



# **CITY OF SOUTH ST. PAUL MEETING AGENDA**

## **PLANNING COMMISSION**

Council Chambers  
125 3rd Avenue North  
South St. Paul, MN 55075

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Wednesday, January 8, 2025  
7:00 PM

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- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. MINUTES:**
  - A. November 6, 2024 Planning Commission Meeting Minutes
- 4. NEW BUSINESS:**
- 5. PUBLIC HEARINGS:**
  - A. Ordinance to Clarify Intent and Make Minor Adjustment to the Zoning Code
- 6. OTHER BUSINESS:**
  - A. Discussion on an Ordinance Updating Parking Requirements for Residential Properties
- 7. STAFF UPDATES:**
- 8. ADJOURNMENT**

**MINUTES OF MEETING  
SOUTH ST. PAUL PLANNING COMMISSION  
November 6, 2024**

MEETING CALLED TO ORDER BY CHAIR FELTON AT 7:00 P.M.

Present:

Tim Felton  
Tyler Fehrman  
Geoff Fournier  
James Hart  
Andrew Hoffman  
Ruth Krueger  
Brienne Miller  
Michael Healy, Planning Manager

Absent:       None

- 1)       APPROVAL OF AGENDA - Motion to approve as presented– Fehrman (7-0).
  - 2)       APPROVAL OF MINUTES –October 2, 2024 –Motion to approve as presented–Fournier/Fehrman (7-0).
  - 3)       NEW BUSINESS
- None
- 4)       PUBLIC HEARINGS

A. Conditional Use Permit for Adult Daycare at 5<sup>th</sup> Avenue Plaza Shopping Center

Mr. Healy shared the staff report. The Applicant is New Home Elder Day Care LLC. The request is for a conditional use permit for an adult day care at the 5<sup>th</sup> Avenue Shopping Center. The property is zoned C-1 and is guided “Commercial” in the comprehensive plan. Adult day cares are a conditional use in the C-1 district. The adult day care would not be a medical facility and would have no beds or patient services. Clients would be seniors who are mostly self-sufficient and looking for daytime activities. The business would likely start with 15 clients and would build up to having around 35 clients. Adult daycares are not licensed at the local level and instead require a license from the Department of Human Services. Staff did receive comments on the application from the Police and Fire Departments. In short, they asked that the CUP ensure that the center is staffed appropriately and not taking in clients who are more challenging than they can handle. The City should structure the conditional use permit so the City has the option to review the permit if there are problems that cannot be resolved through the State License. Staff worked with the Police and Fire Departments to draft conditions of approval for the conditional use permit. Some of the conditions include that the facility must be state-licensed, the facility would not be able to have more than 33 clients, and the Applicant would need to adhere to the staffing ratios, training requirements, and limits on the number of participants imposed by their license. Staff recommend approval of the conditional use permit with the conditions that are presented.

Chair Felton asked if there were any issues with parking for the use. Mr. Healy stated parking was viewed holistically for multi-tenant buildings and that the large parking lot on-site is sufficient for the use.

Commissioner Fehrman asked if the business owner had been notified of the proposed conditions of approval. Mr. Healy explained that he had reached out to the Applicant to provide them with information about the meeting, to highlight the conditions of approval, and to allow the Applicant the opportunity to reach out if there were concerns about the conditions. The Applicant did not express any concerns.

Commissioner Miller asked if the day care was a for-profit day care. The Applicant confirmed the day care would be a for-profit daycare.

Leia De La Torre, Helio De La Torre, and Patricia De La Torre were all present to speak to their application.

Chair Felton asked if the Applicants wanted to share anything else about their business. The Applicant stated they did not have any more information to add.

Chair Felton asked the Applicants if the clients needed to meet certain criteria to be at the day care. Ms. De La Torre explained that there would be an intake process for each potential client and the intake process would let them determine if the potential client would be able to attend the facility. Chair Felton asked if there was an age requirement. Mrs. De La Torre explained that the clients would be 65 years of age or older. Mrs. De La Torre added that clients with disabilities would be allowed if they were at least 55 years of age.

Commissioner Fehrman thanked the Applicants for their presence. Commissioner Fehrman asked if the Applicants had reviewed the conditions of approval and if they had any concerns about meeting them. The Applicant stated that they had reviewed the conditions of approval and did not have any concerns.

Chair Felton opened the public hearing.

No correspondence had been received prior to the meeting.

Tony Lodge, owner of the 5<sup>th</sup> Avenue Shopping Center, shared that his clients had expressed concerns about the closing time of 10:00 PM. Mr. Lodge made a case for why the business should be allowed to operate past 10:00 PM.

Chair Felton closed the public hearing.

Commissioner Hart asked about the hours of operation for similar businesses and if they also closed at 10:00 PM. Mr. Healy stated the approvals for other adult day cares were before his time so he could not confirm the set closing times. Mr. Healy stated the intention behind the 10:00 PM closing time was to prevent individuals from living on the premise. From a code enforcement perspective, having set hours of operation makes it easier to confirm compliance.

Motion to recommend approval of the conditional use permit for an adult day care- Fehrman/Hart (7-0).

B. Conditional Use Permit and PUD Amendment for United Rentals at 587 Verderosa Avenue

Mr. Healy presented the staff report. The Applicant is United Rentals LLC. The Applicant operates a construction equipment rental company at 555 Hardman Avenue South. The Applicant is seeking to expand their business operations in South St. Paul by leasing the property across the street at 587 Verderosa Avenue. Both properties are operated by Danner Family Limited Partnership. The Applicant is seeking an amendment to the property's conditional use permit for a planned unit development and site plan, an amendment to the property's conditional use permit for exterior storage, and a conditional use permit for an open sales lot that is incidental to an approved use. The subject property was recently developed with a new 17,200 sq. ft. building, a large paved exterior storage yard, and a screening fence. The site was developed with very specific approvals for a local road construction contractor "Danner, Inc." A site plan amendment is needed because United Rentals' proposal does not fully align with the site plan that was approved for Danner Inc. in 2023. There were several improvements to the site that should have been made when the facility was initially developed that were not. These improvements include gates over a buried sewer line that runs through the property and a ribbon gutter around the perimeter of the property. The City should take an escrow to make sure these improvements are made. Staff highlighted several potential items for discussion including equipment storage height, the placement of the above ground fuel tanks, and whether the conditions of approval establish the appropriate guardrails for the type of business. Staff recommended approval with conditions.

Chair Felton asked staff to provide more information about why the lot was only somewhat buildable. Mr. Healy explained that the parcel is not very deep, making the site challenging for a contractor's operation. The requirements for creating a stormwater pond were more complicated on the site due to the site being a former dump. A substantial amount of money was put into making the western portion of the site buildable. This same investment was not pursued on the east side of the site due to the extraordinary cost and the limited return on investment. Between the easements on the site and the poor soil conditions, the buildability of the site is limited which is why the Planning Commission and the City Council allowed the eastern portion of the site to be left as a storage area.

Commissioner Krueger commented on the visibility of the property from I-494. Mr. Healy shared that the portion of the property visible from I-494 was given generous attention during the discussion for the Danner Inc. approval. The original landscaping plan involved a number of trees along the portion of the property adjacent to I-494. It is difficult to gauge what the equipment height will look like from the highway.

Chair Felton asked if Staff knew the elevation of the highway. Mr. Healy stated he did not know off the top of his head but that he could look it up. Chair Felton commented that it would be helpful to know how visible the equipment would be from the highway. Mr. Healy pulled up an aerial map of the site and concluded that the highway is about 40 feet higher than Verderosa Avenue and 30 feet higher than the rear property line. This means that if a piece of equipment was fully extended at 40 feet, it would be visible from the interstate. Mr. Healy brought up the site plan to highlight where the equipment would be stored.

Commissioner Hoffman asked about the average height of the equipment being stored. Mr. Healy stated he would defer to the Applicant on this information. Mr. Healy said that based on his conversations with the Applicant, it sounds as though the 40-foot height limit is negotiable but that they would prefer to be allowed to store equipment at the maximum height.

Commissioner Hart asked if there were any height limits on the equipment being stored at 555 Hardman Avenue South. Mr. Healy explained that the City created the I-1 district in 2019 and adopted language that would regulate height. Prior to 2019, most of the Conditional Use Permits for exterior storage did not include a condition with a maximum height limit. Commissioner Hart asked if these businesses were grandfathered to not meet the height limit for exterior storage in the district. Mr. Healy confirmed that was the case.

Commissioner Miller asked staff to clarify if the fuel tanks would be fully screened by the fence line or if they would stick up slightly above the fence. Mr. Healy stated that the Applicant would have this information, but he believed the fuel tanks would stick up an inch or two above the fence.

Jerrott Wood, United Rentals, and Nick Valle, Winthrop & Weinstein were present to speak on the Application.

Chair Felton asked the Applicant the average height of the equipment being stored. Mr. Wood explain that the height depends on the piece of equipment. Chair Felton asked if the pieces of equipment that can extend up to 40 feet would be stored at that height. Mr. Wood stated that ideally they would like them stored at that height. Commissioner Hoffman asked if the reasoning for this was the longevity of the machinery. Mr. Wood shared that the longevity was a piece of it in addition to efficient usage of space and asset protection.

Chair Felton asked about how high the gas tanks would extend above the fence. Mr. Wood stated that equipment on top of the tank would be a foot taller than the fence line.

Commissioner Hoffman asked how often the used equipment would be sold off. Mr. Valle stated that the sale of equipment would be ancillary and would not occur on a regular basis. The primary use of the site would be equipment rental.

Chair Felton asked what type of vehicles would be sold at the facility. Mr. Wood explained that earth moving equipment, boom lifts, fork lifts, and skid steers would be sold. Commissioner Hoffman clarified that the equipment being sold is not equipment that would be licensed to drive on the road. The Applicant confirmed that was correct. Mr. Valle stated that the equipment and machinery that will be rented/sold was in the staff report.

Chair Felton asked the Applicants if they had reviewed the conditions of approval and if they had any questions. Mr. Valle stated that they had reviewed the conditions with Mr. Healy and did not have any questions. Mr. Valle brought up the revisions that had been presented by Mr. Healy during his presentation addressed the Applicants' concerns. Chair Felton asked staff to confirm if the revisions would be included in the motion or if they would need to be added as part of motion. Mr. Healy stated that if the commissioners were comfortable with the amended conditions that were shown during the presentation and were not in the packet, the motion would be a recommendation for approval as presented with the two revisions.

Chair Felton opened the public hearing.

No correspondence had been received prior to the meeting and no one was present to comment on the Application.

Chair Felton closed the public hearing.

Commissioner Hart asked if the Applicant had raised any concerns about the proposed escrow that would be required for the project. Mr. Healy explained that it is standard to take an escrow in situations where there are minor compliance issues with a site.

Motion to recommend approval of the Conditional Use Permit for a Planned Unit Development, Conditional Use Permit for an Incidental Open Sales Lot, and Site Plan as presented with two revisions- Hoffman/Fournier (7-0).

C. Ordinance Establishing Zoning Regulations for Cannabis Businesses

Chair Felton asked if the item was a public hearing or a discussion item. Mr. Healy explained that the item was a public hearing that the City Council had called for. This item was being brought forward now to meet the timeline set by the Office of Cannabis Management (OCM). Mr. Healy explained that the ordinance is a culmination of the City Council's discussion and actions the City is required to take to comply with State Statute. Mr. Healy provided information about the licensing process for cannabis at the state level, clarified the Planning Commission's role in regulating cannabis businesses, and laid out the draft ordinance.

Chair Felton asked Mr. Healy about the 13 different types of cannabis licenses and asked for examples of the types of licenses. Mr. Healy explained that the state has 13 different types of licenses including microbusiness, mezzobusiness, cultivator, and retail. Mr. Healy explained that the 13 licenses did not translate to 13 different land uses. Chair Felton asked for clarification on whether the city could adopt stricter distance requirements than the ones the state proposed. Mr. Healy stated that the City cannot adopt stricter distance requirements than are listed in the model ordinance.

Commissioner Kruger asked Mr. Healy to explain how the City could be required to have a minimum of 2 cannabis businesses when there are 13 types of licenses and the City has to allow all license types.

Commissioner Fehrman clarified that the city has to allow at least 2 retail licenses. Mr. Healy confirmed that was correct and added that a cannabis growing operation could set up in Bridgepoint Business District and the City would still be required to allow at least 2 cannabis retailers. Additionally, a business can sell hemp-derived THC products, and this would not count towards the number of cannabis retailers that must be allowed in town.

Chair Felton asked for clarification from staff that the term "cannabis" refers to marijuana and marijuana derived-THC products. Mr. Healy stated that was correct and that hemp-derived THC products were not considered cannabis products.

Commissioner Hart asked if there were maps that showed the distancing buffer that could help the Planning Commission consider where cannabis businesses would be allowed under the draft ordinance. Mr. Healy explained that detailed maps could be prepared but the buffering requirement is mostly a moot point if cannabis businesses are initially only allowed "down the hill," as the City Council requested. There are no schools in this area and there are no parks with playgrounds although some playgrounds at the top of the bluff may be closer than 500 feet to some businesses on Concord Exchange. Commissioner Hart asked if the location where Council has stated they want cannabis retailers to be located aligns with the city's long-range goals for the Concord Street area. Mr. Healy explained that Concord Exchange and Concord Street allow an eclectic mix of uses so cannabis businesses will be compatible with these areas now and in 20-years.

Chair Felton asked if grocery stores are allowed to sell hemp-derived THC products without city approvals. Mr. Healy explained that they are allowed to sell hemp-derived THC products but need a license from the state to do so. Chair Felton asked if this was the same for bars. Mr. Healy explained that liquor stores can already sell hemp-derived THC products as part of their liquor license. Bars can sell liquid hemp-derived THC products but may not be eligible to sell edible hemp-derived THC products. Chair Felton asked staff to clarify that if a retail store was set up next to a school, that store would be eligible to sell hemp-derived THC products with just a license from the State. Mr. Healy stated that was his understanding based on the guidance provided by OCM. Commissioner Hoffman asked if Sam's Tobacco or Mini Mart could sell hemp-derived THC products today. Mr. Healy explained that they could.

Chair Felton asked if a manufacturing business in the industrial district with accessory retail sales counted towards the City's required 2 cannabis retail businesses. Mr. Healy confirmed that if the business sold cannabis products, not just hemp-derived THC products, they would count towards the number of required cannabis retailers. Chair Felton asked if the zoning districts that would allow cannabis retail, manufacturing or cultivation would have to adhere to the distancing requirements. Mr. Healy confirmed they would.

Commissioner Krueger asked if backyard gardens, or community gardens would be prohibited from growing cannabis. Mr. Healy explained that under State law, residents are eligible to grow a small amount of cannabis for their own recreational use.

Chair Felton asked for an example of a temporary cannabis event. Mr. Healy explained that a temporary cannabis event is intended to be similar to a beer dabbler. Chair Felton asked if there was a limit on the number of temporary cannabis events that can occur throughout the year. Mr. Healy stated that he was unsure as the City is unable to refuse the use due to a lack of local licensing. The City is allowed to regulate what zoning districts temporary cannabis events can be in and prohibit the consumption of cannabis products at the event. The City's proposed prohibition on cannabis consumption at cannabis event will likely deter events from occurring in town.

Commissioner Fehrman commented on the low likelihood of year-round weed dabblers. Commissioner Hoffman agreed that it seemed unlikely.

Commissioner Hoffman asked if cannabis products could be consumed onsite in retail locations, similar to how alcohol is consumed in a bar. Mr. Healy stated it was his understanding that this was possible. Mr. Healy stated smoking indoors is not legal in Minnesota so cannabis could not be smoked indoors but it could be consumed in other forms.

Mr. Healy shared that he requested feedback from other departments on the proposed ordinance. The Police Department is comfortable with the proposed ordinance and the only comment they provided is that they do not want to allow on-site consumption at temporary cannabis events.

Chair Felton opened the public hearing.

Mr. Healy shared that no formal comments had been made. Mr. Healy shared that he had exchanged emails with the school superintendent related to the buffer requirements for cannabis businesses in relation to schools.

No one was present to comment on the ordinance.

Chair Felton closed the public hearing.

Chair Felton shared that at the last school board meeting, many concerns were voiced about having cannabis businesses near the schools. Chair Felton strongly suggested the City adopt a 1,000 ft. buffer from schools for cannabis to show that it is doing everything it can to keep cannabis away from schools.

Commissioner Fehrman shared that he was in favor of the maximum buffers but felt that restricting cannabis businesses to "down the hill" limits business opportunities, especially in the case of retail where the product is not being consumed on site.

Mr. Healy shared that the "up the hill"/ "down the hill" distinction corresponds with the city's commercial zoning districts and is not just a geography reference. All of the commercial buildings "up the hill" are zoned C-1 Retail Business. At the staff level, manufacturing and cultivation could be problematic up the hill due to odor

concerns. Commissioner Fehrman commented that his desire to see cannabis business “up the hill” only extends to retail uses, not cultivation or manufacturing uses.

Commissioner Krueger commented that she liked the zoning district specific approach.

Chair Felton stated that he shared the same opinion as Commissioner Kruger but appreciated Commissioner Fehrman’s points. Chair Felton again encouraged the City to adopt a 1,000 foot buffer for cannabis businesses from schools.

Commissioner Hoffman commented that based on the buffers and the areas that they cover, it makes sense to only allow cannabis businesses “down the hill.”

Commissioner Miller shared that she felt that subjecting cannabis businesses to being “down the hill” was too restrictive and that cannabis retail uses are similar to liquor stores which are allowed “up the hill.”

Commissioner Fournier shared that he was not opposed to having cannabis retailers “up the hill.” A licensed and regulated cannabis retailer would be a direct competitor to illicit cannabis sales “up the hill”. Commissioner Fournier summarized that he was in favor of the buffers but would like to see cannabis retailers not be limited to being “down the hill.”

Commissioner Hart asked if there was an opportunity to see what allowing cannabis retailers “up the hill” could look like with the proposed buffers in place. Commissioner Fehrman echoed that he would like to see this mapped. Mr. Healy stated that if cannabis retailers were allowed but with the maximum buffers, all of Marie Avenue and most of Southview Boulevard would not be eligible to have cannabis retailers. The independent building on Dale Street and the businesses along Thompson Avenue would also be eligible to have cannabis retailers.

Commissioner Hoffman asked if the Southview Shopping Center would be an eligible location for a cannabis retailer. Mr. Healy confirmed it would be and added that the 5<sup>th</sup> Avenue Shopping Plaza would be if cannabis retailers were a conditional use in the C-1 district. Commissioner Hart asked about the provision that prohibits cannabis uses in a multi-tenant facility. Mr. Healy explained that the proposed provision did not apply to retail, only manufacturing and cultivation.

Chair Felton commented that the City always has the ability to change the ordinance later and would prefer to see the City take a cautious approach initially. Chair Felton asked what would happen to a cannabis retailer if cannabis retailers were allowed “up the hill” and a day care moved in near a cannabis retailer. Mr. Healy stated that the retailer would be grandfathered and would not have to close. Chair Felton asked if day cares would be required to be a certain distance from cannabis retailers. Mr. Healy stated they would not. Chair Felton commented that allowing cannabis retailers in C-1 could potentially limit other businesses from pursuing that location.

Mr. Healy commented that the City has taken a stricter approach with the initial ordinance because of the turbulent rollout of licenses from OCM and that OCM is still actively rulemaking.

Commissioner Hart asked for clarification on if the proposed ordinance included the buffering requirements given that cannabis businesses were being limited to “down the hill.” Mr. Healy stated that the draft ordinance did include the buffering requirements. Mr. Healy added that the only distancing requirements that were not proposed are from treatment centers and day cares which is largely a moot point because those uses are not found “down the hill.”

Commissioner Krueger commented that the Council is wise to start simple given the newness and uncertainty surrounding where cannabis businesses set up.

Commissioner Miller asked staff to clarify if a closed-circuit tv system is the same as a recording system. Mr. Healy confirmed that it was. This language was added because several other cities have included this language in their ordinance due to the unique concerns about cannabis businesses being robbed for their cash as cannabis businesses generally operate on a cash-only basis.

Commissioner Krueger made a motion to recommend approval of the proposed cannabis ordinance as presented.

Motion to amend the original motion to add a 1,000-foot buffer for cannabis businesses from schools as opposed to a 750-foot buffer- Felton/ Hart (2-5)( Fehrman, Fournier, Hoffman, Miller, Felton). Motion to amend the original motion failed.

Motion to recommend approval of the proposed cannabis ordinance as presented- Krueger/Hart (2-5) (Fehrman, Fournier, Hoffman, Miller, Felton). Motion failed.

Commissioner Fehrman made a motion to recommend approval of the proposed cannabis ordinance with an amendment that would allow cannabis retailers in the C-1 district as a conditional use and to increase the buffer for cannabis retailers from schools to 1,000 feet.

Chair Felton stated he was very opposed to allowing cannabis retailers in the C-1 district.

Motion to recommend approval of the proposed cannabis ordinance with an amendment to allow retail cannabis businesses in the C-1 zoning district with a conditional use permit and to increase the 750-foot buffers between cannabis retailers and schools to 1,000 feet - Fehrman/Fournier (4-3) (Hart, Krueger, Felton).

5) OTHER BUSINESS

None.

6) STAFF UPDATES

None.

7) ADJOURNMENT

Motion to adjourn- Fehrman/Fournier (7-0).



# PLANNING COMMISSION AGENDA REPORT

**DATE:**

January 8, 2025

**DEPARTMENT:**

Planning & Zoning

**PREPARED BY:**

**AGENDA ITEM NUMBER:**

5.A.

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## MEETING TYPE

Regular Meeting

## AGENDA ITEM

### ACTION TO BE CONSIDERED OR DESIRED OUTCOME

The Planning Commission is asked to review and consider an ordinance that would make minor amendments to the zoning code and clarify the intent of certain zoning regulations.

### OVERVIEW

Periodically, situations will arise that highlight the need to make minor adjustments to the city code. These needs are identified over time as scenarios come up that were not anticipated at the time the code was written. Since many of these amendments are not pressing, staff will take note of them for updating later. Once there is a substantial list of minor code amendments, a “housekeeping” ordinance is brought forward to address the needed code amendments. The types of changes that are made via a housekeeping ordinance are often small in nature and do not involve larger policy changes. Staff is proposing a housekeeping ordinance that would address several changes that have been on staff’s “to do” list for a while.

### Tentative Review Schedule

- Planning Commission Review: January 8, 2024
- City Council 1<sup>st</sup> Reading: January 20, 2025
- City Council 2<sup>nd</sup> Reading: February 3, 2025

### Change #1 – Correcting the Responsibilities of the City Engineer

South St. Paul’s city code was last overhauled in 1992. In 1992, the City Engineer took on the responsibilities that today are handled by the City Planner, the Public Works Director, and the Building Official and so the city code was written to assign these responsibilities to the City Engineer. The City’s staffing has changed since 1992 and the City Engineer is no longer responsible for fulfilling the duties of three other staff people; however, the code has never been amended to reflect this. The Code should be amended to reflect which duties are the responsibility of the City Engineer vs another staff member. Along with these updates, a definition should be added for “Zoning Administrator” and any reference to the “City Planner” should be changed to “Zoning Administrator” for the sake of consistency.

## **Change #2 – Clarifying Acceptable Exterior Building Materials**

A recent review of the City Code highlighted the need to make small updates to the list of allowable building materials. Today, architectural metal siding is an allowed building material in the C-1 Retail Business district and the CGMU-Concord Gateway Mixed Use district, but it was left off of the list of allowed materials in the MMM-Mixed Markets and Makers district on Concord Street North. The MMM district is an innovation district that is intended to be business-friendly, open to development, and adaptable to evolving use demands and so architectural metal siding should be added to the list of allowable building materials.

The list of allowable materials for accessory structures should also receive two adjustments. Resin (plastic) is not an explicitly allowed building material for sheds. Resin sheds are affordable, durable, and popular amongst South St. Paul residents. The City has approved resin sheds for a number of years and the code should be updated to clarify that resin is an allowable material for small (200 sq. ft. or less) storage sheds. The language that exists in the code around the type of metal that can be used for accessory structures is slightly misleading and states that galvanized metal should not be used for roofing or siding of an accessory structure. Galvanization is a process where a protective zinc coating is added to metal to prevent it from rusting. A quick search on any home improvement website will bring up hundreds of results of quality metal building materials that are galvanized. The intent was likely to prohibit corrugated or unfinished metal. This type of metal is often associated with tin roofs. The code should clarify that corrugated or unfinished galvanized metal should not be used for the roofing or siding of an accessory structure.

## **Change #3- Removing Outdated Uses from the List of Uses in the Industrial District**

The list of allowable and conditional uses in the I, Industrial District includes a variety of traditional industrial uses such as manufacturing, commercial recreation, offices, hotels, exterior processing, and vehicle repair. One of the conditional uses in this district is tied to a specific property with a defined expiration date of December 31, 2009. This use expired 15 years ago but was never removed from the Code. This expired use should be removed from the code. There is also a reference to metal buildings being allowed in the I district by conditional use permit which should be removed because the City updated its architectural standards many years ago and no longer allows metal buildings.

## **Change #4 – Correcting List of Districts that Allow Exterior Storage.**

Section 118-240 lists districts where exterior storage is allowed as a conditional use. This list is inaccurate and states that the C-1 district allows exterior storage while the I-1 district does not. The inverse is actually true. The code should be updated to reflect that exterior storage is a conditional use in the I-1 district, not the C-1 district.

## **Change #5 – Changes to Sign Ordinance**

Since the City updated its sign ordinance earlier this year, several situations have come up that highlighted additional tweaks that need to be made to the sign rules. The first change comes from an inquiry about the amount of signage allowed in the RT, Railroad Transportation district. There are currently two zoning districts that do not have a set signage allowance: the RT, Railroad Transportation district and the MH, Mobile Home district. The Railroad Transportation District is an industrial zoning district that covers the railroad tracks that run throughout the City and the property owned by Union Pacific Railroad along Concord Street. This district exists to govern railroad transportation uses. The Mobile Home District governs the Healy mobile home park. These districts do not have a set signage allowance as the need for signage in these districts has never come up. Given the industrial nature of the RT district, it seems reasonable to make the signage allowance for the RT district the same as the city's industrial districts. The MH district is most similar to the R-4, Multi-family Residence District and should have the same signage allowance.

The City recently received a request for an illuminated awning/canopy sign in the CGMU-1 district. Illuminated awning/canopy signs are a conditional use in all of the City's zoning districts. Signs that require a conditional use permit are signs that the City is generally fine with but feel there is a need for additional regulations on to prevent any potential negative impacts (usually related to light or sound). Other types of signs that require a conditional use permit include drive-through signs, dynamic display signs, and electronic changeable signs. Illuminated awning/canopy signs look and function like illuminated wall signs but are located on a slightly different part of the building. Many cities consider awning/canopy signs to be another type of wall sign and do not have extra performance standards for them. South St. Paul and West St. Paul appear to be the only cities in the metro that require a conditional use permit for illuminated awning/canopy signs and have special performance standards for them. The City has not received any requests for illuminated awning/canopy signs until recently which is why changes to the regulations for this type of signage were not included in the sign code update earlier this year. The code should be updated to allow awning and canopy signs (illuminated and non-illuminated) as a permitted type of sign in all districts where illuminated wall signs are allowed.

## **Change #6- Miscellaneous**

There are a few definitions that need to be updated in the zoning code. Additionally, there is language in the code sections for conditional use permits and interim use permits related to expiration of permits after a year that does not align with current practices and these inconsistencies should be corrected.

## **Proposed Updates**

- Create a definition for “zoning administrator.”
- Update the definition for “garage” to the definition found in the State Building Code
- Remove “tavern” from the list of uses included in the definition for commercial recreation.
- Replace “City Engineer” with “Zoning Administrator” or “Building Official” where appropriate.

- Replace “City Planner” with “Zoning Administrator” to ensure consistency throughout the code.
- Update the list of allowable building materials in the MMM district to include architectural metal siding.
- Add “resin” to the list of allowable materials for small accessory structures.
- Clarify that only finished galvanized metal roofing or siding are acceptable materials for accessory structures.
- Align the code with current practices related to the termination of variances, interim use permits, and conditional use permits where the property has not been used or improved within a year of the zoning approval.
- Remove an expired use from the Industrial zoning district.
- Remove language that would allow for the construction of a building in the Industrial District that does not meet the architectural requirements listed in Section 118-9.
- Remove the C-1 district from the list of districts where exterior storage is allowed with a conditional use permit.
- Add the I-1 district to the list of districts where exterior storage is allowed with a conditional use permit.
- Clean up the regulations around exempt signage.
- Eliminate performance standards that treat illuminated awning and canopy signs as different than non-illuminated awning and canopy signs.
- List awning and canopy signs as allowed in all commercial, industrial, and multifamily zoning districts where illuminated wall signs are allowed.

### **Staff Recommendation**

The changes that are proposed are based on situations staff encountered since the last housekeeping ordinance and the recommended changes address these situations. Staff recommend the Planning Commission recommend approval of the proposed ordinance.

### **Action Needed**

The Planning Commission has the following actions available on the proposed ordinance:

1. **Approval.** If the Planning Commission wishes to recommend approval of the Ordinance, the following action should be taken:

- Motion to recommend approval of an ordinance which clarifies intent and makes minor adjustments to the zoning code.

2. **Denial.** If the Planning Commission wishes to recommend denial of the Ordinance, the following action should be taken:

- Motion to recommend denial of an ordinance which clarifies intent and makes minor

adjustments to the zoning code.

## **SOURCE OF FUNDS**

N/A

## **ATTACHMENTS**

1. Ordinance 14xx- Ordinance To Clarify Intent and Make Minor Zoning Code Adjustments
2. Examples of Building Materials Being Discussed
3. Awning-Canopy Sign Examples

**City of South St. Paul**  
**Dakota County, Minnesota**  
**Ordinance No. 14XX**

**A HOUSEKEEPING ORDINANCE UPDATING VARIOUS SECTIONS OF THE ZONING  
CODE TO CLARIFY INTENT AND MAKE MINOR ADJUSTMENTS**

The City Council of the City of South St. Paul does ordain:

**SECTION 1. AMENDMENT.** South St. Paul City Code Chapter 114 is hereby amended as follows:

**Section 114-2.- Definitions**

*Zoning Administrator means the City Planner or their designee.*

**Section 114-32.- Same- Preliminary plat.**

(c) Upon receipt of the necessary number of copies, as specified by the city, of the preliminary plat, together with the necessary filing fee, the zoning administrator ~~city-engineer~~ shall refer the preliminary plat to the city staff for report and recommendation. When county or state highways are involved, two additional copies of the preliminary plat should be furnished.

(d) Upon completion of the staff review, the zoning administrator ~~city-engineer~~ shall advertise notice of hearing and notify property owners within 350 feet of subject property of the public hearing by mail at least ten days but no more than 30 days prior to the hearing date.

**Section 114-33.- Same- Final plat.**

(a) Filing of final plat.

(1) The subdivider shall file the necessary number of copies, as specified by the city, of the final plat with the zoning administrator ~~city-engineer~~ within the time limit set upon the preliminary plat.

(b) Referral by the zoning administrator ~~city-engineer~~.

(1) Upon filing of the final plat, the zoning administrator ~~city-engineer~~ shall refer copies to the city staff and planning commission for their review.

(2) Within 20 days of the filing of the final plat, or upon completion of staff and planning commission review, whichever may be sooner, the ~~city~~ zoning administrator shall place the final plat on the agenda of the next regular city council meeting.

(d) Filing by subdivider.

(4) The subdivider shall pay all reasonable costs incurred by the city for review and inspection, including preparation and review of plans, plats and specifications by the city engineer, attorney, zoning administrator planner and other costs of a similar nature upon receipt of a statement therefor from the zoning administrator city-engineer. This payment shall be in addition to the subdivision fee provided for in this section.

#### **Section 114-36.- Same- Final plat.**

(a) The final plat shall be on a sheet 20 inches wide by 30 inches long and shall be at a scale of 100 feet equals one inch or such other standard scale as approved by the zoning administrator city-engineer and in all other respects shall comply with state statutes. Where necessary, the plat or final plat may be on several sheets accompanied by a key map showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the city council. The final plat shall contain the information required on the preliminary plat, except that the following information required on the preliminary plat need not be shown on the final plat:

**SECTION 2. AMENDMENT.** South St. Paul City Code Section 118-8 is hereby amended as follows:

#### **Sec. 118-8. - Lots, distances, and definitions.**

*Commercial recreation* means bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, ~~tavern~~, firearms range, automobile camp, and similar uses such as a sauna, health club, or theater.

*Garage, Private* means ~~as defined in the state building code~~, a building or portion of a building in which motor vehicles used by an owner or tenant of the building or buildings on the premises are stores or kept, without provisions for repairing or servicing such vehicles for profit.

*Zoning Administrator* means the City Planner or their designee.

**SECTION 3. AMENDMENT.** South St. Paul City Code Section 118-37 through 118-41 are hereby amended as follows:

#### **Section 118-37.- Enforcing officer.**

(a) *Establishment, appointment, facilities.* It shall be the duty of the zoning administrator city-engineer or such other person as may be designated by the city council to enforce the provisions of this chapter.

(c) The zoning administrator city-engineer shall not have the discretion to vary the terms and provisions of this chapter, except as specifically provided for herein or as may be authorized by the city council. The zoning administrator city-engineer shall have the power and

responsibility to interpret any provisions of this chapter that may be unclear. In the discharge of this duty, the city attorney shall provide advice upon request. In the making of any such interpretation, the zoning administrator ~~city engineer~~ shall set forth in writing the reasons for all decisions made.

### **Section 118-38.- Appeals.**

- (a) The city council shall determine, in harmony with the general purpose and intent of this chapter and the comprehensive municipal plan, by resolution, all appeals from any requirement, permit, or decision made by the zoning administrator ~~city engineer~~.
- (b) At any time within 14 days after the decision of the zoning administrator ~~city engineer~~, or other city official, under the provisions of this chapter, except in connection with prosecutions for violations thereof, the applicant or other person or officers of the city affected thereby may appeal to the city council by filing a written notice with the city clerk stating the action appealed from and stating the specific grounds upon which the appeal is made.

### **Sec. 118-39.- Variances**

- (a) *Application.* Any owner of property, a person, firm, association, or corporation holding a contract to purchase property, an optionee holding an option conditioned solely on the grant of a variance, or the duly authorized agent of such person, may make application for a variance, which shall include the written consent of the fee owner. The application shall be made on forms supplied by the city and filed with the zoning administrator ~~city planner~~. The application shall contain the following:
  - (f) *Termination.* The violation of any condition in the grant of the variance may terminate the variance, following a hearing by the city council. If the property is not used or improvements substantially begun within a period of one year after the decision granting the variance, the variance shall terminate, and the city planner shall notify the owner of the termination thereof. The owner, in the event of any such termination, shall have the right of appeal as set forth in this chapter.

### **Sec. 118-40. - Conditional use permits.**

- (a) *Purpose and public policy.* In the enactment of this chapter, the city recognizes that there are certain uses that, because of their characteristics, limited number, or unique character, cannot be classified into any particular district or districts without providing extensive regulatory provisions. It is also recognized that certain uses, while generally not suitable in a particular zoning district, may, under some circumstances and conditions, be suitable. A conditional use permit shall apply to the use of land and not to a particular person. Any change in land ownership, lease, rental, occupancy or other similar change shall not affect the conditional use permit. The provision for conditional use permits is, therefore, established

in order that the regulations of the city with respect to zoning may be continued on an individual basis as follows:

~~(4) Reserved.~~

~~(4 5)~~ If a use is listed as both a permitted and a conditional use in this chapter, the more restrictive provisions shall apply.

~~(5 6)~~ The city may deny issuance of any conditional use permit not in conformity to the basis and criteria for granting such permits.

- (b) *Application.* Any owner of property, a person, firm, association, or corporation holding a contract to purchase property, an optionee holding an option conditioned solely on the grant of a variance, or the duly authorized agent of such person, may make application for a variance, which shall include the written consent of the fee owner. The application shall be made on forms supplied by the city and filed with the zoning administrator ~~city planner~~. The application shall contain the following:
- (f) *Termination.* The violation of any condition in the grant of the conditional use permit may terminate the conditional use permit, following a hearing by the city council. If the property is not used or improvements substantially begun within a period of one year after the decision of the city council, the conditional use permit shall terminate automatically, ~~and the city planner shall notify the owner of the termination thereof. The owner, in the event of any such termination, shall have the right of appeal as set forth in this chapter.~~

#### **Section 118-41.- Interim use permits.**

- (b) *Application.* Any owner of property, a person, firm, association, or corporation holding a contract to purchase property, an optionee holding an option conditioned solely on the grant of an interim use permit, or the duly authorized agent of such person, may make application for an interim use permit, which shall include the written consent of the fee owner. The application shall be made on forms supplied by the city and filed with the zoning administrator ~~city planner~~.
- (f) *Termination.* The violation of any condition in the grant of the interim use permit may terminate the interim use permit, following a hearing by the city council. If the property is not used or improvements substantially begun within a period of one year after the decision of the city council, the interim use permit shall terminate automatically, ~~and the city planner shall notify the owner of the termination thereof. The owner, in the event of any such termination, shall have the right of appeal as set forth in this chapter.~~

## **Section 118-42.- Amendments.**

- (1) Application. Any owner of property, a person, firm, association, or corporation holding a contract to purchase property, an optionee holding an option conditioned solely on the grant of a rezoning, or the duly authorized agent of such person, may make application for a rezoning text or map amendment, which shall include the written consent of the fee owner. The application shall be made on forms supplied by the city and filed with the zoning administrator ~~city planner~~. The application shall contain the following:

**SECTION 4. AMENDMENT.** South St. Paul City Code Section 118-45 is hereby amended as follows:

### **Sec. 118-45. - Certificate of occupancy permit.**

No person may change the use of any land (except for agricultural purposes or for construction of essential services and transmission lines) or occupy a new or structurally altered building after the effective date of the ordinance adopting this Code unless that person has first obtained a certificate of occupancy.

- (1) Application for a certificate of occupancy for a new use of land, new building or for an existing building that has been altered may be filed with the building official ~~city engineer~~ after the application for a building permit for such building. The certificate of occupancy shall be issued by the building official ~~city engineer~~ within ten days after the construction or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter and the state building code. Pending the issuance of said certificate, a temporary certificate of occupancy may be issued by the building official ~~city engineer~~, subject to the provisions of the building code, for a period not to exceed 12 months during the completion of the erection or the alteration of such building. The temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately ensure the safety of the occupants. The use of any structure for which a building permit is required shall be considered a violation of this chapter unless a certificate of occupancy has been issued.

- (2) Any owner of any building or land may request a certificate of occupancy from the building official ~~city engineer~~, who shall issue the same upon the payment of the fee stated in the fee schedule ~~chapter 26 of Code~~ when the following findings have been made:

**SECTION 5. AMENDMENT.** South St. Paul City Code Section 118-123 is hereby amended as follows:

### **Section 118-123.- R-3, general residence district.**

- (a) Permitted uses. Within the R-3 district, no structures or land shall be used except for one or more of the following uses:
- (1) Any use permitted in the R-1 and R-2 districts, as regulated therein, except that a state licensed residential care facility may only serve six or fewer persons and must be located on a lot that is being used as a single-family use.
  - (2) Townhouses not exceeding eight dwelling units (also see section 118-267).
  - (3) Buildings containing two or more dwelling units, not to exceed 12 dwelling units. No building permit shall be issued for any apartment building or townhouse containing three or more dwelling units unless the zoning administrator ~~city engineer~~ has first approved drawings showing the following information:
    - a. The overall size of the exterior of the building or buildings and the general character and appearance of the building or buildings in elevation.
    - b. A site plan filed with the city clerk, as approved by the zoning administrator ~~city engineer~~, shall be submitted showing the placement of buildings on the site, proposed parking and ingress and egress, proposed contours and retaining walls as related to existing contours, general layout of any proposed access roads, and locations of sewer and water connections, as may be needed.

**SECTION 6. AMENDMENT.** South St. Paul City Code Section 118-126 is hereby amended as follows:

**Sec. 118-126.- C-1, retail business district**

(b) *Uses by conditional use permit.* The following uses shall require a conditional use permit:

- (1) On-sale and off-sale liquor establishments (~~see section 118-269~~).

(c) Interim Uses. The following interim uses shall be permitted:

- f. "Sidewalk" sales may be located on city right-of-way provided:
  5. Properties that would like to hold a "sidewalk" sale are not required to obtain an interim use permit but shall be required to register the occurrence and the dates for the occurrence with the zoning administrator ~~city planner~~ prior to holding the sale.

**SECTION 7. AMENDMENT.** South St. Paul City Code Section 118-127 is hereby amended as follows:

**Sec. 118-127. MMM, mixed markets and makers district.**

(e) *Design and development standards.*

(1) Building materials.

- a. At least 90 percent of any building façade facing Concord Street shall be Class I, II, or III materials as defined in section 118-9. In addition to the listed materials, architectural metal siding, finished wood siding, and engineered wood siding may also be used.
- b. On a corner lot, at least 90 percent of the façade facing the side street shall be comprised of Class I, II, or III materials as defined in section 118-9. In addition to the listed materials, architectural metal siding, finished wood siding and engineered wood siding may also be used.
- c. Façades that face an interior property line or a rear property line may be comprised of any combination of Class I, II, III, or IV materials, as defined in section 118-9. In addition to the listed materials, engineered wood siding and architectural metal siding may also be used.

**SECTION 8. AMENDMENT.** South St. Paul City Code Section 118-129 is hereby amended as follows:

**Section 118-129.- I, industrial district.**

- (c) *Uses by conditional use permit or interim use permit.* The following uses shall require a conditional use permit or an interim use permit, and all applications for such conditional use permits shall follow the review and procedural guidelines set forth in section 118-132 of this chapter, governing planned unit developments:
- (1) Armories, convention halls and similar uses.
  - (2) Automobile, truck and other vehicle repair.
  - (3) Cannabis cultivation
  - (4) Cannabis retailer when accessory to a cannabis or lower-potency hemp edible manufacturing business or cannabis cultivation business.
  - (5) Cannabis or lower-potency hemp edible manufacturing.
  - (6) Cannabis wholesaler.
  - (7) Commercial kennels, animal hospitals.
  - (8) Child day care facility when located within the same building as the principal use and provided only for employees of the principal use.
  - (9) Exterior processing on industrial zoned property south of I-494, except that part north of Richmond Street, west of Hardman Avenue north of vacated Malden Street from Hardman Avenue to the Mississippi River, the south one-half of section 35, T28N, R22W and the east one-half of the NW 1/4 of section 35, T28N, R22W.
  - (10) Exterior storage (not as a principal use).
  - (11) Exterior storage and open sales lot in conjunction with an approved use on the same site.

- (12) Exterior storage and processing of wood chips, accessory to an approved business, provided a detailed screening, parking, driveway, storage, and display plan for the wood chip processing and storage area and all off-street parking and driveway area is implemented, consistent with current city codes, subject to the city council review and approval.
- (13) Exterior storage as a principal use on industrial zoned property south of I-494, except that part north of Richmond Street, west of Hardman Avenue, north of vacated Malden Street, from Hardman Avenue to the Mississippi River, the south one-half of section 35, T28N, R22W and the east one-half of the NW 1/4 of section 35, T28N, R22W.

~~(14) Exterior storage or exterior processing as a principal use on industrial zoned property described as follows:~~

~~That part of Government Lots 5 and 6, section 26, Township 28 N., Range 22 W., and that part of Government Lot 11, section 35, Township 28 N., Range 22 W., (Part of which as formerly platted as "South Saint Paul Syndicate Park No. 2, Dakota County, Minnesota" according to the plat thereof on file and of record in the office of the county recorder and now vacated), described as follows:~~

~~Commencing at the northwest corner of said section 35; thence southerly, along the west line of said Government Lot 11, a distance of 300.00 feet of the northerly line of Maltby Street as dedicated in said "South Saint Paul Syndicate Park No. 2, Dakota County, Minnesota," thence on a assumed bearing of N 89 degrees 13'32" E., along said northerly line of Maltby Street, a distance of 672.63 feet to the point of beginning of the tract to be described; thence N 2 degrees 11'13" W a distance of 714.32 feet; thence N 78 degrees 24'28" E a distance of 1,210.62 feet; thence N 61 degrees 11'38" E to the westerly shore line of the Mississippi River; thence southerly, along said westerly shore line to its intersection with the easterly extension of said northerly line of Maltby Street; thence westerly, along said northerly line of Maltby Street and its easterly extension to the point of beginning (old MWCC sewage settling pond property).~~

~~Such uses shall expire and not be available after December 31, 2009.~~

- ~~(14 15)~~ Hotel or motel.
- ~~(15 16)~~ Laundry and dry cleaning processing plants (not retail).
- ~~(17)~~ ~~Metal clad building.~~
- ~~(16 18)~~ Other uses deemed by the city to be similar to those set forth in this subsection and consistent with the purpose set forth in subsection (a) of this section.
- ~~(17 19)~~ Pawnbrokers and precious metal dealers, as defined in article XIV of chapter 18 of this Code, 500 feet north of I-494 and south of Grand Avenue.
- ~~(18 20)~~ Private and business schools.
- ~~(19 21)~~ PWS antenna.
- ~~(20 22)~~ PWS tower.

- (~~21 23~~) Restaurants.
- (~~22 24~~) Sexually oriented uses, as defined in article XVIII of chapter 18, 500 feet north of I-494 and south of Grand Avenue.
- (~~23 25~~) Spur tracks.
- (~~24 26~~) Structures of any type over 50 feet in height.
- (~~25 27~~) Temporary on-site rock crushing operation when used for surcharging the land as an integral part of a land reclamation plan approved by the city engineer.
- (~~26 28~~) Temporary structures.
- (~~27 29~~) Truck stop.
- (~~28 26~~) Veterinary clinic.
- (~~29 27~~) Wholesaling.

(e) Accessory uses.

- (1) Bars and taverns located within a hotel or motel.
- (2) Dwelling units for security purposes.
- (3) Mini-storage facilities (not as a permitted principal use).
- (4) Off-street parking and loading, signs, fences and decorative landscape features as regulated herein.
- (5) Parking garage for public and/or employee use.
- (6) Retail outlet sales counter; provided that retail outlet floorspace cannot exceed ten percent of total building floorspace for that business.
- (7) Temporary construction buildings and storage during construction of the principal use ~~as may be approved by the city engineer.~~

- (j) Landscaping. In addition to the requirements of section 118-243, all areas in this zone shall present a detailed landscape plan prepared by a landscape architect or other qualified person approved by the ~~zoning administrator city engineer~~. The landscaping plan shall provide for a landscaped area that is a minimum of 15 percent of the parcel's total area. The landscaping plan shall present a pleasing handling of the lot and shall include overstory trees, understory trees and appropriate plants and shrubs. The trunks of all deciduous trees shall be at least two and one-half inches in diameter, and all coniferous trees shall be at least six feet in height. The minimum number of overstory trees shall be equal to the perimeter of the lot divided by 70. If any of these specific landscaping requirements are not practicable, as determined by a qualified landscaping expert, due to soil conditions, water tables, availability of plant species or other conditions beyond the control of the property owner,

these requirements may be modified by the city at the request of the owner. The plan shall certify that the cost of the plant materials is equal to or exceeds two percent of the cost of the proposed building. For buildings over \$1,000,000.00 in cost, the amount of landscaping cost may be reduced by the city council.

**SECTION 9. AMENDMENT.** South St. Paul City Code Section 118-132 is hereby amended as follows:

**Sec. 118-132. PUD, planned unit development.**

- (d) Preliminary review. Before applying for a planned unit development permit, the developer shall first apply for preliminary review of the proposed development. The application shall be accompanied by payment of a preliminary review fee as set by chapter 26. The application shall be filed with the zoning administrator ~~city engineer~~ and shall contain the following information relating to the property, developer, and the proposed development:
- (1) *Standards.* Reports shall be bound and submitted on 8½-inch by 11-inch size paper, vertical format. The scale of maps submitted shall be at least one inch to 100 feet or one inch to 50 feet, as may be required by the zoning administrator ~~city engineer~~
  - (8) *Action of the city.* Within 60 days after its first regular meeting after an acceptable application for preliminary review has been filed with the zoning administrator ~~city engineer~~, the city shall give preliminary plan approval, reject the proposed plan, or request additional information and/or plan changes. If the preliminary plans are approved by the city, the developer may proceed to apply for a permit for a planned unit development.
- (e) *Application for planned unit development permit.*
- (3) *Information required.* The applicant shall file with the city such information as required by this Code and as required by the zoning administrator ~~city engineer~~.
- (g) General provisions. General requirements are as follows:
- (3) Building sites. In the event any or all of the planned unit development site is conveyed, the buyers thereof shall be bound by the provisions of the planned unit development permit. Nothing herein shall be construed to create nonconforming uses by virtue of planned unit development site sales, in whole or in part, provided that a subdivision plan for such sales has been approved by the zoning administrator ~~city engineer~~.

**SECTION 10. AMENDMENT.** South St. Paul City Code Section 118-133 is hereby amended as follows:

**Sec. 118-133. MH, mobile home district.**

- (e) General provisions.

(3) Prior to construction of a mobile home park, the owner shall file for approval by the zoning administrator ~~city-engineer~~ a detailed set of plans and specifications concerning those design features set forth herein. The detailed construction plans and specifications shall be in accordance with the design drawings as approved by the city council and in accordance with the design requirements contained herein unless the city council has granted a variance therefrom. If the detailed construction plans and specifications are not in accordance, no construction shall begin. The zoning administrator ~~city-engineer~~ shall determine if the detailed construction plans and specifications are in accordance with the design requirements. If the zoning administrator ~~city-engineer~~ finds noncompliance, the decision may be appealed to the city council, which shall either affirm, modify, or reverse the decision of the zoning administrator ~~city-engineer~~.

(4) Prior to construction of a mobile home park, the owner shall file with the city a bond or cash deposit of 100 percent of the cost of improvements for landscaping, concrete curbs and gutters, streets, street lighting, recreational areas, and sewer and water for the total park development, or any section thereof, that is planned to be developed under the rezoning application, and as determined and set by the zoning administrator ~~city-engineer~~, for the purpose of insuring compliance by the applicant with the design drawings, as approved by the city council; provided, however, that certain preliminary construction work, such as preliminary grading, slope alteration, preliminary landscaping and berm placement, can be performed if the owner files with the city a performance bond for the cost thereof as estimated by the zoning administrator ~~city-engineer~~.

(5) No mobile home shall be located on any site within the mobile home park until an occupancy permit has been issued for such specific site. Occupancy permits shall be issued by the building official ~~city-engineer~~ if:

a. Construction of the specific mobile home site has been completed in accordance with the detailed construction plans and specifications as submitted to and approved by the building official ~~city-engineer~~;

(6) If the building official ~~city-engineer~~ denies an occupancy permit, the decision may be appealed to the city council, which shall either affirm, modify, or reverse the decision of the city engineer.

**SECTION 11. AMENDMENT.** South St. Paul City Code Section 118-133 is hereby amended as follows:

**Sec. 118-134. – I-1, light industrial district.**

(k) Landscaping. In addition to the requirements of section 118-243, all areas in this zone shall present a detailed landscape plan prepared by a landscape architect or other qualified person approved by the zoning administrator ~~city-engineer~~. The landscaping plan shall provide for a landscaped area that is a minimum of 15 percent of the parcel's total area. The landscaping plan shall present a pleasing handling of the lot and shall include overstory trees, understory trees and appropriate plants and shrubs. The trunks of all deciduous trees shall be at least two and one-half inches in diameter, and all coniferous trees shall be at least six feet in height. The

minimum number of overstory trees shall be equal to the perimeter of the lot divided by 70. If any of these specific landscaping requirements are not practicable, as determined by a qualified landscaping expert, due to soil conditions, water tables, availability of plant species or other conditions beyond the control of the property owner, these requirements may be modified by the city at the request of the owner. The plan shall certify that the cost of the plant materials is equal to or exceeds two percent of the cost of the proposed building. For buildings over \$1,000,000.00 in cost, the amount of landscaping cost may be reduced by the city council.

**SECTION 12. AMENDMENT.** South St. Paul City Code Section 118-194 is hereby amended as follows:

**Sec. 118-194. - Screening.**

Screening of parking areas shall be required and be properly maintained in all zoning use districts where any off-street parking area contains more than six parking spaces and is within 30 feet of an adjoining residential district and where the driveway to a parking area of more than six parking spaces is within 15 feet of an adjoining residential use or district. Where any business or industrial use, i.e., structure, parking, or storage, is adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of residential property. The type of screening required in this section shall be as determined by the zoning administrator ~~city engineer~~.

**SECTION 13. AMENDMENT.** South St. Paul City Code Section 118-204 is hereby amended as follows:

**Sec. 118-204. - Conformance with regulations.**

Upon application for a building permit, a detailed site and development plan shall be submitted indicating conformance with regulations of this chapter. Plan submission requirements shall be as noted herein and as may be requested by the zoning administrator ~~city engineer~~.

**SECTION 14. AMENDMENT.** South St. Paul City Code Section 118-208 is hereby amended as follows:

**Section 118-208.- Accessory buildings and structures**

(f) *Construction and finish.*

(1) All zoning districts:

- a. All accessory buildings shall require a surfaced floor, except greenhouses.
- b. Accessory buildings shall be anchored to a concrete slab, or otherwise securely fastened to the ground by other methods approved by the building inspection department.

- c. Exterior materials and finish must match or complement the exterior finish of the principal structure in material, color and texture. Exterior surfaces of all accessory buildings shall be maintained in new or like new condition, free from cracked and peeling paint, rusting and deteriorating materials.
- (2) All residential zoning districts:
- a. If constructed of metal, the accessory structure shall have prefinished enamel siding and roof.
  - b. No corrugated or unfinished galvanized metal siding or roofing shall be used.
  - c. Galvanized steel-covered pole buildings are prohibited.
  - d. Wood frame accessory buildings or structures shall conform to the Minnesota State Building Code and shall have one of the following types of siding: Masonite, stucco, brick, stone, shakes, redwood, exterior plywood panel, hardboard, decorative steel, decorative aluminum, vinyl, hardie-board, decorative fiberglass and/or rough-cut exterior siding, and the roofing material shall consist of asphalt shingles, standing-seam metal roofing, or when the pitch of the roof is less than 5/12, decorative rolled roofing will be permitted. In addition to the listed materials, a detached accessory building shall be permitted to match the existing siding and roofing materials of the principal structure.
  - e. Accessory structures that are 200 sq. ft. in area or less may be constructed out of resin or plastic.
- (3) All other districts:
- a. In business, mixed use, and industrial districts, all accessory structures, screen walls, and exposed areas of retaining walls shall be of a similar type, quality, and appearance as the principal structure.

**SECTION 15. AMENDMENT.** South St. Paul City Code Section 118-240 is hereby amended as follows:

**Sec. 118-240. Exterior storage.**

- (a) No exterior storage is allowed on property used for residential purposes. In all zoning districts, all materials, equipment, and personal property shall be stored within a building or fully screened so as to not be visible from adjoining properties or public rights-of-way. Exterior storage is only allowed by a conditional use permit in the following commercial zoning districts and must follow any applicable rules laid out in each district (except as provided in section 118-129):
  - (1) ~~C-1, retail business district;~~ I-1 Light Industrial district
  - (2) GB, general business;
  - (3) I, industrial district;

- (4) MMM, mixed markets and makers district; and
- (5) CGMU, Concord Gateway mixed-use district.

(b) In nonresidential districts, exterior storage of personal property may be permitted by conditional use permit, provided that any such property is so stored for purposes relating to a use of the property permitted by this Code and will not be contrary to the intent and purpose of this chapter. The city will determine, prior to the issuance of a conditional use permit, that the proposed use of land for exterior storage will conform to the following performance criteria:

- (1) Outdoor storage items shall be placed within an enclosure approved by the zoning administrator ~~city-engineer~~.

**SECTION 16. AMENDMENT.** South St. Paul City Code Section 118-242 is hereby amended as follows:

**Sec. 118-242. – Screening.**

(d) The screening required in this section shall consist of earth berms, mounds, or ground forms, fences and walls, landscaping (plant materials) or landscaping fixtures (such as timbers) used in combination or singularly so as to block direct visual access. If landscape planting materials are utilized, these shall be provided and designed in such a manner as to provide a reasonable visual barrier during winter as well as summer months. Mechanical equipment screening materials shall require the approval of the zoning administrator ~~city-engineer~~ for rooftop equipment.

(e) Required screening shall be as approved by the zoning administrator ~~city-engineer~~. Existing land uses may be required to install screening if so ordered by the city council following a public hearing.

(f) Mechanical equipment (as defined in the state building code) located on the roof of any building and visible from the street level or from adjacent properties shall be screened with a material approved by the zoning administrator ~~city-engineer~~ and designed to blend harmoniously with the building's facing materials. Where a building has exposure to a building with higher elevation, mechanical equipment on the roof shall be totally screened or enclosed with a material, approved by the zoning administrator ~~city-engineer~~, designed to blend with the roof surface material.

**SECTION 17. AMENDMENT.** South St. Paul City Code Section 118-243 is hereby amended as follows:

**Sec. 118-243. – Landscaping.**

(a) *General standards.* The following general standards shall be applicable citywide:

(2) In all zoning districts, all developed uses shall provide landscaping from the street curb and gutter to the street right-of-way line or sidewalk. This landscaped yard shall be kept clear of all exterior storage and off-street parking unless otherwise approved by the zoning administrator city-engineer.

**SECTION 18. AMENDMENT.** South St. Paul City Code Section 118-256 is hereby amended as follows:

**Sec. 118-256. – Service stations.**

The following minimum requirements for service stations shall be met:

(2) Exterior storage, other than vehicles, shall be limited to service equipment and items offered for sale on pump islands and other structural platforms as may be approved by the zoning administrator city-engineer, who may require that the items offered for sale be located in containers such as racks, metal trays, and similar structures designed to display merchandise. Exterior storage of items offered for sale shall not be located within yard setback requirements. Exterior storage shall not constitute a hazard to vehicular or pedestrian circulation. Existing service stations shall comply with this requirement within 90 days of the effective date of the ordinance adopting this chapter.

**SECTION 19. AMENDMENT.** South St. Paul City Code Section 118-266 is hereby amended as follows:

**Sec. 118-266. – Cluster developments, density zoning, and transfer**

(a) Cluster developments.

(1) Cluster developments may be permitted in any multifamily zoning district following the completion and approval of a preliminary and final plat for a cluster development. The city council shall find that the proposed development plan is in substantial compliance with the applicable standards of this chapter, the intent and purpose of the comprehensive city plan, and the city's housing policies on file with the zoning administrator city-engineer.

**SECTION 20. AMENDMENT.** South St. Paul City Code Section 118-267 is hereby amended as follows:

**Sec. 118-267. – Multifamily residential, townhouses, and cluster developments**

(d) Application. The application for an multifamily residential development zoning district shall be made on forms prepared by the zoning administrator city-engineer and shall be accompanied by a site plan or a series of plans showing the following information:

The zoning administrator ~~city engineer~~ may waive such elements in such site plans if deemed not necessary for the preliminary consideration of the application, provided that plans disclosing all the above requirements of an affirmative showing of no need for them shall be approved prior to the issuance of a building permit, which approved plans shall be identified as the plans approved. Copies thereof shall be filed with the city and shall be and constitute the plans to be followed in construction.

- (h) Conversion of existing residential building to multiple dwelling use. Buildings originally designed for one or two families and in existence on the effective date of the ordinance adopting this chapter may be converted or expanded to accommodate additional dwelling units by the issuance of a conditional use permit, provided that they conform to the following standards:

(5) Plans become a part of permit. All plans submitted to and approved by the city shall be incorporated by reference and proper identification in the permit and copies of the approved plans shall be presented to the building official ~~city engineer~~, who shall have the duty to determine that the plans are followed in the reconstruction.

- (k) *Cluster developments*. Cluster developments shall be permitted in any multiple-family district by the issuance of a planned unit development conditional use permit.

(2) *Plans and legal documents*. The application for a planned unit development conditional use permit shall contain all documents showing in what manner the applicant proposes to fulfill the requirements of this chapter, including site plans and form of legal documents. All documentation shall be reviewed by the zoning administrator ~~city engineer~~ and the city attorney prior to presentation to the planning commission, which, before setting a public hearing date thereon, shall give preliminary review thereof and may request such further documentation as it shall deem necessary. Said documentation shall be transmitted to such city officials as shall be responsible for supervising the development during construction and future maintenance thereof for their comments and suggestions.

**SECTION 21. AMENDMENT.** South St. Paul City Code Section 118-271 and 118-272 are hereby amended as follows:

**Sec. 118-271. – Personal wireless services tower.**

- (m) Application for antenna mounted on or within an existing structure or building. A PWS antenna may be mounted on the outside of any existing structure 30 feet in height or higher in an R-4, LB, C-1, GB, or I district upon the issuance of a conditional use permit. In all zoning districts, PWS antennas may be mounted on the outside of an institutional building or structure, as defined in section 118-207, of any height upon issuance of a conditional use permit. PWS antennas may not extend higher than 18 feet above the highest point of a building or structure. In all zoning districts, a visibly obscure PWS antenna and related accessory equipment may be mounted inside any building or structure upon issuance of a building permit. In addition to other building permit application requirements, an application for a building permit for a PWS antenna to be mounted on or within an existing building or structure shall contain the following information:

- (5) Accessory equipment and structures associated with the PWS antenna shall be located within the principal structure on top the principal structure, or ground mounted. Any exterior placement of accessory equipment and structures shall be screened and shall be architecturally designed to blend in with the surrounding neighborhood and the principal structure. All accessory equipment and structures shall be required to meet minimum requirements of the underlying zoning district. Ground-mounted accessory equipment and structure shall be screened from view by suitable vegetation and decorative privacy fencing with a minimum 85 percent opacity. The design of the screening for all ground mounted accessory equipment and structures must reflect and complement the architectural character of the surrounding neighborhood and principal structure. The screening plan is subject to review and approval of the zoning administrator ~~city planner~~. If the screening plan is part of a conditional use permit application, it shall be subject to the approval of the city council. If the total area of all ground mounted equipment and accessory structures exceeds 120 square feet, a conditional use permit shall be required.

#### **Sec. 118-272. – Moving buildings**

(b) Process:

- (3) All permit applications shall be reviewed and approved by the city engineer, police chief, building official, zoning administrator ~~city planner~~, and fire marshal prior to its submission to the planning commission.
- (4) All permit applications to move a building out of the city will be acted upon by the city engineer. ~~[The]~~ zoning administrator ~~city engineer~~ may impose additional conditions or the permit. The zoning administrator ~~engineer~~ may deny an application based on the criteria listed in section 118-272(e).

(j) *Moving operations.* Moving of all buildings shall comply with the following:

- (4) All exposed basements shall be filled in or backfilled with clean granular fill within seven calendar days after removal of the building. If the exposed basement is left uncovered more than seven calendar days, the building official ~~city engineer~~ shall have the basement filled.
- (5) All excavations and basements at the destination site of the building shall be filled in or backfilled within 21 days after completion of the move, unless building official ~~city engineer~~ grants an extension of time because of frost conditions.
- (6) All fine grading, seeding and sodding at the destination site shall be completed prior to issuance of a certificate of occupancy, unless the building official ~~city engineer~~ grants an extension of time because of frost or other weather conditions.

**SECTION 22. AMENDMENT.** South St. Paul City Code Section 118-274 is hereby amended as follows:

**Sec. 118-274. – Institutional use standards**

(b) *Standards.* The following standards shall govern all uses under this section and shall be strictly adhered to:

- (6) The site development plan, including private drives and roads, the exact location of all buildings and structures, landscaping and screening, if required, shall be presented to and approved by the city council. Before the plan is submitted for final approval, it shall have endorsed thereon the approval of the fire department, the city engineer, the zoning administrator, and such other public bodies and agencies as may have an applicable interest in the proposed use.

**SECTION 23. AMENDMENT.** South St. Paul City Code Sections 118-329 are hereby amended as follows:

**Sec. 118-329. Exceptions.**

The following signs do not require a sign permit and do not count towards the total amount of signage allowed at a property, provided they ~~meet the performance standards as described in this Article and~~ conform to any other provisions of the City Code.

- (a) Address signs.
- (b) Building markers.
- (c) Directional signs, which shall not exceed 6 square feet in gross area and 5 feet in height.
- (d) Interior signs
- (e d) Murals in the following situations:
  - (1) Murals on a property with commercial or industrial zoning that is being used for a commercial or industrial use.
  - (2) Murals on a property that is being used for public or institutional use.
  - (3) Murals on residential buildings containing at least 4 dwelling units that have CGMU or MMM zoning.
- (f e) Noncommercial flags.
- (g f) Signs of the City, county, state or federal government and subdivisions and agencies thereof.
- (h g) Walk-up window signs that are oriented towards customers engaging in a transaction at a walk-up window and which feature text that is not readily readable by passing traffic.

Electronic changeable copy walk-up window signs require a conditional use permit and are not considered an exempt sign.

- (i h) Window signs when located in the C-1, CGMU, GB, and MMM districts may be placed within a building, however the window coverage shall not exceed 30 percent of each window. There shall be no more than a maximum area of 80 square feet per street frontage for window signs. Electronic changeable copy window signs require a conditional use permit and are not considered an exempt sign.

**SECTION 24. AMENDMENT.** South St. Paul City Code Section 118-332, 118-333 and 118-335 are hereby amended as follows:

**Sec. 118-332. General provisions.**

- (a) *Illumination.* In general, all lighted signs shall comply with the standards for exterior lighting found in section 118-245, unless otherwise listed in this section. Illuminated signs may be internally or externally lit. External illumination for signs shall be constructed and maintained so that the source of light is not visible from an adjacent property or the right-of-way.

**Sec. 118-333. On-premises signs.**

- (a) *Awning and canopy signs.* Awning and canopy signs shall comply with the following requirements:

~~(5) Illuminated canopy and awning signs shall comply with the following lighting requirements:~~

- ~~a. On nonresidential buildings in residential districts, the direct source of light shall not be visible from the public right-of-way or adjacent residential use or district.~~
- ~~b. For signs or illuminated areas less than three feet in height, the degree of illumination or candlepower of illuminated canopies and awnings shall be limited to a single lamp exterior fluorescent fixture, running the entire length of the illuminated area.~~
- ~~c. For signs or illuminated areas three to five feet in height, the degree of illumination or candlepower shall be limited to double lamp fixtures.~~
- ~~d. In no event shall the power of the fixture exceed ten watts per foot for single lamp fixtures and 20 watts per foot for double lamp fixtures.~~

**Sec. 118-335. Permitted signs by district.**

Any sign that is not listed as a permitted (P) or allowed by conditional use permit (C) is prohibited. An asterisk (\*) indicates special conditions within the zoning district.

**Figure A-1. Permissible Signs By District**

|                                                                 | R-1<br>R-2<br>R-3 | R-4<br><u>MH</u> | CGMU-<br>1 | CGMU-<br>2 | MMM      | C-1      | GB       | I<br>I-1<br><u>RT</u> |
|-----------------------------------------------------------------|-------------------|------------------|------------|------------|----------|----------|----------|-----------------------|
| Signage Area and Size                                           |                   |                  |            |            |          |          |          |                       |
| Maximum Gross Area of all Signage on the Property (Square Feet) | 6*                | 24*              | 150*       | 150*       | 150*     | 150*     | 200*     | 200*                  |
| Individual Sign Maximum Gross Area (Square Feet)                | 6*                | 24               | 100        | 100        | 100      | 100      | 100*     | 100*                  |
| Height (Feet)                                                   | 6                 | 6                | 8          | 8          | 8        | 8        | 12*      | 12*                   |
| Type of Signage                                                 |                   |                  |            |            |          |          |          |                       |
| Area Identification Signs                                       | P                 | P                | P          | P          | P        | P        | P        | P                     |
| <u>Awning and Canopy Signs</u>                                  | <u>P/C*</u>       | <u>P</u>         | <u>P</u>   | <u>P</u>   | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u>              |
| Drive-Through Signs                                             | —                 | —                | C*         | C          | C        | C        | C        | C                     |
| Dynamic Display Signs                                           | C*                | C*               | C*         | C          | C        | C        | C        | —                     |
| Dynamic Display Off-Premises Signs                              | —                 | —                | —          | —          | —        | —        | C*       | —                     |
| Electronic Changeable Copy Signs                                | C*                | C*               | C*         | C          | C        | C        | C        | C                     |

|                                                   |              |              |              |              |              |              |              |              |
|---------------------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Electronic Graphic Display Signs                  | C*           | C*           | C*           | C            | C            | C            | C            | —            |
| Freeway Signs                                     | —            | —            | —            | —            | —            | —            | C*           | C            |
| <del>Illuminated Canopy and Awning Signs</del>    | <del>E</del> | <del>P</del> | <del>E</del> | <del>E</del> | <del>E</del> | <del>E</del> | <del>E</del> | <del>E</del> |
| Monument Signs                                    | P*           | P            | C*           | P*           | P*           | P            | P            | P            |
| Non electronic Changeable Copy Signs              | P*           | P            | C*           | P*           | P *          | P            | P            | P            |
| <del>Nonilluminated Awning and Canopy Signs</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> |
| Projecting Signs                                  | C            | P            | P            | P            | P            | P            | P            | —            |
| Wall Signs                                        | P/C*         | P            | P*           | P*           | P*           | P            | P            | P            |

(b) Within multifamily residential zoning districts (R-4) signs must comply with the following regulations:

(3) The following types of signs are permissible:

- a. Area identification signs.
- b. Awning and canopy signs ~~Illuminated canopy and awning signs.~~
- c. Monument signs.
- d. Nonelectronic changeable copy signs.
- ~~e. —Nonilluminated awning signs and nonilluminated canopy signs.~~
- ~~e. f.~~ Projecting signs.
- ~~f. g.~~ Wall signs.
- ~~g. h.~~ Wall signs and monument signs for an institutional

- (c) Within the CGMU-1: Concord Gateway Mixed-Use Zoning Sub-district 1. Signs must comply with the following regulations:
- (1) Aggregate property signage: The maximum gross signage for a property shall not exceed one and one-half times the lineal feet of the longest building frontage facing a public street or 150 square feet in gross area, whichever is greater. If a property has a second street frontage, the property is eligible for additional signage equal to one-half times the lineal feet of the building frontage facing the second public street.
  - (2) Individual signs: The maximum gross area per sign shall not exceed 100 square feet in gross area and eight feet in height.
  - (3) The following types of signs are permissible:
    - a. Area identification signs.
    - b. Awning and canopy signs.
    - ~~c. b.~~ Nonilluminated awning and canopy signs.
    - d. e. Projecting signs.
    - ~~e. d.~~ Wall signs.
  - (4) The following types of signs require a conditional use permit:
    - ~~a. Illuminated canopy and awning signs.~~
    - a. b. Monument signs on an eligible property. Monument signs shall not be allowed on Concord Exchange or within 75 feet of the Concord Exchange right-of-way. As part of a monument sign the following types of signs may also be incorporated:
      1. Dynamic display, electronic changeable copy, and electronic graphic display signs.
      2. Non-electronic changeable copy signs.
    - b. e. Drive-through signs.
  - (5) The following types of signs are prohibited:
    - a. Freeway signs.
- (d) Within the CGMU-2: Concord Gateway Mixed Use Zoning Sub-district 2. Signs must comply with the following regulations:
- (1) Aggregate property signage: The maximum gross signage for a property shall not exceed one and one-half times the lineal feet of the longest building frontage facing a public street or 150 square feet in gross area, whichever is greater.
  - (2) Individual signs: the maximum gross area per sign shall not exceed 100 square feet in gross area and eight feet in height.
  - (3) The following types of signs are permissible:

- a. Area identification signs.
  - b. Awning and canopy signs.
  - ~~c.-b.~~ Monument signs.
  - ~~d.-e.~~ Nonelectronic changeable copy signs.
  - ~~e.-d.~~ Nonilluminated awning and canopy signs.
  - ~~f.-e.~~ Projecting signs.
  - ~~g.-f.~~ Wall signs.
- (4) The following types of signs require a conditional use permit:
- a. Dynamic display signs, electronic changeable copy, and electronic graphic display signs that are part of a monument sign.
  - b. Drive-through signs.
  - ~~e. Illuminated awning and canopy signs.~~
- (5) The following types of signs are prohibited:
- a. Freeway signs.
- (e) Within the MMM: Mixed Markets and Makers District. Signs must comply with the following regulations:
- (1) Aggregate property signage: The maximum gross signage for a property shall not exceed one and one-half times the lineal feet of the building frontage along Concord Street or 150 square feet in gross area, whichever is greater. Properties that do not have frontage on Concord Street shall not exceed 150 square feet of gross signage.
  - (2) Individual signs: The maximum gross area per sign shall not exceed on 100 square feet in gross area and eight feet in height.
  - (3) The following types of signs are permissible:
    - a. Area identification signs.
    - b. Awning and canopy signs.
    - ~~c.-b.~~ Monument signs.
    - ~~d.-e.~~ Nonelectronic changeable copy signs.
    - ~~e.-d.~~ Nonilluminated awning and canopy signs.
    - ~~f.-e.~~ Projecting signs.
    - ~~g.-f.~~ Wall signs.
  - (4) The following types of signs require a conditional use permit:
    - a. Dynamic display signs, electronic changeable copy, and electronic graphic display signs that are part of a monument sign.
    - b. Drive-through signs.

~~e. —Illuminated awning and canopy signs.~~

- (5) The following types of signs are prohibited:
  - a. Freeway signs.
- (f) Within the C-1: Retail business zoning districts signs must comply with the following regulations:
  - (1) Aggregate property signage: The maximum gross signage for a property shall not exceed one and one-half times the lineal feet of the longest building frontage facing a public street or 150 square feet in gross area, whichever is greater.
  - (2) Individual signs: The maximum gross area per sign shall not exceed 100 square feet in gross area and eight feet in height.
  - (3) The following types of signs are permissible:
    - a. Area identification signs.
    - b. Awning and canopy signs
    - ~~c. b.~~ Monument signs.
    - ~~d. e.~~ Nonelectronic changeable copy signs.
    - ~~e. d.~~ Nonilluminated awning signs and canopy signs.
    - ~~f. e.~~ Projecting signs.
    - ~~g. f.~~ Wall signs.
  - (4) The following types of signs require a conditional use permit:
    - a. Dynamic display signs, electronic changeable copy, and electronic graphic display signs that are part of a monument sign.
    - b. Drive-through signs.
    - ~~c. —Illuminated awning and canopy signs.~~
  - (5) The following types of signs are prohibited:
    - a. Freeway signs.
- (g) Within the GB: General business zoning district signs must comply with the following regulations:
  - (1) Aggregate property signage: The maximum gross signage for a property shall not exceed one and one-half times the lineal feet of the longest building frontage facing a public street or 200 square feet in gross area, whichever is greater, unless otherwise excepted in section 118-333(e).
  - (2) Individual signs: the maximum gross area per sign shall not exceed 100 square feet in gross area and 12 feet in height, or as otherwise excepted in section 118-333(e).

- (3) Freeway signs are not permitted in that part of the GB district north of I-494, east of Trunk Highway 56 (Concord Street), south of Wentworth Avenue extended easterly and west of the Mississippi River.
- (4) The following types of signs are permissible:
  - a. Area identification signs.
  - b. Awning and canopy signs
  - ~~c. b.~~ Monument signs
  - ~~d. e.~~ Nonelectronic changeable copy signs.
  - ~~e. d.~~ Nonilluminated awning and canopy signs.
  - ~~f. e.~~ Projecting signs.
  - ~~g. f.~~ Wall signs.
- (5) The following types of signs require a conditional use permit:
  - a. Drive-through signs subject to the requirements of section 118-333(b).
  - b. Dynamic display signs that are part of a monument sign. These signs are subject to the requirements of section 118-333(c).
  - c. Dynamic display off-premises signs on properties that are outside of the Mississippi River Critical Corridor Area (MRCCA), subject to the requirements of section 118-334. A property or business that has a dynamic display off-premises sign shall be permitted to have up to 200 square feet of total site signage in addition to the dynamic display off-premises sign. A property or business that currently exceeds 200 square feet of site signage must reduce their total site signage to 200 square feet or less in order to qualify for a conditional use permit to have a dynamic display off-premises sign.
  - d. Electronic changeable copy or electronic graphic display signs that are part of a monument sign.
  - e. Freeway signs, subject to the requirements of section 118-333(e).
  - ~~f. Illuminated awning and canopy signs.~~
- (h) Within the industrial zoning districts (I and I-1) and Railroad Transportation District (RT), signs must comply with the following regulations:
  - (1) Aggregate property signage: The maximum gross signage for a property shall not exceed one and one-half the lineal feet of the longest building frontage facing a public street or 200 square feet in gross area, whichever is greater, unless otherwise excepted in section 118-333(e). Each principal building at the Fleming Field Municipal Airport shall be allowed to have at least 200 square feet of total signage, regardless of the length of the building frontage.
  - (2) Individual signs: the maximum gross area per sign shall not exceed 100 square feet in gross area and 12 feet in height, or as otherwise excepted in section 118-333(e).

- (3) The following types of signs are permissible:
  - a. Area identification signs.
  - b. Awning and canopy signs.
  - ~~c. b.~~ Monument signs.
  - ~~d. e.~~ Nonelectronic changeable copy signs.
  - ~~e. d.~~ Nonilluminated awning and canopy signs.
  - ~~f. e.~~ Wall signs.
- (4) The following types of signs require a conditional use permit:
  - a. Drive-through signs.
  - b. Electronic changeable copy signs.
  - c. Freeway signs, subject to the requirements of section 118-333(e).
  - ~~d. Illuminated canopy and awning signs.~~
- (5) The following types of signs are prohibited:
  - a. Dynamic display signs.
  - b. Electronic graphic display signs.
  - c. Projecting signs.

**SECTION 25. AMENDMENT.** South St. Paul City Code Section 118-352 is hereby amended as follows:

**Sec. 118-352. – General provisions.**

- (f) Control of off-street parking facilities. When required, accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same ownership or control, either by deed or longterm lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the zoning administrator ~~city engineer~~ requiring the owner and the heirs and assigns thereof to maintain the required number of off-street parking spaces during the existence of said principal use.
- (j) Parking on grass, yards prohibited. In all zoning districts within the city, off-street parking of any type of motor vehicle shall be permitted only on driveways or parking areas that are constructed of asphalt or concrete material. No more than one-third of the front yard of any property used for residential purposes may be paved for parking areas. Parking in landscaped yards and boulevards is prohibited, except as follows:
  - (2) For any property used for residential purposes, a recreational vehicle may be parked in a landscaped rear or side yard if the following conditions are met:

f. The recreational vehicle is stored on a parking pad constructed of asphalt, concrete, landscape pavers or uniform rock, as depicted on a plan approved by the zoning administrator ~~city engineer~~. The parking pad must encompass the entire parking area on which the recreational vehicle is located. If uniform rock is used, the rock must be contained by the use of edging and commercial-grade weed prevention fabric.

**SECTION 26. AMENDMENT.** South St. Paul City Code Section 118-353 is hereby amended as follows:

**Sec. 118-353. – Design and maintenance of off street parking areas**

(g) *Planting islands.* For each additional 3,000 square feet or a portion thereof of parking area beyond the first 3,000 square feet, one planting island of identical size to the neighboring parking space, but not less than 200 square feet, shall be installed within the interior of the parking lot, unless otherwise approved by the zoning administrator ~~city engineer~~. All planting islands installed shall have six-inch integral concrete curb and gutter around the entire perimeter, and a landscaped interior.

(h) *Screening, six parking spaces or more.* When a required off-street parking area for six or more vehicles is located adjacent to a residential use or district, a fence or screening not less than four feet in height shall be erected along the residential property line; additional screening may be required by the zoning administrator ~~city engineer~~.

**SECTION 27. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance addresses items that were missed during the recent sign code update, removes an expired use from the I district, replaced “city engineer” with “zoning administrator” or “building official” where appropriate, and addresses other items that need to be clarified or removed.

**SECTION 28. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

Approved: \_\_\_\_\_

Published: \_\_\_\_\_

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Deanna Werner, City Clerk

Attachment 2  
Examples of Building Materials Being Discussed



Resin (plastic) shed

Attachment 2  
Examples of Building Materials Being Discussed



Finished galvanized metal roofing

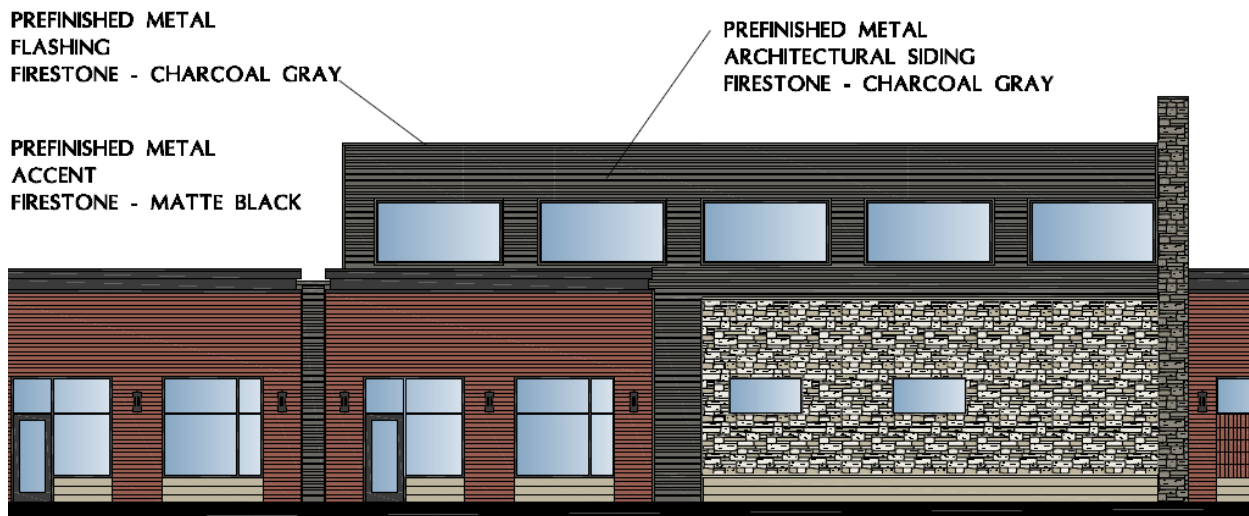


Corrugated/Unfinished metal roofing

Attachment 2  
Examples of Building Materials Being Discussed



Architectural Metal Siding Example



Architectural Metal Siding on New South St. Paul Animal Hospital Facility

Attachment 3  
Awning/Canopy Sign Examples



Internally Illuminated Awning Sign



Externally Illuminated Canopy Sign



# PLANNING COMMISSION AGENDA REPORT

**DATE:**

January 8, 2025

**DEPARTMENT:**

Planning & Zoning

**PREPARED BY:**

Michael Healy

**AGENDA ITEM NUMBER:**

6.A.

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## MEETING TYPE

Regular Meeting

## AGENDA ITEM

### ACTION TO BE CONSIDERED OR DESIRED OUTCOME

This is a discussion item. The Planning Commission is asked to discuss the draft ordinance and provide feedback so the ordinance can be further refined prior to a public hearing.

## OVERVIEW

### Purpose of Discussion

In 2019, the City began a multi-step update of its parking ordinance because the old requirements were making it difficult for the City to attract new investment. Additionally, the old requirements made it illegal to build infill development that matched South St. Paul's existing walkable small-town character. Most of SSP's existing buildings were "grandfathered" but if a building burned down and lost its grandfather rights, it could not be rebuilt because all new buildings required a very large parking lot which would not fit on a standard-sized parcel. The City adopted new parking rules for non-residential properties in 2022 which legalized SSP's existing commercial areas and made it possible to build infill development that matched the character of these areas. The City still needs to update its parking rules for residential properties and mixed-use properties as this was not addressed in the 2022 update.

The current parking rules for residential buildings and mixed-use buildings do not align with market conditions. Consequently, almost every significant residential development that has been approved in recent decades has involved a parking variance or Planned Unit Development (PUD) flexibility that has greatly reduced the overall parking requirement. This approach introduces uncertainty into the development process because variances and PUD flexibility can become politicized and divide the community. The City Council and the South St. Paul Economic Development Authority (EDA) have been laying the groundwork for the past decade to redevelop the northeast corner of Grand Avenue and Concord Boulevard into a mixed-use neighborhood known as the Hardman Triangle. A link to the Hardman Triangle Redevelopment Plan is included at the end of this memo. It will be much more difficult for the redevelopment of the Hardman Triangle to move forward if the City does not update its code to align with market conditions with modern parking standards for residential projects.

## Background

Like many communities in Minnesota, South St. Paul adopted a new parking ordinance in the 1950's that took away landowners' ability to make their own decisions about how large their parking facilities would be. Instead, City Staff would decide the minimum size of each parking facility using a set of formulas related to the size and use of each building. The City Code was written to incorporate a peak demand approach, meaning that each new building was required to have an oversized parking lot that could handle 100% of the cars that might show up on the busiest day of the year. Church parking lots needed to be sized to handle all cars that might show up on Christmas Sunday. Retail parking lots needed to be sized to handle all cars that might show up on Black Friday. It was also made generally illegal to move a new type of business into an existing commercial building without expanding its parking lot to meet the new requirements. South St. Paul is a fully built out community so expanding a parking lot typically means demolishing a neighboring building.

Interestingly, the City Code's parking requirements were never really enforced. The Planning Commission and the City Council have long understood that the rules were not well-calibrated and have been extremely generous with large parking variances and PUD flexibility to allow projects to move forward. Unfortunately, many businesses and developers fear the uncertainty of the variance process and avoid investing in cities where a parking variance is needed for most projects. South St. Paul is a walkable community and parking lots do not need to be quite as large as they are in outer ring suburbs because not everybody uses a car for all trips and off-street parking lots are not the only parking option. Most roads in SSP have on-street parking which can be used for special events and short-term guest parking. The City Council recently had Concord Street and Concord Exchange reconstructed and added extra-wide parking lanes and some new angled parking to make it even easier for customers to park on the street. On-street parking in SSP is intended to have frequent turnover and is not supposed to be used for long-term storage of vehicles. The City Code prohibits a car from being parked in the same spot on any public street for longer than 20 hours.

In 2019, the City launched a project to update its parking requirements. At their October 2<sup>nd</sup> meeting in 2019, the Planning Commission unanimously recommended approval of an ordinance that would update parking requirements for both nonresidential developments and residential developments. The City Council was supportive of the proposed ordinance, but they tabled it during the second reading and requested an additional Worksession discussion to talk about parking requirements for schools. Unfortunately, the parking ordinance project was then paused due to staff turnover and the onset of the Covid-19 pandemic.

In 2021, the City completed a corridor study and created the new MMM-Mixed Markets and Makers mixed use district on Concord Street North. The MMM district was envisioned as an innovation corridor with a market-driven approach to development. Nonresidential uses were given flexibility to work with the Planning Commission and City Council to design their parking facility instead of being assigned a strict minimum parking stall count by City Staff. Residential projects were given a reduced minimum parking requirement so the market can help guide how much parking is built. In 2022, the parking ordinance was updated to implement the MMM district's business-friendly approach in all the City's commercial districts when it comes to

nonresidential uses. The 2022 update also established a new collaborative process for reviewing and approving parking plans for institutional uses such as churches and schools when they are in residential neighborhoods. The 2022 update did not include any changes to parking regulations for residential projects which is why another code update is needed.

## **2040 Comprehensive Plan and Master Housing Strategy Guidance**

The Economic Development, Housing, and Land Use chapters of the 2040 Comprehensive Plan all call for updating the City Code's parking requirements to promote the efficient use of land, grow the tax base, and protect community character from the negative impacts that can be caused by excessively large surface parking lots.

The City Council adopted a Master Housing Strategy in June of 2020 which includes the following statement:

*“Based on feedback received from developers, South St. Paul’s zoning code creates a number of barriers to townhomes and apartment developments. The most problematic sections of the code include Section 118-267- Multifamily residential, townhouses and cluster developments and Section 118-354 - Off-street parking requirements. Changes to these sections could alleviate red tape for future townhomes or apartment developments.”*

A link to the full text of the Master Housing Strategy and its supporting documents is included at the end of this memo.

## **Summary of Draft Ordinance**

The draft ordinance would apply the current MMM minimum parking requirements to residential buildings citywide. Staff believes that this is the minimum that it would take to align the City Code with market conditions and reduce the need for every housing project to obtain a parking variance or PUD flexibility.

City Staff has written the draft ordinance to also do several other things that could have a positive impact on economic development efforts citywide and help support SSP's traditional neighborhood character:

1. The requirement that townhome developments must provide an extra 1½ stalls of guest parking for each unit would be modified to only apply to townhome buildings that are on private roads where there is no on-street parking. The requirement would be set at 1 guest parking stall per unit.
2. The MMM district on Concord Street North is intended to be an innovation district that is very sensitive to market conditions and can adjust quickly if the market changes. The corridor has significant topographical challenges and has struggled with decades of disinvestment so the City has made a concerted effort to remove zoning barriers that

could stand in the way of new investments. In keeping with the zoning district's purpose and intent, Staff is proposing to have the parking requirement for dwelling units in the MMM district be a flat "at least 1 parking stall is required for each dwelling unit."

3. Residents have made it clear that they want to see more retail and restaurant activity in SSP and would like to see the City encourage mixed-use residential developments that include a commercial component. It can be very difficult for mixed-use developments to "pencil out" and it is often impossible to develop a functional floorplan for a mixed-use development if a large amount of off-street parking is required. The extra parking eats up space within the building that might otherwise be turned into a ground floor commercial space. Staff would propose adding two new rules to the City Code that would support mixed-use developments in areas that are within ¼ mile of a fixed transit line (Metro Transit Route 68 and Route 71) where it is possible to live comfortably without a car or with just one car per household:
  - a. The first four dwelling units in a mixed-use building would not require dedicated parking stalls if the ground floor contains a commercial space that is at least 50% of the footprint of the building or 5,000 square feet in size, whichever is less. Each additional unit beyond the first four units would require one dedicated parking stall per unit.

This is inspired by an approach that the City of Winona has taken to encourage the development of small mixed-use buildings where there is a retail store or restaurant on the ground floor with a few apartment units above it. These buildings greatly add to the architectural character of a mixed-use area and adding just a few rentable dwelling units can help a small infill project "pencil out". Residents living in these buildings may not have a car, they may park on the street, or they may lease a space in a parking facility on a nearby property. There are already several small mixed-use buildings like this on Marie Avenue and Southview Boulevard which do not have on-site parking.

- b. In the C-1 Retail Business district, residential buildings that are co-located on the same parcel as a commercial building would not require dedicated parking stalls for the first four units. One parking stall must be provided for each additional unit. The C-1 district zoning rules would be updated to establish a conditional use permit process for constructing a commercial building on a corner lot that already has a residential building taking up part of the property, but this would be limited to Southview Boulevard.

Due to development decisions that were made in the late 1800's, the land along Southview Boulevard is laid out in a challenging way that makes it difficult to get the type of commercial-retail development that the City wants to see. Most of the platted lots are oriented towards the side streets instead of being oriented towards Southview Boulevard. The platted

lots are 40-feet wide and 125-feet deep, but the long side is parallel to Southview. This means that only 40-foot-deep commercial buildings can be accommodated unless a developer acquires multiple lots and demolishes existing houses on the side streets to create a deeper parcel through lot combination.

For much of SSP's existence, people who owned corner lots with frontage on Southview Boulevard found a creative solution to realize the "highest and best use" of their property. Many people built a home at one end of the lot and then built a commercial building at the other end of the lot. This approach is part of what gives Southview Boulevard its unique architectural character and there are several examples of surviving buildings with this setup- Pounce and Fetch sits on the same lot as a fourplex, D & G Jamaican Restaurant (formerly Wellness Café) sits on the same lot as a single-family home, and The Coop restaurant sits on the same lot as a single-family home.

The City Code does not currently allow corner lots with C-1 zoning to have a commercial building and residential building co-located on the same parcel. The three properties that already have this setup are lawful nonconforming ("grandfathered") and cannot be expanded without variances or rebuilt if they burn down and lose their grandfather rights. Staff believes that there could be an opportunity here for creative economic development that could give Southview Boulevard a better street life with more storefronts. If the City Code were updated to allow co-location of buildings with a conditional use permit in the C-1 district, that would allow corner lot homeowners whose houses have C-1 Retail Business zoning to turn their yards into new commercial buildings that could house small businesses and make Southview Boulevard a more visually interesting streetscape. Currently, these homeowners must demolish their house if they want to add a commercial building to their C-1 zoned property and this makes it much more difficult, if not impossible, for small infill projects to "pencil out."

## **Discussion**

City Staff feels strongly that the proposed ordinance will improve the City Code, benefit the local community, and help South St. Paul attract the type of investment that it wants to attract. The Planning Commission and City Council have already been using the variance and PUD process to attract investment using roughly the same standards that are now being proposed for official inclusion in the City Code. The proposed ordinance will make it possible to develop the Hardman Triangle without every project needing a parking variance.

Staff wants to provide the Planning Commission with some food for thought to emphasize how important this type of local zoning reform is to the long-term health of the community:

- There is substantial evidence that the private sector does a better job of right-sizing parking facilities than local government ever can. Local parking ordinances are usually only updated every few decades and therefore fail to account for development trends and changes in consumer behavior. Political disagreements and a lack of staff capacity often make it difficult to update these ordinances even when it is clear that the standards are out

of date. Case in point, many cities still require retailers to build parking lots that can accommodate a Black Friday sales event that would have taken place in the 1990's before the rise of online shopping. Black Friday sales events are nowhere near as busy as they were 30 years ago so a parking lot built with that size will be mostly empty even on Black Friday and is a waste of developable land.

- Developers are still free to build extra parking beyond what the code requires if they believe that is what they need for their project to be successful. They can take factors into account like topography and whether the development is in a walkable area or close to bike trails and transit lines. In cities that have taken a market-driven approach and reduced their City-mandated minimum parking minimums, many developers and business owners will still decide to build significantly more parking stalls than the new minimums require.
- Each parking stall that is added to a housing development increases the cost of the development (more land acquisition, more site preparation, higher construction costs, and ongoing maintenance costs). One recent national study found that each underground parking stall adds at least \$50,000 to the cost of an apartment project. These costs are passed on directly to tenants in the form of higher monthly rents. If a City requires every studio apartment to have two parking stalls even if the second stall is almost never used, that is going to increase the monthly rent on every studio apartment without providing the tenant with a benefit.
- Many of the classic multifamily housing styles that are beloved in older communities because of their architectural character are almost impossible to build if more than one off-street parking stall is required for each unit. Most of the old brownstones, row houses, and classic small apartment buildings in SSP and throughout the metro have no more than one parking stall per unit because it is usually not possible have this type of building design with a larger parking facility. If the parking facility gets too large, the project will no longer fit on a standard-sized parcel. Instead, a developer needs to acquire multiple parcels and can only make this work financially if they abandon their plans to build a small multifamily building and instead build a large multifamily building that no longer fits with the character of the neighborhood but does meet zoning requirements.
- Many US states have housing shortages, and a lot of blame is being placed on local governments for stifling housing development with expensive and project-killing zoning requirements such as 2-stall-per-unit minimum parking requirements. State legislatures across the country have recently begun punishing cities for this behavior by taking away local zoning authority and imposing new statewide zoning rules. This has happened in

Republican-controlled States (i.e. Montana), Democrat-controlled states (i.e. California), and states with a mix of politics (i.e. Maine and Oregon). In Minnesota, there was a bipartisan effort during the 2024 legislative session to limit local zoning authority and enact new statewide zoning rules. The Minnesota effort had the support of a large coalition of liberal and conservative political action groups, homebuilders, realtors, and environmentalists. One of the statewide zoning rules that the State Legislature was considering was a rule that municipalities cannot require more than 1 off-street parking stall for each housing unit. Local government leaders throughout Minnesota banded together to oppose the 2024 efforts to enact statewide zoning rules and argued that zoning reform should instead take place at the local level. The statewide zoning reform effort was temporarily defeated in 2024, but it will likely resurface in upcoming legislative sessions. It is important that South St. Paul and other communities implement local zoning reforms if there is truly a desire to fix zoning issues at the local level to avoid a heavy-handed intervention by the Minnesota State Legislature.

### **Action Needed**

This is a discussion item. The Planning Commission is asked to discuss the draft ordinance and provide feedback so the ordinance can be further refined prior to a public hearing.

### **Links**

1. Hardman Triangle Redevelopment Plan (2020): <https://www.southstpaul.org/DocumentCenter/View/7618/Hardman-Triangle-Study>
2. Master Housing Assessment and Strategy (2020): <https://www.southstpaul.org/776/Master-Housing-Assessment-and-Strategy>
3. Council Packet with Staff Memo for 2022 Parking Ordinance Update: [https://www.southstpaul.org/AgendaCenter/ViewFile/Agenda/\\_02072022-1091](https://www.southstpaul.org/AgendaCenter/ViewFile/Agenda/_02072022-1091)

### **SOURCE OF FUNDS**

NA

### **ATTACHMENTS**

1. Zoning Map
2. Traditional Multifamily Buildings and Parking Counts
3. Southview Blvd. Properties with Co-Located Commercial and Residential Buildings
4. Draft Ordinance

# City of South St Paul Zoning Map



City of South St Paul Planning Department  
<https://www.southstpaul.org/>

## Zoning Designations

|                                                  |        |       |
|--------------------------------------------------|--------|-------|
| Residential                                      |        |       |
| R1 - Single Family                               | 617.54 | 21.4% |
| R2 - Single and Two Family Residence District    | 795.46 | 27.5% |
| R3 - General Residence                           | 31.88  | 1.1%  |
| R4 - Multifamily Residential District            | 90.19  | 3.1%  |
| Commercial                                       |        |       |
| C1 - Retail Business District                    | 44.63  | 1.5%  |
| GB - General Business District                   | 145.71 | 5.0%  |
| CGMU1 - Concord Gateway Mixed Use District 1     | 54.68  | 1.9%  |
| CGMU2 - Concord Gateway Mixed Use District 2     | 11.09  | .4%   |
| MMM1 - Mixed Markets and Makers District 1       | 6.09   | .2%   |
| MMM2 - Mixed Markets and Makers District 2       | 27.54  | 1.0%  |
| MMM3 - Mixed Markets and Makers District 3       | 6.39   | .2%   |
| MMM4 - Mixed Markets and Makers District 4       | 10.80  | .4%   |
| Industrial                                       |        |       |
| I - Industrial District                          | 584.06 | 20.2% |
| I-1 - Light Industrial District                  | 241.32 | 8.4%  |
| Other                                            |        |       |
| NRDD - North Riverfront Development District     | 126.14 | 4.4%  |
| MH - Mobile Home                                 | 3.43   | .1%   |
| RT- Rail Transportation District                 | 91.28  | 3.2%  |
| ROW - Right of Way                               |        |       |
| WAT - Water                                      |        |       |
| MRCCA - Mississippi River Corridor Critical Area |        |       |
| Airport Safety Zone A                            |        |       |
| Airport Safety Zone B                            |        |       |
| Airport Safety Zone C                            |        |       |
| Primary Surface                                  |        |       |
| PUD - Planned Unit Development                   |        |       |
| Shoreland District Overlay                       |        |       |

This Zoning map is a representation of various maps and ordinances that make up the City of South St. Paul zoning code. Percentage of Acreage is calculated from county parcel data. Results are representational and not to be used for purposes other than zoning. For detail information pertaining to a specific property or zoning district, please contact the City of South St. Paul Planning Department at <http://www.southstpaul.org/>

MRCCA districts can be found on a separate PDF.

Print Date: Wednesday, February 7, 2024  
Last Updated: September 8, 2023  
Prepared by: South St Paul GIS

## ATTACHMENT 2

### “GRANDFATHERED” TRADITIONAL SMALL MULTIFAMILY BUILDINGS WITH PARKING COUNTS

Address: 814 Marie Avenue

Property Size: .17 acres (7,563 square feet)

Unit Count: 4

Parking spaces: 5



Address: 822 Marie Avenue

Property Size: .17 acres (7,563 square feet)

Unit Count: 5

Parking spaces: 5



Address: 826 Marie Avenue

Property Size: .17 acres (7,563 square feet)

Unit Count: 4

Parking spaces: 4

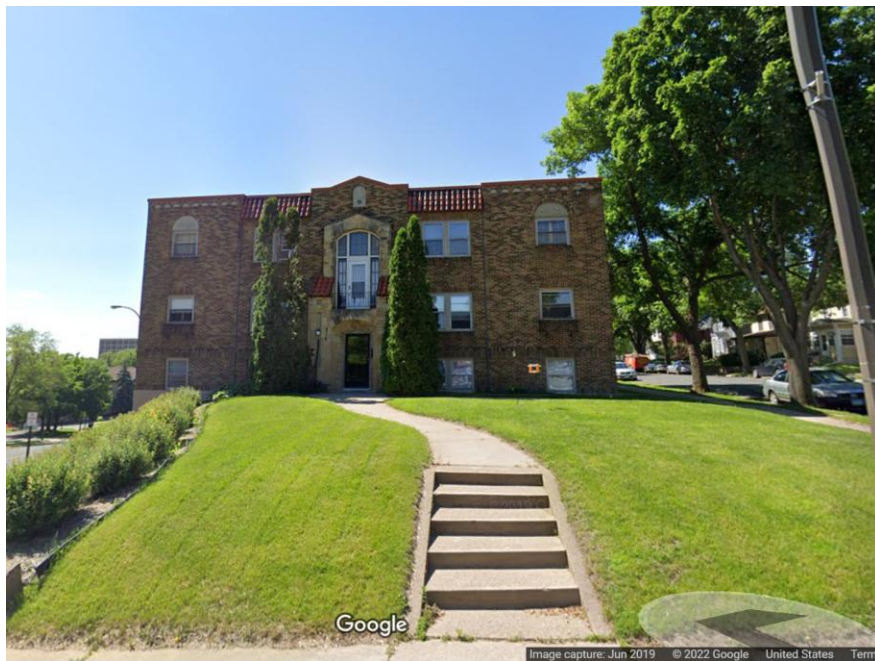


Address: 315 3<sup>rd</sup> Street north

Property Size: .29 acres (12,473 square feet)

Unit Count: 17

Parking spaces: Roughly 21. *The City does not have a floorplan for the underground parking garage but it is 60 feet wide by 74 feet deep and can accommodate 19 stalls at most. There are also two surface parking stalls at the property.*



Address: 1201 Marie Avenue

Property Size: .23 acres (9,917 square feet)

Unit Count: 11

Parking spaces: 9

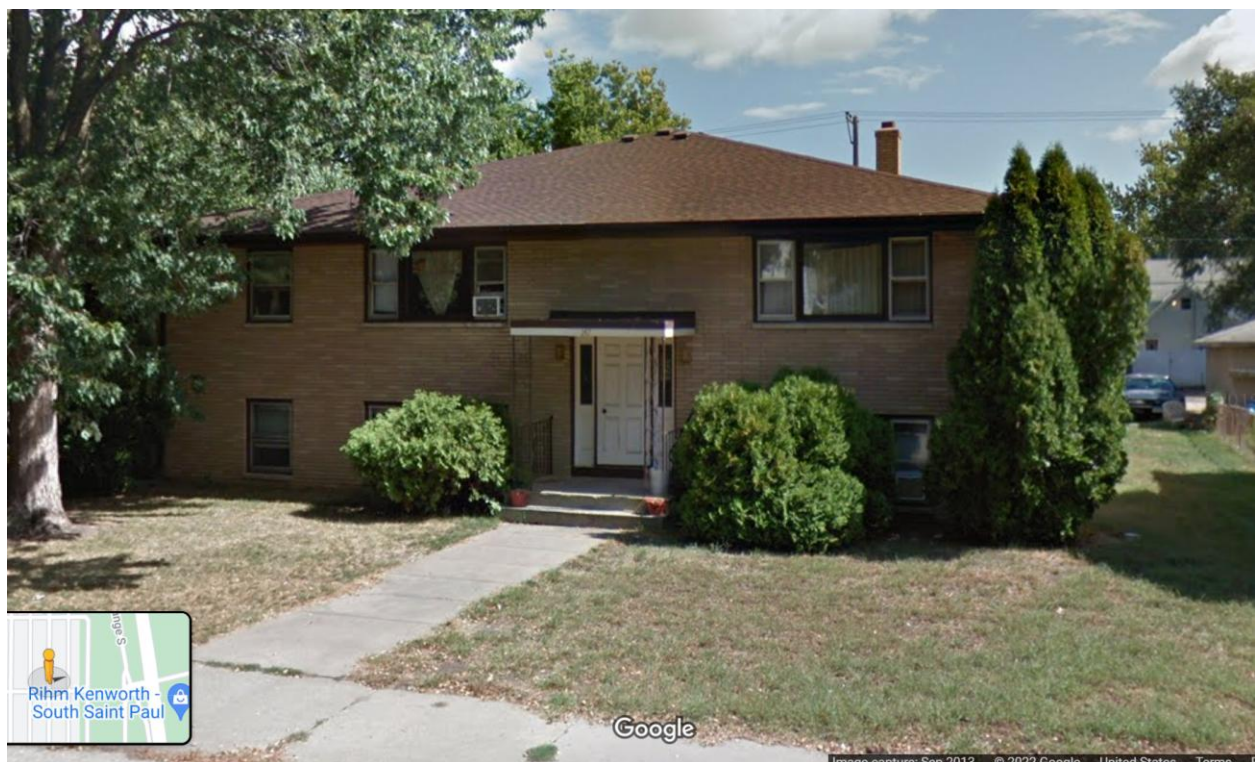


Address: 247 2<sup>nd</sup> Avenue South

Property Size: .23 acres (10,000 square feet)

Unit Count: 6

Parking spaces: 8



Address: 141 5<sup>th</sup> Avenue North

Property Size: .22 acres (9,599 square feet)

Unit Count: 10

Parking spaces: 5



### ATTACHMENT 3

#### SOUTHVIEW BLVD. PROPERTIES WITH CO-LOCATED COMMERCIAL AND RESIDENTIAL BUILDINGS

“The Coop” at 157 3<sup>rd</sup> Avenue South

- 5,000 square foot (125' x 40' lot) with two buildings on it
  - Mixed-Use Building with a restaurant and 3 apartment units
  - Single-Family Home
- Owner also controls the adjacent lot which has a 4-car garage and a small parking lot on it.



“Pounce and Fetch” Adoption House at 512 Southview Boulevard

- 5,000 square foot (125' x 40' lot) with two buildings on it
  - Commercial building
  - Fourplex



D & G Jamaican Restaurant (Formerly Wellness Café) at 1025 Southview Boulevard

- Roughly 4,712 square foot lot (124' x 38' lot) with two buildings on it
  - Commercial building
  - Single-family home



**ATTACHMENT 4  
DRAFT ORDINANCE**

**City of South St. Paul  
Dakota County, Minnesota**

**Ordinance No. 14XX**

**AN ORDINANCE AMENDMENT UPDATING THE ZONING CODE'S PARKING  
REGULATIONS FOR RESIDENTIAL AND MIXED-USE PROPERTIES**

The City Council of the City of South St. Paul does ordain:

**SECTION 1. AMENDMENT.** South St. Paul City Code Section 118-126 is hereby amended as follows:

**Sec. 118-126. C-1, retail business district.**

(b) *Uses by conditional use permit.* The following uses shall require a conditional use permit:

- (16) Residential dwelling units in a building that contains a ground-floor nonresidential use, subject to the following standards:
  - a. For new buildings, at least 90 percent of any building façade facing a public street shall be Class I, Class II, or Class III materials as defined in section 118-9. In addition to the listed materials, finished wood siding and engineered wood siding may also be used. For additions onto existing buildings, the addition must be architecturally consistent with the existing building.
  - b. For new buildings, exterior building walls facing a public street shall not exceed 50 feet in length without including at least two of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions. Additions onto existing buildings shall follow this requirement as much as is practical.
  - c. To be eligible for the conditional use permit, the property must be guided "mixed use" in the comprehensive plan.
  - d. No individual mixed-use building may contain more than 12 dwelling units. No mixed-use development shall be permitted to exceed the maximum density established in the comprehensive plan.
- (17) Body art establishment that offers body art procedures other than micropigmentation and cosmetic tattooing (defined and regulated by section 118-276).
- (18) A commercial or mixed-use building co-located on the same lot as an existing residential building, subject to the following standards:
  - a. To be to eligible for the conditional use permit, the property must be a corner lot with frontage on Southview Boulevard.

- b. The building must be oriented towards Southview Boulevard and shall have a maximum setback of 10 feet from the property line along Southview Boulevard.
- c. Each building shall have its own separate sewer and water utility connection.
- c. The commercial building and the residential building may be allowed to be split off into separate parcels by conditional use permit, provided that each parcel has at least 30 feet of street frontage, each building has its own separate sewer and water utility connection, and all building code requirements are met.

**SECTION 2. AMENDMENT.** South St. Paul City Code Section 118-127 is hereby amended as follows:

**Sec. 118-127. – MMM, Mixed Markets & Makers District.**

(e) *Design and development standards.*

(10) *Parking.*

e. *Parking minimums, residential.* One parking space per dwelling unit.

~~1. A minimum of two spaces is required for a single family dwelling.~~

~~2. A minimum of three spaces is required for a two family dwelling.~~

~~3. A minimum of four spaces is required for a three family dwelling.~~

~~f. *Parking minimums, multi-family.* In multi-family buildings, one-bedroom and efficiency units shall provide at least one parking space per unit. All units with more than one bedroom shall provide at least two parking spaces. Dens, libraries, and other extra rooms within dwelling units that can be converted to a legal bedroom shall each count as one bedroom.~~

**SECTION 3. AMENDMENT.** South St. Paul City Code Section 118-267 is hereby amended as follows:

**Sec. 118-267. Multifamily residential, townhouses, and cluster developments.**

(j) *Townhouses.* Townhouse developments and twin houses developments consist of the placing of common wall residential dwelling units in compact groupings. Townhouse developments and twin houses developments shall be permitted in such residential districts as permit multiple dwellings of comparable size and number.

g. Each dwelling unit shall be provided at least two off-street parking spaces, at least one of which shall be fully enclosed. If a townhouse development or twinhome development is built with units that front private roads which are not wide enough to accommodate on-street parking for guests, each of these units shall be provided with at least one additional stall of off-street parking for guests. Each required guest parking stall shall be located within 100 feet of the applicable dwelling unit. ,and an

~~additional 1½ off-street parking spaces for guests. Guest parking shall be located within 100 feet of each dwelling unit.~~

**SECTION 4. AMENDMENT.** South St. Paul City Code Section 118-353 is hereby amended as follows:

**Sec. 118-353. Design and maintenance of off-street parking areas.**

- (l) *Minimum distance from building.* In any zoning district other than for one-family, ~~and two-family, and three-family~~ homes, no parking space shall be closer than five feet to any building, except for garage parking.

**SECTION 5. AMENDMENT.** South St. Paul City Code Section 118-354, and 118-355 are hereby amended as follows:

**Sec. 118-354. Off-street parking spaces required.**

Under section 118-352, some land uses in certain zoning districts do not have a set parking requirement and certain other land uses may secure a modified parking requirement with the approval of the city council. Unless a land use is granted a modified parking requirement under section 118-352, the default off-street parking spaces required by various land uses shall be as follows:

- (1) ~~Small residential buildings: One family and two family residences: Two spaces per dwelling unit.~~
- ~~a. A minimum of two spaces is required for a single-family dwelling.~~
- ~~b. A minimum of three spaces is required for a two-family dwelling.~~
- ~~c. A minimum of four spaces is required for a three-family dwelling.~~
- (2) ~~Multiple dwellings: Two spaces per dwelling unit. Large residential buildings and residential dwelling units in mixed-use buildings: One-bedroom and efficiency units shall provide at least one parking space per unit. All units with more than one bedroom shall provide at least two parking spaces. The following exceptions to this rule shall be provided for properties with commercial or mixed-use zoning that are within ¼ mile of a stop on a fixed-route transit line, measured from the transit stop to the nearest property line of the parcel:~~
- ~~(a) Mixed-use buildings that include a commercial space which occupies at least 50% of the ground floor level or 5,000 square feet, whichever is less. There shall be no minimum parking requirement for the first four dwelling units. At least one parking stall shall be provided for each additional dwelling unit.~~
- ~~(b) Residential buildings that are co-located on a parcel that also contains a commercial or mixed-use building in the C-1 Retail Business zoning district. There shall be no minimum parking requirement for the first four dwelling units that are~~

located on these parcels. At least one parking stall shall be provided for each additional dwelling unit.

**SECTION 6. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance modifies parking requirements for residential buildings and residential dwelling units within mixed-use buildings. It also establishes a conditional use permit process for co-locating a commercial building with a residential building in the C-1 Retail Business zoning district.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

Approved: \_\_\_\_\_

Published: \_\_\_\_\_

\_\_\_\_\_  
Deanna Werner, City Clerk