

HIGHWOOD DEVELOPMENT POLICIES:

A PLAN FOR GROWTH MANAGEMENT IN THE HIGHWOOD AREA OF ST. PAUL

2009?
revised
2012?

GENERAL

- G1. The wooded areas in Highwood, especially along the fragile bluffline, should be preserved and protected.
- G2. Applicable guidelines and standards for lands within the boundaries of the Mississippi National River and Recreation Area should be endorsed.
- G3. The existing mature stand of trees should be preserved, and the natural canopy of vegetative cover on vacant and occupied lots should be maintained.
- G4. Trees with a diameter in excess of 10 inches should be protected.
- G5. A landscape plan should be required for all subdivisions.
- G6. The City and/or County should institute a plan for acquiring additional open space in the bluff area. Platted but non-existent streets (such as Mystic, Elmwood and Brookline) could provide the basis for a trail system for non-motorized use.
- G7. Battle Creek Park and Pigs Eye Lake should be tied to the neighborhood through an open space and trail system. Access to Pigs Eye Lake by trail should be developed.
- G8. In the event Totem Town becomes available for alternative uses, it should be designated as public open space with appropriate areas set aside as undeveloped natural areas representative of the region's ecosystem.
- G9. Lands classified as unsuitable for development by the Task Force (86 acres on vacant parcels) should be acquired by the City or County on a willing-seller basis for open space and for use as holding pond areas. The City should enforce the River Corridor standards. The City supports continuation of County acquisition of steep slope parcels for open space purposes, and encourages Ramsey County to pursue acquisition funds when they become available through the Mississippi National River and Recreation Area Program.

This policy addresses two issues regarding steep slope parcels (those with slopes of greater than 18 percent): preservation and acquisition. The City Council agrees that steep slopes, especially within the Mississippi River Critical Area, should be preserved, and that the city's River Corridor standards are reasonable and necessary in order to conserve and protect unique natural and scenic resources. The River Corridor standards prohibit residential development on slopes greater than 18 percent.

The City Council supports Ramsey County's acquisition program, but shares the neighborhood's frustration that acquisition has slowed due to funding constraints. In 1989, the portion of the Mississippi River that flows through the seven-county metropolitan area was designated as the Mississippi National River and Recreation Area (MNRRA) by Congress. Designation as the MNRRA makes the Mississippi River Critical Area a part of the national park system and requires that a unified comprehensive plan be developed and implemented by federal, state and local governments. Once the comprehensive plan is approved, the Secretary of the Interior is authorized to make grants to state and local governments for up to 50 percent of the cost of acquisition and

Sec. 68.103. - Compliance.

- (a) *Permit required.* A permit issued by the zoning administrator in conformance with the provisions of this chapter shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure or land; prior to the change or extension of a nonconforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
- (b) *Compliance of uses or occupations required.* No use or occupation of any lands, for any purpose whatsoever, shall hereafter be permitted within the River Corridor District without full compliance with the terms of this chapter and other applicable laws.
- (c) *Compliance of structures, fill, etc.* No structure, fill, material or object shall hereafter be placed on or removed from lands within the River Corridor District, and no structures or other object shall hereafter be located, used, constructed, extended, converted or altered within the district without full compliance with this chapter and other applicable laws.
- (d) *Submission of site plan.* A site plan shall be submitted to and approved by the planning commission in accordance with section 62.108 before a permit is issued for any development on property wholly or partially located within the River Corridor District. For any development in the RC1 and RC2 districts, the site plan shall include the regulatory flood protection elevation; the proposed elevation of fill; the proposed elevation of the lowest floor of new structures, altered structures and additions to existing structures; and the proposed elevation to which structures will be floodproofed.
- (e) *Review of building permits for adequate floodproofing.* All building permits for structures proposed to be floodproofed in the RC1 and RC2 districts shall be reviewed to determine whether the structures will be adequately floodproofed.
- (f) *Certification.* Before a certificate of occupancy is issued for any development in the RC1 and RC2 districts, the applicant shall submit to the zoning administrator certification by a registered professional engineer, registered architect, registered landscape architect or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this chapter. Finished fill and building elevations shall be verified by ground surveys. Floodproofing measures shall be certified by a registered professional engineer or registered architect.

