



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

## **PLANNING COMMISSION**

Council Chambers 125 3rd  
Ave N South St. Paul, MN  
55075

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Wednesday, March 4, 2026  
7:00 PM

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**1. ROLL CALL**

**2. APPROVAL OF AGENDA**

**3. MINUTES**

A. February 4, 2026 Minutes

**4. PUBLIC HEARINGS**

A. Ordinance Amendment Updating Lot Coverage and Landscaping Regulations in Industrial Zoning Districts.

**5. NEW BUSINESS**

A. Discussion on Zoning Regulations for Two-Family Homes in the R-2 Single-and-Two Family Zoning District

**6. OTHER BUSINESS**

A. Planning Commission Rules of Order

**7. STAFF UPDATES**

**8. ADJOURNMENT**

**MINUTES OF MEETING  
SOUTH ST. PAUL PLANNING COMMISSION  
WEDNESDAY FEBRUARY 4, 2026**

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

1) ROLL CALL

Present: Tyler Fehrman  
Tim Felton  
Geoff Fournier  
James Hart  
Tracy Haye  
Brienne Miller  
Michael Healy, Planning Manager  
Monika Miller, Associate Planner

Absent: Andrew Hoffman

2) APPROVAL OF AGENDA –Motion to approve the agenda as presented– Haye/Miller (6-0).

3) APPROVAL OF MINUTES – January 7, 2026 –Motion to approve the minutes as presented– Miller/Fournier (6-0).

4) PUBLIC HEARINGS

A. Jadian IOS Conditional Use Permit for Planned Unit Development at 1201 and 1301 Concord Street South

Mr. Healy presented the staff report. The Applicant is Jadian IOS who will be purchasing 1201 and 1301 Concord Street South. After purchasing the property, they would lease it out to a new tenant (Q3 Contracting) who would occupy the three existing buildings. A new building would also be constructed on site. The Applicant is seeking site plan approval for a new 7,255 sq. ft. office warehouse building, a Conditional Use Permit for a Planned Unit Development, and a Conditional Use Permit for a Contractor's Operation with Exterior Storage. The property is zoned GB, General Business district. A Planned Unit Development approval has been requested for the project to allow flexibility related to the size of the exterior storage yard, to allow gravel surfacing on the property, to waive the landscape island requirement, to deviate from the screening requirements, to allow setback flexibility, and to have multiple buildings on one property. Many of these points of flexibility would be allowed under the zoning changes that will be made when the zoning code is updated to implement the Concord Street South Small Area Plan. Staff recommend approval of the proposal with conditions of approval.

Commissioner Miller asked staff to confirm if the approval included a condition with hours of operation for the business. Mr. Healy confirmed it did.

Commissioner Hart asked if it was necessary to amend the condition governing the hours of operation for the business to specify that internal office work could occur outside of the hours of operation. Mr. Healy stated the

condition was written to only limit the hours of operation for the exterior storage yard. Office work would not be limited to these hours of operation.

Commissioner Hart asked if the grandfathered rights of the existing exterior storage yard would be preserved as part of the approval. Mr. Healy explained the existing exterior storage-related Conditional Use Permits would remain in effect until the new utility contractor moves onto the site or they occupy any of the buildings on site. Then, the existing conditional use permits would terminate.

Jacob Steen of Larkin Hoffman was present to represent the Application. Mr. Hoffman indicated that the project team was present in case there were questions.

Chair Fehrman opened the public hearing.

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

Chair Fehrman closed the public hearing.

Motion to recommend approval of a conditional use permit for a planned unit development for the Jadian IOS project at 1201 and 1301 Concord Street South- Fournier/Haye (6-0).

#### B. Wakota North 2<sup>nd</sup> Addition Preliminary and Final Plat

Ms. Miller presented the staff report. The Applicant is the City of South St. Paul. The City is proposing a preliminary and final plat to be known as Wakota North 2<sup>nd</sup> Addition. This plat would extend Verderosa Avenue south of the DNR Boat Launch site and then west out to Hardman Avenue South via Marley Danner Drive. The existing parcels the road would go through would be oriented to accommodate the new roadway. The plat is important for the city as it serves as a key step towards creating a new public works facility and meeting the city's economic development goals in the area. Staff recommend approval of the proposed preliminary and final plat.

Commissioner Miller asked why the city is not creating a buildable lot for the new public works building as part of the plat. Ms. Miller explained this would be premature as the city is still in the early stages of planning for the new public works site. Once the design, including the lot size, is finalized, then the City would be ready to bring forward a new plat for the site.

Chair Fehrman opened the public hearing.

No one was present to speak on the application.

Chair Fehrman closed the public hearing.

Motion to recommend approval of the preliminary and final plat for Wakota North 2<sup>nd</sup> Addition as presented. - Miller/Fournier (6-0).

#### 5) NEW BUSINESS

A. Discuss Revised Planning Commission Rules of Order and Upcoming Officer Elections

Mr. Healy facilitated the discussion. Each year in March, the Planning Commission holds officer elections and adopts rules of order that govern the operation of the commission. In 2025, the City Attorney requested the rules of order be updated, which would have delayed officer elections and adopting rules of order. The Planning Commission opted to follow traditional timelines for these actions. This year, Staff and the City Attorney drafted new rules of order for the Planning Commission. These rules are being brought to the Commission ahead of time for discussion purposes. The recommendation is that the Planning Commission adopt the updated rules of order in March. Staff is also recommending that elections be moved to the end of the April meeting to avoid the awkwardness that can occur when a new commissioner joins the Planning Commission in March and is asked immediately to elect a chair and vice chair with no knowledge of their fellow commissioners. Staff requested feedback on the new timing for elections and the commissioners' preferred method of voting for elections. The Commissioners indicated their support for moving elections to April and holding elections by ballot.

6) OTHER BUSINESS

None.

7) STAFF UPDATES

None.

8) ADJOURNMENT

Motion to adjourn- Haye/Felton (6-0)



# PLANNING COMMISSION AGENDA REPORT

DATE:

March 4, 2026

DEPARTMENT:

Planning & Zoning

PREPARED BY:

Michael Healy

AGENDA ITEM NUMBER:

4.A.

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## MEETING TYPE

Regular Meeting

## AGENDA ITEM

Ordinance Amendment Updating Lot Coverage and Landscaping Regulations in Industrial Zoning Districts.

## ACTION TO BE CONSIDERED OR DESIRED OUTCOME

A motion recommending approval or denial of an ordinance amendment updating lot coverage and landscaping regulations in industrial zoning districts.

## OVERVIEW

### Applicant

The City of South St. Paul is the Applicant. *The proposed ordinance amendment would address zoning issues that have been identified by the South St. Paul Economic Development Authority (EDA) as barriers to potential future business expansion projects.*

### Background

The South St. Paul Economic Development Authority's purpose is to strengthen the City's economy by supporting business growth, job creation, and redevelopment. The Economic Development Authority (EDA) is a 7-member board which is currently comprised of the same seven members as the City Council. City Administrator Ryan Garcia is the current director of the EDA and its primary staff liaison. The EDA is the official owner of most of the vacant land that is owned by the City which is intended for redevelopment. In addition to marketing City-owned land for targeted redevelopment, the EDA also partners with businesses that want to invest in the community to create jobs and/or expand the tax base. The EDA offers loans, provides technical assistance, and assists businesses with procuring grant dollars for expansion projects.

City Staff recently talked to a business about a potential building expansion project in the Bridgepoint Industrial Park. It was brought to Staff's attention that there is a zoning rule on the books which caps building footprints in industrial zoning districts at 40%. The project cannot move forward without a variance if that rule remains in place. The last time this issue came up was in 2017 and, in that case, the Planning Commission and City Council unanimously granted a

planned unit development (PUD) approval with zoning flexibility that allowed Twin City Hide and Tanning to redevelop their industrial campus with brand new buildings which would result in an overall building footprint of 44.6%. This appears to have been the only time that this zoning rule has ever impacted a project since it was added to the City Code in 1992. The only other industrially zoned property in town that has a building footprint greater than 40% is the old Sportsman's Guide building (411 Farwell) which was developed in 1970 under a different set of zoning regulations.

It seems unlikely that the City would ever enforce the 40% cap and block a development project that meets all other zoning requirements. The City Council will probably always be willing to grant either a variance or a PUD approval to a project that does not meet the 40% rule. PUD approvals and variances are politically complex, however, and add an element of uncertainty to the development review process that can scare away businesses and developers. The EDA is requesting that the City update the zoning rules for the I-Industrial and I-1 Light Industrial districts to simply remove the 40% cap on building footprints to avoid deterring business expansion projects.

### **City's Ongoing Efforts to Promote Tax Base Density**

The original rules for the I-Industrial zoning district were enacted in 1992. In 2019, the industrial areas north of Interstate 494 were rezoned to the newly created I-1 Light Industrial zoning district which has identical site design and building design standards but a different set of allowed uses. Since 1992, the City has repeatedly updated the rules for the industrial districts as the Planning Commission and City Council have refined their vision for the City's tax base and job base:

- The original rules required each development parcel to have 25% lot coverage by landscaping, which was challenging to meet and led to variance requests. Today, each development parcel is required to have 15% lot coverage by landscaping which is a more realistic standard for an industrial area and still results in attractive well-landscaped lots.
- The original rules required each development parcel to have at least a 5,000 square foot building. A business that met this requirement could have unlimited exterior storage as an accessory use. This zoning setup resulted in some businesses buying up large pieces of land, constructing a relatively small building, and then using up most of the acreage for exterior storage (which pays almost no property taxes). In 2016, the City adopted a new zoning rule that requires each industrial parcel to have a minimum floor area ratio (FAR) of 0.2, meaning that at least 20% of each parcel needs to be covered in a 1-story building or at least 10% of each parcel needs to be covered in a 2-story building. This new ordinance was designed to ensure that each business in the industrial park is paying its fair share of property taxes relative to the amount of land that it consumes.

