

SAINT PAUL CRITICAL AREA ZONING

November 2008



Overview

In recent years, the City of St. Paul has recognized the Mississippi River as a central asset in city life, and invested great time and energy in drawing out the core natural qualities of the Mississippi River.

The 72-mile stretch of the Mississippi through the metro area is designated as a National Park – the Mississippi National River and Recreation Area (MNRRA). The Critical Area Zoning adopted by each City along the corridor are the only regulatory authority the National Park Service has to sustain the Park’s natural, scenic, and cultural values.

A major milestone in the reorientation toward the Mississippi River valley is the update to the City’s Critical Area Zoning Ordinance. As with any other zoning ordinance, the critical area zoning should put the values the City identified in the Comprehensive Plan into practice.

FMR sees two principal areas for further refinement in the plan: how the zoning code addresses height (Section 1), and zoning boundaries (Section 2). They are introduced and explored in the next few pages.



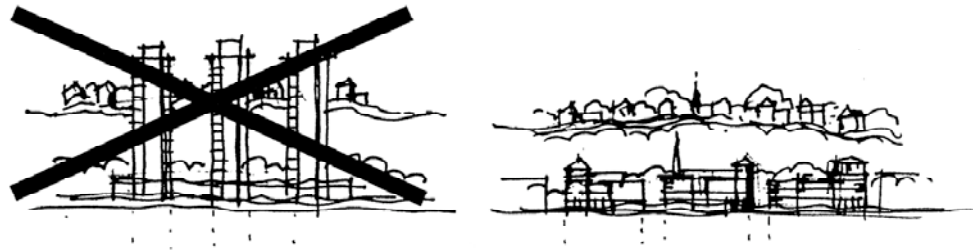


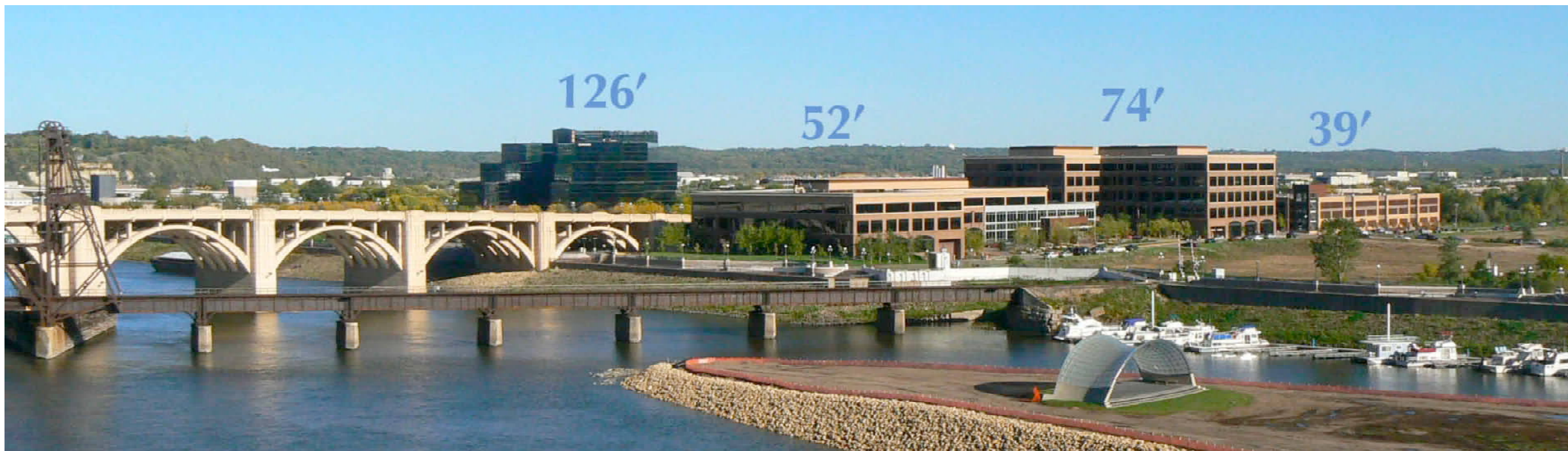
Section 1: Height

The St. Paul Comprehensive Plan's Mississippi River Corridor Chapter provides direction about how to address height in the river valley. The plan notes generally:

Consistent with an urban setting, the design of new buildings should reflect the river corridor's natural character and respond to topography by preserving critical public views ... In the river corridor, building scale becomes very important as it relates to topography, views and the surrounding urban fabric ... Occasionally, it is permissible and even desirable to allow selective exceptions for medium-scaled landmarks." (Mississippi River Corridor Chapter, St. Paul Comprehensive Plan, page 47-48)

The Comprehensive Plan demonstrates what it means graphically as it relates to development in the river valley:





Impacts of Building Height on Views across the West Side

View from Kellogg Mall Park, near base of Wabasha Street Bridge

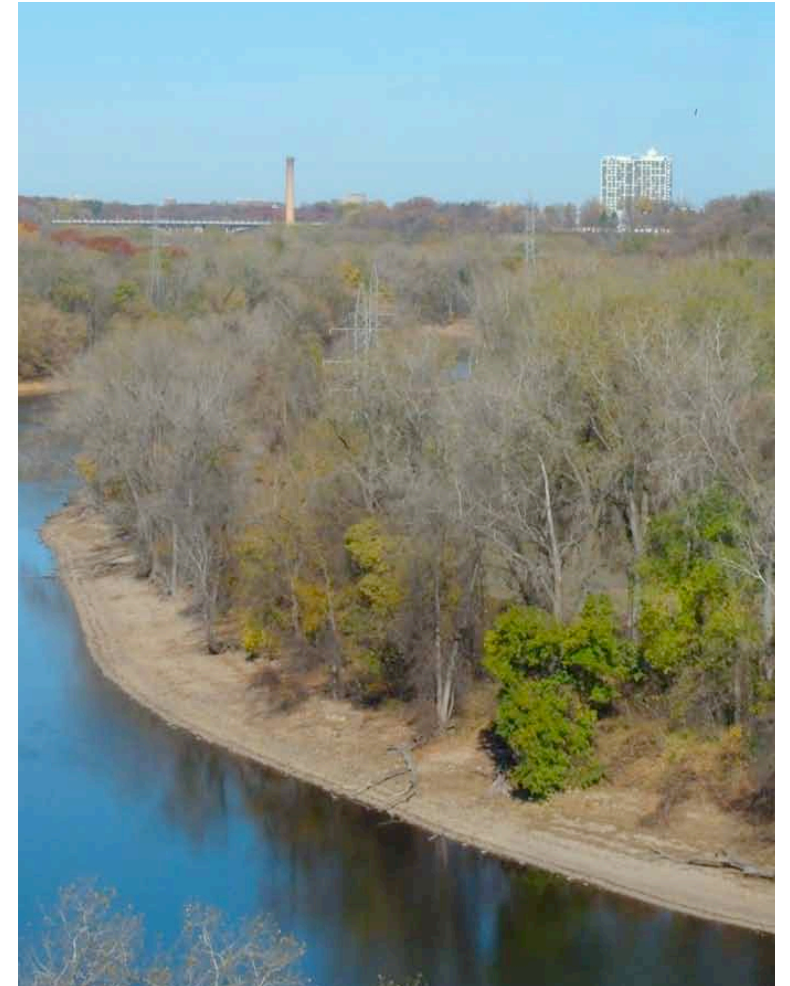
“New development should employ building envelopes that heighten the experience of the river corridor by preserving public views to the top of the High Bluff”

- *Saint Paul Comprehensive Plan, Mississippi River Corridor Chapter, Policy 7.2.1*

A 60 foot maximum height would be allowed under the Critical Area Task Force proposal. This photo illustrates that buildings of that height would preserve views public views to the high bluff, and thus meet the intent of the Comprehensive Plan.

