

<p>Chair: Tim Felton</p> <p>Commissioners: Geoff Fournier Jason Frankot James Hart Ruth Krueger Brianne Miller Chad Schlemmer</p>	 <p>City of South St. Paul Planning Commission Agenda</p> <p>Wednesday, February 7, 2024 7:00 p.m.</p>	<p>City of South St. Paul 125 Third Avenue North South St. Paul, MN 55075 Phone: (651) 554-3217 Fax: (651) 554-3271 www.southstpaul.org</p>
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<p>Roll Call</p>		
<p>1. Agenda</p>		
<p>2. Minutes A. January 3, 2024</p>		
<p>3. New Business</p>		
<p>4. Public Hearings</p> <p>A. Ordinance Amendment Updating Subdivision Regulations for Lot Splits and Updating Zoning Requirements for Residential Properties</p> <p>B. Ordinance Creating Performance Standards for Outdoor Dining</p>		
<p>5. Other Business</p>		
<p>6. Staff Updates</p> <p>A. Reminder Regarding Joint Worksession on February 12th to Review Draft Parks Master Plan</p>		
<p>7. Adjournment</p>		

Next Planning Commission Meeting: March 6, 2024

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MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
January 3, 2024

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

Present: Tim Felton, Chair
Jason Frankot
Ruth Krueger
Brianna Miller
Chad Schlemmer
Ryan Garcia, City Administrator
Michael Healy, Planning Manager
Monika Miller, Associate Planner

Absent: Geoff Fournier
James Hart

- 1) APPROVAL OF AGENDA – Motion to approve as presented – Miller/Schlemmer (5-0)
- 2) APPROVAL OF MINUTES – December 6, 2023 – Commissioner Schlemmer commented that he should be removed from the list of individuals present at the December meeting- Motion to approve the minutes as amended – Krueger/Miller (5-0).
- 3) NEW BUSINESS
- 4) PUBLIC HEARINGS

A. Ordinance Amendment Allowing Dynamic Display Off-Premises Signs in the GB- General Business Zoning District

Mr. Healy presented the staff report. Currently, South St. Paul completely prohibits off-site advertising signs (billboards). Some communities have updated their sign codes to allow new digital billboard signs, which can be a good revenue source if the billboard is on City property and can be a source of free public service messaging. The City Council saw the value in this and instructed staff to move forward with an ordinance amendment to allow digital billboard signs in the GB, general business district with a Conditional Use Permit, subject to some carefully crafted performance standards. Under the ordinance, no new static billboards would be allowed to avoid “visual clutter.” Staff feel that the ordinance is consistent with the “best practices” if the Planning Commission and City Council want to legalize electronic billboards.

Chair Felton asked staff to confirm that the only properties that would be eligible for an electronic billboard would be properties that are adjacent to Interstate 494 that are zoned GB, general business district. Mr. Healy confirmed that was correct and that the property must be touching the highway.

Commissioner Miller asked if the business usually owned a billboard or if they leased them from a third party. Mr. Healy commented that the item that the Planning Commission was reviewing was specifically just an ordinance that would allow electronic billboards. Mr. Healy commented that it was common for a property

owner to enter into an agreement with a billboard company who would then place their billboard on that leased property.

Commissioner Frankot asked about the revenue that is typically generated from an electronic billboard and where the revenue goes. Mr. Healy explained that he had not reached out to other cities in advance of the presentation to determine the average revenue generated from an electronic billboard. If an electronic billboard is located on City land, the City would get to decide what to do with the revenue. Mr. Healy added that the city received a proposal for an electronic billboard which would result in about \$6 million in revenue over the course of 30 years with a \$125,000 lease payment during the first year and an annual rate increase.

Ryan Garcia, City Administrator, came forward to speak to the application. Mr. Garcia noted that the project had been vetted for the better part of a year and that the City does not take the opportunity lightly given the mixed feelings about the appropriateness of electronic messaging within the community. To Commissioner Frankot's point, this is an opportunity for the City to generate some revenue though this factor is not related to zoning. Mr. Garcia added that this was a unique opportunity for the City to be able to communicate its goals, values, and local events.

Chair Felton asked Mr. Garcia if the City had discussed allowing signage along Highway 52. Mr. Garcia explained that the City had explored that option. Billboards can only be placed in commercial or industrial areas. All of the land adjacent to Highway 52 is zoned residential or used as a park which would make this area ineligible for a billboard.

Chair Felton 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 Felton closed the public hearing.

Motion to recommend approval of an ordinance amendment allowing dynamic display off-premises signs in the GB, General Business Zoning District- Schlemmer/Miller (5-0)

B. Conditional Use Permit for Blue Ox Media Group's Proposed Dynamic Display Off-Premises Sign

Mr. Healy presented the staff report. The Applicant was Blue Ox Media Group. The Applicant is proposing to enter into an agreement with the City to place a billboard on a City-owned parcel located adjacent to Interstate 494. They are seeking a Conditional Use Permit to place the electronic billboard. The City Council instructed staff to release a request for proposal to see if any billboard companies were interested in a partnership with the City. The City received two proposals and selected the proposal from Blue Ox Media Group. The project can only move forward if the proposed ordinance amendment is approved. The proposed billboard would be 45 feet tall with two faces, one facing eastbound I-494, the other facing westbound I-494. The billboard would have EFIS cladding to simulate the look of limestone. The parcel is located at the bottom of a bluff. The sign will rise slightly above the bluff but the Applicant has stated they are willing to plant a row of coniferous trees to create additional screening between the sign and the neighboring residential properties. Staff recommend approval of the Conditional Use Permit if the City Council makes a policy decision to approve the proposed ordinance.

Chair Felton asked staff to clarify that the concern about the billboard extending above the bluff line was due to the visibility of the sign as opposed to the sign's lighting. Mr. Healy explained that the sign would be oriented at an angle to only be visible from I-494 but the adjacent homeowners would likely see the back side of the sign and possibly a little bit of the sign's imaging. Mr. Healy clarified that the sign would be 15 feet above the top of the bluff and commented that the proposal to plant additional landscaping at the top of the bluff was a gesture of goodwill by the Applicant to try to reduce any potential visual impacts of the sign. Chair Felton confirmed with

staff that the concern was the physical presence of the sign as opposed to the lighting on the sign. Mr. Healy confirmed that was correct.

Commissioner Frankot asked if there would be any properties that would have the billboard right in their backyard. Mr. Healy explained that the billboard would extend 15 feet above the top of the bluff. Commissioner Frankot asked if a homeowner were to walk into their backyard, would they see the top of the sign or would they need to look down to see the sign? Mr. Healy stated that he would defer to the Applicant to speak to the impact of the signs. Mr. Healy stated that there was an electronic billboard that was recently installed in Newport which is technically visible from Grandview Park and other residences but it is not highly visible. Commissioner Frankot commented that the Newport billboard was not in the backyard of any residential properties whereas the proposed billboard would effectively be in someone's backyard. Mr. Healy stated that it would be difficult to anticipate every angle of the sign but again stated that the actual message center of the sign would be directed at the highway and the sign would extend 15 feet above the top of the bluff.

Chair Felton asked Mr. Healy for the approximate distance from the proposed sign to the edge of the nearest residential backyard. Mr. Healy pulled up the survey the Applicant had provided and stated that the distance from the proposed sign to the back edge of the parcel where the sign would be located was about 20 feet. There is another 20 feet between the City's unbuilt alley and the rear property line of any of the neighboring houses. This was a total distance of 40 feet between the billboard and the nearest residential backyard.

Steve Boynton and Tom McCarver, Blue Ox Media, were present to speak to their application.

Chair Felton asked Mr. Boynton if he had any additional information to share as the Planning Commissioners make their decision on the application. Mr. Boynton shared that the way the sign was oriented, the top of the sign would be 15 feet above the bluff line so if you viewed the sign from the back of one of the nearby residential properties, you would only see the back of the sign. Mr. Boynton added that the sign manufacturer they use has proprietary technology that allows them to direct the light of the sign within a 30-degree angle, so the only visible light from the sign would be within that 30-degree angle. This will prevent any residential properties from being able to see the sign unless the house is located on the other side of I-494 and within that 30-degree angle.

Chair Felton opened the public hearing.

Kent Zoya, 1149 Syndicate Avenue, share that he had the same questions Commissioner Frankot had about what the sign would look like from the backyards of the neighboring properties, even those that are across the highway. Mr. Zoya asked if Blue Ox could provide a visual of what the signs would look like from the adjacent residential properties as well as from the residential properties on Park Street that are located across the Interstate. Chair Felton asked Mr. Healy if staff had any renderings of this type. Mr. Healy stated that the Applicant had provided renderings of the highway views and that he did not have access to the renderings that Mr. Zoya requested.

Chair Felton asked Mr. Boynton if this was something they could provide. Mr. Boynton stated they could provide the requested renderings and reiterated that the sign would be very difficult to see for anyone that is not within the 30-degree angle of the sign. Mr. McCarver added that there was a sound wall on the Park Street West side of I-494 which would limit the impact of the sign for the residents on that side of the highway. Mr. McCarver explained that many static billboards use lights that face the sign to illuminate it but this results in the light being sent back in all directions. These electronic billboards are designed to not have the light bounce back. Mr. McCarver stated that the light study in the packet showed this and reiterated that they could provide the renderings Mr. Zoya requested. Chair Felton asked the Applicants to confirm that those individuals that live along Park Street would not see the sign or light from the sign from their backyards but rather the soundwall. Mr. McCarver confirmed this was the case. Chair Felton directed the Applicant and Staff to work together to get the homeowner the renderings he requested.

Commissioner Frankot asked Mr. Zoya about the view of the site from his house. Mr. Zoya responded that he was on Syndicate Avenue which would not have a direct view of the proposed billboard. Mr. Zoya reiterated that it would be helpful to have renderings which would show what the sign would look like from the properties adjacent to the proposed billboard site.

Constance Lacombe, 1284 Smith Avenue in West St. Paul, shared that she owned the property at 104 Warburton Street West in South St. Paul where her daughter lived. Ms. Lacombe stated that she had a covered deck off of her garage which overlooked where the sign would be. Ms. Lacombe shared that she was concerned about the light the sign would produce and the sign emitting high frequency sounds which would negatively impact her daughter's pets. Ms. Lacombe shared that she felt 6-foot-tall trees would not be enough to screen the property from the proposed billboard but stated that she would prefer coniferous trees over a concrete wall for screening. Ms. Constance stated that she was not against the sign but was against the sign decreasing her property value.

Chair Felton asked Mr. Healy about the height of the proposed screening trees. Mr. Healy shared that the site plans show coniferous trees being planted at the top of the bluff but that the Applicant would not finalize the screening plans until the project was recommended for approval by the Planning Commission. Mr. Healy explained that the minimum required height for the screening trees was 6 feet and that the trees must be a variety that can grow to be at least 15 feet in height. Mr. Healy added that the Commissioners could refine the condition but reiterated that the Applicant intended to bring a finalized landscaping plan to the City Council meeting if they got the "ok" for the project.

Chair Felton added that it was important to make sure the line of trees provides adequate screening. Chair Felton called the Applicant back up to the podium to address Ms. Lacombe's concerns about the sign producing high pitched noise. Mr. Boynton stated that the signs do not emit any type of noise and shared that he would be happy to provide the specs from the manufacturer about the noise levels of the sign. Mr. Boynton added that the billboards were compliant with all state and federal dark sky laws. Mr. Healy added that one of the conditions of the project's approval is that the sign is prohibited from emitting any noise. If the sign were to malfunction and produce sound, the Applicant would be required to turn off the sign until it could be fixed. Chair Felton commented that Ms. Lacombe's concerns were about sound that was audible above human level. Mr. Healy stated the condition was written that if there was evidence that the sign was producing noise that was not audible to humans, they would need to address it.

Commissioner Frankot asked if they could add a certain monetary allowance to certain properties for additional trees or fences to screen the property from the proposed sign. Mr. Healy stated that a similar request was made for the Bryant's Ridge project. Mr. Healy explained that the City cannot require the Applicant to pay for things for private parties, but the Applicant can work out private deals with adjacent property owners to gain their support for the project outside of the meeting.

Commissioner Schlemmer asked who would maintain the trees that were planted for the project. Mr. Healy explained that the logistics would need to be worked out but generally required landscaping needs to be planted and maintained by the Applicant. The City also takes an escrow to ensure that the landscaping survives the first year.

Chair Felton asked staff if any correspondence had been received prior to the meeting. Mr. Healy stated that no correspondence had been received prior to the meeting.

Chair Felton closed the public hearing.

Commissioner Frankot commented that during the Holiday project on Southview Boulevard, the developer had agreed to install a privacy fence between their property and a neighboring residential property to keep the neighbor happy. Commissioner Frankot shared that he would make a motion to recommend approval of the item

and highly encouraged the Applicant for this project to work with the neighboring property owners to offer fencing or trees to create some additional screening.

Motion to recommend approval of a conditional use permit for a dynamic display off-premises sign-Frankot/Schlemmer (5-0).

C. Ordinance Amendment Updating the Zoning Standards for Permitted Encroachments, Accessory Structures, and Nonconforming Buildings.

Ms. Miller presented the staff report. The Planning Commission had reviewed a draft version of the ordinance at their December 6, 2023 meeting. The ordinance updates the regulations for permitted encroachments, accessory structures, and additions to residential properties with a setback nonconformity. Staff recommend approval of the ordinance.

Chair Felton opened the public hearing.

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

Chair Felton closed the public hearing.

Chair Felton asked about what happens at the first and second reading for an ordinance. Ms. Miller explained that the item would be reviewed by the City Council twice, which provides additional time for staff, the City Council or members of the public to comment on the ordinance so it is ready to be adopted. Chair Felton asked what happens at the conclusion of the second reading. Ms. Miller explained that the City Council would hold a vote on whether to adopt the ordinance.

Motion to recommend approval of an ordinance amendment updating the zoning standards for permitted encroachments, accessory structures, and nonconforming buildings- Miller/Krueger (5-0).

5) OTHER BUSINESS

6) STAFF UPDATES

Mr. Healy updated the Planning Commission on the Parks Master Plan. Mr. Healy explained that a first draft of the plan was being put together and would be brought to the City Council work session on Monday, February 12th for input. Anyone is welcome to attend the meeting. The meeting would be posted as a joint meeting for the Planning Commission, the City Council and the Parks and Recreation Advisory Committee.

Commissioner Miller asked if the work session meeting would be held in the training room. Mr. Healy affirmed that the meeting would be held in the training room.

Commissioner Krueger commented that Mr. Healy was addressing residents' zoning questions on Facebook. Mr. Healy shared that this was the second question and answer type session that the City had held on Facebook and that he enjoyed the opportunity to respond to the questions.

7) ADJOURNMENT

Motion to adjourn- Miller/Schlemmer (5-0).



AGENDA ITEM 4.A

South St. Paul Planning Commission

Prepared By: Michael Healy, Planning Manager	Meeting Date: 2/7/2024
Item Description: Public Hearing for an Ordinance Amendment Updating Regulations for Lot Splits and Updating Zoning Requirements for Residential Properties	

ACTION REQUESTED

A motion recommending approval or denial of an ordinance amendment updating regulations for lot splits and updating zoning requirements for residential properties.

BACKGROUND/ DISCUSSION

OVERVIEW

Application

The Applicant is the City of South St. Paul. *The City Council discussed an earlier draft of this ordinance at their Worksession meeting on January 22nd. They were supportive of the proposed changes and directed City Staff to bring the ordinance to the Planning Commission for a public hearing and additional review.*

Review Timeline

Application Submittal: NA

Planning Commission: February 7, 2024

Tentative City Council Meeting for 1st Reading: February 19, 2024

Tentative City Council Meeting for 2nd Reading: March 4, 2024

60-Day Review Deadline: NA

Background

Staff has identified five (5) issues that could be addressed with an ordinance update:

1. The City has a process for reviewing lot splits and property line adjustments, but that process has never been added to the City Code.
2. The City Code does not allow a side-by-side twinhome to be split in half with a property line so that each side can be sold off separately as a homeownership opportunity. The City Council has identified this as a problem.

3. The City adopted new lot size and lot width rules in 1967 that are not consistent with the community's existing neighborhoods which were almost all laid out before 1967. The City has a policy for handling infill development in the pre-1967 neighborhoods which depends on a creative interpretation of the existing City Code. The creative interpretation can be confusing for City Staff and the public. It would be better if the City Code were updated to clearly reflect the City's policies and goals.
4. There are many single-family homes on small 40-foot-wide lots that have access to an improved alley. Unlike most cities with improved alleys, SSP does not currently require these small properties to build their driveway off the alley. This means that some of them build front yard driveways instead, which can potentially be problematic on a small narrow lot.
5. The City Council approved a "Master Housing Strategy" in 2020 that calls for exploring the creation of new residential design standards for single- and two-family homes. The City Council gave City Staff direction at their January 22nd Worksession regarding what they would want this to look like. Primarily, they would like to put restrictions on "garage forward home design" where a large attached garage juts out into the front yard and is the defining architectural feature of a new home.

The City Council would like to address all five issues with an ordinance amendment.

Issue #1: The City's Lot Split Procedure Has Never Been Added to the City Code

The City Council adopted a resolution on September 21, 1987 opting into an optional State Statute which requires property owners to get the City Council's approval before splitting their lot or adjusting a property line. Over the past 36 years, a consistent policy for reviewing these requests has evolved but it has never been added to the City Code. City Staff was pulled into a property line dispute in 2023 where one of the property owners hired an attorney who refused to follow the City's lot line adjustment process because it is not in the City Code. The attorney relented after Dakota County would not record his lot line adjustment without City Council approval, but it wasted a significant amount of staff time and further inflamed an already ugly neighbor dispute.

This issue can be easily resolved by adding the City's existing process for reviewing lot splits and lot line adjustments to the City Code's Subdivision Ordinance. This should be viewed as a "clean up" and will not result in any policy changes.

Issue #2: The City Code Does Not Allow a Twinhome to be Split with a Property Line

The City Council has previously expressed frustration that side-by-side twinhomes cannot be split in half with a property line so that each side can be sold off separately as a homeownership opportunity. The new modular twinhome at 1020 5th Avenue South was originally going to be split in this manner but the City Attorney determined that it would be unlawful to split the building because of the way the City Code is currently written. As a result, that twinhome was left as one parcel and turned into a rental.

Edina, Anoka, Minneapolis, and a number of other cities in the metro have adopted subdivision regulations that allow an existing side-by-side twinhome to be split in half with a property line so each side can be sold off separately. Such buildings are governed by private covenants and party wall agreements. South St. Paul could adopt a similar ordinance to allow rental twinhomes to be turned into homeownership opportunities.

Issue #3: Lot Size and Lot Width Requirements Do Not Match SSP Neighborhood Design

The City Code's official rules for single-family home lot size and lot width do not match the character of SSP's existing neighborhoods. The current single-family lot dimension rules were put in place in 1967 but most of SSP's neighborhoods were fully laid out prior to 1967. All subdivision plats recorded prior to 1967 are considered "grandfathered" and are not subject to the new rules. Historically, the City has interpreted this very liberally to mean that new non-conforming buildable parcels can be created in existing neighborhoods if they are consistent with the lot sizes in the original plat and are created with "metes and bounds" descriptions based on the original platted lots.

