) Lot dimensions. Lot dimensions shall comply with the minimum standards of the zoning code. Where lots are more than double the minimum required area for the zoning district, the city council may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning code and these regulations.
- (i) Flag lot width. Lot widths must conform to the minimum lot standards of the zoning district with the following additional standards:
- (1) For flag lots, the width of the narrow corridor that provides street access must be a minimum of twenty (20) feet. As part of subdivision review, the minimum width may be increased or reduced further based on easement requirements related to emergency access, utilities, steep slopes or other site conditions as approved by the City.
- (2) For reverse flag lots, the width of the narrow corridor that provides alley access must be a minimum of twelve (12) feet.
- (j) Easements.
- (1) For back lots, an easement that is a minimum of twenty (20) feet wide across a single adjoining lot must be provided for pedestrian, water, sanitary sewer, and gas line connections to the nearest public street and for house numbers that can be clearly seen and read from the public street. As part of subdivision review, the minimum width may be increased or reduced further based on City and other applicable regulatory requirements related to emergency access, utilities, steep slopes or other site conditions and constraints. An easement reflecting all utilities, reciprocal pedestrian and vehicular access for pedestrians and any vehicles, and shared maintenance responsibilities must address regulatory requirements and be the responsibility of developer to record prior to receiving a certificate of occupancy or building permit.
- (2) For flag lots, an easement across the narrow corridor that provides street access may be required for shared vehicular access with the adjoining lot. If shared vehicular access is used, an easement reflecting reciprocal vehicular access and shared maintenance responsibilities is the responsibility of developer to record prior to receiving a certificate of occupancy or building permit.
- (hk) Side lot lines. Side lot lines generally shall must be at right angles to or radial to street lines.
- (il) Split zoning. Lots shall must not be created which result in split zoning classifications.

ARTICLE VI. IMPROVEMENTS

Sec. 69.600. Required improvements.

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

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SECTION 9

Legislative Code Chapter 33. – Building Code and Inspection is hereby amended as follows:

Sec. 33.07. Fences—Requirements.

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- (c) *Height of fences.* In residential districts and on lots occupied for residential purposes, fences must be no more than seven (7) feet in height above the sidewalk or finished grade. ~~No fence shall be erected exceeding seven (7) feet in height above the sidewalk or finished grade of any lot in a residence district or on any lot occupied for residential purposes.~~ The applicant ~~shall~~ must ensure that fences and all supporting structures ~~shall be~~ are completely within the boundaries of such lot with no portion encroaching onto adjacent property. All fences erected in a front yard ~~between the front property line and the front~~

~~setback line~~ as defined in section 60.20726 of the Saint Paul Legislative Code ~~shall must~~ be no more than four (4) feet in height. On a corner lot at two (2) intersecting streets in a residential zoning district, no fence, wall or other structure ~~shall be~~ is allowed above a height of two (2) feet from sidewalk grade in the triangular area of the lot included within ten (10) feet of the corner along each lot line unless the structure is more than eighty (80) percent open. For back lots as defined in section 60.213 of the Saint Paul Legislative Code, all fences between the property line that is parallel to the street and any principal building must be no more than four (4) feet in height. Fences for non-residential uses in residential zoning districts ~~shall must~~ not exceed eight (8) feet in height, except fences around tennis courts, which ~~shall must~~ not exceed twelve (12) feet in height, back stop fences, which ~~shall must~~ not exceed twenty (20) feet in height, and golf range fences, which ~~shall must~~ not exceed thirty (30) feet in height. The selvage end of chain link or metal fences ~~shall must~~ be smooth; knuckled ends are permitted, twisted ends are not permitted.

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SECTION 10

Legislative Code Chapter 71. House Numbering is hereby amended as follows:

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

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

SECTION 11

Legislative Code Chapter 157. General Parking Restrictions is hereby amended as follows:

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

...

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

...

Sec. 157.11. Parking for larger vehicles.

...

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

...

- (d) *Commercial vehicles.*

...

- (3) No commercial or overweight vehicle, other than an agricultural vehicle permitted under chapter 165, ~~shall be~~ is permitted to stop, stand, or park on any street in an ~~R1 through R4, RT1, RT2, RM1 through RM3, T1, T2, T3 or T4 residential and traditional neighborhood Zoning D~~istricts unless such vehicle is actually engaged in the loading or unloading of passengers or materials from the vehicle or is actually engaged in the providing of services at that location, or in compliance with official traffic-control devices, the direction of a police officer, or unless otherwise provided by law.
- (4) Exception for school bus. A school bus driver may park a school bus at the curb abutting the driver's residential property or on the driver's residential property, said property being the address on the driver's Minnesota driver license, for up to a maximum four-hour period, which is within or abutting, including across a street or alley, from an ~~R-1 through R-4, RT-1, RT-2, or RM-1 through RM-3 Zoning residential D~~istrict.

SECTION 12

Legislative Code Chapter 165. Agricultural Vehicles—Special Parking Permits is hereby amended as follows:

Sec. 165.02. Permit required.

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

SECTION 13

That the zoning map of the City of Saint Paul, incorporated by reference in Section § 60.303 of the Saint Paul Legislative Code, is hereby amended as follows:

[The properties to be rezoned are listed in Attachment A and are shown in the attached maps]

SECTION 14

This ordinance shall become effective thirty (30) days after its passage, approval and publication.