- The original rules allowed metal barn-type buildings and other unattractive buildings with low taxable value, the type of industrial buildings one would find in a rural area. The code was updated in 2009 to require all new industrial buildings to be modern high-quality buildings like one would find in a 21<sup>st</sup> century urban/suburban industrial park which are much better for growing the City's tax base.

## **Good Opportunity to Update Industrial District Landscaping Requirements**

The zoning rules for the I-1 and I zoning districts were written to ensure that each property is well-landscaped with good curb appeal. In both zoning districts:

1. Each property must have at least 15% lot coverage by landscaping.
2. New developments must prepare a landscaping plan which features overstory trees, understory trees, and plants and shrubs.
3. Each new development must provide at least one (1) overstory tree for each 70 feet of lot perimeter.
4. For each new development, the cost of landscaping must be at least 2% of the cost of constructing the new building. This requirement can be waived for any development where the cost of the new building exceeds \$1 million.

The 2% rule is unusual, and it does not appear to have ever been consistently enforced since being added to the City Code in 1992. Today, all new industrial buildings cost at least \$1 million, so the requirement is always waived as long as the business or developer files the correct paperwork with their development application. Essentially, the requirement is just red tape now and serves no purpose. Very few cities tie landscaping costs to building costs as a code requirement. City Staff supports removing this provision from the City Code entirely and this simple code update could be made as part of the same ordinance amendment that is eliminating the 40% building footprint cap.

## **Proposed Ordinance**

City Staff has prepared an ordinance that would do two things:

1. Remove the 40% cap on building footprints in both the I-Industrial district and I-1 Light Industrial district.
2. Update both the I-Industrial district and I-1 Light Industrial district landscaping requirements to remove the requirement that development projects featuring a building with a value of less than \$1 million must spend at least 2% of the value of the building on landscaping.

## **Discussion**

The Planning Commission and the City Council have consistently waived both zoning rules that are slated to be removed for any project that has requested a waiver. It is consistent with the City's ongoing efforts to promote tax base density to sunset these two rules which add unnecessary red tape to the development process and potentially limit building expansions.

Even if the 40% building footprint limit is removed from the City Code, most industrial developments will not reach that level of lot coverage due to practical considerations and other code provisions. Each development will still need to meet zoning requirements related to landscape area and building setbacks from property lines. Most types of industrial businesses require a substantial amount of pavement area for site circulation because they either have a fleet of commercial vehicles that they park on-site or they depend upon large trucks for shipping and deliveries and need space for trucks to maneuver and access loading docks.

## **Staff Recommendation**

Staff recommends approval of the proposed ordinance.

## **Action Needed**

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

1. Approval. If the Planning Commission wishes to recommend approval of the ordinance amendment, the following action should be taken:
  - Motion to recommend approval of an ordinance amendment updating lot coverage and landscaping regulations in industrial zoning districts.
2. Denial. If the Planning Commission wishes to recommend denial of the ordinance amendment, the following action should be taken:
  - Motion to recommend denial of an ordinance amendment updating lot coverage and

landscaping regulations in industrial zoning districts.

**SOURCE OF FUNDS**

NA

**ATTACHMENTS**

1. Proposed Ordinance

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

**Ordinance No. 14XX**

**AN ORDINANCE AMENDMENT UPDATING LOT COVERAGE AND LANDSCAPING  
REGULATIONS IN INDUSTRIAL ZONING DISTRICTS**

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

**SECTION 1. AMENDMENT.** South St. Paul City Code Section 118-129 is hereby amended as follows:

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

~~(h) *Lot coverage.* Lot coverage by buildings shall not exceed 40 percent of the lot.~~

~~(i-h)~~ *Off-street parking and loading signs.*

- (1) Off-street parking shall have the following setbacks from the right-of-way line or side or rear lot line:

|                                  |         |
|----------------------------------|---------|
| Front yard (any street frontage) | 20 feet |
| Side yard                        | 10 feet |
| Rear yard                        | 10 feet |

- (2) Signs shall be in accordance with article VI of chapter 118 and shall be shown on the site plan.

~~(j-i)~~ *Landscaping Requirements.* In addition to the requirements of section 118-243, all areas in this ~~zone~~ district shall present a detailed landscape plan prepared by a landscape architect or other qualified person approved by the zoning administrator. 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~~ enhance the aesthetics of the site lot and shall include overstory trees, understory trees and appropriate plants and shrubs. ~~The minimum plant material sizes shall be consistent with the requirements in Section 118-243. 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.~~

~~(k j)~~ *Exterior building materials.* See section 118-9.

~~(l k)~~ *Standards for Individual Hangar Lots at Fleming Field Municipal Airport.* The following standards shall apply to individual hangar lots located within the official boundaries of Fleming Field Municipal Airport.

**SECTION 2. AMENDMENT.** South St. Paul City Code Section 118-134 is hereby amended as follows:

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

~~(i)~~ ~~*Lot coverage.* Lot coverage by buildings shall not exceed 40 percent of the lot.~~

~~(j j)~~ *Off-street parking and loading signs.*

- (1) Off-street parking shall have the following setbacks from the right-of-way line or side or rear lot line:

|                                  |         |
|----------------------------------|---------|
| Front yard (any street frontage) | 20 feet |
| Side yard                        | 10 feet |
| Rear yard                        | 10 feet |

- (2) Signs shall be in accordance with article VI of chapter 118 and shall be shown on the site plan.

~~(k j)~~ *Landscaping Requirements.* In addition to the requirements of section 118-243, all areas in this ~~zone~~ district shall present a detailed landscape plan prepared by a landscape architect or other qualified person approved by the zoning administrator. 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~~ enhance the aesthetics of the site ~~lot~~ and shall include overstory trees, understory trees and appropriate plants and shrubs. The minimum plant material sizes shall be consistent with the requirements in Section 118-243. 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.~~

~~(l k)~~ *Exterior building materials.* (See section 118-9: Architectural standards.)

**SECTION 3. 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 updates the zoning rules for the I-Industrial and I-1 Light Industrial zoning districts to remove the limit on lot coverage by buildings and revise the standards for required landscaping improvements.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

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

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

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



# PLANNING COMMISSION AGENDA REPORT

**DATE:**

March 4, 2026

**DEPARTMENT:**

Planning & Zoning

**PREPARED BY:**

Michael Healy

**AGENDA ITEM NUMBER:**

5.A.

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## MEETING TYPE

Regular Meeting

## AGENDA ITEM

Discussion on Zoning Regulations for Two-Family Homes in the R-2 Single-and-Two Family Zoning District

## ACTION TO BE CONSIDERED OR DESIRED OUTCOME

City Staff would like to facilitate a discussion about bringing the zoning rules for duplexes in the R-2 Single-and-Two Family district back into alignment with South St. Paul's historic development pattern.

The Planning Commission is asked to discuss the draft ordinance and provide City Staff with direction. If the Planning Commission wants to move forward with updating the R-2 ordinance, City Staff can potentially schedule the ordinance amendment for a public hearing at the April meeting.

## OVERVIEW

### Purpose of Discussion

The R-2 Single-and-Two Family zoning district covers 27.5% of the city (about 795 acres) and is South St. Paul's largest zoning district. Most of the land in the R-2 district was platted in the late 1800's with 40-foot-wide lots which are either 120 or 125 feet deep and either 4,800 or 5,000 square feet in total size. Property owners frequently create larger properties or differently shaped properties in the R-2 district by splitting and combining those original 40-foot lots.

Currently, the R-2 zoning district allows a single-family home to be constructed on any buildable lot that is at least 4,000 square feet in size and allows a duplex or twinhome to be constructed on any buildable lot that is at least 60 feet wide and at least 7,200 square feet in size. Anybody who owns a duplex is allowed to convert it into a single-family home at any time. Anybody who owns a single-family home that is on a lot that is at least 60 feet wide and at least 7,200 square feet in size can convert their building into a duplex by getting a building permit, renovating the building, and adding additional off-street parking if the property does not already have at least three off-street parking spaces (the amount of off-street parking required for a duplex).

There are very few vacant lots in the R-2 district and almost all the residential buildings in the R-2 district were built either before SSP had any zoning rules (1948) or before SSP had lot size requirements for a duplex conversion (1969). Consequently, there are a fair number of “grandfathered” small apartment buildings throughout the R-2 district and there are many “grandfathered” duplexes that are on 40-foot lots. Most single-family homes in the R-2 district are on 40-foot lots, and these small lots were technically illegal between 1965-2024 and were only considered buildable if they met specific criteria to be considered a buildable lot of record.

Grandfather rights expire 180 days after a building is destroyed by a disaster in a way that takes away more than 50% of its value. From 1965-2024 there was a real danger that a fire or other disaster could wipe out a classic SSP neighborhood, and the neighborhood could not be rebuilt because insurance claims often take longer than 180 days and many properties would lose their grandfather rights. In 2024, the Planning Commission and City Council overhauled the zoning code to re-legalize SSP’s historic approach to single-family housing and officially allow 40-foot home lots in the R-2 district on blocks that are served by an improved alley. The R-2 district also now officially allows 50-foot home lots on blocks without alleys.

