

REVISED 2/24/10

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, March 4, 2010 3:30 P.M.  
City Council Chambers  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF FEBRUARY 11, 2010 ZONING COMMITTEE MINUTES**

**SITE PLAN REVIEW** – List of current applications (Tom Beach, 651-266-9086)

**NEW BUSINESS**

**1     ~~10-106-259 Sabrina DeMars /Craig Jensen~~**

~~Re-establishment of nonconforming use as a duplex  
924 Eleanor Ave, SW corner at Milton  
R4  
Sarah Zorn — 651-266-6570~~

**\*2     ~~10-105-510 Melvin Miller~~**

~~Conditional use permit for transitional housing facility for 6 adult male residents  
1116 Pacific St, SW corner at Frank  
R4  
Emily Goodman — 651-266-6551~~     **\*APPLICATION DETERMINED INCOMPLETE**

**DISCUSSION**

Minor Text Amendments for Chapters 60 and 61 of the Zoning Code  
Citywide  
Kate Reilly     651-266-6618

**ADJOURNMENT**

**ZONING COMMITTEE MEMBERS:** Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6565  
Facsimile: 651-228-3261*

To: Zoning Committee

From: Kate Reilly (266-6618)

Date: February 25, 2010

Re: Minor Zoning Text Amendments

Please review the attached Planning Commission Resolution and City Council Ordinance regarding the Minor Zoning Text Amendments for Chapters 60 and 61 of the Zoning Code.

On March 4, 2010 we will review these documents. It is my hope that we will be able to forward these amendments to the Planning Commission for recommendation to the City Council for an ordinance change to Chapters 60 and 61 of the Zoning Code.

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

MINOR ZONING TEXT AMENDMENTS

WHEREAS, the Saint Paul Zoning Code is established to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community; and

WHEREAS, Section 61.801(b) of the Zoning Code authorizes the Saint Paul Planning Commission to initiate amendments to the code; and

WHEREAS, the current Saint Paul Zoning Code, found in chapters 60 through 69 of the Saint Paul Legislative Code, contains minor text errors that should be corrected and language regarding a variety of topics that should be clarified; and

WHEREAS, a zoning study was initiated on December 5, 2008 to propose minor text amendments to the Zoning Code to enhance the legibility and utility of the code; and

WHEREAS, a Planning Commission public hearing on the identified minor text amendments for Chapters 60 and 61 of the Saint Paul Legislative Code was held on February 19, 2010; and

WHEREAS, no public testimony was received and the matter was referred back to the Zoning Committee;

NOW, THEREFORE, BE IT RESOLVED that the Saint Paul Planning Commission recommends that the City Council adopt these minor text amendments to the Saint Paul Zoning Code

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

**ORDINANCE  
CITY OF SAINT PAUL, MINNESOTA**

Presented by \_\_\_\_\_

1 An ordinance amending Legislative Code Chapters 60 and 61,  
2 correcting errors and updating and clarifying language.

3  
4 WHEREAS, the Planning Commission, on January 8, 2010, released for public review draft minor  
5 text amendments to Chapters 60 and 61, and set a public hearing for February 19, 2010; and

6  
7 WHEREAS, a public hearing on the proposed minor text amendments was conducted by the  
8 Planning Commission on February 19, 2010, at which all persons present were allowed to testify;  
9 and

10  
11 WHEREAS, the Planning Commission considered the public testimony and the recommendations of  
12 its Zoning Committee on the proposed amendments to Chapters 60 and 61 of the Zoning Code, and  
13 made its recommendations to the Mayor and City Council on March 12, 2010; and

14  
15 WHEREAS, a public hearing before the City Council having been conducted on [April 21,  
16 2010?], at which all interested parties were given an opportunity to be heard, the Council having  
17 considered all the facts and recommendations concerning the amendments; NOW THEREFORE,

18  
19 THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN:

20  
21 Section 1

22 That Legislative Code Chapter 60 Zoning Code - General Provisions and Definitions; Zoning  
23 Districts and Maps Generally is hereby amended as follows:

24  
25  
26 **Sec. 60.109. Other city, local, regional, state and federal regulations.**

27  
28 (b) *Reference to other regulations.* In addition to the requirements of this zoning code, all uses  
29 and development shall comply with all other applicable city, local, regional, state and federal  
30 laws and regulations. All references in this zoning code to other city, local, regional, state or  
31 federal regulations are for informational purposes only, and do not constitute a complete list of  
32 such regulations. These references do not imply any responsibility by the city for enforcement  
33 of other local, regional, state or federal regulations.

