



Legislation Text

File #: RES 14-2058, Version: 1

Submitting a proposed amendment to Legislative Code §69.306 pertaining to subdivision regulations, to the Planning Commission for study and a report in accordance with Minn. Stat. §462.357, Subd. 4.

WHEREAS, the Council of the City of Saint Paul finds that the City's present official controls for land subdivisions under the Zoning Code, specifically the regulation of lot splits and adjustment of common boundaries, inadequately inform owners of property adjoining land subject to a lot split or boundary adjustment application, that such lot splits or common boundary adjustments; and

WHEREAS, the approval of lot splits or common boundary adjustments are often a prerequisite to new construction, renovation, or remodeling projects and that such projects, especially within residential zoning districts, may have an impact on adjoining residential properties; and

WHEREAS, the Council believes that owners of property adjoining land subject to a lot split or common boundary adjustment application should receive timely notice that such an application has been approved by City officials especially in light of the Zoning Code's authorization that lot split and adjustment of common boundary applications may be approved administratively; and

Whereas, the Council therefore requests that the planning commission, pursuant to Minn. Stat. § 462.357, Subd. 4, study and prepare a report and recommendation regarding the following proposal initiated by the City Council to amend the City's Zoning Code to provide notice to adjoining land owners that the City's planning administrator had made a final decision regarding a lot split or adjustment of common boundaries application; NOW, THEREFORE

BE IT RESOLVED, that the Council of the City of Saint Paul hereby submits the following proposed amendment to Leg. Code § 69.306 to the planning commission for study and a report in accordance with Minn. Stat. § 462.357, Subd.4:

"An ordinance amending Legislative Code § 69.306 pertaining to subdivision regulations: Lot splits and adjustment of common boundaries; by adding a new section requiring notification of approval of an application to adjust common boundaries or to split a lot to adjoining property owners.

The Council of the City of Saint Paul does ordain:

Section 1.

That Legislative Code § 69.306 is hereby amended by adding the following subdivision (d) to read as follows:

Sec. 69.306. - Planning administrator and board of zoning appeals approval.

(a) The planning administrator shall have the authority to approve those lot splits and adjustments of common boundaries which meet all of the required conditions in section 69.304. In approving lot splits and adjustments of common boundaries, the planning administrator shall review the application for compliance with section 69.304 and cause the application to be reviewed by the public works department and other affected city departments, if appropriate, and shall notify the applicant of any required modifications. When all conditions are met and modifications made, the planning administrator shall stamp the survey as approved. Such surveys and legal descriptions shall then be recorded. In instances where a variance from one (1) or more of the conditions for a lot split or adjustment of common boundary is needed, the planning administrator shall not approve it until a variance from the board of zoning appeals is granted.

(b) Where condition (3), (6) or (7) of section 69.304 is not met, the board of zoning appeals shall hold a public hearing to consider the variance from the required condition. The hearing shall be held in accordance with the provisions of sections 64.201 through 64.209 of this Code which give the board of zoning appeals the power to grant variances from the strict enforcement of the Code upon making the required findings of section 64.203

(c) If a proposed lot split creates a new property line that bisects a building or other structure, a common wall agreement shall be filed on the deeds for both new parcels. This provision is intended to

satisfy all of the zoning requirements for setbacks in lieu of a variance, but does not supercede any building code requirements resulting from the proposed lot split.

(d) A notice of decision shall be provided by United States Mail to all record owners of adjoining property as listed on the property tax records in the Office of the Ramsey County Recorder. This notice shall be provided on the same date that any preliminary or final decision regarding a lot split or adjustment of common boundary application is provided to the applicant.