A 90 foot maximum height would be allowed under the Planning Commission proposal. Buildings of this height would have to be in an approved master-planned development in a TN3 zoning district. This photo illustrates that buildings of that height would block views to the top of the High Bluff, fail to replicate the condition shown in the diagram on the previous page, and thus in general fail to meet the intent of the Comprehensive Plan.

Building height data courtesy City of St. Paul Department of Public Works. In each section of building, heights reflected here were averages of height taken at multiple points on each building. Heights do not include masking for HVAC and other equipment on building roofs.



Impacts of Building Height on Views of Saint Paul's River Gorge

View from Lake Street-Marshall Avenue Bridge (left), and Historic Fort Snelling (right)

The Ford site will become a principal focus for redevelopment in coming years. Existing buildings such as 740 Mississippi River Boulevard (the tower in both photos), as well as a few lower buildings are visible from miles away. As the photos demonstrate, views are impacted both from the Lake Street Bridge, and the Visitor's Center viewing platform at Fort Snelling.



Impacts of Building Height on Views of Saint Paul's River Gorge

View from Lake Street - Marshall Avenue Bridge

In Upland areas, the general character of the existing silhouette of lower-profile buildings along the edge should be maintained. Development should also respect the mature tree canopy at the bluff edge of the Uplands with buildings forms that do not dominate the canopy's natural height. However, occasional, modest exceptions to the silhouette with medium-scaled landmark buildings are allowed."

-- Saint Paul Comprehensive Plan, Mississippi River Chapter, Policy 7.2.7

A **48 foot maximum height** would be allowed under the Planning Commission proposal, about equal to the building height shown in the photo above, which dominates the mature tree canopy at the bluff edge, in conflict with the Comprehensive Plan.

A **40 foot maximum height** is allowed under the existing St. Paul Critical Area code

A **35 foot maximum height** is allowed along the Minneapolis side of the River Gorge



Section 2: Zoning Classifications

The Critical Area zoning was defined by the state when the Critical Area law was first adopted in the 1970s. These zoning classifications are not like traditional zoning – they aren’t meant to dictate zoning on a parcel-by-parcel basis. Rather, they are designed to address the permanent scenic, ecological, and cultural systems on each reach of the river.

The guidelines are meant to be generally timeless guides for development within each reach of the river. The implementation of the Critical Area is overseen by the DNR, and even the DNR does not believe it has the authority to approve changes to the Critical Area zones:

After reviewing the prevailing statutes and Executive Order 79-19, and discussions with counsel and other division staff, we conclude the DNR does not have clear authority to change the Critical Area district boundaries

- September 16th, 2008 DNR letter to City of St. Paul Park

The DNR has said generally that if the zoning change proposed by the City improves the protection of resources, the DNR will not object. But in such a case the DNR will still keep the original zoning designation as the “official” state designation.