One issue with the City's longstanding approach is that it is not intuitive and requires a pretty creative reading of the City Code. Because the rules are somewhat unclear, different City Planners and City Councils have interpreted them slightly differently. Lot splits have not been handled consistently and some infill single-family home lots have been created that may technically not be buildable under a strict reading of the Code. A second issue with the current approach is that it discourages property owners from replatting their properties or otherwise cleaning up their title. Every property owner must keep their legal description "messy", and have it based on the old pre-1967 plat or else they lose all of their lawful nonconformity rights and their single-family home property becomes unbuildable without a lot size variance and lot width variance.

This situation could be fixed with two updates which would make it easier to build a new single-family home in SSP that matches the character of an existing neighborhood:

- 1. In the R-2 Single- and Two-Family district, most of the land 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 create larger properties or different properties in the R-2 district by splitting and combining those original 40-foot lots. The City Code should be updated to have lot size and lot width requirements that match the character of these neighborhoods. This would allow property owners to potentially "clean up" their properties by replatting and would also set clear and consistent standards for when a lot is buildable and when it is not buildable.*
- 2. In the R-1 Single Family District, every neighborhood has completely different lot sizes. There are some neighborhoods with 40-foot-wide lots, some neighborhoods with 50-foot-wide lots, and many neighborhoods with 60-foot-wide lots. There are also a few neighborhoods that have large lots which meet the new 75-foot lot width requirement put in place in 1967. The City Code should be updated to officially adopt the City's longstanding practice which is to allow new lots to be created that are the same size and width as the existing properties on a block. Any entirely new R-1 neighborhood should continue to be required to follow the rules for a new neighborhood that were established in 1967 unless the neighborhood is developed as a Planned Unit Development with a unique design that gets City Council approval.*

Issue #4: Narrow Lots with Access to an Improved Alley Building a Private Driveway Instead

South St. Paul has many single-family homes on narrow 40-foot-wide lots that have access to an improved alley. Most of these houses build their garage or parking pad off the alley but some of them choose to instead run a private driveway out to the street with a private curb cut. The result is that these small lots end up having a significant part of their small front yard covered in asphalt or concrete and the private curb cuts eat up the small boulevard and make it impossible to plant boulevard trees or provide

convenient street parking for guests (guest cars must be parked at least 5 feet from each side of a private driveway entrance).

Other communities with improved alleys have regulations that require the alleys to be used for residential driveway access when available. In some communities, all residential lots that have access to an improved alley must use the alley and cannot have a private driveway to the street unless they are a corner lot and the driveway is off of the side street. In other communities, there is more flexibility, but residential lots that are less than 50 feet in width generally must use the alley for their driveway access if there is one.

The City Council discussed this issue at their January 22nd Worksession. They are in favor of requiring narrow lots to build their driveway off the alley if there is an improved alley available and there are no topography issues or safety issues that make it unreasonable to use the alley. The City Council would like a 50-foot lot width to be the cutoff. Owners of lots that are narrower than 50 feet would be required to use the alley. Owners of larger properties that are at least 50 feet wide would continue to be able to choose whether to use the alley or build a private driveway that connects directly to the street.

Issue #5: Residential Design Standards for Single-Family and Two-Family Homes

The Master Housing Strategy approved in 2020 calls for exploring the creation of new residential design standards for single-family and two-family homes. South St. Paul already does have some design standards for single-family homes. The first is that the front of the home must face the main street frontage. The second is that single-family homes cannot have a flat roof for their principal roofline (this means that some types of modern architecture are prohibited for single-family homes). Finally, there is a rule that any proposed house that is completely dissimilar from the rest of the neighborhood in a way that might devalue other properties must have its building permit approved by the City Council.

Most communities have moved away from dictating architectural styles in single-family home neighborhoods since architecture is largely subjective and putting overly tight restrictions in place can lead to bland “cookie-cutter” housing styles. Some communities have adopted basic urban design regulations for front facades to ensure good curb appeal. Specifically, some communities that mostly have traditional neighborhoods have chosen to prohibit or restrict “garage forward” home designs for infill housing since they do not match the existing community fabric. “Garage forward” refers to designs where the front of the house is dominated by a large, attached garage that juts out into the front yard. These houses often do not have traditional curb appeal although the garages can potentially be dressed up with brick, stone, and decorative doors. There are two rules that can potentially be adopted to regulate this urban design issue:

Rule #1: Do not allow the attached garage to be closer to the street than the house itself is. Hopkins and Saint Paul are two communities with traditional neighborhoods that have a version of this rule.

Rule #2: Cap the percentage of the front façade that can be dominated by garage doors. In Saint Paul, there is a rule that no more than 60% of the width of the front façade of a house can consist of garage doors that are facing the street.

The City Council discussed this issue at their January 22nd Worksession. They are in favor of prohibiting “garage forward” design and want to consider adopting versions of both Rule #1 and Rule #2. At least one City Councilmember is also interested in having the Planning Commission discuss whether the City Code should continue prohibiting single-family homes from having flat roofs.

Proposed Ordinance

Staff has written a draft ordinance that would address the issues outlined above. It would do the following:

- Add the City's longstanding lot split and lot line adjustment process to the City Code.
- Make it possible to split a twinhome into two for-sale units if there is a party wall agreement and covenants in place.
- Clean up the R-1 ordinance to officially codify the City's longstanding policy that new single-family home lots can be created if they have the same lot width and lot size as the existing houses on a block.
- Clean up the R-2 ordinance to have lot size and lot width requirement for single-family homes match the existing R-2 neighborhoods which were almost all platted in the 1800's with 40-foot-wide lots.
- Fix two math issues in the City Code that may be errors:
 - The R-2 ordinance allows a duplex to be built on a property that is at least a lot and half from one of the subdivisions that was completed in the 1800's with 40-foot-wide lots. This means that the property must be at least 60 feet wide and at least 120 feet deep. This means that every duplex property should be at least 7,200 square feet in size. However, the R-2 ordinance states that a duplex property must be at least 7,500 square feet in size. The number should be adjusted to 7,200 to correct the math discrepancy.
 - New R-1 lots must be at least 75 feet wide, 120 feet deep, and 9,000 square feet in size. However, the code allows a single-family home to be built on any residential lot platted prior to 1967 that is at least 4,500 square feet in size regardless of its width. The Code does not appear to waive the 120-foot depth requirement for lots platted prior to 1967. The result is that there are some platted neighborhoods which have lots that are not buildable because they are not quite 120 feet deep. If the existing houses on these lots were ever destroyed in a fire and the property lost its lawful nonconformity rights, the owners would not be able to rebuild their house without getting a lot depth variance. The Code should be updated to waive the depth requirement for lots platted prior to 1967 that are at least 4,500 square feet in size. If a proposed house on one of these lots cannot meet all lot coverage and setback requirements then a variance will still be required.
- Require small residential lots (those with less than 50 feet of street frontage) to use the alley for driveway access if there is an improved alley available and there are no issues with topography. *This requirement would not apply to corner lots or houses on a cul-de-sac.*
- A new attached garage cannot be more than five (5) feet closer to the front property line than the non-garage part of the principal structure. If there is an existing "grandfathered" attached garage that does not meet this requirement, it can be expanded so that it is up to three stalls in width so long as the third stall has a small additional setback, and the garage doors have some type of architectural treatment.

- For attached garages, garage doors facing a street cannot be more than 9 feet tall and they cannot exceed 60% of the façade of the house that is facing the front property line. This would not apply to backyard garages.

Discussion

Most South St. Paul residents are very proud of their community's character and cherish the uniqueness of each of the neighborhoods. The City has always understood this and has allowed infill development to take place that is consistent with existing neighborhood character. Because most of these land use policies have never been officially added to the City Code, it creates a situation that can be confusing for property owners and for City Staff. It would be highly beneficial to codify the City's longstanding policies which would have the effect of "legalizing" most of South St. Paul's existing single-family home neighborhoods. This will make it easier for property owners to invest in their properties and potentially bring new homeownership opportunities to South St. Paul by building single-family homes on some of the community's few remaining vacant lots.

Some topics that the Planning Commission might want to discuss:

1. Does the draft ordinance correctly address the five issues that have been identified by City Staff and the City Council as needing to be addressed?
2. Do the proposed restrictions on "garage forward" housing design seem well-calibrated or is more nuance needed?
3. Should the City continue to prohibit single-family homes from having flat roofs? *Flat roofs have high maintenance costs and are generally unpopular for single-family homes in areas with snowy winters. Even if the City stopped prohibiting flat roofs for single-family homes, it is unlikely that this would be a popular roof type. Single-family homes generally only end up with flat roofs if they are being custom-built by an architect who has a specific modern design vision.*

Required Action

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:
 - A. Motion to recommend approval of an ordinance amendment updating regulations for lot splits and updating zoning requirements for residential properties.
2. Denial. If the Planning Commission wishes to recommend denial of the Ordinance Amendment, the following action should be taken:
 - B. Motion to recommend denial of an ordinance amendment updating regulations for lot splits and updating zoning requirements for residential properties.

ATTACHMENTS

- A. Lot Split Resolution Approved on September 21, 1987
- B. Examples of Neighborhood Lot Widths in South St. Paul
- C. Example of the Type of Infill Single-Family Home Lot That Has Historically Been Approved Via Lot Split
- D. Examples of Homes with Traditional Design
- E. Examples of Homes with “Garage Forward” Design
- F. Zoning Map
- G. Draft Ordinance

ATTACHMENT A
LOT SPLIT RESOLUTION APPROVED ON SEPTEMBER 21, 1987

South St. Paul, Minnesota

September 21, 1987

Moved by Councilmember Peterson

Seconded by Councilmember Lagoo

MOVED: To authorize the expenditure of an additional \$1,500 to pay for inspection services for Project #1987-006, Water Tank Reservoir Painting.

