



**Analysis of Maplewood revised ordinance
to amend Sec. 56-73, SR Single Family
Residential District Use Regulations, and
Sec. 561061, Non-Conforming Lots of Record**

June 2024

EXECUTIVE SUMMARY

St. Louis REALTORS® applauds the City of Maplewood for working to preserve affordable housing by giving flexibility to homeowners. The Association supports most of the proposed amendments, such as the provisions regarding nonconforming lots and residential parking minimums. However, there is one exception—the proposed amendment to the height and bulk standards in Section 56-73(e). The Association believes this could be improved while still accomplishing the same goals. The change from legislation earlier in the year to limit additions to 500 square feet improves the clarity of this legislation. However, it still could allow for more flexibility for existing residents while maintaining the current look and character of Maplewood.

One item: St. Louis REALTORS® supports the change to the front yard setback standard but notes that the proposed wording of this standard has its own problems. First, the term “block” is not defined in the Draft ZTA or in the Zoning Ordinance, leaving it unclear exactly what properties would be used to determine the average front yard setback. Secondly, the provision establishes an either/or proposition (either 25 feet or the average front yard setback) but leaves it unclear how to determine which applies (e.g., is it whichever is less, or whichever is greater?).

BACKGROUND

EXISTING SR DISTRICT HEIGHT AND BULK STANDARDS

Below is the current text of Section 56-73(e) of the Zoning Ordinance establishing height and bulk standards for the SR District:

Height and bulk standards. Any proposal for the construction or alteration of a single-family detached residence must be judged by the zoning administrator to be in substantial conformance not only with the above standards for placement and lot size, but also with the prevailing height and bulk of adjacent and surrounding single-family detached residences.

PROPOSED SR DISTRICT HEIGHT AND BULK STANDARDS

The Draft ZTA proposes to delete existing Section 56-73(e) and replace it with the following:

Height and bulk standards. Any proposal for the construction or alteration of a single family detached dwelling (not including an attached accessory dwelling unit meeting the requirements of Sec. 65-74, Regulations for Accessory Dwelling Units of this chapter) shall have a square footage no greater than ten percent above the average square footage of existing single-family detached dwellings within a 300-foot radius and a height no greater than 35 feet.

OUR ANALYSIS

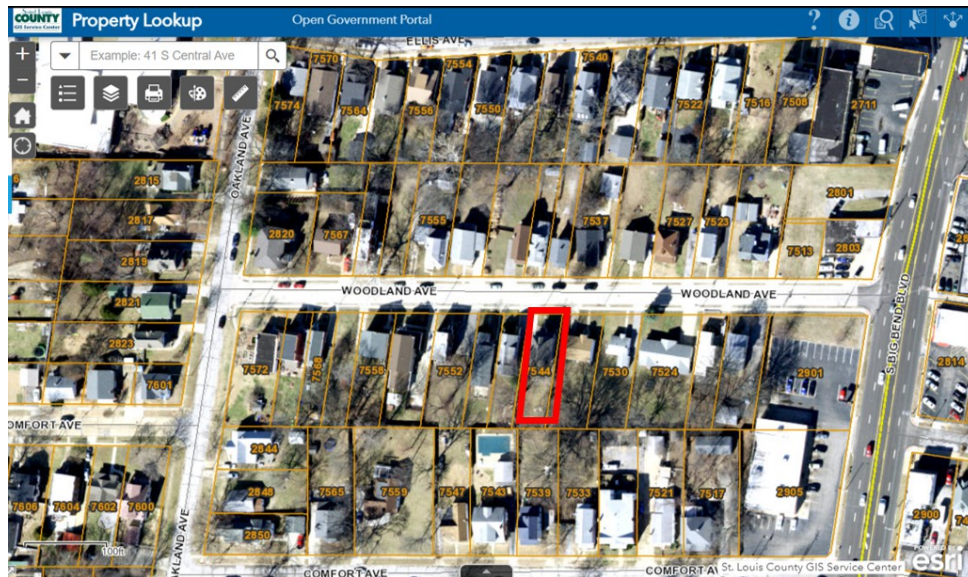
POINT 1: Basing the maximum size of a new home or addition to an existing home on a comparison to all the homes within a 300-foot radius is arbitrary and overinclusive.

A key benefit of the proposed Section 56-73(e) is that it would replace a set of height and bulk standards for the SR District that are vague and subjective (“*substantial conformance* ... with the *prevailing* height and bulk of adjacent and *surrounding* single-family detached residences”) with a set of building height (“no greater than 35 feet”) and bulk (“ten percent above the average square footage of existing single-family detached dwellings within a 300-foot radius”) standards that are objective and measurable. This change should benefit affected property owners and builders by providing a greater degree of certainty and predictability as to how much height and square footage can be built on a particular property. However, the proposed 300-foot radius for determining the allowed square footage of a new home or addition is arbitrary and overinclusive.