The 2024 zoning update included design guidelines that affect duplexes and twinhomes, but the update was primarily aimed at fixing the zoning rules for single-family homes. It was always the City’s intention to revisit the rules for duplexes and multifamily buildings in the future, but that conversation has been repeatedly postponed. The main reason for the postponement is that many US states have passed new laws and now require all cities to allow duplexes on all home lots and other types of multifamily buildings on some lots. The Minnesota State Legislature came close to enacting this type of statewide zoning preemption legislation in 2024 and 2025 and a group of legislators is planning to make another attempt during the 2026 legislative session which began on February 17<sup>th</sup>. City Staff has been taking a “wait and see” approach to avoid wasting staff time on zoning updates that could quickly be rendered obsolete if the Minnesota State Legislature enacts new statewide zoning standards.

City Staff is bringing forward a discussion about duplexes at the request of City Clerk Deanna Werner who manages the City’s rental licensing program. There are many buildings throughout the R-2 district that were built as duplexes prior to 1969 but were legally “converted” to a single-family home sometime in the past 57 years based on an inspection finding by the Dakota County Tax Assessor. The Tax Assessor periodically gets called out to a property to verify that a duplex has been converted to a single-family home, typically because the owner wants to pay less on their property taxes (single-family homes have a slightly lower taxable value than duplexes and can be fully homesteaded more easily). The “conversion” might be as simple as the owner removing the appliances and fixtures from their second kitchen, something that is easily reversible. This has caused major headaches for the rental licensing program because these duplex buildings often have their second kitchen re-installed later, but these buildings cannot qualify for zoning approval to be legally converted back to a duplex if they are not on a 60-foot lot. This means that it is unlawful for the 2<sup>nd</sup> unit to get a rental license. The owners of these buildings are strongly incentivized to either skip getting a rental license- which is unsafe for the neighborhood and for the tenants- or to lie to the City Clerk and tell her that they are going to rent the building out as a “single-family home with two kitchens” when they are actually renting

out both units separately as a duplex without getting the proper license or paying the higher licensing fees that come with renting out a duplex.

One of the major reasons that the City historically did not want duplexes and twinhomes on smaller lots in the R-2 district is that some developers were building unattractive 2-family homes which provided off-street parking by having the entire front of the building be an attached garage and having the entire front yard be a paved driveway. The Planning Commission and City Council have made updates to the zoning code in recent years to prevent that type of poor urban design:

- No more than 1/3 of a front yard can be paved for parking.
- No more than 60% of the front façade of a residential building can be garage doors.
- No attached garage can stick out more than 8 feet into the front yard.
- Except for corner lots and cul-de-sac lots, any lot which is less than 60 feet in width must use the alley for off-street parking access if an improved alley is available.

Early drafts of proposed statewide zoning preemption laws that are being considered in 2026 include language that would allow a City to opt out of some parts of the new statewide zoning rules if the City makes local updates to their zoning code to allow duplexes and other small multi-family buildings to be legally built on more lots. City Staff believes there is value in having a conversation about making some painless “common sense” updates to the R-2 zoning district to address the City Clerk’s concerns and put SSP in a better position to navigate statewide zoning preemption if it moves forward.

### **A Quick History Lesson**

South St. Paul was founded in 1887 and most of its original neighborhoods and commercial areas were fully developed before the City adopted its first zoning code in 1948. The City’s early zoning rules were geared towards promoting the ongoing development of the community as a traditional walkable town that would have roughly the same character as the development that had already taken place. However, starting in the 1960’s, SSP pivoted towards trying to become more of a suburb (like West St. Paul, Maplewood, or Woodbury) instead of a traditional walkable town:

- In 1965, the City adopted suburban lot size requirements for new neighborhoods. No new residential lot could be created in any zoning district unless it was at least 75 feet wide and at least 9,000 square feet in size.
- In 1969, the City adopted an entirely new zoning code which embraced suburban zoning concepts. All new developments were required to have suburban density and site design instead of traditional walkable town density and site design. New buildings required large setbacks from property lines and new schools, churches, and businesses were no longer

allowed to be built unless they had a large suburban-style parking lot that could accommodate all cars that might arrive during a “peak demand” event.

- Between 1960 and 1970, the City used federal urban renewal funds to demolish most of the traditional downtown buildings along Concord Exchange (then known as Concord Street). The goal at the time was to redevelop this street with suburban design aesthetics and suburban-style parking facilities to better position the street for future success.
- In 1992, the City adopted a new City Code which was much better overall than the 1969 code in terms of its general policies and procedures. However, the 1992 code did double down on some suburban zoning concepts and required even larger parking lots for most types of commercial businesses.

It is important to understand all these efforts in their historic context. City leaders were in a difficult position during the 1960’s dealing with the collapse of the meatpacking industry and the nationwide “white flight” phenomenon where many affluent and largely white residents were leaving older cities to build large new single-family homes in suburban areas. Many cities across the country, including SSP, felt intense pressure to compete for those residents by making their community more suburban and moving away from traditional walkable town design.

The suburban zoning rules that were put in place in the 1960’s were always an awkward fit for South St. Paul and never had full buy-in from the community. Many past Planning Commissions and City Councils pushed back on the suburban zoning rules by frequently granting major variances to allow development projects to move forward with traditional town design (i.e. parking lot size reductions, setback reductions, increased lot coverage, etc.). Additionally, unlike most suburbs, SSP never embraced single-family zoning as the only way to build a high-quality low-density neighborhood. While SSP does have many single-family zoning areas, the majority of SSP’s neighborhoods have always allowed both single-family homes and duplexes.

Starting about 30 years ago, the Planning Commission and City Council started taking formal steps to move the zoning code back into alignment with the town’s original character:

- In 1995, the Planning Commission and City Council rejected an effort to make it harder to build a new duplex in the R-2 district to make it more of a single-family zoning area. Instead, they added new performance standards to the City Code to ensure that new duplexes are of high quality.
- In 2003, the City completed a zoning study of Concord Exchange and enacted new mixed-use zoning rules that allowed traditional architecture, pedestrian-oriented site

design, and more reasonably sized parking lots.

- In 2004, the City rezoned North Concord to mixed-use with the goal of seeing traditional town development on this corridor as well.
- 2014, the City adopted the Southview Hill Plan which called for supporting a traditional, walkable, mixed-use neighborhood around the Southview Boulevard and Marie Avenue business area.
- Following the adoption of the 2040 Comprehensive Plan in October 2020, SSP has undertaken an ambitious program of updating its zoning rules to support traditional walkable town design. All the mixed-use and commercial districts have been updated with new zoning standards except for the GB-General Business district, which is being updated as part of the implementation of the South Concord Corridor Small Area Plan. The City fixed the zoning rules for single-family housing in 2024. The City also updated its parking requirements to give individual property owners more discretion to right-size their parking facilities instead of having City Staff dictate parking lot size based on “peak demand” formulas that were designed for non-walkable suburban areas.

### **Comprehensive Plan Guidance for R-2 District**

The neighborhoods with R-2 zoning are all guided “Low-Medium Density Residential” in the 2040 Comprehensive Plan. These neighborhoods are called out as areas that will have single-family homes, duplexes, and twinhomes. The comprehensive plan calls for keeping the character of these neighborhoods intact and keeping the population density in these neighborhoods roughly consistent with their historic platted density of 8-15 units per acre. The comprehensive plan calls for focusing on urban design and walkability and generally states that new neighborhoods should be designed to have the same type of walkability as older neighborhoods.

Many parts of the 2040 Comprehensive Plan call for making it easier for property owners to invest in improving their properties to keep South St. Paul’s aging housing stock in good condition. It is expected that this will include renovations of existing buildings as well as some teardown-rebuild activity in situations where existing buildings are in poor condition, lack historic value, and cannot be easily salvaged. Goal 6.7 of the 2040 Plan is:

*“Encourage different housing types, including more opportunities for life-cycle housing in order to provide housing that meets a variety of needs.”*

## Summary of Proposed Ordinance

City Staff and the City Attorney have prepared a proposed ordinance that would do the following:

1. Add existing zoning standards that are already “on the books” into the text of the R-2 Single-and-Two Family district ordinance for improved readability.

*Today’s R-2 ordinance is missing many zoning standards and instead references zoning standards that are in the City’s R-1 Single Family district ordinance. It is confusing for property owners to have to page back and forth between different ordinances to understand their land rights.*

2. Allow duplexes on 50-foot lots instead of requiring a 60-foot lot.

*This is an appropriate change to make now that the City has design standards in place to ensure that new duplexes and duplex conversions will match the architectural character of low-density neighborhoods.*

3. Allow duplexes on 40-foot lots and other small “lots of record” if they have access to an improved alley.

*Duplexes require three (3) off-street parking stalls. This is easy to accomplish on a 40-foot-wide lot that is served by an alley without eating up the property’s green space with pavement. 40-foot lots that do not have an alley are not good candidates for duplex conversions unless the Planning Commission and City Council decide to relax the off-street parking requirement in the future.*

4. Require exterior staircases for duplex conversions to be in a side yard or rear yard.

*This will prevent unsightly alterations to the front façade of a building as part of a duplex conversion. As with the other design standards that are already in the City Code, the goal is to preserve the architectural character of SSP’s low-density neighborhoods.*

5. Establish a flat 5-foot side yard setback for interior lots in the R-2 district. This change would apply to both single-family homes and duplexes.