Guidance from State Critical Area Law



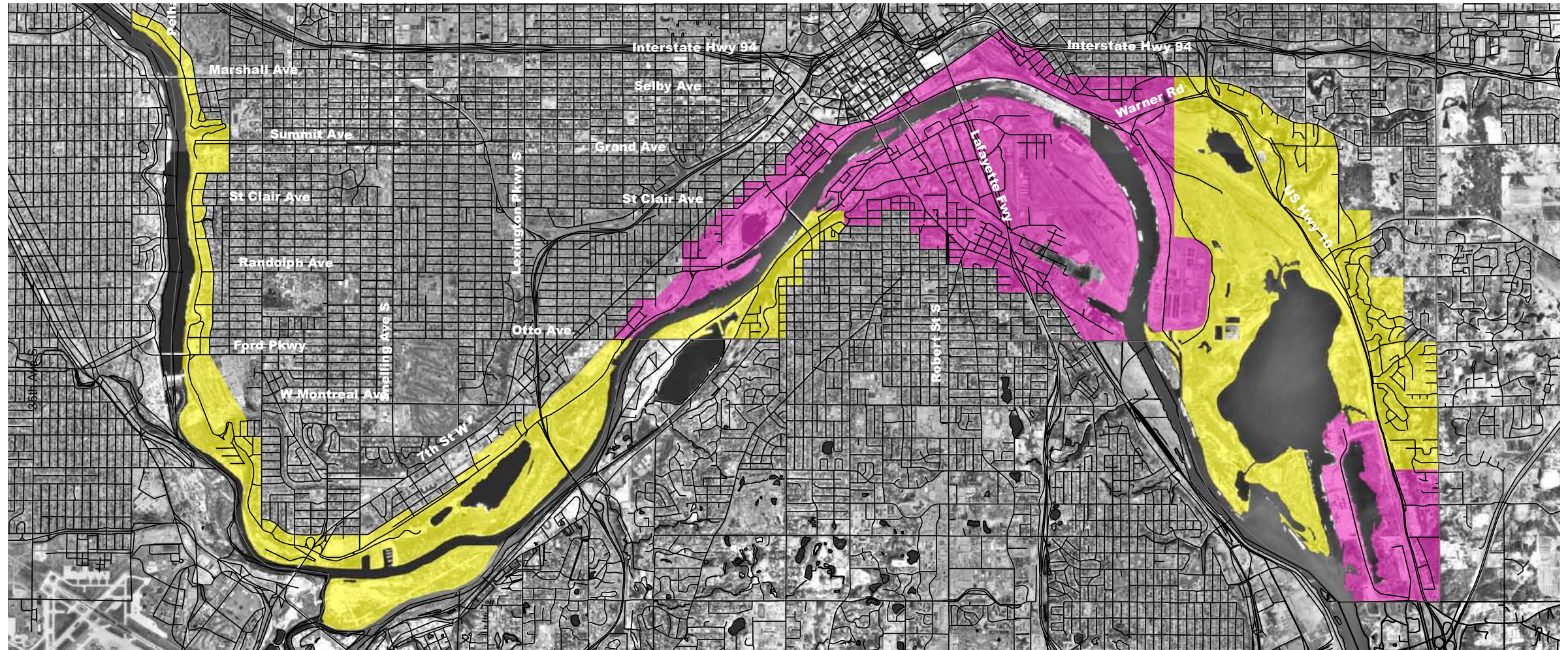
When the Critical Area was established, cities were governed by an interim ordinance until they adopted their own Critical Area Ordinance. These guidelines are still used by the DNR as a baseline to help evaluate the effectiveness of ordinances produced by local municipalities, and they are summarized here for reference.

Key:

- = Provision generally holds in zoning district
- C = Provision holds only under significant conditions as to location







Permitted Uses	Clearcutting				General Setback Requirements				Height Requirements				Slopes				Floodplain				Development on Islands				Line of Sight			
	Residential	Industrial	Commercial	Agricultural (excluding feedlots)	Mining and Extraction	Recreational Uses	Advertising signs	Barge facilities	Prohibited on bluff face/slope	Prohibited within 40 feet landward of bluff lines	Selective cutting of trees greater than 4"	permitted throughout when staged and spaced to maintain continuous cover	5 acres/unit in unsewered areas	From High Water Mark	From Bluffline	Maximum structure height of 35 feet, with exceptions for expansion of industrial facilities, farm structures, transportation, and reconstruction of historically-protected sites	No new structures on slopes of 18% or greater	Structures on slopes of 12 - 18% when specific soil, erosion and vegetation conditions permit	Approved floodplain ordinance governs. Where ordinance does not exist, elevation of lowest floor of structure, including basement, must be consistent with state floodplain standards	Prohibition on most development of undeveloped islands	Most development permitted if consistent with historical character	New and expanded industrial, commercial, and development prohibited be visible from normal highwater mark on opposite side of river, unless commercial or industrial use is water-related						
Open Rural Space	•	•	•	•	•	•	•	•	•	•	•	•	•	200 feet	100 feet	•	•	•	•	•	•	•	•					
Open Urban Space	•	C	C	•	•	•	•	•	•	•	•	•	•	100 feet	40 feet	•	•	•	•	•	•	•	•					
Urban Developed	•	•	•	•	•	•	•	•	•	•	•	•	•	100 feet	40 feet	•	•	•	•	•	•	•	•					
Urban Diversified	•	•	•	•	•	•	•	•	•	•	•	•	•	40 feet	40 feet	•	•	•	•	•	•	•	•					