According to the Staff Memo, the intent of the Draft ZTA is to “preserve local neighborhood characteristics and ... limit the impact of oversized structures (new homes or additions to existing homes).”² In that respect the Draft ZTA is similar to so-called “anti-mansionization” or “anti- McMansion” ordinances that some cities and towns have adopted to address compatibility concerns that arise when investors purchase properties with older, small, and outdated homes (which tend to be more affordable) in order to tear them down and replace them with much larger new homes that dwarf their neighbors. It is not clear what the City’s basis for selecting a 300-foot radius as the relevant distance for determining neighborhood compatibility could be (rather than using, for example, a shorter distance or a location standard that is not based on distance, such as all the other homes on the same side of the same block, or the two closest homes on either side of the one in question).

One problem with the proposed approach to using a 300-foot radius is that 300 feet would encompass not only the adjacent and nearby homes on the same block that front on the same street, but also homes fronting on a different street that might not even be visible to a person viewing the house that is being altered or the lot on which the proposed house would be built. For example, consider a proposal to build an addition to the house shown in the aerial photo below as 7544 Woodland Avenue (outlined in red). Under the Draft ZTA, the maximum allowable size of the addition would not be based on the square footage of the existing homes located next door (to the immediate left and right) or those on the same blockface (i.e., homes on the south side of the block of Woodland Avenue, between Oakland Avenue and Big Bend Boulevard). Instead, the size limit would be based on the average size of every existing detached single-family home within 300 feet of 7544 Woodland Avenue, including some that front on Ellis Avenue or Comfort Avenue. Why should the square footage of existing houses on Ellis Avenue or Comfort Avenue that cannot even be seen from Woodland Avenue be considered in determining the maximum size of an addition to a house on Woodland Avenue?

¹ Staff Memo at 1.



Another problem with basing the permitted size of a new home or alteration of an existing home on the average size of all homes within 300 feet (or any distance) is that homes that are outliers (large or small) will affect the average. For example, if there are 20 other homes within the 300-foot radius of a home whose owner wants to expand, and 15 of those are between 2,700 and 2,800 square feet with an average of 2,750 square feet, and the other 5 are much smaller, averaging 1,250 square feet, the average within the radius is 2,375 square feet and the permitted size of the expanded home would be only 2,612.5 square feet – smaller than $\frac{3}{4}$ of the homes within the 300-foot radius. If the closest homes to the one being expanded are all in the higher size range and the 1,250 square feet homes are on the outer edge of the radius, the proposed approach would limit the expanded home to a size that is smaller than its closest neighbors. On the other hand, if the closest homes are the ones that are 1,250 square feet, the City's proposed approach would allow the expanded home to be more than twice the size of its closest neighbors.

If Maplewood wants to “preserve local neighborhood characteristics and ... to limit the impact of oversized structures” in the SR District by limiting the size of new homes to the average square footage (plus 10%) of a specified group of neighboring single-family homes, then that group arguably should be limited to a narrower subset of homes that could reasonably serve as the visual basis for assessing whether a proposed home or addition would be “oversized” in relation to the existing built environment. While it is reasonable to question whether that group should include homes on the opposite side of the street and how far it should extend on either side of the subject property, there is no reasonable basis for including homes that are located on a different street and may not be visible to a person viewing the property.

There also is no good reason to use a mathematical average of home sizes within a given area as the basis for determining how large a new home can be. A weighted average (in which the size of the closest homes is given more importance than the size of more distant homes within the set of homes taken into consideration) would be more likely to ensure that the new or expanded home is similar in size to the nearest homes. Likewise, an approach in which houses that are size outliers (large or small) are not taken into account as comparators might also be

more apt to result in a size limit that is more representative of the prevailing neighborhood character than one that simply uses a mathematical average.

Notably, the Draft ZTA proposes to amend Section 56-73(b) to establish a front yard setback of “not less than 25 feet or the average of existing front yard setbacks of existing single-family homes *on the block on which the dwelling is located.*” It is not clear why the City looked beyond “the block on which the dwelling is located” for the purpose of limiting a home’s size.

POINT 2: It is unclear how the proposed 300-foot radius would be measured or how the average square footage of existing single-family homes within that radius would be calculated.

Despite replacing an arguably vague and subjective standard with a more objective and measurable standard for determining the maximum size of a new home or addition that can be built in the SR District, proposed Section 56-73(e) leaves some key questions unanswered.

