



## Legislation Text

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**File #:** RES 14-1847, **Version:** 1

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Requesting a Planning Commission study of zoning changes to create an historic use variance that would allow the original historic use of a structure in any zoning district.

WHEREAS, the Council of the City of Saint Paul finds that historic use variance ordinances can be used to ensure adaptive re-use of historic structures within all zoning districts in the City, and that preservation and adaptive re-use of historic structures are well-established comprehensive goals of the City; and

WHEREAS, the Council further finds that historic use variance ordinances can contribute to the health, welfare, and safety of the public by preserving, protecting, and perpetuating the value of some of Saint Paul's treasured historic buildings and sites by providing an historic use for the structure even if it is not currently allowed in that particular zoning district in which the structure or site sits, and serve as a valuable economic development tool; and

WHEREAS, the Historic Preservation Plan, part of the Saint Paul Comprehensive Plan and adopted by the City Council on March 11, 2009, includes Policy 5.3 which states as its goal to "realize the full economic potential of key historic resources by (a) rehabilitating key historic resources to serve as a catalyst for additional development in adjacent areas, and (b) integrate historic properties into new development to strengthen sense of place and provide a link between old and new;" Policy 5.4 which states as its goal to "invest in historic resources along transit corridors as part of a larger neighborhood revitalization and reinvestment strategy;" Policy 5.5 which states as its goal to "develop land use and regulatory incentives to make it easier and more feasible to rehabilitate" historic resources by developing "an ordinance that allows historic variances in order to alleviate undue hardships created by the historic character of designated properties and is consistent with the authority granted by State statute;" and

WHEREAS, the Historic Preservation brochure for the Saint Paul Comprehensive Plan states that "the character and design features of historic properties make them desirable for new uses that recognize the community's special identity;... [historic preservation] also encourages mixed-use neighborhoods and pedestrian-friendly spaces;" and

WHEREAS, several other cities in Minnesota, including Minneapolis, have successfully adopted historic use variance ordinances (attached), and have an easily discoverable track record of uses requested and approved under their ordinances; and

WHEREAS, the Planning Commission, the Planning Commission's Zoning Committee, and the Board of Zoning Appeals have found in many instances over the last ten years that the original use of a building, structure, or site is often the highest and best use regardless of the zoning district and so have approved re-establishment of nonconforming use in many cases or conditional use permits to allow an historic use; and

WHEREAS, the Council desires that the Heritage Preservation Commission and the Planning Commission establish rules for such a historic use variance that establish the bases for establishing findings of fact determining that the variance is compatible with the original use of the property, as well as with preservation of

the property and with other properties in the area; and

WHEREAS, the Council further desires that the Planning Commission prepare a process that would allow for the public and district councils (through the early notification system) to comment on any proposed historic use variance, and further allow the applicant or public an appeal process similar to other zoning matters; NOW THEREFORE

BE IT RESOLVED, the Council requests that the planning commission and the heritage preservation commission jointly study and prepare a report and recommendation within 90 days for the potential to establish, by ordinance, an historic use variance; and involving interested district councils, historic preservation nonprofits, and community development corporations in development of the report and recommendations as appropriate.