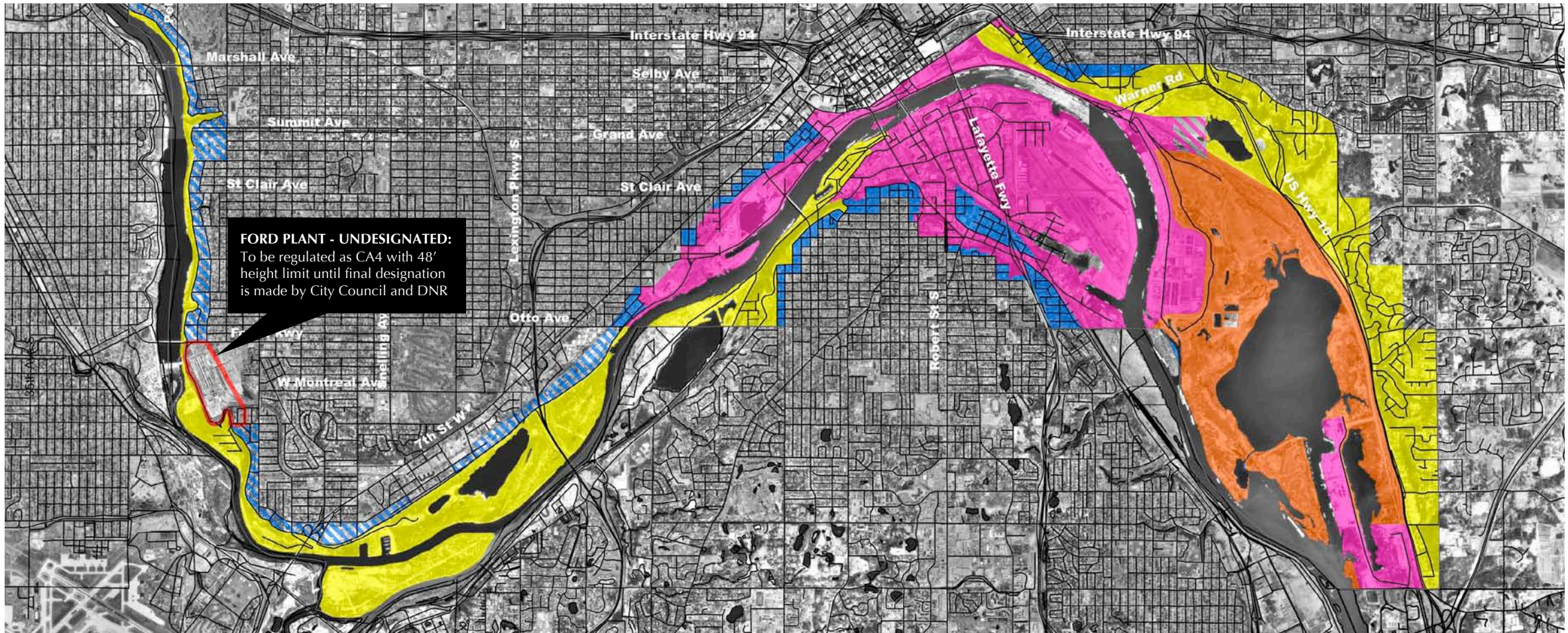
Rev 11.8.