Motion carried
9-21-87

7 yeas
0 nays

Moved by Councilmember Peterson

Seconded by Councilmember Gaylord

WHEREAS, Laws of Minnesota, 1982, Chapter 564, codified as Minnesota Statutes Section 272.162 provides for certain restrictions on transfers of real property lying within municipality within the 7 county metropolitan area, and

WHEREAS, said Statute provides for municipalities to elect to be governed by said Statute by resolution, and

WHEREAS, the City Council does hereby deem it to be in the best interest of the City to assure application of its subdivision regulation to lands within the City of South St. Paul be exercising its prerogatives under said Statute.

NOW THEREFORE, BE IT RESOLVED that the City of South St. Paul does hereby choose to have Laws of 1982, Chapter 564, coded as Minnesota Statutes Section 272.162 applied to real property within its boundaries and does hereby notify the Dakota County Auditor of said choice, and does further hereby direct that a certified copy of this resolution be filed with the Dakota County Auditor.

7 yeas
0 nays

Approved:



Mayor

Moved by Councilmember Peterson

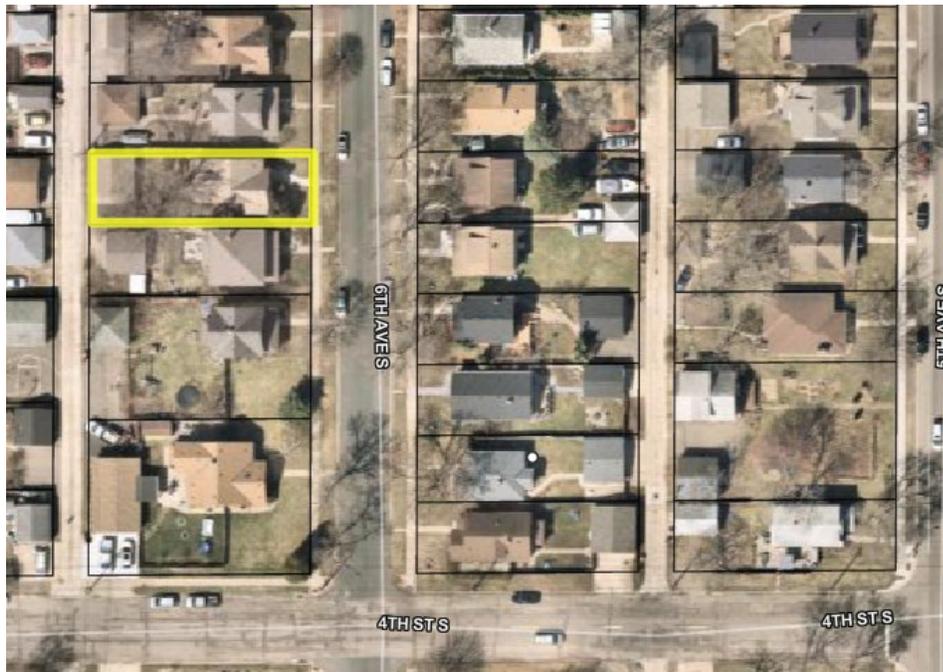
Seconded by Councilmember Johnson

WHEREAS, the problems of records duplication, data currency, and interrelationships of geographic data usage among County departments, cities and other agencies creates inefficiencies in the delivery of services to the public; and

ATTACHMENT B
EXAMPLES OF NEIGHBORHOOD 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 and many neighborhoods with R-1 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 single-family home 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.
- The homes built on “Pill Hill” across the street from Grandview Park are an example of 50-foot-wide lots (see below).