- **How will the 300-foot radius be measured?** Proposed Section 56-73(e) would limit the size of new homes to “no greater than ten percent above the average square footage of existing single-family detached dwellings within a 300-foot radius” but does not specify how the radius would be measured. Would it be measured from the lot lines of the property on which the new home or addition will be constructed? Would all of an existing house have to be within the 300-foot radius to be counted, or would it be sufficient for any part of the house to be within 300 feet? Or would it be enough to have just part of the lot on which a home is situated be within 300 feet, even if no part of the house is? If the City insists on using the 300-foot radius (or a radius of any distance), then the Draft ZTA should be revised to clarify exactly how that radius will be measured and implemented.
- **How will the average square footage of existing homes be calculated?** It is unclear how the “average square footage of existing single-family detached dwellings within a 300-foot radius” will be determined by affected property owners and the City. Does the City have a readily accessible database that can be used to (1) determine which existing single-family dwellings are within the 300-foot radius and (2) compile the square footage of each house within the radius and calculate the average? While the City does not appear to have a GIS mapping tool on its website, Saint Louis County maintains an online “GIS Service Center.”³ That application does not appear to have a tool for drawing a 300-foot radius

² See Saint Louis County GIS Service Center at <https://data-stlcogis.opendata.arcgis.com/apps/e70f8f1814a34cd7bf8f6766bd950c68/explore>.

around a particular property, but it does provide access to the County's "Property Information" database. In addition to ownership and assessment information, the database appears to show the "Total Living Area" for each dwelling. While it is conceivable that the total living area data in the GIS Service Center could be used as the basis for calculating the average square footage of existing single-family homes within a specific area, neither the Staff Memo nor the Draft ZTA states that is the intent of proposed Section 56-73(e). Moreover, if a motivating concern is to "limit the impact of oversized structures (new homes or additions to existing homes)," why should living spaces below grade (e.g., finished basement) be taken into account in determining square footage? Conversely, why wouldn't above ground garages and unfinished attic spaces that would not typically count as "living areas" be counted in determining square footage?

POINT 3: A hard cap on the square footage of new homes and additions in the SR District is unnecessarily rigid and overly restrictive.

The proposal to limit the size of new homes to "no greater than ten percent above the average square footage of existing single-family detached dwellings within a 300-foot radius" is unnecessarily rigid and overly restrictive. A significant shortcoming of this approach is that it does not consider the size or topography of the lot on which a proposed new home or addition will be built. As a practical matter, the same house might look oversized and out of scale with its neighbors when placed on a very narrow lot with minimal side yard setbacks, or on a very flat lot, but appropriately sized when placed on a much larger and wider lot with ample side yard setbacks or on a lot that is higher in the front yard than in the rear yard. The Draft ZTA, however, ignores this reality. Under proposed Section 56-73(e), for example, whatever the average square footage of existing single-family homes within the 300-foot radius (plus 10%) happens to be, that limitation would apply to a proposed new home or addition regardless of whether it will be built on a lot that is 95 feet wide and one-third of an acre in size (the approximate size of 7559 Comfort Ave in the aerial photo above) or 30 feet wide and one-tenth of an acre (7568 Woodland Ave in the aerial photo).⁴

Further compounding the problem, proposed Section 56-73(e) also does not consider the size of the existing or proposed side yard setbacks. Under existing Section 56-73(c) of the Zoning Ordinance (which the Draft ZTA does not propose to change), lots zoned SR must have a side yard setback of at least 15 feet combined and not less than 5 feet on either side. By not taking side yard setbacks into consideration, the Draft ZTA ignores the reality that while most lots in the SR District are relatively small and narrow, many neighborhoods are characterized by lots of varying width and size.⁵ The aerial photo above provides visual evidence of this, with lots of varying sizes fronting Ellis Avenue, Woodland Avenue, and Comfort Avenue. Under the Draft ZTA, however, the maximum square footage limitation would be the same regardless of whether

³ Approximate lot width and lot area measurements were calculated using the "Measurement" tool on the Saint Louis County GIS Service Center.

⁴ Based on satellite images viewed on the Saint Louis County GIS Service Center and a PDF copy of the City's zoning map (available online at https://cms7files1.revize.com/cityofmaplewoodmo/Document_center/Government/City%20Maps/Maplewood_Zoning.pdf).

a proposed new home would have side yard setbacks of 25 feet on each side (for a total of 50 feet) or just 10 feet on one side and 5 feet on the other.

POINT 4: The City should consider taking a less restrictive and more flexible approach to limiting the impact of oversized development in the SR District.

The following is a discussion of some possible alternatives to the proposed square footage cap on new homes and additions to existing homes in the SR District.