Existing Critical Area Zoning Districts

Zoning Districts (for both maps):

- | | | |
|---|--|---|
|  Rural Open Space District (CA1) |  Urban Developed District (CA3) |  Urban Developed District (CA3) – area has less protective proposed district than currently exists |
|  Urban Open Space District (CA2) |  Urban Diversified District (CA4) |  Urban Diversified District (CA4) – area has less protective proposed district than currently exists |



Proposed Critical Area Zoning Districts

The proposed zoning districts would create a far more complicated pattern than the existing zoning. As described in the overview, critical area zoning is designed to address broad-based scenic, natural, and cultural systems in each reach of the river. The sort of parcel-by-parcel zoning direction shown here can be more appropriately accomplished using the City's standard zoning classifications.

As described in the overview, the DNR does not believe it has the legal authority approve such changes to the zoning districts. Particularly concerning are the areas where the City proposes moving to a less protective zoning district. These areas are the diagonally striped areas in the map above, and are most prevalent along the Gorge.

Finally, there has been a desire to leave the portion of the Ford site within the Critical Area from Critical Area provisions undesignated, but regulated as CA4 with a 48 foot height limit until a development plan has been created. This is effectively a less protective designation, again likely concerning to the DNR.

Summary of Suggested Changes

Height on the West Side Flats

Current Proposal: General height limit is 60 feet, but could go as high as 90 feet in a TN3 district with a master plan. (On the West Side Flats, most of the parcels where development is anticipated in the next decades are in a TN3 district, and we expect most to eventually have a master plan).

Suggested Change: Height should be limited simply at 60 feet. Structures could still exceed that height limit in certain cases if they meet conditions for a variance.

Rationale: The Comprehensive Plan calls for the City to “preserve public views to the top of the High Bluff”. The bluffs around the West Side are fairly consistent, and at key locations, the only way to preserve views to the top of the High Bluff is by limiting development to a 60 foot height limit, as demonstrated by the diagrams from previous pages.

Specific Action Required: Amend 68.245(d)(2) back to the Critical Area Task Force’s recommended language.

Height in the Gorge Area

Current Proposal: Height limits for the Gorge area would be changed from 40 to 48 feet tall. The entire Ford site is left undesignated, but “regulated as CA4 with 48’ height limit”.

Suggested Changes: Action should be taken to retain height requirements for the river gorge area along the City’s western boundary at 40 feet. Structures could still exceed that height limit in certain cases if they meet the conditions for a variance. The full Critical Area Zoning code should apply to the Ford Site.

Rationale: This portion of the River is a major scenic asset for the city, unique in its scenic integrity. The Comprehensive Plan says “development should respect the mature tree canopy at the bluff edge...with building forms that do not dominate the canopy’s natural height.” As demonstrated on previous pages, buildings of 48 feet would begin to dominate the canopy’s natural height. To maintain the scenic integrity of the corridor, height standards for the portion of the Ford site within the Critical Area must be retained.

Specific Actions Required: Amend 68.245(c)(2) as necessary to allow maximum of 40 feet of height in CA3 area, or alternately revert to previous zoning districts (see discussion at right), retaining the old 40 foot height limit. Further, remove temporary exemptions from Critical Area zoning granted to the Ford Motor Company site.

Changes to Zoning Districts

Current Proposal: The City’s two current zoning districts would be broken apart into four zoning districts. Instead of zoning for each reach of the river, the new zoning districts would have a more fine-grained approach.

Suggested Change: The boundaries for the two existing districts should be retained. More specific zoning recommendations can be more appropriately made through changing the standard zoning classifications. If more fine-grained zoning must be used within the Critical Area ordinance, those designations should not be less protective than existing designations.

Rationale: Critical area zoning districts are designed to be broad in scope – protecting the scenic, natural and cultural systems within each reach of the river. For this reason, district boundaries were created by state law, and the DNR does not believe it has the power to change those boundaries. Specifically, the DNR would not allow a city to move an area to a less protective zoning district. The City’s Critical Area plan will not be approved without significant change, and it is better to address this conflict now than let it prolong the process of adoption.

Specific Action Required: The proposed Critical Area zoning district boundaries should be amended back to their existing form, or one that doesn’t weaken protection.



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