*Currently, the side setback requirement is 5 feet for most R-2 lots, but it jumps up to 9 feet if a lot*

*is over 60 feet wide. There aren't many platted lots in the R-2 district that are wider than 60 feet, so this larger width is typically only found when a property owner has acquired multiple lots and completed a lot combination. The status quo has created problems where people purchase land from their neighbor and do a lot combination and suddenly their existing house with a 5-foot setback becomes "lawful nonconforming" because their larger lot now gives them an increased side yard setback requirement.*

*Sometimes a property owner buys two lots because they want to build a large home that needs more space. Other times, they buy two lots because they want to have a larger yard. It benefits the City if property owners who have done a lot combination just for a larger yard keep all their improvements on one platted lot instead of centering the house to straddle both lots. If they keep the house on just one lot, it means that they could do a lot split in the future and another home could be built on the second lot (more tax base and a homeownership opportunity for a future resident).*

## **Discussion**

City Staff views the proposed ordinance amendment as a common-sense improvement that will continue the work that has been done over the past 5 years to implement the 2040 Comprehensive Plan and align SSP's zoning code with how property owners are already using their properties. Staff has a few final thoughts to share with the Planning Commission:

- The Planning Commission and City Council reviewed a variance in 2020 where a family owned a duplex on a 40-foot lot that had been "converted" to a single-family home in the 1960s but was clearly still a duplex and had two entirely separate dwelling units that each had their own kitchen. The Planning Commission was supportive of granting a variance to allow the building to be legally turned back into a duplex and licensed as a duplex. The City Council denied the variance and stated that they were not supportive of granting variances to individual duplexes on 40-foot lots. The Council consensus was that they would potentially be receptive to allowing duplexes on 40-foot lots if the Planning Commission wanted to make that recommendation in the future, but it would need to be a code amendment and not variances for individual 40-foot lots.
- Single-family homes and duplexes are very similar in terms of how they function in a neighborhood and how they are regulated. Both housing types are often owner-occupied (in a duplex, the owner often lives in one unit). Both housing types work well when subject to a 35% lot coverage limit and 28-foot height limit (SSP's current R-2 rules) whereas triplexes and larger residential buildings usually need more lot coverage or height to have a functional floor plan. Finally, both single-family homes and duplexes are regulated under the Residential Building Code which allows for cost-effective construction techniques. Triplexes and larger residential buildings are regulated under the State Building Code as commercial buildings and this drives up costs considerably and requires plans to be prepared by a licensed architect.

- It is unclear whether adopting the proposed ordinance will result in more duplex construction or duplex conversions in South St. Paul. There are many 60-foot lots in SSP with R-2 zoning that already qualify to be used as a duplex or twinhome and City Staff generally sees no more than one duplex or twinhome project each year. Many years have zero duplex or twinhome projects. Other cities in Minnesota that have relaxed their zoning requirements for duplexes have been surprised by just how few property owners want to convert their single-family home into a duplex. In SSP, most of the property owners who call City Hall and are interested in doing a duplex conversion are people who already essentially have a duplex but are blocked from legally turning their building into a duplex, so they need to rent it out as a “single-family home with 2 kitchens.”
- Every year, City Staff speaks to residents who own a duplex in the R-2 district and are interested in converting it into a single-family home to better serve their family. Most of these property owners get cold feet after they learn that their duplex is “grandfathered” to exist on a 40-foot lot and they will forever forfeit those grandfather rights if they do a conversion. They recognize correctly that they will be dramatically reducing the resale value of the home if they convert it to a single-family home and this will hurt them in the future when they are ready to sell the property to fund their retirement or their next stage of life. Allowing both single-family homes and duplexes on smaller lots would allow property owners to toggle back and forth between housing types as their life circumstances change. The building could be used as a single-family home when their children are young and then turned back into a duplex later on if their children are adults and want to keep living on the property but with increased independence. Adding this type of flexibility to the City's housing stock would be consistent with the 2040 Comprehensive Plan's goal of promoting lifecycle housing and helping residents "age in place" with the help of their support network.

### **Action Needed**

No formal action is needed, this is just a discussion item.

### **SOURCE OF FUNDS**

NA

### **ATTACHMENTS**

1. Zoning Map
2. Examples of Residential Lot Widths in South St. Paul
3. Draft Ordinance

# City of South St Paul Zoning Map



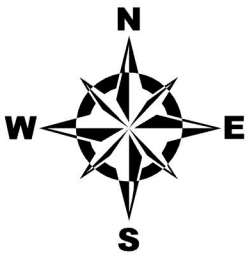
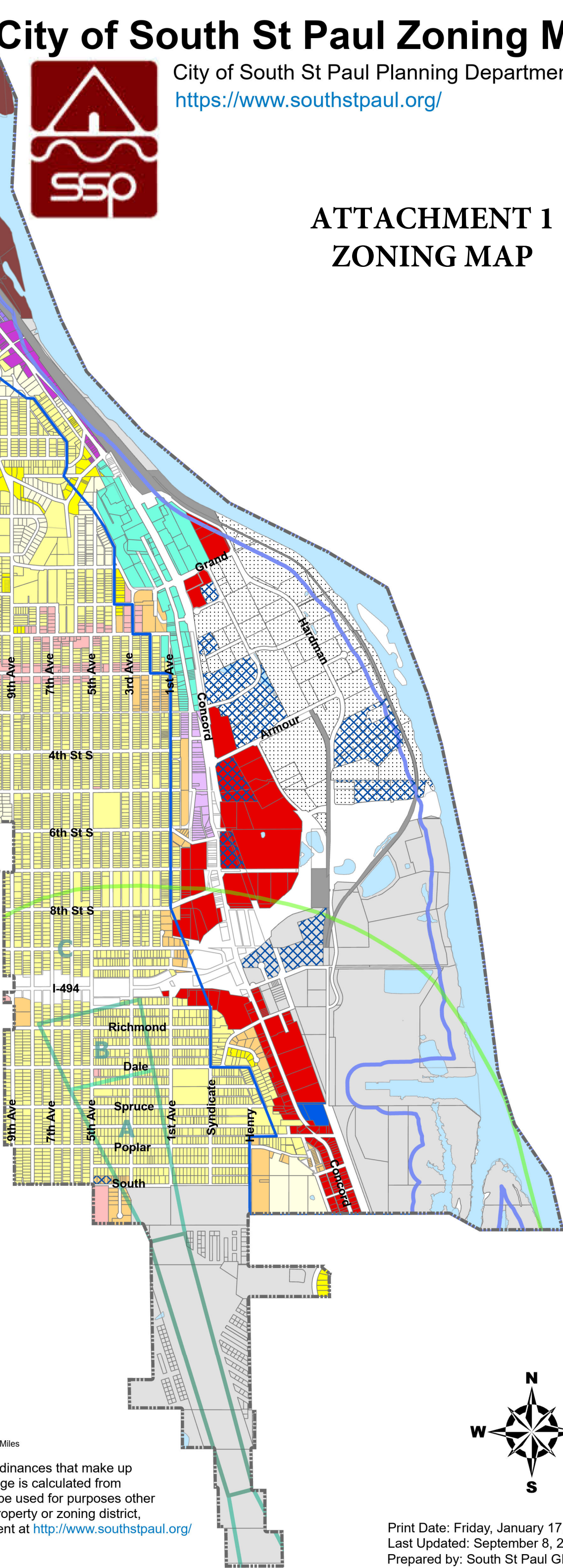
City of South St Paul Planning Department  
<https://www.southstpaul.org/>

## ATTACHMENT 1 ZONING MAP

### 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                       |        |       |

| Acres  | Percentage   |
|--------|--------------|
| 617.54 | 21.4%        |
| 795.46 | 27.5%        |
| 31.88  | 1.1%         |
| 90.19  | 3.1%         |
| 44.63  | 1.5%         |
| 145.71 | 5.0%         |
| 54.68  | 1.9%         |
| 11.09  | .4%          |
| 6.09   | .2%          |
| 27.54  | 1.0%         |
| 6.39   | .2%          |
| 10.80  | .4%          |
| 584.06 | 20.2%        |
| 241.32 | 8.4%         |
| 126.14 | 4.4%         |
| 3.43   | .1%          |
| 91.28  | 3.2%         |
| Total  | 2888.21 100% |



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: Friday, January 17, 2025  
Last Updated: September 8, 2023  
Prepared by: South St Paul GIS

## ATTACHMENT 2 EXAMPLES OF RESIDENTIAL LOT WIDTHS IN SOUTH ST. PAUL

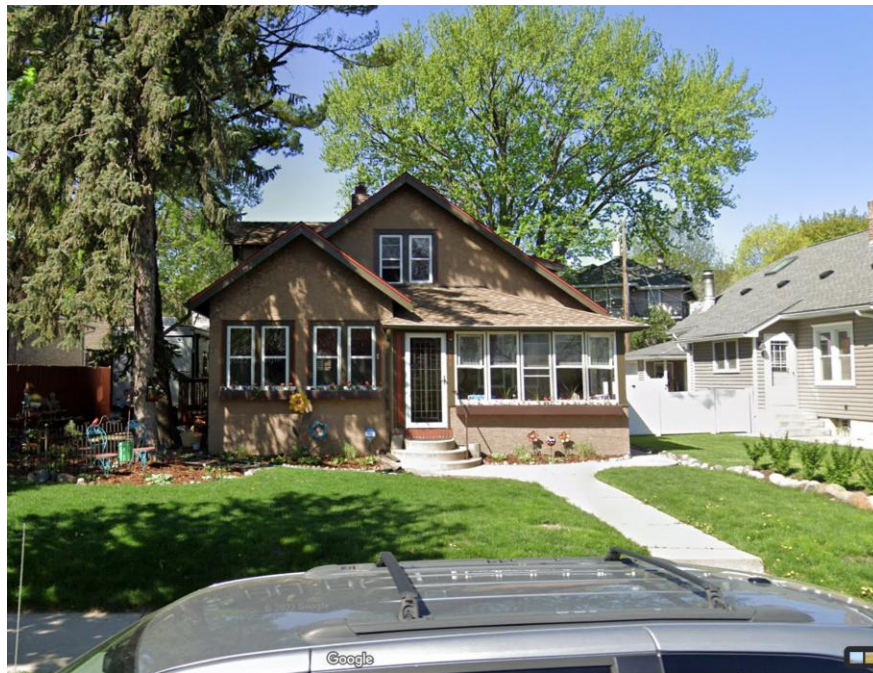
### 40-FOOT-WIDE LOTS

- Almost all of SSP's original neighborhoods were platted in the 1800's with lots that are 40 feet wide and either 120 or 125 feet deep. Most neighborhoods with R-2 zoning were platted with 40-foot-wide lots.
- The home shown below was built on a 40-foot-wide lot with an alley. This is by far the most common type of residential lot in South St. Paul.



