



CITY OF SAINT PAUL
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Date: February 6, 2015
To: Planning Commission
From: Neighborhood Planning Committee
Re: Minor Text Amendments to Chapters 60-65 after 12/5/2014 public hearing

On December 5, 2008 the Saint Paul Planning Commission initiated a study of the Zoning Code to address minor text errors and clarify language in the zoning code.

Staff has been in the process of conducting this study and began work with Chapters 60 and 61 of the Zoning Code. A public hearing was held at the February 19, 2010 regular meeting of the Planning Commission. Subsequently the City Council adopted Ordinance 10-349 amending the zoning code to reflect those amendments.

Since that time additional changes have been made to both references in and interpretations of the code within these chapters, as well as additional typographical and contextual errors were found. This package addresses those edits and modifications. A public hearing was held Dec. 5, 2014.

Public hearing testimony

One person spoke at the public hearing. Benita Warns (1440 LaFond) stated that she has concerns about the change to the language in Sec. 61.601 regarding variances, specifically 61.601(d) which states, "The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area." Ms. Warns primary concern was that eliminating this portion would negatively affect areas experiencing redevelopment, potentially with larger buildings, which might negatively impact the adjoining property owners' ability to access light and air for things like gardening, enjoying sunlight on personal property and other related issues. She suggested a change to the language that ensures that adjacent property owners' access to light and air not change if and when a taller structure requiring a variance might be built on adjacent property.

Recommendation

The changes to the variance findings are written so that the variance findings are consistent, as required by law, with MN Stat. 462.357, Subd. 6. Sec. 60.601(a) states that the variance must be in harmony with the general purposes and intent of the zoning code; the Intent and Purpose section of the Zoning Code, in Sec. 60.103(e) states one of the purposes of the zoning code as "to ensure adequate light, air, privacy and convenience of access to property." It is one of 20 zoning code purposes specifically listed in Sec. 60.103. Thus, this purpose is covered, it is not necessary to restate one particular purpose in Sec. 61.601, and no change is recommended to the draft language.

The Neighborhood Planning Committee recommends the Planning Commission forward this report and the following draft zoning minor text amendments pertaining to Chapters 60, through 62 and portions of Chapters 63 and 65 to the Mayor and City Council with a recommendation for approval.