34  
35  
36 **Sec. 60.112. Severability.**

37  
38 (a) *Severability of text.* If any section, clause, provision, or portion of this zoning code is  
39 determined to be invalid or unconstitutional by a court of competent jurisdiction, that section,  
40 clause, provision, or portion shall be deemed severed from the zoning code, and such  
41 determination shall not affect the validity of the remainder of the zoning code.  
42

43

44 **Sec. 60.203. B.**

45

46 *Building height.* The vertical distance measured from the established grade to the highest point of  
47 the roof surface for flat and shed roofs; to the break line of mansard and gambrel roofs; and to the  
48 average height between eaves and ridge for gable and hip roofs. Where a building is located on  
49 sloping terrain, the height may be measured from the average ground level of the grade at the  
50 building wall. The existing grade of the property shall may not be raised around a new building or  
51 foundation in order to comply with the height requirements of this code. When there is a dormer  
52 built build into the roof, the height is measured to the midpoint of the dormer roof if the dormer(s)  
53 roof width exceeds fifty (50) percent or more of the building roof width on the side where the  
54 dormer(s) is located any side of the building.

55

56

57 **Sec. 60.205. D.**

58

59 Dwelling unit. A building, or portion thereof, designed for occupancy by one (1) family for  
60 residential purposes used or intended to be used for living, sleeping and cooking or eating purposes  
61 One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with  
62 a single complete kitchen facility (stove, refrigerator, and sink), sleeping area, and bathroom  
63 provided within the unit for the exclusive use of a single household.

64

65

66 **Sec. 60.207. F.**

67

68 ~~*Floor area, gross leasable* (for the purposes of computing shared parking under section 63.1206).  
69 The total floor area of a building or structure designed for the tenants' occupancy and exclusive use,  
70 including basements, mezzanines and upper floors, expressed in square feet and measured from the  
71 outside face of the exterior walls and from the centerline of common walls or joint partitions. All  
72 that area for which tenants pay rent, including sales and integral stock areas, but excluding  
73 stairwells, elevator shafts, mechanical rooms, space related to the operation and maintenance of the  
74 building, and lobbies and bathrooms located for common or public use rather than for tenant or  
75 internal use.~~

76 ~~*Floor area, usable.* That area used for or intended to be used for the sale of merchandise or services,  
77 or for use to serve patrons, clients or customers and all that area devoted to employee workspace.  
78 Such floor area which is used or intended to be used principally for the storage of merchandise,  
79 hallways, elevator or stair bulkheads or for utilities or sanitary facilities shall be excluded from this  
80 computation of "usable floor area." Measurement of usable floor area shall be the horizontal areas of  
81 the several floors of the building, measured from the exterior faces to the exterior walls.~~

82

83

84 **Sec. 60.213. L.**

85

86 Lot, flag. A lot with street access provided to the bulk of the lot by means of a corridor of lesser  
87 width.

88

89 *Lot width.* The horizontal distance between the side lot lines, measured at the two (2) points where  
90 ~~the building line or required front setback line intersects the side lot lines.~~ For flag lots or pie-  
91 shaped lots, the lot width shall be the horizontal distance between the side lot lines, measured at the  
92 proposed front building line. Regardless of lot shape, the minimum lot width shall be met for the  
93 entire length of the principal building.

94  
95

96 **Sec. 60.220. S.**

97

98 ~~*Superintendent of parks.* The superintendent of parks of the City of Saint Paul.~~

99 ~~*Street, improved.* A public or private right-of-way, other than an alley, paved with concrete, brick~~  
100 ~~or bituminous material, or with an oiled surface, that is maintained for the purpose of providing~~  
101 ~~access to abutting property.~~

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104 **Sec. 60.306. Zoning lot, more than one zoning designation.**

105 A use may be developed on a zoning lot that has two (2) or more zoning district designations so  
106 long as the use is permitted in each of the zoning districts. The minimum zoning requirements of  
107 each district shall apply to that part of the zoning lot in each zoning district. Parking for the use  
108 may be allowed anywhere on the lot as otherwise regulated by the code for each zoning district.