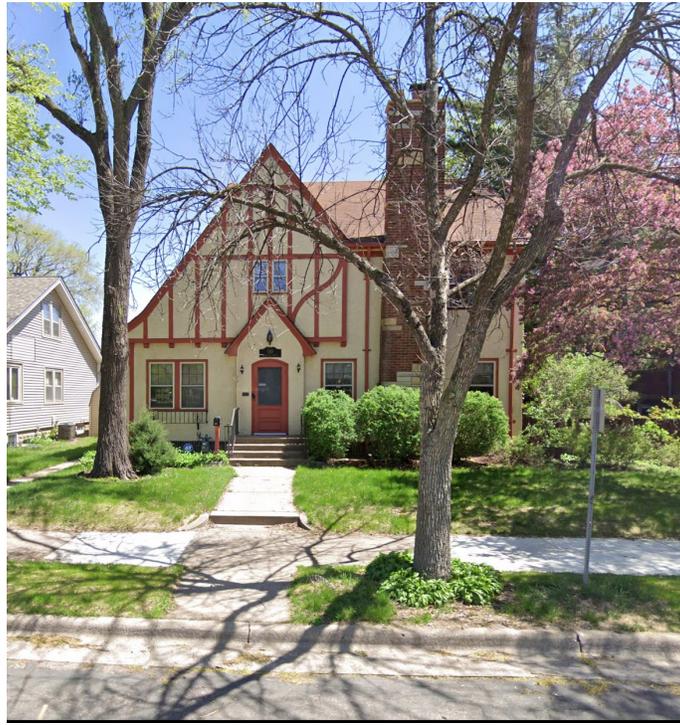


60-FOOT-WIDE LOTS

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



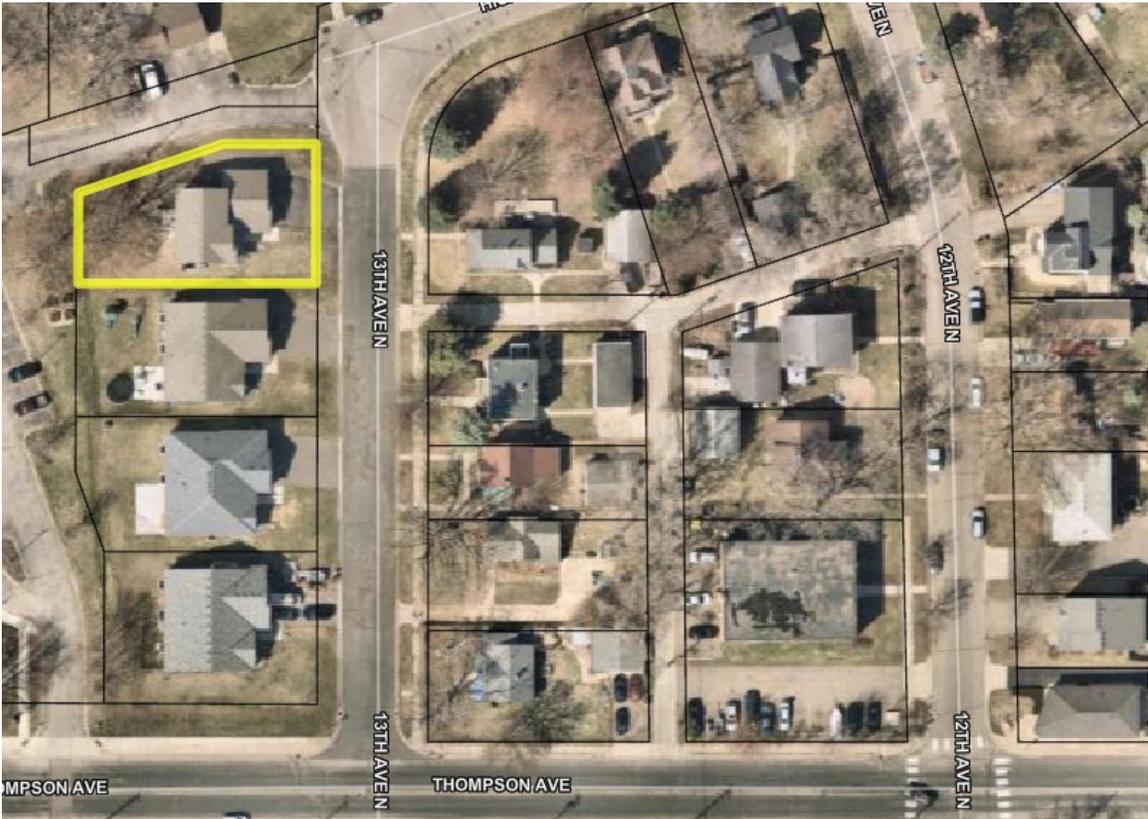
70-FOOT-WIDE LOTS

- 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

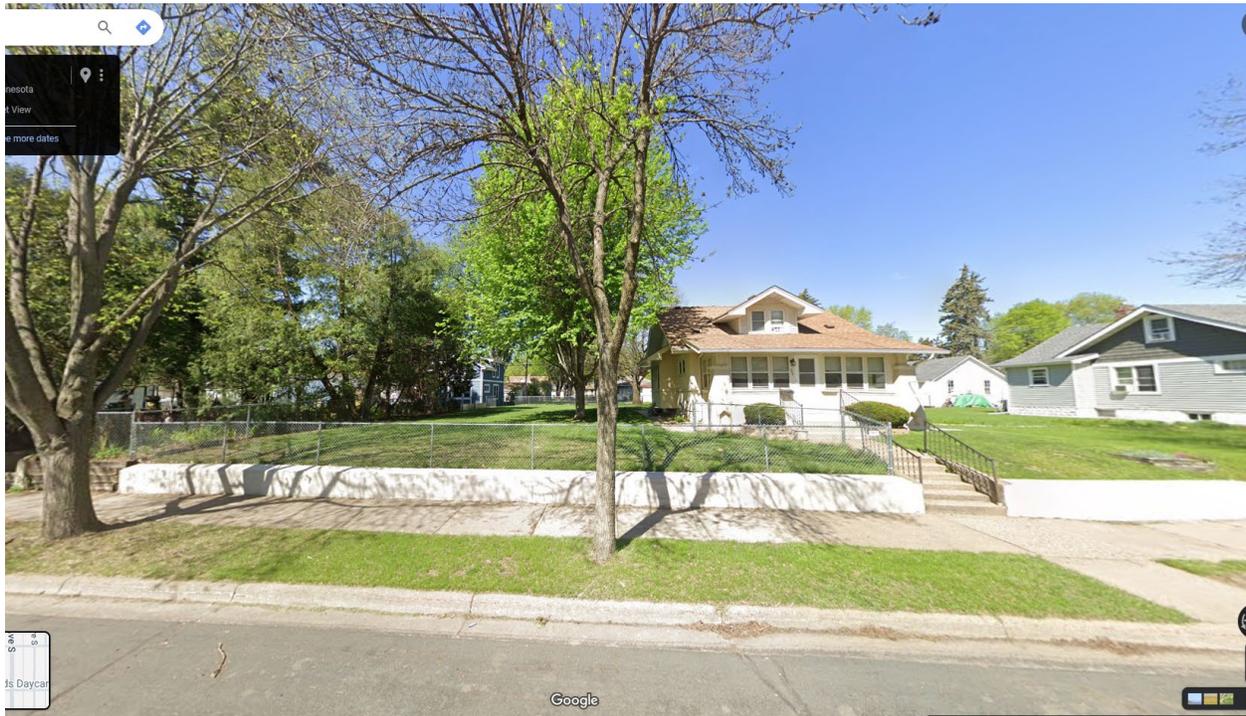
- Since 1967, it has not been legal to create a new neighborhood or new subdivision unless all lots are at least 75 feet wide, 120 feet deep, and at least 9,000 square feet in size. There are just a small number of neighborhoods in South St. Paul that meet these requirements including a few neighborhoods near Seidl's Lake that were developed in the 1980's.
- Most of the community's newest single-family home developments such as South Bluff (1999), Wentworth Hollow (2000), and Wilson Heights (2003) greatly exceed the minimum lot size requirements since they were designed to support large footprint "estate-style" homes, often with 3-car attached garages. Many lots in these newer neighborhoods are 80-100 feet wide.
- Many subdivisions throughout the community include at least some larger lots. Additionally, there are many property owners in the older neighborhoods who own a "double lot" which consists of two adjacent 40-foot-wide lots that have been combined into one tax parcel. Sometimes a large house is built over both lots but sometimes the house is built on just one lot and the other lot is left as empty yard space so that it can be split off in the future for another home site.



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 C
EXAMPLE OF THE TYPE OF INFILL SINGLE-FAMILY HOME LOT THAT THE
CITY HAS HISTORICALLY APPROVED THROUGH LOT SPLITS



- Vacant lot located north of 320 14th Avenue South
- Located in R-1 zoning district where new lots can only be platted with a minimum lot width of 75 feet, a minimum lot depth of 120 feet, and a minimum size of 9,000 square feet.
- The neighborhood was platted as the “Deer Park Subdivision” in 1886 which has 40-foot wide lots. There are 40-foot-wide lots on the block which have houses on them.
- The City allowed the new lot outlined in yellow to be created via a lot split in 2004. It is roughly 53 feet wide and 120 feet deep with a total square footage of 6,601 square feet. It consists of pieces of two different platted lots of record from the Deer Park Subdivision but is not itself a platted lot of record. In accordance with longstanding City policy, the City approved it because it is consistent with the existing parcel sizes on the block.
- The vacant lot was recently sold and Staff has fielded several inquiries about whether a new single-family home could be built on the property. Staff has been telling callers that the lot is buildable because the City definitely approved it to be a buildable lot in 2004. However, the Code does not clearly say that it is buildable without a variance since it is not a platted lot of record and does not meet minimum lot size and lot width requirements.