## 50-FOOT-WIDE LOTS

- A few older neighborhoods were platted with lots that are 50 feet wide. It is also common for people to create 50-foot lots by doing lot splits and combinations.

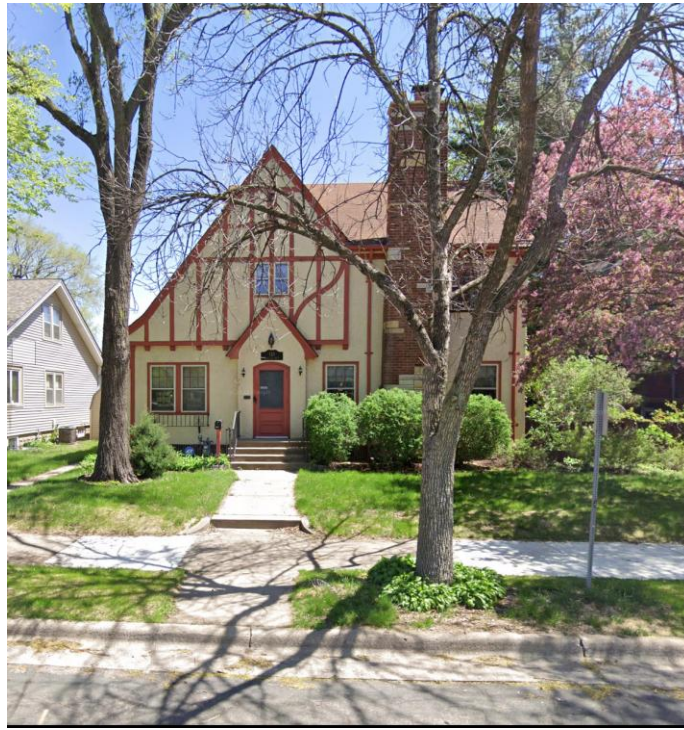


## 60-FOOT-WIDE LOTS

- Most of the neighborhoods created in the 1950's and 1960's were platted with 60-foot-wide lots including the R-2 neighborhoods near Fleming Field Municipal Airport.

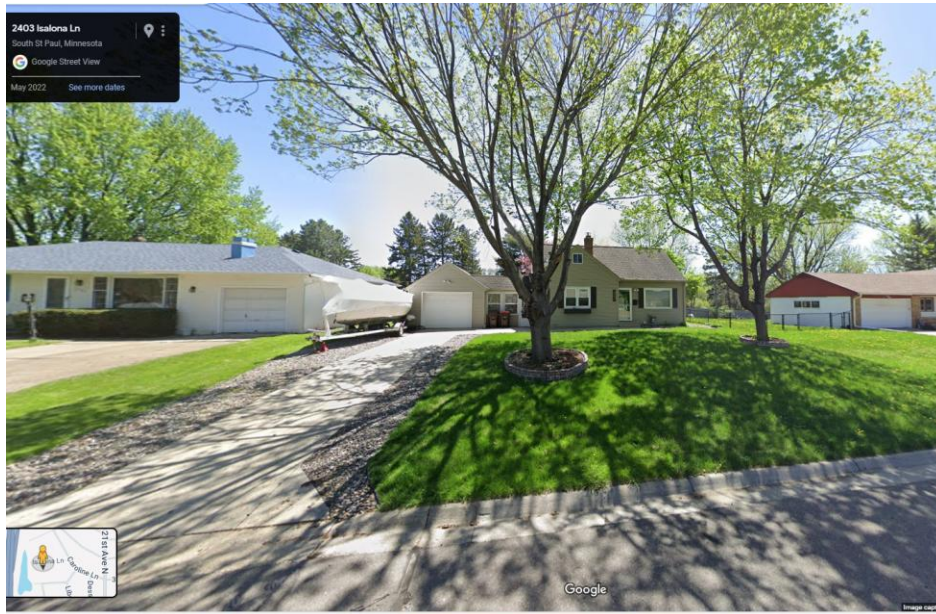


- 60-foot-wide single-family-home parcels can also be found all over SSP because it is very common for the owners of 40-foot-wide lots to purchase a vacant 40-foot-wide lot that sits between their properties and split it in half to share. The house shown below sits on a 60-foot-wide parcel in an R-2 neighborhood that consists of mostly 40-foot wide lots.



## 70-FOOT-WIDE LOTS

- The Oak Park neighborhood on the west side of town was platted with a variety of lot widths but most of the original platted lots are around 70 feet in width.



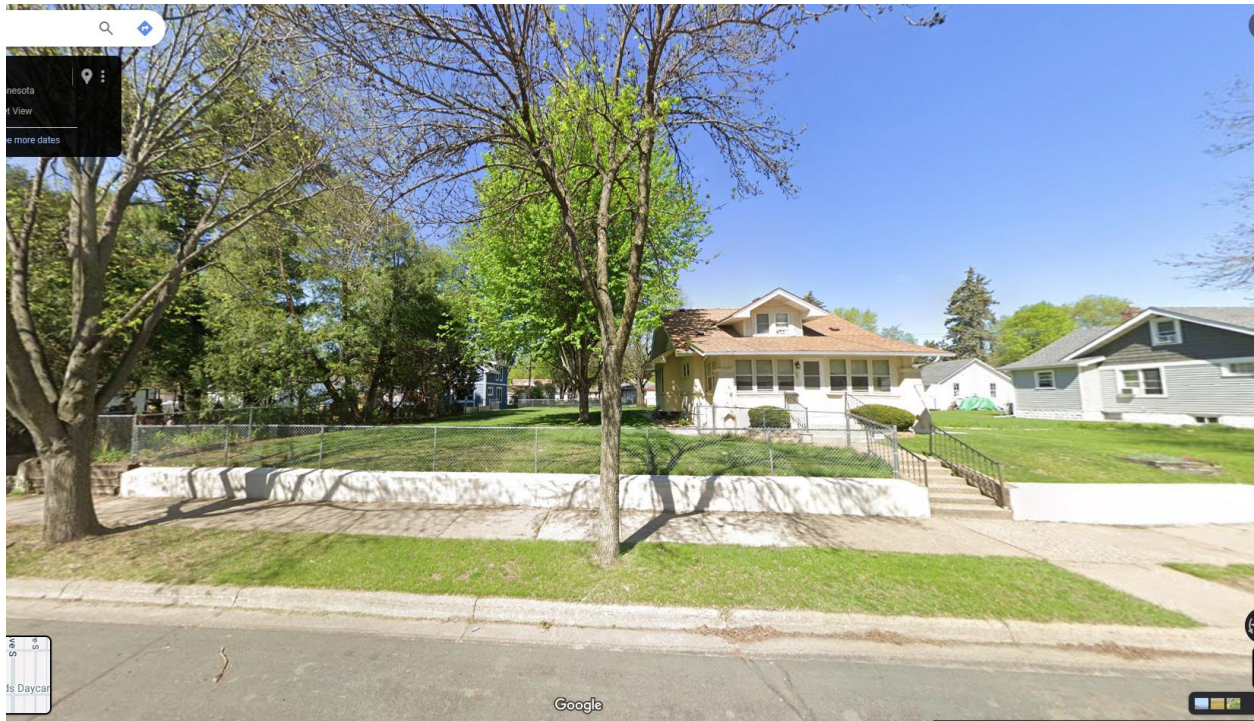
## 75 FOOT-WIDE LOTS AND OTHER LARGE LOTS



78-Foot-Wide Lot Platted in 2009 in the “Thompson Heights” Subdivision



89-Foot-Wide Lot Platted in 2000 in the “Wentworth Hollow” Subdivision



80-Foot-Wide “Double Lot” Created by Combining Two 40-Foot-Wide Lots From The Ravenscroft Park Subdivision which was Platted in 1887.

**ATTACHMENT 3  
DRAFT ORDINANCE**

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

**Ordinance No. 14XX**

**AN ORDINANCE AMENDMENT UPDATING ZONING REQUIREMENTS IN THE R-2  
SINGLE AND TWO FAMILY RESIDENCE DISTRICT**

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

**SECTION 1. AMENDMENT.** South St. Paul City Code Section 118-122 is hereby amended as follows:

**Sec. 118-122. R-2, single- and two-family residence district.**

(a) *Permitted uses.* Within the R-2 district, no structure or land shall be used except for one or more of the following uses, except as otherwise permitted by this chapter:

- (1) Principal and accessory uses permitted in the R-1 district;
- (2) Duplex or twin home ~~(see subsection (e) of this section)~~; and
- (3) A PWS antenna located entirely inside a building or structure.

(b) *Uses by conditional use permit.* Within the R-2 district, the following uses shall be by conditional use permit only:

- (1) All uses allowed by a conditional use permit in the R-1 district.

~~(c) *Building height, width, area, and architectural requirements.* Within the R-2 district, building height, width, area, and architecture for residential dwellings shall be as regulated in the R-1 district.~~

(c) *Building height, width, area, and architectural requirements.* Within the R-2 district, residential buildings must comply with the following:

- (1) Shall not exceed a height of three stories, or 28 feet above grade as defined in the Minnesota State Building Code;
- (2) Shall be a minimum of 24 feet wide; and
- (3) Shall have a minimum area footprint of 800 square feet.
- (4) Shall comply with the architectural requirements for residential structures contained in section 118-9.
- (5) For two-family dwellings, exterior stairs that provide access to a dwelling unit above the ground floor shall be enclosed or shall be located in the rear yard or a side yard.

(d) *Lot requirements.* Within the R-2 district, the following lot requirements shall apply:

- (1) Each one-family dwelling, together with its accessory buildings, shall be located on a lot having an area of not less than 6,000 square feet, width of not less than 50 feet, and depth of not less than 120 feet, except in the following circumstances:

    - a. A one family dwelling may be erected on a lot platted prior to May 1, 1967 or a buildable lot of record that was lawfully established, having less than the foregoing area, width, and depth but having no less than 4,000 square feet of lot area. A lot platted prior to May 1, 1967 which has been combined with other lots may be restored to its original dimensions, subject to the provisions of section 114-5.
    - b. When an improved alley is provided along the rear or side property line, a new buildable lot may be created with an area of not less than 4,800 square feet, a width of not less than 40 feet, and a depth of not less than 120 feet.
  - (2) Each two-family dwelling, together with its accessory buildings, shall be located on a lot having an area of not less than 6,000 square feet, width of not less than 50 feet, and depth of not less than 120 feet, except in the following circumstances:

    - a. When an improved alley is provided along the rear or side property line, in which case a two-family dwelling is allowed on any lot that is considered a buildable lot for one-family dwellings.
- (c) Building Requirements. Within the R-2 district, the following building requirements shall apply:
- (1) Ingress and egress. All lots shall front on a public street or have adequate ingress and egress to a public street.
  - (2) Percent of land use. All dwellings and accessory buildings on any lot shall not cover more than 35 percent of the area of the lot.
  - (3) Front yard. No building shall be erected, reconstructed, altered or moved nearer to the front lot line than the average setback observed by residential buildings on the same side of the street and fronting thereon within the same block. Further, no part of the structure shall be closer than 25 feet to the street line on which it faces, except when the average setback is less than 25 feet.
  - (4) Side yard. There shall be a side yard of not less than five feet along each side of each building located on an interior lot. There shall be a side yard of not less than nine feet on the street side of any structure constructed on a corner lot. No attached garage shall be placed within ten feet of any dwelling unit on an adjacent lot. When an alley runs parallel to a side property line, a garage with an entrance facing said alley must be set back at least eight feet from the alley right-of-way line.
  - (5) Rear yard. Each lot shall have a rear yard of not less than 25 feet in depth.
  - (6) Access to units. Each unit of a two-family dwelling shall have a separate access to the outside of the dwelling or to a common hallway or entryway. Any exterior stairs to an above-ground floor shall comply with Section 118-122 (c)(5).

- (7) Separate bathroom, kitchen, sleeping area. Each dwelling unit in a two-family dwelling must have a separate bathroom, kitchen, and sleeping area.
- (8) Conditional use permit requirements. All uses by conditional use permit shall provide such setback in front, side, and rear yards as the city council shall determine, taking into account the proposed use, the character of the surrounding area, the density of the area, and other relevant factors.
- ~~(d) Lot requirements; single family dwellings.~~ Each one or two family dwelling, together with its accessory buildings, shall be located on a lot having an area of not less than 6,000 square feet, width of not less than 50 feet, and depth of not less than 120 feet, except in the following circumstances:
- ~~(1) A dwelling may be erected on a lot platted prior to May 1, 1967 or a buildable lot of record that was lawfully established, having less than the foregoing area, width, and depth but having no less than 4,000 square feet of lot area. A lot platted prior to May 1, 1967 which has been combined with other lots may be restored to its original dimensions, subject to the provisions of section 114-5.~~
- ~~(2) When an improved alley is provided along the rear or side property line, a new buildable lot may be created with an area of not less than 4,800 square feet, a width of not less than 40 feet, and a depth of not less than 120 feet.~~
- ~~(e) Lot requirements; two family dwellings.~~ The following minimum lot and building requirements shall apply to all two family dwellings in the R-2 district whether the two-family homes are newly constructed or are newly created by remodeling an existing structure which was previously not a two family dwelling:
- ~~(1) Lot area, width, and depth.~~ No two family dwelling shall be erected on a lot having less than 60 feet of frontage, and 7,200 square feet of area.
- ~~(2) Percent of land use.~~ The two family dwelling and accessory buildings on any lot shall not cover more than 35 percent of the area of the lot.
- ~~(3) Access to unit.~~ Each unit of the two family dwelling shall have a separate access to the outside of the dwelling or to a common hallway or entryway.
- ~~(4) Inspection and license.~~ Each rental unit within a two family dwelling shall be inspected in accordance with article VII of chapter 106 of this Code prior to occupancy.
- ~~(5) Separate bathroom, kitchen, sleeping area.~~ Each dwelling unit must have a separate bathroom, kitchen and sleeping area.
- ~~(6) Miscellaneous.~~ The requirements of sections 118-121(d)(2) and (d)(4) (6) shall apply to two family dwellings.
- (f) *Off-street parking, loading and unloading berths.* Within the R-2 district, the provisions of article VII of this chapter shall apply.
- (g) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the R-2 residence district: PWS towers and antennas, except as permitted under

subsections (a) and (b) of this section and small wireless facilities located outside of the right-of-way.

**SECTION 2. 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 updates the zoning rules for two-family dwellings in the R-2 Single-and-two family zoning district.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

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

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

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



# PLANNING COMMISSION AGENDA REPORT

**DATE:**

March 4, 2026

**DEPARTMENT:**

Planning & Zoning

**PREPARED BY:**

Michael Healy

**AGENDA ITEM NUMBER:**

6.A.

---

## MEETING TYPE

Regular Meeting

## AGENDA ITEM

Planning Commission Rules of Order

## ACTION TO BE CONSIDERED OR DESIRED OUTCOME

A motion approving or denying the adoption of the proposed 2026 Planning Commission Rules of Order.

## OVERVIEW

The Planning Commission discussed the proposed Rules of Order at their February 4th meeting and directed Staff to bring the document forward for a formal vote at the March 4th meeting.

## Background

Sections 101-19 through 101-22 of the City Code establish a basic framework for the South St. Paul Planning Commission. The City Code states that the Planning Commission will consist of seven members who are appointed by the City Council and can be removed for any reason by a five-sevenths vote of the City Council. The City Code states that Planning Commissioners serve for a 4-year term and that vacancies during the term are filled by the City Council to carry out the remainder of the term. The City Code states that Planning Commissioners serve without compensation and are expected to sign an oath of office before beginning their term. Finally, the City Code states that the Commission shall elect a chair each year and may create and fill other offices that it deems necessary. In some municipalities, the City Code lays out the procedure for how the Planning Commission will conduct its business (i.e. how officer elections are handled, how meetings are run, the date and time of meetings, etc.). South St. Paul's City Code does not do this and instead states that the Planning Commission shall adopt its own rules of order each year and these rules of order govern how the commission holds its officer elections and conducts its business for the year. The rules of order are binding for the year unless at least six (6) Planning Commissioners vote to amend the rules. Any rule of order can be temporarily suspended at any time by a simple majority vote.

The City Council typically appoints new board and commission members at their first meeting in March each year. They are tentatively scheduled to appoint one new Planning Commissioner at

their March 2nd meeting. The new Planning Commissioner will begin their four-year term just two days after that, on March 4th. In recent years, some newly appointed commissioners have needed to miss their first meeting because the turnaround between appointment and the first meeting is very short, and they may not have enough time to clear their schedule to attend.

Historically, the rules of order have been adopted in March each year and officer elections have also been held in March to coincide with the start of the new Planning Commissioner terms. The Planning Commission has more-or-less adopted the same rules of order each year going back at least to 2008. It is unclear exactly who drafted the current rules of order as they predate current City Staff. The City Attorney advised City Staff in March 2025 that the rules of order have significant deficiencies, including a secret ballot procedure for officer elections that appears to violate open meeting laws. The City Attorney asked City Staff and the Planning Commission to postpone adoption of the rules of order and officer elections until April 2025 to give her time to rework the rules of order and establish a new and lawful procedure for officer elections. City Staff pulled both items off of the March 2025 agenda in response to the City Attorney's guidance.

The Planning Commission was not receptive to the City Attorney's guidance in 2025 and felt strongly that officer elections should be held in March in accordance with tradition. At the beginning of the March 2025 meeting, the Planning Commission voted to add the rules of order and officer elections back to the agenda. The Planning Commission did try to address the City Attorney's open meeting law concern by verbally amending the rules of order so that the chair and vice-chair election would be handled by a "voice vote" instead of by a secret ballot. City Staff and the Planning Commission then muddled through an impromptu election process that was significantly more complicated than previous officer elections.