109  
110

111 Section 2

112

113 That Legislative Code Chapter 61 Zoning Code – Administration and Enforcement is hereby  
114 amended as follows:

115

116 **Sec. 61.101. Building permits.**

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118 No building or grading permit shall be issued for the construction, erection, alteration, moving,  
119 demolition or use of any building or structure or part thereof, or for the use of any land, which  
120 ~~creation, alteration, moving or use~~ is not in accordance with all provisions of this code. No renewal  
121 of an expired building or grading permit shall be issued for a use or structure made nonconforming  
122 by amendments to this code.

123 The holder of every building or grading permit for the construction, erection, alteration, moving or  
124 demolition of any building, structure or part thereof shall notify the building inspector immediately  
125 upon the completion of the work authorized by such permit, for a final inspection.

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127

128 **Sec. 61.103. Reserved Final inspection.**

129 ~~The holder of every building permit for the construction, erection, alteration, repair or moving of~~  
130 ~~any building, structure or part thereof shall notify the zoning administrator immediately upon the~~  
131 ~~completion of the work authorized by such permit, for a final inspection.~~

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133

134 **Sec. 61.104. Permits issued, documents to be recorded.**

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136 Upon approval of a site plan, permit, variance, or other zoning approval by the zoning or planning  
137 administrator, planning commission, board of zoning appeals or city council, the applicant shall be  
138 issued a permit, or a letter of approval in the case of a site plan, upon which all conditions or  
139 limitations imposed shall be recorded. A certified copy of every conditional use permit ~~modification~~  
140 ~~granted by the planning commission or~~ and subdivision variance granted shall be filed with the  
141 county recorder or registrar of titles but shall not constitute an encumbrance on real property. All  
142 permits, ~~modifications~~ and subdivision variances shall include the legal description of the property  
143 involved.

144

145

146 **Sec. 61.105. Period of decision.**

147

148 No decision of the zoning or planning administrator, planning commission, board of zoning appeals  
149 or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a  
150 period longer than two (2) years, unless a building permit is obtained within such period and the  
151 erection or alteration of a building is proceeding under the terms of the decision, or the use is  
152 established within such period by actual operation pursuant to the applicable conditions and  
153 requirements of the approval, unless the zoning or planning administrator grants an extension not to  
154 exceed one (1) year. If the use approved is no longer permitted because this code has been amended,  
155 the use must meet the requirements of Sec. 61.803.

156

157

158 **Sec. 61.106. Similar use determination**

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160 When a specific use is not listed in the zoning code, the zoning administrator shall issue a statement  
161 of clarification, finding that the use is or is not substantially similar in character and impact to a use  
162 regulated herein. Such statement of clarification shall include the findings that led to such  
163 conclusion and shall be filed in the office of the zoning administrator. If the zoning administrator  
164 finds that the use is not sufficiently similar to any other use specifically listed and regulated in the  
165 zoning code, any person proposing such use may file an application for the planning commission to  
166 determine if a use is or is not similar to other uses permitted in each district. The zoning  
167 administrator or planning commission shall make the following findings in determining one (1) use  
168 is similar to another:

169 (a) That the use is similar in character to one (1) or more of the principal uses permitted.

170 (b) That the traffic generated ~~on~~ by such use is similar to one (1) or more of the principal uses  
171 permitted.

172 (c) That the use is not first permitted in a less restrictive zoning district.

173 (d) That the use is consistent with the comprehensive plan.

174

175

176 **Sec. 61.108. Conditions violated, permit revocation.**

177

178 The zoning administrator shall notify the planning commission or the board of zoning appeals when  
179 a development covered by a site plan, permit, variance, determination of similar use, or other zoning

180 ~~approval permit or other matter~~ is not in compliance with any of the conditions imposed upon such  
 181 use approval permit. The commission ~~or the board~~ may, at a public hearing, following notice to the  
 182 owner of subject property and other adjacent property owners as specified in section 61.303(c), and  
 183 upon determination that the conditions imposed by such approval are not being complied with,  
 184 revoke the authorization for such approval and require that such use be discontinued. The  
 185 commission or the board, in lieu of revoking the permission, may impose additional conditions,  
 186 modify existing conditions, or delete conditions which are deemed by the commission or the board  
 187 to be unnecessary, unreasonable or impossible of compliance.