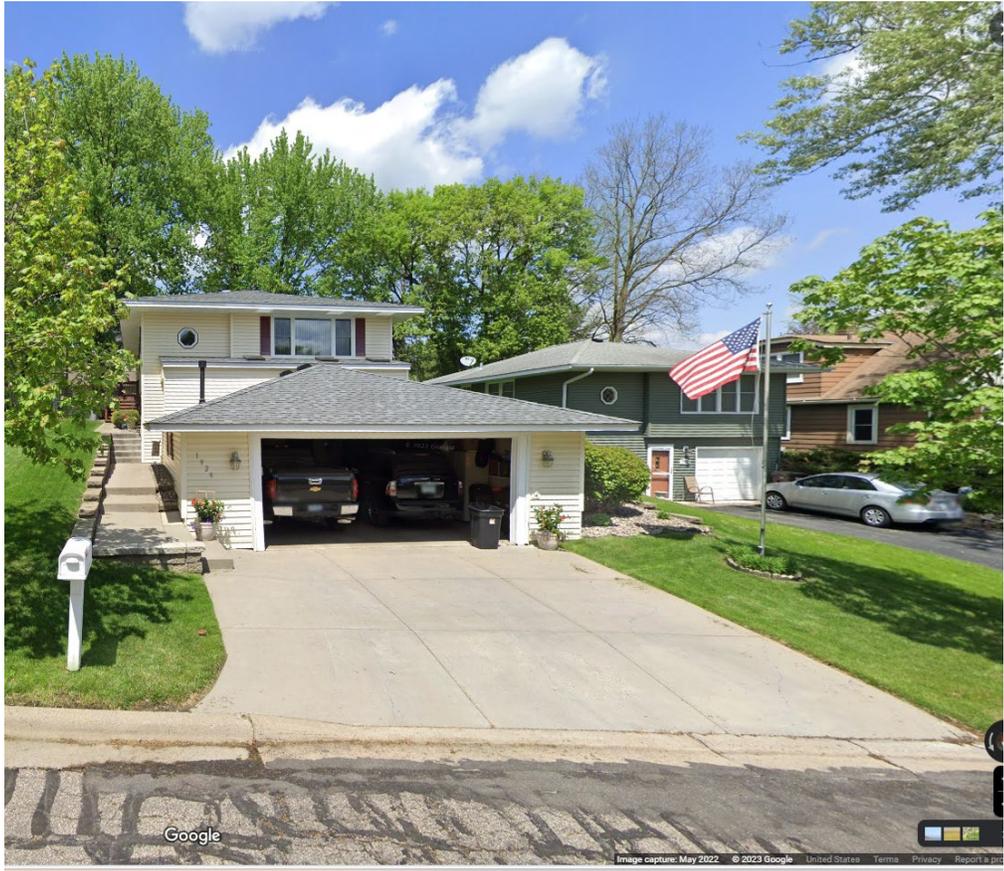
**ATTACHMENT D
EXAMPLES OF SSP HOMES WITH TRADITIONAL DESIGN**





ATTACHMENT E
EXAMPLES OF SSP HOMES WITH “GARAGE FORWARD” DESIGN





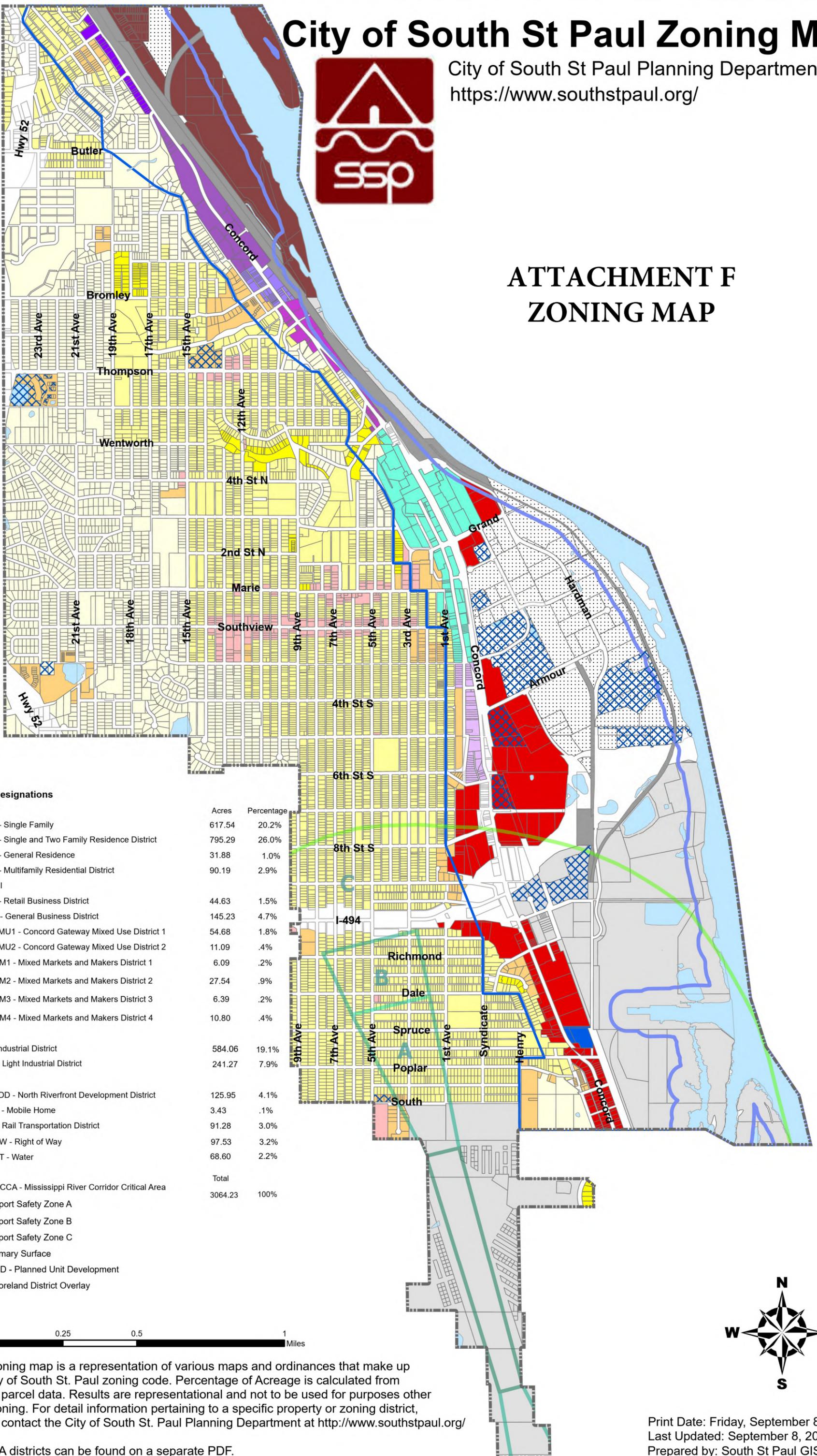


City of South St Paul Zoning Map

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



ATTACHMENT F ZONING MAP



Zoning Designations

	Acres	Percentage
Residential		
R1 - Single Family	617.54	20.2%
R2 - Single and Two Family Residence District	795.29	26.0%
R3 - General Residence	31.88	1.0%
R4 - Multifamily Residential District	90.19	2.9%
Commercial		
C1 - Retail Business District	44.63	1.5%
GB - General Business District	145.23	4.7%
CGMU1 - Concord Gateway Mixed Use District 1	54.68	1.8%
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	.9%
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	19.1%
I-1 - Light Industrial District	241.27	7.9%
Other		
NRDD - North Riverfront Development District	125.95	4.1%
MH - Mobile Home	3.43	.1%
RT- Rail Transportation District	91.28	3.0%
ROW - Right of Way	97.53	3.2%
WAT - Water	68.60	2.2%
Total	3064.23	100%

0 0.25 0.5 1 Miles



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, September 8, 2023
 Last Updated: September 8, 2023
 Prepared by: South St Paul GIS

ATTACHMENT G

DRAFT ORDINANCE

City of South St. Paul
Dakota County, Minnesota

Ordinance No. 14XX

AN ORDINANCE AMENDMENT UPDATING SUBDIVISION REGULATIONS FOR LOT SPLITS AND UPDATING ZONING REQUIREMENTS FOR RESIDENTIAL PROPERTIES

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

SECTION 1. AMENDMENT. South St. Paul City Code Section 114-5 is hereby amended as follows:

Sec. 114-5. Tax parcel splits and property line adjustments and combinations.

~~Persons requesting tax parcel splits or combinations shall pay a fee to the city in the amount established by the city council.~~

- (a) ~~The City shall review tax parcel splits as well as property line adjustments to ensure that zoning nonconformities are not created because of the split or property line adjustment. Persons requesting a tax parcel split or property line adjustment shall pay a fee to the City in the amount established by the City Council.~~
 - (b) ~~A request for a tax parcel split or property line adjustment must be approved by the City prior to Dakota County processing the request and modifying the dimensions of the tax parcels.~~
 - (c) ~~A request for approval of a tax parcel split or property line adjustment shall be accompanied by the submission of a signed certificate of survey prepared by a licensed surveyor in order to demonstrate conformance with Section 118 of the City Code. Upon finding that all City requirements have been met, the Zoning Administrator shall place the tax parcel split or property line adjustment on the next City Council agenda for approval. Tax parcel splits and property line adjustments shall be approved by resolution.~~
- (1) ~~If the certificate of survey demonstrates that the lot split will cause existing improvements on the subject property to become nonconforming, the lot split approval may be conditioned upon the removal or relocation of those improvements. The Zoning Administrator shall withhold the signed resolution until it has been verified that the nonconforming improvements have been removed or relocated. As an alternative, the City Council may enter into a written agreement with the property owner and may authorize the collection of a cash escrow that is sufficient in size to cover the cost of preparing the written agreement and to ensure that the nonconforming improvements will be removed or otherwise made conforming.~~

- (d) A lot platted prior to May 1, 1967, which has been combined with other lots may be restored to its original dimensions via a lot split using the process outlined above without a variance for lot size, lot width, or lot depth provided that the following are met:
- (1) The lot is large enough to be considered buildable as a lot of record in the applicable zoning district.
 - (2) The lot has at least 30 feet of frontage directly abutting a publicly dedicated street, subject to the provisions of Section 114-67(d).
 - (3) The lot has access to City sewer and water.
 - (4) The land has not been replatted and its legal description is still based on the plat that was completed prior to May 1, 1967.
 - (5) It is permissible for a lot being restored to include additional land beyond its original dimensions but the parcel must include all of the land from the original platted lot in order to be considered buildable as a lot of record.

SECTION 2. ENACTMENT. South St. Paul City Code Section 114-6 is hereby enacted as follows:

Sec. 114-6.- Splitting an Existing Side-By-Side Two-Family Dwelling

- (a) Notwithstanding the requirements of this chapter, a lot with an existing side-by-side two-family dwelling may be subdivided along the party wall to allow separate ownership of each side of the building provided that the following occur:
- (1) Covenants are recorded that set forth the following:
 - a. The requirements for exterior maintenance of the building and grounds.
 - b. The requirements for reconstruction if one (1) or both sides of the building are damaged or destroyed.
 - c. Relationship among owners of the adjoining living unit, including arbitration of disputes.
 - d. Whether utility services will be separate or shared.
 - e. The covenants shall state that the parcels may be used separately as long as the existing building is continued and that thereafter the lots shall be combined to make a single parcel or otherwise be enlarged to conform to the requirements of these land subdivision regulations.

- f. Evidence of proper filing of the covenants shall be submitted to the zoning administrator before the lot split approval will be in effect.
- (2) If not already compliant, the common party wall fire rating must be brought up to new construction standards contained in the State Building Code. Party walls must also provide sound transmission control ratings as per the State Building Code.
- (3) Each unit must be separately and independently connected to public sanitary sewer and water mains.
- (4) A lot split creating a new lot with a separate dwelling unit is considered a subdivision and the new lot shall be subject to a park dedication fee that is consistent with Chapter 42, Article IV.
- (5) Except for setbacks along the common property line, all other setback and yard requirements shall be met.

SECTION 3. AMENDMENT. South St. Paul City Code Section 118-122 is hereby amended as follows:

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

Lot line, zero, means that side lot line against which is placed a building, if and when approved by the city council.

Lot of record means a parcel of land created by a plat, deed, or similar instrument, which has had the same dimensions since at least May 1, 1967, with those dimensions being shown on a document or map on file with the county recorder. It shall also mean any parcel that was lawfully created by a subdivision approved by the City Council after May 1, 1967 that was deemed a buildable lot as part of the subdivision approval.

Lot, through, means any lot other than a corner lot that abuts more than one street. On a through lot, all the street lines shall be considered the front lines unless otherwise approved by the city engineer.

SECTION 4. AMENDMENT. South St. Paul City Code Section 118-9 is hereby amended as follows:

Sec. 118-9. Architectural requirements.

- (b) ~~*Residential structures.* In addition to the requirements stated in each section of the Code relating to the specific zoning districts, for districts R-1, R-2, R-3, and R-4, the following standards shall apply for single-family detached dwellings:~~
 - (1) ~~*Minimum roof pitch:* The pitch of the main roof shall be not less than two and one-half feet of rise for each 12 feet of horizontal run. This requirement may be waived for earth sheltered structures.~~

~~(2) *Placement:* Every single-family dwelling shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage, except where the lot size exceeds one acre.~~

~~(3) *Foundations:* Every dwelling shall be placed on a permanent foundation in compliance with the Uniform Building Code as adopted by the city.~~

(b) *Residential structures.* In addition to the requirements stated in each section of the Code relating to the specific zoning districts:

(1) *For residential buildings in all zoning districts:*

a. *Garage-Forward Design is Restricted:* No attached garage shall be built more than five feet closer to the front property line than the non-garage part of the principal structure. An addition onto an existing attached garage that is lawful nonconforming with this requirement may be built with the same setback from the front property line as the existing garage provided:

1. All other zoning requirements must be met.
2. The expansion must not result in a garage that is more than three stalls wide. If the garage is being made three stalls wide, the third stall must be set back at least an additional 2 feet from the front property line.
3. The garage must include windows in the vehicle entrance doors, one or more windows above the vehicle entrance doors, or a different architectural treatment that diminishes the visual impact of the garage doors.

b. *Design Requirements for Attached Garages:* Garage doors that face a public street shall be no more than nine (9) feet in height. Garage doors that face the front property line shall not exceed sixty (60) percent of the total width of the principal structure facing the front property line. These requirements shall not apply to an attached garage located in a rear yard.

(2) *For districts R-1, R-2, R-3, and R-4, the following standards shall apply for single-family detached dwellings:*

a. *Minimum roof pitch:* The pitch of the main roof shall be not less than two and one half feet of rise for each 12 feet of horizontal run. This requirement may be waived for earth sheltered structures.

b. *Placement:* Every single-family dwelling shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage, except where the lot size exceeds one acre.

c. Foundations: Every dwelling shall be placed on a permanent foundation in compliance with the State Building Code as adopted by the City.