(C.F. No. 03-241, § 2, 3-26-03)

Sec. 68.601. - Variances.

- (a) Applications for variance to the provisions of this chapter may be filed as provided in section 61.600. The burden of proof shall rest with the applicant to demonstrate conclusively that such variance will not result in a hazard to life or property and will not adversely affect the safety, use or stability of a public way, slope or drainage channel, or the natural environment; such proof may include soils, geology and hydrology reports which shall be signed by registered professional engineers. Variances shall be consistent with the general purposes of the standards contained in this chapter and state law and the intent of applicable state and national laws and programs. Although variances may be used to modify permissible methods of flood protection, ~~no variance shall have the effect of allowing in any district uses prohibited in that district,~~ permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit a lesser degree of flood protection than required by state law.
- (b) Notwithstanding any other provision of this river corridor code, variances may be granted for the repair or rehabilitation of historic structures upon a determination that the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the variance is the minimum necessary to preserve the historic character and design of the structure and the repair or rehabilitation will not cause an increase in the height of the regional flood or increase the flood damage potential of the structure.

(C.F. No. 03-241, § 2, 3-26-03)

Sec. 61.108. - Conditions violated, permit revocation.

The zoning administrator shall notify the planning commission or the board of zoning appeals when a development covered by a site plan, permit, variance, determination of similar use, or other zoning approval is not in compliance with any of the conditions imposed upon such use approval. The commission or the board may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in section 61.303(c), and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued. The commission or the board, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission or the board to be unnecessary, unreasonable or impossible of compliance.

(C.F. No. 10-349, § 2, 4-28-10)

Sec. 60.104. - Construction of language.

The following rules of construction apply to the text of this code:

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this code and any caption or illustration, the text shall control. Illustrations in this zoning code are provided for purposes of describing, clarifying or providing examples; such illustrations are not to scale and do not replace, limit or expand the meaning of the text.
- (c) The word "shall" is mandatory, and the word "may" is permissive.
- (d) Words used in the present tense include the future; words used in the singular number include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (f) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (g) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - (3) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (h) "Abut" means having a common boundary or relationship at a common property line, street or alley.
- (i) "Adjacent" means located nearby, with or without contact.
- (j) "Adjoin" means having a common boundary or relationship at a common property line.
- (k) "Contiguous" means abutting.
- (l) A "—" shall mean "through" when used between zoning district abbreviations within a land use category, e.g., "RT1—RM2" residential districts shall mean RT1, RT2, RM1, and RM2 residential districts.

(Ord 15-32, § 1, 7-22-15)

Sec. 60.109. - Other city, local, regional, state and federal regulations.

- (a) ***Conflicting regulations.*** Whenever any provision of this code conflicts with any other provision of this code or any other law or ordinance, the more restrictive provision shall govern, except as otherwise specifically provided.
- (b) ***Reference to other regulations.*** In addition to the requirements of this zoning code, all uses and development shall comply with all other applicable city, local, regional, state and federal laws and regulations. All references in this zoning code to other city, local, regional, state or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the city for enforcement of other local, regional, state or federal regulations.
- (c) ***Current versions and citations.*** All references to other city, local, regional, state or federal regulations in this zoning code are intended to refer to the most current version and citation for those regulations. If such references are no longer valid due to repeal or renumbering, the new regulations intended to replace those cited, regardless of the citation, shall govern, unless otherwise specified.

(C.F. No. 10-349, § 1, 4-28-10)

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

- (a) *Plan to be submitted.* A site plan shall 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 one- and two-family dwellings, and including the following:
- (1) Any development of one- and two-family residences which together exceed two (2) acres (87,120 square feet) in area.
 - (2) In the TP tree preservation district, any development of one- and two-family residences over one (1) acre (43,560 square feet) in area.
 - (3) All residentially related uses in one-family districts, such as, but not limited to, churches, schools and public facilities.
 - (4) Any development in a T district.
 - (5) Any industrial use in an IR, I1, I2, or I3 district abutting a residential district.
 - (6) Outdoor storage in industrial districts.
 - (7) Any use which abuts to a major thoroughfare.
 - (8) Any development on a slope of 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 twelve (12) percent or greater.
 - (10) All off-street parking facilities except as noted in section 63.202.
 - (11) Any other use or development for which site plan review is required by any provision of this code.
 - (12) Earth-sheltered structures.
 - (13) Detached, freestanding facilities constructed on parking facilities, including, but not limited to, kiosks, fotomats, banks and similar uses.
 - (14) Any filling, excavation or tree removal that disturbs an area greater than ten thousand (10,000) square feet except the construction, installation or maintenance of public roads and public and private utilities.
 - (15) Cellular telephone antennas that require a new equipment building.
- (b) *Site plan application:*
- (1) Applications for site plan approval shall be made to the planning commission in such form as the commission may prescribe in its rules.
 - (2) Said rules may provide for a delegation of authority to the zoning administrator of the city of all powers and duties granted to the planning commission under this section, and such rules will be filed with the office of the city clerk.
 - (3) Application for site plan approval shall include plans with sufficient detail to demonstrate compliance with the provisions of this code, including floor plans necessary to determine compliance with parking and safety standards and elevation plans to determine compliance with design standards.
 - (4) For parking facilities, the city traffic engineer or zoning administrator may require submission of a traffic impact analysis as part of the site plan application. Such an analysis shall include, but not be limited to, the following elements: trip generation, directional distribution, traffic assignment and capacity analysis.
 - (5) Alley access; notice. Where a site plan application review has been delegated to the zoning administrator and notification to adjacent property owners is required in section 63.310(f), a notice shall be sent at least ten (10) days prior to a site plan review meeting by city staff to the applicant and owners of record of property located within three hundred fifty (350) feet of the proposed alley access. Notice shall be delivered either personally or by mail at the address of the owner contained in the records of the county department of property taxation.
 - (6) Pre-application consultation. A pre-application consultation shall be held for residential, commercial, or industrial development on sites greater than ten (10) acres in area, abutting existing public parkland, without a park within a one-half (½) mile radius of the site, or within adopted station area plans to discuss parkland dedication requirements and options. Development on land that has been platted within two (2) years or for which parkland has been dedicated as part of platting shall be exempt from this requirement.
- (c) *Site plan review and approval.* In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:
- (1) The city's adopted comprehensive plan and development or project plans for sub-areas of the city.
 - (2) Applicable ordinances of the city.
 - (3) Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.
 - (4) Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.
 - (5) The arrangement of buildings, uses and facilities of the proposed development in order to ensure abutting property and/or its occupants will not be unreasonably affected.
 - (6) Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.
 - (7) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.
 - (8) The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.
 - (9) Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.
 - (10) Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.
 - (11) Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."
- (d) *Compliance and time requirements.* The planning commission may make such requirements with respect to the above matters as to ensure compliance with them. When changes are required, the revised site plan shall be submitted within six (6) months from the date the applicant was notified of required changes. The zoning administrator may grant extensions. The property must be brought into compliance with the approved site plan within one year of the date of approval or as otherwise specified by the zoning administrator.
- (e) *Security agreement.* The zoning administrator may require the applicant to file a security agreement in the form of an irrevocable letter of credit, a performance bond, or cash escrow equal to the estimated cost, as determined by the zoning administrator, to install required landscaping, paving, screening, erosion and sediment control or items required by special condition. Such security agreement shall be filed with the zoning administrator within one (1) year from the date the