- **Floor Area Ratio (FAR) Limit:** In response to concerns about overbuilding and mansionization, some communities have chosen to limit the bulk of new construction (or additions to existing structures) using a floor area ratio (FAR) that ties the amount of floor area that can be built to the square footage of the lot on which the structure(s) would be built. A floor area ratio of 1.0 means the floor area may equal the lot area, while an FAR of 5.0 allows the floor area to be up to five times the lot area, and an FAR of 0.5 limits the floor area to half the lot area. As the American Planning Association points out, FAR “affects volume, shape, and spacing of buildings on the land, [but] it does not determine a particular shape or spacing. Rather, it permits a choice.”⁶

A key advantage of an FAR limit, as compared to a cap on square footage based on the size of existing homes in the area, is flexibility. FAR inherently takes lot size into consideration – the larger the lot, the more floor area that can be built. By adding an FAR to the setback and building height standards for the SR District, the City could limit the bulk of new homes and additions by capping the amount of floor area that can be built on a lot while giving property owners and developers the flexibility to decide how best to configure that floor area on a lot.

For example, in order to “minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods,” the City of Austin, Texas adopted a “Residential Design and Compatibility” or “McMansion” ordinance that uses a combination of FAR, setback requirements, building height limits, and other regulations.⁷ Under Austin’s ordinances, the “maximum amount of development permitted on a property ... is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area.”⁸

⁵ See Floor Area Ratio, PAS Report 111 (available online at <https://www.planning.org/pas/reports/report111.htm>).

⁶ For more information on Austin’s so-called McMansion ordinance, see <https://www.austintexas.gov/department/residential-design-compatibility-standards>.

⁷ See Austin (TX) Zoning Code, Subchapter F, Section 2.1 (Maximum Development Permitted)

- **Maximum Building Coverage Limit:** The City of Naperville, Illinois regulates the height and building coverage of single-family detached dwelling units and duplexes in certain zoning districts “in order to prevent the overcrowding of land, ... assure adequate provision of light, air and open spaces and to foster and preserve the nature, character and quality of existing neighborhoods.” In particular, Naperville’s ordinance limits “tear down/infill” single-family dwellings and duplexes to a maximum height of two and one-half stories (not to exceed 35 feet) and a maximum building coverage of 35% of the total lot area or 2,280 square feet, whichever is greater.⁹ Single-story porches are excluded from the building coverage calculation, and a credit of up to 480 square feet is provided for detached garages.¹⁰
- **Side Wall Plane Height and Setback Standards:** Raleigh, North Carolina’s Residential Infill Compatibility regulations similarly rely on a combination of dimensional standards, including setbacks and height limits, to “accommodate and encourage compatible development in existing residential neighborhoods, while reinforcing the established character of the neighborhood and mitigating adverse impacts on adjacent homes.”¹¹ But rather than using FAR to control floor area, the Raleigh regulations include a “Side Wall Plane Height and Setback” standard that generally limits the wall plane height adjacent to the side property line to a maximum of 25 feet or the average height of the 2 abutting neighboring wall planes, whichever is greater.¹² The regulation allows the wall plane height to be increased by “one foot for each foot of horizontal distance the wall is moved from the side setback line, not to exceed the maximum height allowed within the district.”¹³ This gives developers greater design flexibility by allowing them to build additional wall height in exchange for a larger side yard setback.
- **Volumetric Regulation:** While floor area ratios and square footage limitations address how large a building can be, they do not directly address the overall mass or bulk of a building. That is because FAR and square footage regulations generally do not account for the “impact of volume-expanding features such as cathedral ceilings and open stairways.”¹⁴ A restriction on the cubic square footage (volume) of residential structures, while not commonly used in zoning regulations, could be used to address building mass. The Town of Greenwich, Connecticut, for example, limits the cubic square footage of structures that can be built without a discretionary special permit on lots in certain zoning districts.¹⁵ The total volume calculation for a building more accurately reflects the bulk of a building as it takes into account all building features, including vaulted ceilings, open staircases, and cupolas that might be small in footprint (floor area), but large in volume due to the height of the feature.

⁹ See Naperville (IL) Zoning Code § 6-2-26.5 (available online at https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-26TEDOINRE).

⁹ See *id.*

¹⁰ See Raleigh (NC) Unified Development Ordinance § 2.2.7 (Residential Infill Compatibility) (available online at <https://user-2081353526.cld.bz/UnifiedDevelopmentOrdinance/48/>).

¹¹ See *id.* § 2.2.7.D.1.

¹² See *id.*

¹³ See “McMansions & the Geometry of Zoning,” *Planning Commissioners Journal* (Spring 2007) (available online at <https://plannersweb.com/wp-content/uploads/2007/04/252.pdf>).

¹⁴ See e.g., Greenwich (CT) Building Zone Regulations § 6-101(a) (available online at <https://www.greenwichct.gov/DocumentCenter/View/37847/2023-Building-Zone-Regulations>).