SECTION 5. AMENDMENT. South St. Paul City Code Section 118-121 is hereby amended as follows:

Sec. 118-121. R-1, single-family district

(d) *Lot requirements.* Within the R-1 district, the following requirements shall apply:

(1) *Lot area, width, and depth.* Each dwelling, together with its accessory buildings, shall be located on a lot having an area not less than 9,000 square feet, width of not less than 75 feet, and depth of not less than 120 feet, except in the following circumstances: that a dwelling may be erected on a lot platted prior to May 1, 1967 having less than the foregoing area and width but having no less than 4,500 square feet of lot area.

a. A dwelling may be erected on a lot platted prior to May 1, 1967 or a 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 existing block contains lots platted prior to May 1, 1967 or other lots of record that do not meet standard R-1 requirements, new lots may be created on the block which also do not meet standard R-1 lot dimension requirements provided that they are consistent with existing lot dimensions on the block. No new lot being created under this provision may have a width that is less than the narrowest lot of record on the block which faces the same street. No new lot being created under this provision may have a lot area that is less than the smallest lot of record on the block which faces the same street. Additionally:

1. New lots which do not have access to an abutting improved alley must have an area of at least 6,000 square feet, a width of at least 50 feet, and a depth of at least 120 feet.

2. New lots which do have access to an abutting improved alley must have an area of at least 4,800 square feet, a width of at least 40 feet, and a depth of at least 120 feet.

SECTION 6. 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.

(d) *Lot requirements; single-family dwellings.* ~~The requirements shall be the same as specified in section 118-121(d) to all single-family dwellings in the R-1 district.~~ Each 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 9,000 square feet of area and having less than 75 feet in width except that a building may be constructed on a lot platted prior to May 1, 1967, provided there is not less than~~ less than 60 feet of frontage, and ~~7,500~~ 7,200 square feet of area.

SECTION 7. AMENDMENT. South St. Paul City Code Section 118-122 is hereby amended as follows:

Sec. 118-124. R-4, multifamily residential district.

- (d) *Lot area, yard, and building height requirements.* ~~These requirements shall be as provided in section 118-267(f).~~
 - (1) One- and two-family dwellings shall comply with the requirements of the R-2 district;
 - (2) Buildings containing three or more dwelling units shall be subject to the provisions of section 118-267.

SECTION 8. AMENDMENT. South St. Paul City Code Section 118-208 is hereby amended as follows:

Sec. 118-208. Accessory buildings and structures.

The requirements and regulations specified in this chapter shall be subject to the following:

- (c) *Location.*
 - All residential zoning districts:
 - a. Side yard setbacks:

- i. Accessory buildings in a residential district must be located at least five feet from the side lot line in the front two-thirds of the lot and three feet in the rear one-third of the lot. The required side yard may be eliminated in a situation where adjoining property owners construct a detached garage sharing a common wall which is located in the rear one-third of both lots. Accessory buildings and projections (soffits or overhang) located less than five feet from the property line are subject to additional fire separation requirements from the Minnesota State Building Code.
- ii. An accessory buildings must be located at least nine feet from the street side property line on a corner lot.
- iii. 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.

SECTION 9. AMENDMENT. South St. Paul City Code Section 118-208 is hereby amended as follows:

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

- (a) *Driveway ~~restrictions~~ ~~width limitation~~.* Parking areas shall be designed so as to provide adequate means of access to a public street or alley. Such access driveway widths and surface type shall be in accordance with standards approved by the city engineer, but in no case shall they exceed 22 feet in width unless approved or required by the city engineer. Driveway access shall be so designed and located as to cause the least interference with traffic movement on a street or alley. ~~There shall be only one driveway access off a public street for each one-family residential lot.~~ Driveway accesses onto public streets shall be subject to the following:

- (1) There shall be only one driveway access off a public street for each one-family residential lot.
- (2) On a residential lot that has less than 50 feet of street frontage and is not on a cul-de-sac bulb, access to off-street parking must be from an abutting improved alley if available. These properties may not have driveway access to the public street if an alley is available. This provision may be waived by the Zoning Administrator if it is determined in the review of a building permit or site plan review application that there are circumstances unique to the property that make this impractical, unreasonable, or harmful to the public safety including, but not limited to, topography that prevents the improved alley from being easily accessed from the dwelling unit on the subject property. On corner lots, access to off-street parking may be from the side street.

SECTION 10. 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:

This ordinance amendment codifies procedures for processing lot split and property line adjustment requests, updates lot dimension and lot size requirements for residential properties, establishes a process for splitting a twinhome into two separate lots, and establishes new design requirements for residential properties.

SECTION 11. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _____

Published: _____

Deanna Werner, City Clerk



AGENDA ITEM 4.B

South St. Paul Planning Commission

Prepared By: <i>Michael Healy, Planning Manager</i>	Meeting Date: 2/7/2024
Item Description: <i>Public Hearing for an Ordinance Establishing Performance Standards for Outdoor Dining</i>	

ACTION REQUESTED

A motion recommending approval or denial of an ordinance establishing performance standards for outdoor dining.

BACKGROUND/ DISCUSSION

OVERVIEW

Application

The Applicant is the City of South St. Paul.

Review Timeline

Application Submittal: NA

Planning Commission: February 7, 2024

Tentative City Council Meeting for 1st Reading: February 19, 2024

Tentative City Council Meeting for 2nd Reading: March 4, 2024

60-Day Review Deadline: NA

Background

The City Code does not currently contain zoning rules for outdoor dining. Because there are no set rules, the City has historically required all proposed outdoor dining areas to get a conditional use permit and rules have been set “case by case” as part of the conditional use permit review. The City has approved outdoor dining areas at Concord Lanes, Bugg’s Bar, Envision Hotel, Black Sheep Coffee, and Stockyard’s Tavern and Chophouse in this manner.

South St. Paul suspended its standard outdoor dining review processes during the Covid-19 pandemic and allowed temporary outdoor dining areas to be reviewed and approved administratively by City Staff as long as a set of rules were followed. This approach worked well and the City Council held a Worksession discussion in June of 2021 to review a draft ordinance that would establish clear zoning requirements for outdoor dining and establish an administrative process for reviewing outdoor dining areas at the staff level instead of a conditional use permit being required.

Council gave the following feedback in 2021:

- The draft performance standards look good, and the Council is okay with outdoor dining areas being approved administratively as long as they follow the new rules listed in the Code.
- Planning and Engineering should work together to also draft an ordinance that will allow sidewalk cafes in the public right-of-way on streets with sufficiently wide sidewalks.
- Planning and the City Clerk should work together to determine the best way to handle liquor in outdoor dining areas.

A revised ordinance was prepared in early 2022 but then the code update was mothballed due to the retirement of City Clerk Christy Wilcox and City Engineer Sue Polka. Planning Staff has reviewed the draft ordinance with the new City Clerk and new City Engineer and the three departments agree that the proposed ordinance is ready to move forward. The City Council reviewed the draft ordinance at their January 22, 2024 worksession and directed City Staff to bring the ordinance to the Planning Commission for a public hearing.

Performance Standards for Outdoor Dining

The key idea with this ordinance is that it will allow City Staff to approve outdoor dining areas administratively to avoid the time, expense, and uncertainty associated with going through a conditional use permit application. For City Staff to be able to approve outdoor dining areas, there needs to be consistent performance standards that Staff can use to evaluate each outdoor dining proposal.

New outdoor dining areas on private property will need to meet the following standards:

- The outdoor dining area needs to be clearly defined and protected from vehicles if it is directly adjacent to a parking or driving area.
- The outdoor dining area must be surfaced with concrete, asphalt, pavers, or a deck. Any other type of surface will require a site plan review by the City Council.
- The outdoor dining area must meet all fire codes and building codes.
- The operator must provide trash cans if the outdoor dining area is self-service.
- The approach that the City has historically taken regarding parking supply for outdoor dining areas is being officially added to the City Code. If the outdoor dining area has more seats than the indoor dining area and the overall restaurant use has more than 7,500 square feet of dining space, the Applicant needs a conditional use permit, and the City will evaluate whether there is sufficient parking supply for such a large outdoor dining area.
- If the outdoor dining area is closer than 20 feet to a residential property line, the Applicant must install screening along the property line unless otherwise allowed by conditional use permit.

New outdoor dining areas that are “sidewalk cafes” on City sidewalks will need to meet the following standards:

- The Applicant will need to submit a site plan and secure a sidewalk cafe permit and a right-of-way obstruction permit from the City. These permits can be revoked for noncompliance with sidewalk café rules or if the City needs to clear the right-of-way for any reason, such as a construction project.
- The Applicant must provide the City with adequate proof of insurance.
- Sidewalk cafes may only operate between April 1st and November 1st to avoid conflicts with snow clearing and snow storage.
- Sidewalk cafes will only be allowed on sidewalks that are wide enough to accommodate them. There always needs to be at least 4 feet of unobstructed sidewalk to meet ADA requirements.
- Sidewalk cafes can only be placed on sidewalks that are immediately adjacent to a restaurant.

Proposed Approach to Alcohol and Outdoor Dining

Today, restaurants that want to serve alcohol need both a conditional use permit for on-sale liquor (processed by Planning/Zoning) and a liquor license (processed by the City Clerk). The City can use the conditional use permit process to add “case by case” conditions to each restaurant that serves alcohol. For many indoor restaurants, the City only has one condition of approval in the on-sale liquor CUP which is that the Applicant must apply for and hold a liquor license. “Case by case” conditions can also be attached to liquor licenses when they are up for renewal if there have been problems during the previous year.

Outdoor dining areas have historically been regulated through the conditional use permit process and alcohol-serving restaurants that want to add outdoor dining have been required to seek an amendment to their on-sale liquor conditional use permit. There are some advantages to the conditional use permit process, but the major disadvantage is that it is time-consuming and has an element of uncertainty that may deter some restaurants from moving forward with outdoor dining.

Historically, conditional use permits for outdoor dining have dealt primarily with issues like fencing and site circulation. A few outdoor dining areas like Bugg’s Bar have included additional restrictions such as a limit on how many people can be in the outdoor dining area. Staff is recommending the following standards for liquor at an establishment with outdoor dining:

- Restaurants or other establishments with an existing Conditional Use Permit for on-sale liquor DO NOT need a conditional use permit amendment to serve alcohol in their outdoor dining area if they agree to close their patio by 10 PM each night. If they wish to keep their patio open later than 10 PM, they will need to seek a conditional use permit amendment and the City can attach conditions.
- Restaurants or other establishments that are “grandfathered” to serve liquor without a Conditional Use Permit will need to obtain a Conditional Use Permit for on-sale liquor if they want to start serving alcohol in their outdoor dining area.

