



## Legislation Text

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**File #:** Ord 19-22, **Version:** 2

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Amending Section 410.03(g) of the Legislative Code, exempting the Downtown Business District from certain non-intoxicating malt liquor license location restrictions, and removing restrictions relative to religious organizations City-wide. (Title amended on April 10, 2019.)

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

WHEREAS, Saint Paul Legislative Code §410.03(g) 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 §410.03(g) in that the regulations under Legislative Code §410.03(g) 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, the language within Legislative Code §410.03(g) related to churches and synagogues has been found 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 410.03(g) is hereby amended to read as follows:

Sec. 410.03 - Licensing requirements.

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(g) License near school or church. No license for on-sale nonintoxicating malt liquors shall be issued for any premises, except for a restaurant as defined in section 409.15 having an on-sale wine or intoxicating malt liquor license, 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 nonintoxicating malt 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 any nonintoxicating malt on-sale licenses issued or located within the Downtown Commercial Development Business District.

All licenses in force and effect on November 10, 1962, the location of which license is in conflict with the provisions hereof may be renewed or otherwise dealt with in accordance with law, it being the intent of this paragraph to 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 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 school, church or synagogue of a proposed license is concerned.

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### SECTION 3

This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication.