



# HIGHLAND

## DISTRICT COUNCIL

1978 Ford Parkway • Saint Paul MN 55116 • 651.695.4005 • [HighlandDistrictCouncil.org](http://HighlandDistrictCouncil.org)

### HDC Community Development Committee Information

#### Site Plans:

The **Site Plan** should show the following:

#### Existing Conditions

Existing buildings, property lines, easements, parking lots and other paved areas, sidewalks, driveways, grading, trees, catch basins, utility poles, street lights, traffic signals, parking meters, pavement markings (traffic lanes, turn arrows, etc.), surrounding fire hydrants, any fire department connections for sprinklers or stand pipes

Survey of existing conditions for large projects.

Legal description of the property

Location map

#### Site Layout

Proposed buildings (with entrances indicated and all other openings, windows, vents, etc.), property lines, easements, Parking Lot Layout, driveways, sidewalks and loading areas

Dimensions and appropriate labels

Traffic and pedestrian control plans (if construction will block adjacent sidewalks and streets)

#### Grading, Drainage, Utilities, and Erosion Control

Existing and proposed grading shown with two foot contour intervals and spot elevations at critical points

Catch basins with rim and invert elevations

Sanitary and storm sewers with pipe size and materials labeled

Ponding areas for storm water detention where required. Calculations for Storm Water Management should be shown on the City worksheet.

Water lines, fire hydrants, fire department connections for sprinklers or standpipes

Erosion control measures such as silt fences, inlet protection, rock construction entrance, and street cleaning

Storm Water Pollution Control Plan (for sites that disturb one acre or more)

#### Landscaping and other site improvements

Existing significant vegetation by size and species (including trees in the boulevard) Proposed landscaping (trees, shrubs and ground cover) identified by size and species

A planting list summarizing plant material used

Details for planting new trees and protecting existing trees

Fences and walls

Site lighting

Street lights, traffic signs and signals, parking meters

Changes to street pavement markings (traffic lanes, turn arrows etc.)

Signs

#### Building information

Building elevations

Height of building, type of construction, whether sprinklers are proposed

Location on property and distance to property lines or other structures on the property



# HIGHLAND

## DISTRICT COUNCIL

1978 Ford Parkway • Saint Paul MN 55116 • 651.695.4005 • [HighlandDistrictCouncil.org](http://HighlandDistrictCouncil.org)

### **Variance**

According to the zoning code, the BZA (Board of Zoning Appeals) must make the following findings before they can grant a variance:

The property in question cannot be put to a reasonable use under the strict provisions of the code.

The plight of the landowner is due to circumstances unique to the property, and these circumstances were not created by the landowner.

The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul.

The proposed variance will not impair an adequate supply of light and air to the adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding areas.

The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where affected land is located, nor would it alter or change the zoning district classification of the property.

The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.

In granting a variance, the BZA may attach reasonable conditions to their approval. The BZA does not have the authority to allow a use that is not otherwise permitted in the zoning district.

### **Conditional Use Permit**

In addition to meeting all conditions listed under a specific use, there are general conditions that must be met for all Conditional Use Permits as follows:

The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable sub-area plans which were approved by the city council.

The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.

The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The Planning Commission may impose such reasonable conditions and limitations in granting an approval as are determined to be necessary to fulfill the spirit and purpose of the zoning code and to protect adjacent properties.

Conditions may be modified by the Planning Commission when strict application of such conditions would unreasonably limit or prevent the otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.

The Planning Commission may act as the Board of Zoning Appeals and grant Zoning Variances in accordance with the variance provisions in the zoning code for proposals that also require a Conditional Use Permit.



# HIGHLAND

## DISTRICT COUNCIL

1978 Ford Parkway • Saint Paul MN 55116 • 651.695.4005 • [HighlandDistrictCouncil.org](http://HighlandDistrictCouncil.org)

### **Nonconforming Use Permit**

Before the Planning Commission can grant a Nonconforming Use Permit, they must make the following findings:

- The use occurs entirely within an existing structure;
- The use is similar to other uses permitted within the district;
- The use has been in existence continuously for a period of at least 10 years prior to the application;
- The off-street parking is adequate to serve the use;
- Hardship would result if the use were discontinued;
- Rezoning the property would result in "spot" zoning or a zoning inappropriate to the surrounding land uses;
- The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
- The use is consistent with the comprehensive plan; and
- That a notarized petition of two-thirds of the property owners within 100 feet of the property has been obtained stating support for the use.

The Planning Commission may impose such reasonable conditions and limitations in granting an approval as are determined to be necessary to fulfill the spirit and purpose of the zoning code and to protect adjacent properties.

The Planning Commission may act as the Board of Zoning Appeals and grant Zoning Variances in accordance with the variance provisions in the zoning code for proposals that also require a Nonconforming Use Permit.

### **Similar Use**

The Planning Commission must make the following findings in determining one use is similar to another.