Most previous Chair and Vice-Chair elections in recent years have been uncontested elections where just one individual was nominated for each officer position. The rules of order were suspended for most of these uncontested elections to use a voice vote instead of a secret ballot. The only recent competitive officer election was in 2023 when both Commissioner Fournier and Commissioner Felton were nominated to be Chair, and the Commission voted by secret ballot to elect Commissioner Felton as Chair. At the March 2025 meeting, two commissioners were nominated for the Chair position and two commissioners were nominated for the Vice-Chair position. Because the rules of order had just been amended moments before, it was unclear how a voice vote election process should be structured with multiple nominations. City Staff opted to read off the nominees in the order that they were nominated and put each nominee to a separate voice vote. It felt like commissioners were not comfortable voting "nay" during the voice vote, which may have given an advantage to whichever individual was nominated first and had their name read off first for a voice vote. For each officer position, the first nominee secured enough "aye" votes to win the officer position and the second nominee never even got a chance to be put to a voice vote. In retrospect, it may have been fairer to structure the election as a roll call vote where each Planning Commissioner could verbally provide the name of their preferred nominee for the position being voted on.

## **Problems with Old Rules of Order**

City Staff and the City Attorney have identified the following problems with the old rules of order:

1. There needs to be a fair and consistent procedure for officer elections which must comply with open meeting laws. The official 2008-2024 voting procedure (secret ballot) did not comply with open meeting laws. The 2025 voting procedure (a “voice vote” but without clearly defined parameters for how voting should take place) was arguably not the fairest way to handle a competitive election with multiple nominees.
2. The procedure for calling a special meeting should be adjusted to align with State Statute requirements for providing posted notice of a special meeting. 3 days of advance notice is generally required and must be posted. The old rules of order currently call for 24 hours of notice.
3. There should be clearer rules for how the agenda is structured and what it takes to add a permanent new agenda item or agenda section to the meeting agenda. The lack of clear parameters came up in 2025 when the Planning Commission debated adding a permanent “Planning Commissioner Comments” agenda item to the end of their meetings.
4. The rules of procedure should be simplified and more generally aligned with Robert’s Rules of Order. The old rules of order contain some lengthy procedural language that deviates from Robert’s Rules, is not intuitive, and has not been consistently followed.
5. The old rules of order set too high of a bar for amending the rules of order (6 votes) and do not establish a clear procedure for removing a Chair or Vice-Chair without action by the City Council. This pushes the Planning Commission into a situation where they will always have to suspend the rules of order (with a simple majority vote) if they need to tackle a difficult topic where there is not almost unanimous consensus. It undermines the rules of order if they only “work” by being suspended. City Staff would encourage the Planning Commission to establish a process where difficult issues can be debated and decided without the need for suspending the rules of order.
6. It is uniquely challenging that the Planning Commission currently holds its officer elections near the beginning of the March meeting and then has the new chair take over running the March meeting immediately after the election. This approach discourages

commissioners from seeking the Chair position because they are thrown into running the meeting without any time to review Robert's Rules of Order or otherwise prepare themselves for leading a meeting. Additionally, it is confusing for Town Square television to have the chair position switch mid-meeting while they are trying to track the action and film the meeting in a logical way that residents can follow.

7. It is not a good fit to have the officer elections take place at the March meeting, since the City Council usually appoints new commissioners at their first March meeting. It varies from year to year whether the Planning Commission (who meets on the 1<sup>st</sup> Wednesday of the month) or the City Council (who meets on the 1<sup>st</sup> Monday of the month) will be the first body to hold a meeting in March each year. This means that some years, the old Planning Commissioners might still be in place at the March meeting. Other years, the City Council has already appointed new Planning Commissioners. As previously mentioned, it is common for newly appointed commissioners to miss their first meeting because the turnaround time is so short. In any case, it is difficult for new commissioners who were appointed a few days before the meeting to feel comfortable voting in an officer election as their very first act of being on the Planning Commission. They have not interacted with the other Planning Commissioners and are not in a position to cast an informed vote. This problem could be remedied by moving officer elections to the April meeting and having officer elections take place at the end of the April meeting. This would give new Commissioners at least one and possibly two meetings to get to know their new colleagues and cast an informed vote for Chair and Vice-Chair.

### **Proposed Changes to Rules of Order**

City Staff and the City Attorney are proposing the following approach to address the problems identified in the previous section:

1. The Planning Commission will adopt new rules of order in March 2026. The new rules of order will:
  - Move the 2026 officer elections to the April 2026 meeting AND make it so that officer elections take place near the end of the meeting instead of at the beginning of the meeting.
  - Make it so that the new Chair does not start until the next meeting after they are elected (the May meeting).

- Move the annual adoption of the rules of order to the April meeting starting in 2027.
2. Chair Fehrman and Vice-Chair Miller will serve in their current roles for two (2) additional meetings during the transition period. They will continue to be Chair and Vice-Chair during the March 2026 meeting and April 2026 meeting. The new officers who are elected at the end of the April 2026 meeting (if there is a change) will start at the May 2026 meeting.
  3. Voting will take place by ballot, but it will NOT be a secret ballot in order to comply with open meeting laws. Each commissioner will write down their own name on the ballot along with the name of the commissioner who they are voting for. City Staff will collect the ballots and read them all off one by one, publicly identifying which commissioner cast each vote. Balloting will continue until one candidate has the majority of votes.
  4. 3 days' notice will be provided prior to special meetings.
  5. The structure of the meeting agenda will be memorialized in the rules of order. This will make it clear that the process for amending the meeting agenda layout is an amendment to the rules of order.
  6. The overall body of the rules of order will be “cleaned up” to align with Robert’s Rules of Order, eliminate redundant and confusing language, and avoid repeating things that are already contained within the City Code.
  7. The rules of order will have more reasonable thresholds for major decision-making:
    - It will take five (5) votes to amend the rules of order instead of six (6). This is still a supermajority, but it is a more achievable supermajority.

- It will take six (6) votes to remove the Chair or Vice-Chair (instead of requiring the rules of order to be suspended or requiring the City Council to get involved).

The Planning Commission discussed the proposed approach at the February 4th meeting and there was a consensus to support this approach.

#### **ACTION NEEDED**

A motion approving or denying the adoption of the proposed 2026 Planning Commission Rules of Order.

#### **SOURCE OF FUNDS**

NA

#### **ATTACHMENTS**

1. City Code Sections that Govern the Planning Commission
2. Last Year's Approved Rules of Order
3. Proposed 2026 Rules of Order

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**ATTACHMENT 1**  
**CITY CODE SECTIONS THAT GOVERN THE PLANNING COMMISSION**

**Sec. 101-19. Establishment.**

A city planning commission for the city is hereby established. The commission shall be advisory to the city council on matters of planning and zoning.

(Code 1992, § 1500.39, subd. 1)

**Sec. 101-20. Membership.**

Such planning commission shall consist of seven members appointed by the city council and may be removed by a five-sevenths vote of the council. Four members shall constitute a quorum. Members shall be appointed for terms of four years and until their successors are appointed or qualified. Vacancies during the term shall be filled by the council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of official duties, take an oath to faithfully discharge the duties of office. All members shall serve without compensation.

(Code 1992, § 1500.39, subd. 2)

**Sec. 101-21. Organization.**

The commission shall elect a chair from among its appointed members for a term of one year; and the commission may create and fill such other offices as it may determine.

(Code 1992, § 1500.39, subd. 3)

**Sec. 101-22. Meetings.**

The planning commission shall adopt rules for the transaction of business and keep a record of its resolutions, transactions, and findings, which shall be public record on or before October 1 of each year. The commission shall submit to the city council a report of its work during the preceding period from September 1 to August 31. Expenditures of the commission shall be within amounts appropriated for its purposes by the city council.

(Code 1992, § 1500.39, subd. 4)

## **ATTACHMENT 2 LAST YEAR'S ADOPTED RULES OF ORDER**

### **South St. Paul Planning Commission Rules of Order**

March 5, 2025

#### **SECTION 1 MEETINGS**

1.1 TIME Regular meetings shall be held on the first Wednesday of each month at 7:00 p.m., unless otherwise agreed to and so stated in the Agenda. When the regular meeting day falls on a legal holiday, the meeting shall be rescheduled to the Tuesday before the meeting date, Thursday following the meeting date, or the following Wednesday.

1.2 SPECIAL MEETINGS Special meetings may be called by the Chair or the City Planner.

1.3 PLACE Meetings shall be held at the South St. Paul City Hall, 125 Third Avenue North. Upon a majority vote of the Members, special meetings may be held at a location convenient to the matter under consideration.

1.4 PUBLIC All meetings and hearings, records, and minutes are open to the public.

1.5 QUORUM Four Members shall constitute a quorum for the transaction of business. When a quorum is not present, the Chair may adjourn the meeting or hold the meeting for the purpose of hearing interested parties on items on the agenda. No final or official action shall be taken at such a meeting, however, the facts and information gathered at such a meeting may be taken as a basis for action at a subsequent meeting at which a quorum is present.

1.6 VOTE Voting shall be by voice vote, except as otherwise stated herein. Members shall voice votes on each issue, which shall be recorded. All Members, except Staff Members, have the right to vote.

