



SAINT PAUL CITY COUNCIL NOTICE OF PUBLIC HEARING

1-4 Unit Housing Study – Phase 1

The Saint Paul City Council will hold a public hearing on proposed text amendments to Saint Paul's Zoning Code regarding one- to four-unit housing on Wednesday, January 12, 2022 at 3:30 p.m. A summary of the draft amendments starts on the second page of this notice. Additional materials can be viewed at <https://www.stpaul.gov/1to4housingstudy>.

The hearing will be held before the City Council on:

Wednesday, January 12, 2022
3:30 p.m.
City Council Chambers, City Hall, Room 300
15 West Kellogg Boulevard, Saint Paul

All comments concerning the proposed zoning text amendments will be heard at this hearing. In-person testimony will be accepted. There will also be an option to participate in the meeting and present live testimony online, per instructions included in the "public hearings" portion of the meeting agenda to be posted at <https://stpaul.legistar.com/Calendar.aspx>. More on City Council meeting protocol can be found at <https://www.stpaul.gov/department/city-council#city-council-meetings>.

Comments submitted in writing should be addressed to:

Office of the City Council
310 City Hall
15 Kellogg Blvd. West
Saint Paul, MN 55102

Or to Contact-Council@ci.stpaul.mn.us.

Call City Planner Michael Wade with any questions at 651-266-8703.

Proposed 1-4 Unit Housing Study Zoning Code Amendments

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

Chapter 63. Zoning Code – Regulations of General Applicability

ARTICLE V. – 63.500. ACCESSORY BUILDINGS

Sec. 63.501. – Accessory buildings and uses.

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

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

Accessory buildings shall be set back a minimum of one (1) foot from any alley right-of-way.

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

...

- (d) ...

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

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

...

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

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

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

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

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

ARTICLE VI. – 65.900. ACCESSORY USES

Sec. 65.121. – Dwelling, carriage house

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

Development standards:

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

Standards and conditions in residential districts:

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

Sec. 65.161. – Sober house

...

Standards and conditions:

...

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

Sec. 65.913. – Dwelling unit, accessory

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

Standards and conditions:

- ~~(a) Minimum lot size. For accessory dwelling units located in an accessory structure, the lot shall be at least five thousand (5,000) square feet in area.~~
- ~~(a)(b) Number of accessory units.~~ There shall be no more than one (1) accessory dwelling unit on a zoning lot.
- ~~(b)(e)~~ Compliance with other city, local, regional, state and federal regulations. Pursuant to section 60.109 of the Zoning Code, all accessory dwelling units must comply with city, local, regional, state and federal regulations.
- ~~(c)(d) Unit occupancy. The total occupancy of the principal dwelling unit and accessory dwelling unit shall not exceed the definition of Household in section 60.209.~~
 - ~~(1) The total occupancy of the principal dwelling unit and accessory dwelling unit shall not exceed the definition of household in section 60.209.~~
 - ~~(2) Using the form provided by the city, the property owner shall execute a declaration of land use restrictive covenants and owner's warranties creating certain covenants running with the land for the purpose of enforcing the definitional requirement of owner occupancy and standards and conditions of this subsection and file the same with the county recorder. The property owner must deliver an executed original of the declaration, which shall display its date and document number of record, to the zoning administrator before any city building or zoning permits required for the accessory dwelling unit can be issued.~~
 - ~~(3) The property owner shall file an annual affidavit with the zoning administrator verifying continued owner occupancy of the property as their permanent and principal residence, and identifying the owner-occupied dwelling unit. A fee shall be collected in accordance with section 61.302.~~
 - ~~(4) At the request of the property owner and upon inspection finding the accessory dwelling unit has been removed, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit. Any and all filing costs shall be the responsibility of the property owner.~~
- ~~(d)(e) Unit size.~~ The floor area of the accessory unit shall not exceed 75% of the floor area of the principal dwelling unit ~~be a maximum of eight hundred (800) square feet.~~ If the accessory unit is within ~~located interior to~~ the principal building structure, the principal building structure shall have a minimum floor area of one thousand (1,000) square feet ~~and the accessory unit shall not~~

~~exceed one-third (1/3) of the total floor area of the structure.~~ For multi-story principal buildings structures built prior to the enactment of this section, the maximum floor area of an accessory dwelling unit may be equal to that of the first floor, but shall be less than or equal to fifty (50) percent of the floor area of the building structure.

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

...

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

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

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

ARTICLE II. – 66.200. RESIDENTIAL DISTRICTS

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

Sec. 66.231. – Density and dimensional standards table.

...

Zoning District	Floor Area Width (FAR)	Building Height Maximum	Yard Setbacks Minimum (feet)		
	Maximum (e)		Feet	Front	Side
RM1 multiple-family (a)	0.6 FAR with surface parking 1.0 FAR with structured parking	40 (i)	25 (f)	9 (h) (m)	25
RM2 multiple-family (a)	1.5 FAR with surface parking 2.25 FAR with structured parking	50 (j) (m)	25 (f)	9 (h) (k)	9 (k)
RM3 multiple-family	1.5 FAR with surface parking 3.5 FAR with structured parking	no maximum	25 (f)	9 (h) (k)	9 (k)

Notes to table 66.231, residential district dimensional standards:

...

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

~~requirement in the district plus half the amount the average setback is greater than the setback requirement in the table. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula.~~

...

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

...

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

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

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

...

Division 4. 66.240. Required Conditions

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

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

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

...

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

ARTICLE III. 66.200. TRADITIONAL NEIGHBORHOOD DISTRICTS

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

Sec. 66.331. – Density and dimensional standards table.

...

Notes to table 66.331, traditional neighborhood district dimensional standards:

...

- (i) Where at least fifty (50) percent of the front footage of any block is built up with principal ~~structures~~ residential buildings and the front yard setbacks of existing buildings with front yards that adjoin the front yard of the lot are all greater or all less than the district standard setback requirement, the minimum front yard setback for new ~~structures~~ buildings shall be the same as the adjoining front yard setback that is closest to the district standard setback requirement, except where only one existing front yard adjoins the front yard of the lot the minimum front yard setback for new buildings shall be the midpoint between the district standard setback requirement and the adjoining front yard setback. The property owner is responsible for reporting the relevant adjacent existing front setback to the zoning administrator on a registered land survey. ~~average setback of the existing structures, or if the block average is more than the minimum required front setback listed in the dimensional standard table, it shall be the setback requirement in the district plus half the amount the average setback is greater than the setback requirement in the table. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula.~~ The minimum front yard setback shall not exceed the maximum front yard setback requirement. Sixty (60) percent of the front facade must fall within the maximum setback. For local heritage preservation sites, the standard may be modified to comply with the preservation program and design review guidelines.

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

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

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

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

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