

THE DEVIL IS IN THE DETAILS: CHURCHES AND CITY CODES

If you have ever tried to navigate the ins and outs of city **building** and residential **codes**, this column will not come as a surprise. If however, you are a novice to the machinations of city government, know that all too often the “devil is in the details.” **City codes** are notoriously boring and complicated— such that most people eschew and “deep dive,” relying on others to interpret them. In our 2018 effort to convert the Dayton Ave. building into a possible living space for the Handmaids, we ran into significant roadblocks with building codes. Every residence must conform to **safety codes**— surely a **good thing**. The code calls for **one** completely **enclosed stairwell** providing a fireproof egress to the outside. No problem. Instead, we were asked to construct two— at a huge expense. When we **objected** that the code required one, the response was truly biblical: “By the letter of the law perhaps, but we think the “spirit” of the Code calls for two.” (cf. 2 Corinthians 3:6) Say what?

Fast forward to 2019, and a new challenge has presented itself. Since the Cathedral Hill neighborhood is zoned “residential,” the office building may **only be used** by the Cathedral parish. We may not rent space to **allied** Catholic organizations. Yet, since its construction in 1922, that is precisely what the Archdiocese did with 244 Dayton. Catholic Cemeteries was a **separately incorporated** entity, as was the then **Catholic Bulletin**. Affiliated, yet separately incorporated. That presented no problems, as both rented office space. Yet, when we sought to do the same, we were stymied and told that only the Cathedral parish may use the building. But wait— it gets even better. Have you ever heard of the “Religious Accessory Uses Zoning Study” being conducted from the Saint Paul Planning Commission? If not, you **need to pay attention!**

Proposed revisions to the Zoning Code would **significantly** impact all churches in St. Paul. “Religious Accessory Use” applies to uses such as childcare, community meeting space, counseling, food shelves, emergency shelter for up to 10 adults plus children in their care, **religious education classes**, and much more. The standards **prohibit** new buildings or **building additions** to house the “accessory use”, require a conditional use permit for social and community services using **more than 1,000 square feet**, and clarify that the standards shall not be applied in a manner contrary to religious freedom laws. **Read it here**. Hang on just a second. So, a parish is prohibited from constructing a hall that includes a performance or gathering space, a space for a parish dinner or group social activities. And somehow this would not violate religious freedom laws?

The fine print appears to require religious institutions to **obtain a permit** to offer any other programming which is **not directly related** to religious formation. Activities Permit for **every** single activity. Did we have a chance to present our case against these intrusive and unreasonable rules? Well, in a word— kind of, sort of! You see, the **Notice of Public Hearing** states: “The chair of the Planning Commission has determined that it is not (sic: should be “neither...nor”) practical nor prudent for the Planning Commission to meet in-person or pursuant to Minnesota Statutes, Section 13D.02.” But we were afforded the opportunity call in or watch via Microsoft Teams— gee, thanks, City of Saint Paul! All **facetiousness** aside, the concern centers upon city government overreach.

Are some regulations warranted within religious buildings? Absolutely, but **only to a degree**. We could neither reasonably expect to be allowed to rent space in our Cathedral basement for a family to live permanently, nor to operate a fully functioning restaurant. We are neither landlords nor business owners. When hosting festivals, parishes regularly cooperate by applying for charitable

Bingo licenses, raffles, etc. But that is **not** what this is about. The included activities that city officials deem to be “accessory use” **infringe** upon allied activities that are clearly **mission driven** and are related to the function of any church. The proposed 1,000+ square foot trigger to require a conditional use permit for social and community services **burdens** the church with unnecessary paperwork. We would need to communicate the nature and scope of church activities to government officials, including a site plan, filing fee, and possibly a notarized affidavit. Check out the **application form**. Imagine filling out endless copies of this!

Places of worship exist for the purpose of providing spiritual sustenance to its people amidst the daily challenges of life. They bring solace, but also provide **camaraderie**, fellowship and facilitate a vital socialization purpose. These ought not be subject to **intrusive** government **interference**. The extremely opaque wording has led to significant confusion. The U.S. Constitution’s **First Amendment** begins: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...” The Religious Land Use and Institutionalized Persons Act (RLUIPA) signed by President Clinton in 2000 forbids a local government from land use regulation that imposes a **substantial burden** on religious exercise. I’ll be sure to keep you posted.

- After exploring high and low throughout the Cathedral (Bell Tower, dome attic, boiler room and tunnel) and receiving a first-rate organ demo, our Archdiocesan seminarians gathered for Evening Prayer and then enjoyed a delicious **Cossetta’s** Lasagna dinner in Hayden Hall. Know that our Church’s future priests are faithful, zealous, articulate and—as I witnessed last Friday— **fun!** (See photos in the sidebar)
- We will offer **two Masses** for the **All Saints/All Souls** cycle. Join us for Mass at **7:30 a.m.** or **6:00 p.m.** on November 1 & 2. All Souls envelopes are in the pews; please write out the names of deceased loved ones and place them in the drop boxes by the exits as you leave today. An offering, while not required, is most appreciated.
- ED-DIE! ED-DIE! It is always bittersweet to see **former** Twins players doing so well for **other teams**. However, with **Eddie Rosario**, I am delighted! He was one of my favorite players before his signing with the Cleveland Indians. That did not last long before he was then traded to the Atlanta Braves. In the National League Championship Series, he racked up 14 hits (.560 BA!). It has been 30 **long** years since the Twins played in a World Series— ironically against the Braves!
- **Gabriel Faure’s Requiem** is surely among the most moving compositions I have ever had the privilege of hearing while offering the Holy Mass. I invite you enter into the mystery of All Souls Day (6:00 pm) in a particularly meaningful way. I hope that you can join us.
- The Vatican recently commemorated the 150th anniversary of the birth of **Maria Montessori**. Hailing from the small town of Chiaravalle, Italy, this physician turned educator revolutionized the way people envision education. Her innovative educational **method** fostered a child’s natural desire to learn, providing freedom for them to choose their **own materials**. I proudly began my formal education using this model at Visitation School in Mendota Heights. There are nearly 4,500 private Montessori schools in the U.S. alone!

Sincerely in Christ,

Fr. John L. Ubel,
Rector