#### **SECTION 2 ORGANIZATION**

2.1 MEMBERSHIP "Members" refers to all members of the Planning Commission.

The Planning Commission shall consist of seven Members appointed by the City Council and may be removed by a five-sevenths vote of the Council. Members shall be appointed for terms of four years and until their successors are appointed

or qualified. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of official duties, taken an oath to faithfully discharge the duties of office. All members shall serve without compensation.

2.3 ELECTION OF OFFICERS At the March meeting each year, the Members shall elect from its membership a Chair and a Vice-Chair by voice vote secret ballot. ~~Each Member shall cast a ballot for Chair. If no one receives a majority of votes, the balloting shall continue until one Member receives majority support.~~ The Vice-Chair shall be elected from the remaining Members by the same procedure.

If the Chair retires, the Vice-Chair becomes Chair. If both Chair and Vice-Chair retire, new Officers are elected at the next meeting. If the Chair and Vice-Chair are absent from a meeting, the Members shall elect a temporary Chair by voice vote.

The Commission may create and fill such other offices as it may determine.

2.4 TENURE OF OFFICERS The Chair and Vice-Chair take office immediately following their election and hold office until their successors are elected and assume office.

2.5 DUTIES OF OFFICERS The Chair, or in the absence of the Chair, the Vice-Chair presides at meetings, appoints committees, and performs other duties as may be ordered by the Members.

The Chair conducts meetings so as to keep them moving as rapidly and efficiently as possible and reminds the Members, witnesses, and applicants to discuss only the matter at hand.

## **SECTION 3 STAFF SUPPORT**

3.1 SECRETARY The Secretary is responsible for recording the minutes and keeping records of actions.

3.2 CITY PLANNER The City Planner shall approve all items placed on the agenda. Approval is given only when all required data has been submitted by the applicant, and when the application fee and required information are submitted by the required deadline for the meeting. Upon receipt of an application or request for an item to appear on the agenda, the City Planner shall determine as to whether all necessary information and exhibits have been submitted. If the submitted information is deficient, the City Planner shall notify the applicant of the deficiencies.

Upon approval of the agenda, the City Planner shall forward copies of the application and supporting documentation to the appropriate Staff Members.

Written Staff reports are required from the City Planner. Written Staff reports may be submitted by any other City Department, including the Building Official, Engineering Department, and Fire Department.

The City Planner shall prepare the final agenda and assemble the packet of material ("the Packet") for the meetings. The Packet shall contain the application and or application narrative, Staff reports and all other relevant information. The Packets shall be mailed to the Members and Staff Members no later than the Thursday preceding the next meeting or personally delivered by the Friday preceding the next meeting.

The City Planner shall be available for consultation with any applicant by appointment.

## **SECTION 4 PROCEDURE**

4.1 PARLIAMENTARY PROCEDURE Parliamentary procedure governed by Robert Rules of Order shall be followed at meetings. At special meetings and when useful, the Members may hold group discussions not following any set parliamentary procedure, unless motions are before the Members.

4.2 PURPOSE OF HEARING The purpose of a hearing is to collect information and facts in order for the Members to make decisions or to develop a recommendation for the City Council.

4.3 HEARING PROCEDURE At hearings, the following procedure shall be followed on each matter:

- a. The Chair shall identify the case to be heard.
- b. The Chair may call upon the appropriate Staff Member to summarize the reports contained in the packets. A Staff Member from each Department that submitted a report should be present, when possible.
- c. The Chair shall ask the applicant to come forward and be heard on the application.
- d. Interested persons may address the Members regarding the particular matter, after providing their full name and address.
- e. After all new facts and information have been heard, the hearing shall be closed and interested persons shall not be heard again unless the hearing is reopened and unless all interested parties are given an opportunity to be heard again. Upon completion of the hearing on each matter, the Members shall discuss the matter and render a decision.

4.4 OTHER MATTERS Matters for discussion that do not appear on the agenda are considered and discussed by the Members only when initiated and presented by Staff or other Member, and shall be placed at the end of the regular agenda.

## **SECTION 5 MISCELLANEOUS**

5.1 SUSPENSION OF RULES The Members may suspend any of these rules by majority vote.

5.2 AMENDMENTS These Rules of Order may be amended at any regular or special meeting by a vote of six (6) Members.

5.3 REVIEW At the March meeting of each year these Rules of Order shall be adopted by the Members.

5.4 ORIENTATION All new Members shall receive an orientation by the appropriate City Staff Members. At that time, the new Members shall be given a copy of the South St Paul Zoning Ordinance, Subdivision Regulations, Comprehensive Plan, Zoning Map, the Rules of Order and any other relevant information necessary to carry out their duties and responsibilities.

## **ATTACHMENT 3 PROPOSED 2026 RULES OF ORDER**

### **South St. Paul Planning Commission Rules of Order**

#### **SECTION 1. PURPOSE.**

The following rules of order for the Planning Commission (Commission) are adopted pursuant to Section 101-22 of the South St. Paul Code of Ordinances. Pursuant to Minn. Stat. § 462.354, the Commission is designated as the Planning Agency of the City. The Commission shall act in a purely advisory manner to the City Council on matters of planning and zoning, making its recommendations in all cases referred to it and transmitting its recommendations to the City Council for final action.

#### **SECTION 2. MEMBERS**

Membership of the Commission shall be governed by City Code Section 101-20.

#### **SECTION 3. OFFICERS.**

The officers of the Commission shall be the Chair, Vice-Chair, Secretary, and such other officers as it may deem necessary. The Chair presides at meetings, appoints committees, and performs other duties as may be ordered by the members. The Chair conducts meetings so as to keep them moving as efficiently as possible and reminds the members, witnesses, and applicants to discuss only the matter at hand. The Vice Chair shall preside at any meeting when the Chair is absent. The Secretary is a member of City staff and is responsible for recording the minutes, keeping records of actions, and providing clerical support to the Commission. The Secretary shall be assigned by the City Administrator.

Each April, the members of the Commission shall elect from its membership the Chair and Vice Chair for a term of one year. Members shall be nominated for an officer position by another member and will be voted on by ballot. The Secretary shall read each ballot aloud, identifying how each member voted. Election of the Chair will take place first, followed by the election of the Vice Chair. Each member shall cast a ballot for the open officer position. If no one receives a majority of votes, the balloting shall continue until one member receives majority support.

The Chair and Vice-Chair take office at the next meeting following the election and hold office until their successors are elected and assume office. The Commission may remove a Chair or Vice-Chair from office upon a three-fourths majority (6/7) vote. Should the Chair office become vacant due to resignation, ineligibility or

removal, the Vice-Chair becomes Chair. Should the Vice-Chair office become vacant due to resignation, ineligibility or removal, the Commission shall elect a successor for the unexpired term of office. If the Chair and Vice-Chair are absent from a meeting, the members shall elect a temporary Chair by majority vote.

#### **SECTION 4. STAFF AND MEETING PACKET**

The Planning Manager or designee shall approve all items placed on an agenda. The Planning Manager or designee shall prepare the final agenda and assemble the packet of material (“the Packet”) for the meetings. The Packet shall contain the application, the applicant’s narrative, staff reports and all other relevant information. The Packet shall be available for members of the Commission by no later than the Friday preceding the next meeting.

#### **SECTION 5. MEETINGS**

- A. Regular Meetings. Regular meetings shall be held on the first Wednesday of each month at 7:00 p.m.. Meetings shall be held in the Council Chambers at the South St. Paul City Hall, 125 Third Avenue North unless otherwise noted by Staff. Meetings may be held in other city facilities if the Council Chambers are inaccessible or online due to a public health emergency. When the regular meeting day falls on a legal holiday, the meeting shall be rescheduled to the following Wednesday.
- B. Special Meetings. Special meetings may be called by the Planning Manager or City Administrator. Each Commissioner shall be notified of the time, place, and purpose of any special meeting at least 3 days before the meeting.
- C. Public. All meetings and hearings, records, and minutes are open to the public.
- D. Quorum. Four members of the Commission shall constitute a quorum for the transaction of business. When a quorum is not present, no final or official action shall be taken.
- E. Vote. Voting may be by roll call vote or voice vote. Members shall vote on each issue, the results of which shall be recorded by the Secretary in the minutes. The two types of votes are as follows:
  - Roll call vote: The Secretary will call on each Commissioner and ask them for their vote.
  - Voice vote: Each of the commissioners will say “aye” or “nay” as a group, as prompted by the Chair.

All recommendations and actions shall be by a majority vote of members present.

F. Order of Business. The normal order of business for a regular Commission meeting shall be as follows:

1. Roll Call
2. Approval of Agenda.
3. Approval of Minutes.
4. Public Hearings.
5. New Business.
6. Other Business.
7. Staff Updates.
8. Adjournment.

## **SECTION 6. RULES OF PROCEDURE**

The Chair shall be guided by Robert Rules of Order. The Commission may suspend the rules by majority vote of the members present.

The Chair shall ensure that each person addressing the Commission shall give his/her name and address for the record. All remarks should be addressed to the Commission as a body and not to any specific member. No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Chair. No questions shall be asked a Commission member except through the Chair.

## **SECTION 7. MISCELLANEOUS**

- A. Amendments. These Rules of Order may be amended at any regular or special meeting by a vote of five (5) Members.
- B. Annual Adoption. At the April meeting of each year, these Rules of Order shall be reviewed and adopted by the Commission.
- C. Orientation. All new Members shall receive an orientation by the appropriate City Staff Members. At that time, the new Members shall be given a copy of the South St Paul Zoning Ordinance, Subdivision Regulations, Comprehensive Plan, Zoning Map, the Rules of Order and any other relevant information necessary to carry out their duties and responsibilities.