- That the use is similar in character to one or more of the principal uses permitted.
- That the traffic generated on such use is similar to one or more of the principal uses permitted.
- That the use is not first permitted in a less restrictive zoning district.
- That the use is consistent with the comprehensive plan.

The Planning Commission may impose such reasonable conditions and limitations in granting an approval as are determined to be necessary to fulfill the spirit and purpose of the zoning code and to protect adjacent properties.

The Planning Commission may act as the Board of Zoning Appeals and grant Zoning Variances in accordance with the variance provisions in the zoning code for proposals that also require a Determination of Similar Use.

### **Re-zonings**

Re-zonings from residential to commercial or industrial zoning districts cannot be considered unless a notarized petition of two-thirds of the property owners within 100 feet of the property has been obtained stating support for the use

Some of the issues that are evaluated by the City with respect to rezoning proposals include:

- Compatibility with land use and zoning classification of property within the general area.
- Suitability of the property for the uses permitted under the existing zoning classification.
- The trend of development in the area of the property in question.
- Consistency with the Comprehensive Plan and District Plan.



# HIGHLAND

## DISTRICT COUNCIL

1978 Ford Parkway • Saint Paul MN 55116 • 651.695.4005 • [HighlandDistrictCouncil.org](http://HighlandDistrictCouncil.org)

The Planning Commission may act as the Board of Zoning Appeals and grant Zoning variances in accordance with the variance provisions in the Zoning Code.

### **Platting**

A plat is required when subdividing land if:

- Five or more lots or parcels are being created each of which is 2 1/2 acres or less in size; or
- Paved streets, alleys, and any other public improvements or services are required; or
- The land is previously un-platted.

### **Lot Split**

Section 67.304 of the Zoning Code defines a lot split as the division of one or more lots which creates no more than four lots. Lot splits are permitted without platting provided the following conditions are met:

The lot or lots have frontage on an existing improved street and access to municipal services

The lot or lots to be divided are previously platted land.

The lot or lots meet the minimum standards for lot width and area for the zoning district in which they are located.

The division of the lots shall not cause a remaining part of a lot to become a separately described tract which does not meet the minimum standards of the zoning district in which it is located or which does not have street frontage and access to municipal services.

The division does not result in a split zoning classification on a single lot.

The division does not result in the creation of a nonconforming structure or use.

No lot shall be created where the building pad area for the principal structure has an existing slope steeper than eighteen (18) percent or where a driveway steeper than twenty (20) percent is required to reach the building site. However, the planning administrator may approve the creation of a steeper lot, as an exception to this regulation, where the steeper lot is specifically consistent with a city-approved neighborhood plan or redevelopment project.

The Planning Administrator has the authority to approve lot splits that meet all of the required conditions listed above. Where conditions (3), (6), or (7) above are not met, the applicant may apply to the Board of Zoning Appeals for consideration of a variance from the required condition(s).

### **Liquor Licenses**

**Overview** These licenses are for the sale of liquor by the glass for consumption on the premises where sold. A Restaurant License is required in conjunction with all new Liquor - On Sale Licenses except in the Downtown Business District and the Commercial Development Districts. Liquor establishments must be more than 300 feet from churches and schools. Wine and Malt On-Sale (Strong) Licenses require the sale of alcohol to occur in conjunction with the sale and service of food. Additionally, at least sixty (60) percent of total sales must be attributable to the sale of food. Full On-Sale Liquor Licenses for new establishments located outside of the Downtown Business District and Commercial Development Districts can only be issued to hotels, restaurants, and non-profit private colleges. Restaurants require at least sixty (60) percent of all sales be attributable to the sale of food.

### **Entertainment**

An Entertainment License is issued in conjunction with a Liquor - On Sale, Wine - On Sale, and/or Malt - On Sale License.



# HIGHLAND

DISTRICT COUNCIL

1978 Ford Parkway • Saint Paul MN 55116 • 651.695.4005 • [HighlandDistrictCouncil.org](http://HighlandDistrictCouncil.org)

**There are three types of entertainment licenses:**

Class A - Amplified or non-amplified music and/or singing by performers without limitation as to number, and group singing participated in by patrons of the establishment. (Includes karaoke) Class B - All activities allowed in Class A, plus dancing by patrons to live, taped, or electronically produced music, and which may also permit volleyball and broomball participated in by patrons or guests of the licensed establishment plus stage shows, theater, and contests. In all of the activities in Classes A and B, all of the participants, including patrons, shall be fully clothed at all times. Class C - All activities allowed in Classes A and B, plus performance by male or female performers without limitation as to number, where clothing is minimal but in compliance with Chapters 409.09 and 410.05 of the Saint Paul Legislative Code.

**Extension of Service-Temporary** This license allows a liquor licensee to sell or serve intoxicating liquors in areas outside the building structure which are immediately adjacent to and contiguous with the structure containing the licensed premises. There is a limit of 12 such extensions per location per calendar year.