



## Legislation Details (With Text)

**File #:** Ord 19-21      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 4/17/2019

**Title:** Amending Section 409.06(n) of the Legislative Code, exempting the Downtown Business District from certain liquor license location restrictions, and removing restrictions relative to religious organizations City-wide. (Title amended April 10, 2019.)

**Sponsors:** Rebecca Noecker

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/24/2019	2	Mayor's Office	Signed	
4/17/2019	2	City Council	Adopted As Amended	Pass
4/10/2019	1	City Council	Amended and Laid Over for Final Adoption	Pass
4/3/2019	1	City Council	Continue Public Hearing	Pass
3/27/2019	1	City Council	Laid Over to Third Reading/Public Hearing	
3/20/2019	1	City Council	Laid Over to Second Reading	

Amending Section 409.06(n) of the Legislative Code, exempting the Downtown Business District from certain liquor license location restrictions, and removing restrictions relative to religious organizations City-wide. (Title amended April 10, 2019.)

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

WHEREAS, Saint Paul Legislative Code §409.06(n) provides that liquor licenses may not be issued to establishments located within 300 feet of a school, unless the school grants written permission and the license application is approved by an affirmative vote of five-sevenths of the City Council; and

WHEREAS, the City's downtown area is zoned as either "B4" or "B5" under the City's zoning code for Commercial/Business District zoning; and

WHEREAS, the City's zoning code describes the B4 zoning district at Legislative Code §66.416, entitled "Intent B4 central business district" as:

“The B4 central business district provides for a variety of retail stores and related activities, office buildings and service establishments which occupy the prime frontages in the central business district and serve a consumer population beyond the corporate boundaries of the city. The district is also designed to provide for the needs of the daytime work force, a central business district resident population and a transient population, along with the recreation demands of such population groups.”; and

WHEREAS, the City’s zoning code requires that all B4 uses comply with the conditions set forth under Legislative Code §66.444, entitled “Required conditions in the B4 central district” and outlines conditions that require that uses “shall benefit from a central business district location and are appropriate in the central business district”, “generally do not create any significant objectionable influences. The normal operation incident to the use shall in no way diminish or impair property values within the district”, “encourage, because of their own character, other similar uses to concentrate in continuous retail frontage to the mutual advantage of both consumers and the principal permitted uses” and “shall not, by locating in the central business district, impede the normal and orderly development and improvement of the surrounding uses permitted in the district”; and

WHEREAS, the regulatory intent of the zoning code promulgated under Legislative Code §66.444(h) does not meet with the required intent of the regulations promulgated under Legislative Code §409.06(n) in that the regulations under Legislative Code §409.06(n) provide that liquor licenses may not be issued to establishments located within 300 feet of a school, unless the school grants written permission and the license is approved by an affirmative vote of five-sevenths of the City Council; and

WHEREAS, Saint Paul Legislative Code §409.06(n) provides that liquor licenses may not be issued to establishments located within 300 feet of a school, unless the school grants written permission and the license application is approved by an affirmative vote of five-sevenths of the City Council; and

WHEREAS, the Saint Paul City Council finds that that requiring notice to schools within 300 feet regarding the application for a liquor license will provide the schools with an adequate opportunity to raise any potential issues or concerns related to the issuance of a liquor license to an establishment within 300 feet of the school Saint Paul’s downtown environment is substantively different than other areas of the city, and that liquor licenses are critical to business growth in the restaurant and hotel industries and contribute to a vibrant downtown environment; and

WHEREAS, the language within Legislative Code §409.06(n) related to churches and synagogues has been found to be unconstitutional; now, therefore be it

RESOLVED, that the Council of the City of Saint Paul does hereby ordain:

## SECTION 2

Saint Paul Legislative Code section 409.06(n) is hereby amended to read as follows:

Sec. 409.06. - Licensing Requirements.

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(n) License near ~~church or school~~. No license may be issued for any premises located within three hundred (300) feet from any ~~public or parochial school, church, or synagogue~~, said three hundred (300) feet being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the liquor license to the property line of any school, ~~church, or synagogue~~ in the area for which the license is sought. This prohibition shall not apply to on-sale wine and culinary licenses issued under section 409.15, off-sale brewer licenses issued under Minnesota Statutes section 340A.301, subdivision 6(d), brewer taproom licenses issued under section 409.28, or a license issued to a private nonprofit college, or licenses issued or located within the Downtown Commercial Development Business District.

Any licenses in force and effect on November 10, 1962, the location of which license is in conflict with the provisions hereof, may be renewed, transferred or otherwise dealt with in accordance with law, it being the intent of this paragraph that it be applied prospectively for proposed locations of licenses, and further it being the intent of this paragraph that the limitations set forth in this paragraph shall in no manner be applicable to any hotel or motel.

Upon written petition signed on behalf of ~~the~~ a school, ~~church or synagogue~~ located within three hundred (300) feet of the proposed location of the license, the council may by a five-sevenths vote disregard the provisions of this paragraph insofar as location adjacent to a ~~church, school or synagogue~~ of a proposed license is concerned.

### SECTION 3

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.