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190 **Sec. 61.201. Zoning administrator.**

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- (a) The ~~director building official~~ of the department of safety and inspections shall designate a zoning administrator to enforce this code and is hereby designated the zoning administrator.

196 **Sec. 61.302. Application forms and fees.**

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- (b) *Fee schedule.* Fees for the following zoning control applications shall be as follows:

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 202  
 203  
 204  
 205

- ...  
 (17) ~~Reserved.~~ Large Sites: For large sites where only a portion of the site is affected by the zoning action, the zoning or planning administrator may set the fee based on the size of the affected portion of the site.  
 (18) *SFV state fair vending permit:* Annual fee of one hundred dollars (\$100.00) per parcel on which vending will occur.

206 **Sec. 61.402. Site plan review ~~(all districts)~~, by the planning commission.**

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 212 ...

- (a) *Plan to be submitted.* A site plan shall be submitted to and approved by the planning commission before a permit is issued for grading or the erection or enlargement of any building gross floor area for any development except one- and two-family dwellings, but and including the following:

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 214

- (16) Demolition of any principal residential or commercial structure where the new use of the site will be parking or storage.

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- (b) *Site plan application:*

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 218  
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- (3) Application for site plan approval shall include ~~nine (9)~~ sets of plans with sufficient detail to demonstrate that the plan complies with the provisions of this code, including floor plans necessary to determine compliance with parking and safety standards and elevation plans to determine compliance with design standards.

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 222 ...

- (c) *Site plan review and approval.* In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:

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- (11) Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas." "Ramsey Erosion and Sediment Control Handbook."

226

- (e) *Security agreement.* ~~Before the site plan is approved, the applicant shall~~ The zoning



227 administrator may require the applicant to file a security agreement in the form of an  
 228 irrevocable letter of credit, a performance bond, or cash escrow equal to the estimated cost, as  
 229 determined by the zoning administrator, to install required landscaping, paving, screening,  
 230 erosion and sediment control or items required by special condition. Such security agreement  
 231 performance bond shall be secured and filed with the zoning administrator within ~~three (3)~~  
 232 months one (1) year from the date the applicant was notified of the intent to approve the site  
 233 plan. unless the zoning administrator, upon written request of the applicant, may grants an  
 234 extension not to exceed one (1) year.

235 Upon completion of the ~~bonded~~ work items covered by the security agreement, the owner shall  
 236 apply to the zoning administrator for final inspection. If the zoning administrator finds that all  
 237 installations meet the requirements of approved plans and specifications, the security  
 238 agreement shall be released. However, a security agreement for landscaping shall be effective  
 239 and held for one (1) year after completion of the work in order to ensure that such landscaping  
 240 will survive.

241 If improvements covered by the security agreement are not completed as ~~proposed~~ within the  
 242 established time limit, the city may proceed to require performance by the surety, or complete  
 243 such installation by contract or force account and seek reimbursement of its costs from the  
 244 security agreement. ~~The zoning administrator shall have the right to accept a cash escrow or~~  
 245 ~~irrevocable letter of credit in lieu of a bond in an amount and under such circumstances as the~~  
 246 ~~zoning administrator shall determine appropriate.~~ If seasonal weather conditions or phasing of  
 247 construction present practical difficulties in the installation or completion of landscaping,  
 248 paving, screening or any required item, written extension of the time limit for completion, may  
 249 be delayed for not to exceed more than six (6) months, may be granted by the zoning  
 250 administrator. ~~The extension of time shall be granted in writing.~~

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253 **Sec. 61.503. Conditional use permit, change requiring new permit**

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255 A change to a conditional use requires a new permit when one of the following conditions occurs:

- 256 (a) A conditional use changes from one conditional use to another conditional use.
- 257 (b) The floor area of a conditional use expands by fifty (50) percent or more. For a conditional use  
 258 existing on October 25, 1975, expansion is the sum of the floor area of all the expansions since  
 259 then. For a conditional use established after October 25, 1975, expansion is the sum of the floor  
 260 area of all the expansions since being established. Floor area does not include floor area which  
 261 is accessory to a principal use and which does not result in the expansion of a principal use.
- 262 (c) For a conditional use permit triggered by floor area, the floor area expands to be larger than the  
 263 floor area that triggers the requirement for a conditional use permit for the first time; or if  
 264 already larger than the floor area that triggers the requirement for a conditional use permit, the  
 265 floor area expands by ten (10) percent or more.
- 266 (de) The building containing a new conditional use is torn down and a new building is constructed,  
 267 even if the new building contains the same or less floor area.
- 268 (ed) The principal use of a conditional use expands onto an abutting lot, such as a used car lot or a  
 269 fast food restaurant building addition expanding onto an abutting lot.
- 270 (fe) The number of residents in a community residential facility increases, or the number of  
 271 rooming units in a rooming or boarding house increases.
- 272 (gf) A college, university or seminary adds a school building or an off-street parking facility for its

273 exclusive use outside of its approved campus boundary.

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275

276 **Sec. 61.601. Variances.**

277

278 The board of zoning appeals and the planning commission shall have the power to grant variances  
279 from the strict enforcement of the provisions of this code upon a finding that:

280 (a) The property in question cannot be put to a reasonable use under the strict provisions of the  
281 code;

282 (b) The plight of the landowner is due to circumstances unique to the property, and these  
283 circumstances were not created by the landowner;

284 (c) The proposed variance is in keeping with the spirit and intent of the code, and is consistent  
285 with the health, safety, comfort, morals and welfare of the inhabitants of the city;

286 (d) The proposed variance will not impair an adequate supply of light and air to adjacent property,  
287 nor will it alter the essential character of the surrounding area or unreasonably diminish  
288 established property values within the surrounding area;

289 (e) The variance, if granted, would not permit any use that is not permitted under the provisions of  
290 the code for the property in the district where the affected land is located, nor would it alter or  
291 change the zoning district classification of the property; and

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

294 In granting a variance, the board shall ~~state the~~ make written findings stating the grounds upon  
295 which it justifies the ~~granting of a variance is justified.~~ Hardship as described in the finding set out in  
296 subsection (a) above shall include the need for access to direct sunlight for solar energy systems.

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298

299 **Sec. 61.701. Administrative appeals.**

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301 (a) The board of zoning appeals shall have the power to hear and decide appeals where it is  
302 alleged by the appellant that there is an error in any order, requirement, permit, decision or  
303 refusal made by the zoning administrator in carrying out or enforcing any provision of theis  
304 code.

305 ~~(b) The board of zoning appeals shall have the power to hear and decide appeals of orders,  
306 decisions or determinations made by the building official relative to the application and  
307 interpretation of the state building code.~~

308 (b)(e) The grant or denial of approval by the planning or zoning administrator of site plans, permits,  
309 similar use determinations or other matters that the planning commission has, by rule,  
310 delegated to the planning or zoning administrator is subject to appeal to the planning  
311 commission.

312 (c)(d) An appeal may be taken by any person, firm or corporation, or by any office, department,  
313 board or bureau affected by a decision of the planning or zoning administrator ~~or building~~  
314 official within ten (10) days after the date of the decision appealed from shall have been served  
315 either in person or by mail upon the owner of the property which is the subject matter of the  
316 decision, and The appeal shall specify the grounds of the appeal. The planning or zoning  
317 administrator shall forthwith transmit to the board or commission all of the papers constituting  
318 the record upon which the action appealed from was taken. An administrative appeal shall stay

319 all proceedings, including criminal proceedings, in furtherance of the action appealed from  
320 unless the zoning administrator ~~or building official~~ certifies to the board or commission, after  
321 notice of appeal has been filed, that by reason of facts stated in the certificate a stay would  
322 cause imminent peril to life or property, in which case the proceedings shall not be stayed  
323 otherwise than by a restraining order granted by a court of competent jurisdiction.  
324  
325

326 **Sec. 61.702. Appeals to city council.**  
327

- 328 (a) The city council shall have the power to hear and decide appeals where it is alleged by the  
329 appellant that there is an error in any fact, procedure or finding made by the board of zoning  
330 appeals or the planning commission. An appeal may be taken to the city council by any person,  
331 firm or corporation or by any office, department, board or bureau affected by a decision of the  
332 board of zoning appeals or planning commission. Such appeal shall be taken within ten (10)  
333 days after the date of the decision appealed from and shall specify the grounds for the appeal.  
334 Appeals of decisions by the board of zoning appeals shall be filed with the ~~department of~~  
335 ~~safety and inspections zoning administrator;~~ appeals of decisions by the planning commission  
336 shall be filed with the ~~zoning section of the planning division.~~ administrator, except that  
337 Appeals of decisions by the planning commission on site plan review shall be filed with the  
338 department of safety and inspections zoning administrator. Appeals shall specify the grounds  
339 thereof and be accompanied by payment of the required fee.
- 340 (b) The city council shall conduct a hearing on the appeal, shall give due notice of the hearing to  
341 all interested parties as required under section 61.303, and shall render a decision on the appeal  
342 without unreasonable delay. Any person may appear and testify at the hearing either in person  
343 or by duly authorized agent or attorney.  
344  
345

346 **Sec. 61.704. Orders.**  
347

348 In exercising the above powers, the city council, planning commission, or board of zoning appeals  
349 may reverse or affirm, wholly or partly, or may modify the orders, requirements, decision or  
350 determination appealed from and may make such order, requirement, decision or determination as  
351 ought to be made. To that end, the board of zoning appeals shall have all the powers of the zoning  
352 administrator ~~and the building official~~, and the city council shall have all the powers of either the  
353 board of zoning appeals or the planning commission. All final decisions, orders, requirements or  
354 determinations by the board of zoning appeals, planning commission, and/or city council shall be in  
355 the form of a written resolution. The city council shall serve a copy of the resolution upon the  
356 appellant and/or the owner of the affected property, zoning administrator, planning commission and  
357 board of zoning appeals by mail or personal service. The board of zoning appeals or planning  
358 commission shall serve a copy of the resolution upon the appellant and/or owner of the affected  
359 property, the zoning administrator and the planning administrator. Decisions of the city council on  
360 all matters within its jurisdiction shall be final subject only to judicial review by a court of  
361 competent jurisdiction.  
362  
363

364 **Sec. 61.803. Amendment's effect on pending uses and structures.**

365

366 Uses that were permitted to be established and structures that were permitted to be constructed  
 367 before amendments to this zoning code but are no longer permitted by the amendments may be  
 368 established or constructed, provided that they meet the following conditions:

369 (a) For uses and structures that need zoning permits or approvals to be established or constructed,  
 370 prior to the effective date of the amendments, applications for all required zoning permits and  
 371 approvals shall have been filed and accepted as complete for meeting all requirements of  
 372 section 61.301 and section 61.302, or the uses and structures shall have received all required  
 373 zoning permits and approvals.

374 (ba) For uses and structures that need building permits to be established or constructed, prior to may  
 375 be established or constructed, provided that before the effective date of the amendments, (1)  
 376 The uses or structures have received all required zoning permits from the planning  
 377 commission or the board of zoning appeals, or if the zoning permits are appealed, the city  
 378 council; and (2) valid building permit applications shall have been made or valid building  
 379 permits shall have been issued for the establishment of the uses or for the construction of the  
 380 structures.

381 If the construction needed to establish the uses or the construction of the structures has not  
 382 begun within six (6) months of the issuance of the building permits, the uses or structures may  
 383 not thereafter be established or constructed. For the purpose of this section demolition  
 384 preparatory to construction shall be considered construction.

385 (b) Uses not needing zoning permits or approvals and not needing building permits must be  
 386 established before the effective date of the amendments.

387 This section shall not apply to interim ordinances adopted in accordance with Minnesota Statutes,  
 388 chapter 462.355, subdivision 4.

389

390

391

Section 3

392

393 This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

	Yeas	Nays	Absent
Bostrom			
Carter			
Harris			
Helgen			
Lantry			
Stark			
Thune			

Requested by Department of:

Planning and Economic Development

By: \_\_\_\_\_

Form Approved by City Attorney

By: \_\_\_\_\_

Adopted by Council: Date \_\_\_\_\_

Adoption Certified by Council Secretary

By: \_\_\_\_\_

Form Approved by Mayor for Submission to Council

By: \_\_\_\_\_

Approved by Mayor: Date \_\_\_\_\_

By: \_\_\_\_\_