The City Council discussed the proposed approach to alcohol in outdoor dining areas at their January 22nd Worksession and was supportive of using the approach outlined above.

Zoning Code Cleanup- Off-Sale 3.2 Malt Liquor Sales

The City Code requires off-sale and on-sale liquor establishments to obtain a conditional use permit prior to obtaining a liquor license. Historically, the City has not required a conditional use permit for a retail business that only wants to sell 3.2 beer. Many grocery stores and convenience stores in SSP have licenses to sell 3.2 beer including Family Dollar, the two Holiday gas stations, Kwik Trip, and Knowlan's Grocery Store. None of these retailers hold a conditional use permit for off-sale liquor. Some parts of the zoning code appear to state that these businesses should have been required to obtain a conditional use permit before qualifying for a liquor license. The City has no compelling reason to start requiring a conditional use permit for retail stores that want to sell 3.2 beer as an accessory use so the zoning code should be updated to make it clear that this type of business does not need a conditional use permit.

Discussion and Staff Recommendation

This code update has been in the works for several years and City Staff has checked in with the City Council periodically to make sure that they are comfortable with the approach being taken. Back in 2021, City Staff surveyed many metro-area communities and determined that most communities in the area do approve outdoor dining administratively rather than running these projects through a Planning Commission and City Council review. The draft ordinance has been written in such a way that a conditional use permit is still required in situations where there may be a need for additional review such as when a restaurant with alcohol wants late night hours for their patio (later than 10 PM) or there is a residential property nearby and the Applicant is for some reason unable to comply with "default" screening requirements.

Staff recommends approval of the draft ordinance.

Required Action

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:
 - A. Motion to recommend approval of an ordinance establishing performance standards for outdoor dining.
2. Denial. If the Planning Commission wishes to recommend denial of the Ordinance Amendment, the following action should be taken:
 - B. Motion to recommend denial of an ordinance establishing performance standards for outdoor dining.

ATTACHMENTS

- A. Draft Ordinance
- B. Zoning Map

**ATTACHMENT A
DRAFT ORDINANCE**

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

**AN ORDINANCE CREATING PERFORMANCE STANDARDS FOR OUTDOOR
DINING**

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

SECTION 1. ENACTMENT. South St. Paul City Code Chapter 54, Article VII is hereby enacted as follows:

Article VII.- Sidewalk Cafes

Section 55-454.- Generally

Sidewalk cafes for restaurants, cafes, delicatessens, and similar uses may be permitted as an accessory use on city-owned sidewalks for businesses in zoning districts that allow outdoor dining.

Section 55-455.- Permits Required

Sidewalk cafes may be located on the public sidewalk within city-owned right of way subject to receipt of a sidewalk cafe permit from the Zoning Administrator pursuant to this division and a Right-of-Way Obstruction Permit from the City Engineer subject to the requirements of Section 54-407.

Section 55-456.- Permit applications

Applications for a sidewalk café permit shall be made on forms supplied by the Zoning Administrator. A business is required to submit a completed application and scaled diagram with the information requested on the application, including, but not limited to:

- a. Width of the sidewalk
- b. Dimensions of the sidewalk café area
- c. Amount of sidewalk space available around the café area
- d. Layout of the sidewalk café furnishings (tables, chairs, planters, umbrellas, and fencing or barricades)
- e. Location of nearby fire hydrants, light posts, bus shelters, traffic signals, trees/grates, or other public structures
- f. Building entrances/exits

Section 55-457.- Location

No permit shall authorize a sidewalk café at any location outside of the City's jurisdiction or prohibited by state law, county ordinance or this Code.

Section 55-458.- Insurance Required

The applicant must furnish to the Zoning Administrator as part of the application evidence that public liability insurance has been procured for any death or personal injury arising from the ownership, maintenance, or operation of the sidewalk café. Amounts shall meet or exceed the statutory maximum liability amounts listed in Minn. Stat. 466.04, Subd. 1.

The applicant shall maintain such insurance in effect at all times during the term of the permit. The city shall be named as an additional name insured in the policy proving such insurance. The licensee shall indemnify and hold harmless the city, the city's public official, employees, and agents from any losses, costs, damages and expenses arising out of the use, design, operation, or maintenance of the sidewalk café.

Section 55-459.- Conditions of Use

- (1) The location of the sidewalk café shall be selected to minimize interference with pedestrian traffic.
- (2) The location of the sidewalk shall consider the placement of existing public infrastructure.
- (3) If the sidewalk café is adjacent to a traffic lane, a barrier such as a planter or railing shall be installed to separate the sidewalk café from the curb and street area.
- (4) Intoxicating liquor, beer or wine may be consumed only if the sidewalk café is licensed and the business has a Conditional Use Permit for on-sale liquor. A sidewalk café serving a business serving alcohol beverages must close by 10 PM unless later hours of operation are granted via a conditional use permit amendment.
- (5) The area occupied by the sidewalk café shall abut and operate as part of the food establishment operated by the applicant. No part of the sidewalk café shall adjoin any premises other than the applicant's establishment.
- (6) No tables, chairs, furnishings, planters, railings or other obstructions shall be placed or remain on the sidewalk between November 1 and April 1.
- (7) It shall be the duty of the food or beverage establishment to maintain sidewalk café furnishings such as chairs, tables, fencing, barricades, planters, and their plant materials at all times in a neat, clean, safe and sanitary condition at its property location in accordance with the approved site plan.
- (8) An appropriate refuse receptacle shall be readily available to the patrons of the sidewalk café.
- (9) A minimum width of forty-eight (48) inches of clear, unobstructed pedestrian through walk zone, exclusive of the curb, shall be maintained on the public sidewalk at all times.

(10) A twenty-four (24) inch clear zone shall be maintained at all times between the edge of a curbside sidewalk café and the face of a curb.

(11) Intoxicating liquors, beer, and wine may be consumed in the sidewalk café area only if it is explicitly covered under the property's liquor license.

Section 55-460- Sidewalk Café Permit Revocation

Sidewalk café permits are subject to revocation at any time, for any reason at the discretion of the city. Reasons for revocation may include but are not limited to right of way excavation, right of way construction, or a permit holder's failure to comply with the requirements of this section.

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

Sidewalk café means a grouping of tables, chairs and related items located wholly or partially within a public sidewalk or right-of-way for the purposes of service and consumption of food and beverages by patrons, when located immediately adjacent to a food and beverage service establishment having a common operator.

SECTION 3. AMENDMENT. South St. Paul City Code Section 118-125 is hereby amended as follows:

Sec. 118-125.- CGMU, Concord Gateway mixed-use district.

(c) *Accessory uses.* Within the CGMU-1 or CGMU-2 subdistricts, the following uses shall be permitted accessory uses:

(1) Off-street parking of automobiles for patrons or employees of a permitted use.

(2) Off-street loading areas as regulated herein.

(3) Signs, fences, and decorative landscape features as regulated herein.

(4) Customary uses incidental to the principal use as determined by the city council.

(5) Off-sale 3.2 percent malt liquor sales (licensed pursuant to Chapter 6 of the City Code)

SECTION 4. AMENDMENT. South St. Paul City Code Section 118-126 is hereby amended as follows:

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

(d) *Accessory uses.* The following accessory uses shall be permitted:

(1) Off-street parking and loading, signs, fences, and decorative landscape features, as regulated herein.

- (2) Temporary construction buildings and storage as may be approved by the code enforcement officer.
- (3) Customary uses incidental to the principal use as may be approved by the city engineer.
- (4) Residential garage as allowed in the R-1 and R-2 districts.

(5) Off-sale 3.2 percent malt liquor sales (licensed pursuant to Chapter 6 of the City Code)

SECTION 5. AMENDMENT. South St. Paul City Code Section 118-127 is hereby amended as follows:

Section 118-127.- MMM, Mixed Markets & Makers District

(c) Table 1. Permitted, Conditional and Accessory Uses

Accessory Uses	MMM1	MMM2	MMM3	MMM4	Notes
Commercial indoor storage	X	C	X	C	(f)
<u>Off-sale 3.2 percent malt liquor sales (licensed pursuant to Chapter 6 of the City Code)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Off-site storage for contractor operations	X	C	X	C	(f)

SECTION 6. AMENDMENT. South St. Paul City Code Section 118-128 is hereby amended as follows:

Sec. 118-128. GB, general business district.

- (b) *Uses by conditional use permit.* Within the GB district, the following uses may be allowed only by conditional use permit:

(27) On-sale and off-sale liquor sales, ~~including 3.2 percent beer.~~

SECTION 7. ENACTMENT. South St. Paul City Code Section 118-276.- Outdoor Dining is hereby enacted as follows:

Section 118-277. – Outdoor Dining

Outdoor dining is permitted as an accessory use for restaurants, cafes, delicatessens, breweries, wineries, cideries, distilleries, and similar uses in any zoning district where these uses are allowed, subject to the following conditions:

(a) Site Plan Review Required

(1) The proposed site plan for any outdoor area shall be reviewed in accordance with Section 118-47. Outdoor dining site plans may be reviewed and approved administratively by the Zoning Administrator if they fully comply with all provisions of the City Code and do not require a conditional use permit, variance, or other City Council approval.

(b) Rules for Conditional Use Permits for On-Sale Liquor and Outdoor Dining

(1) If a property has an existing conditional use permit for on-sale liquor, liquor may be served in the outdoor dining area without a conditional use permit amendment provided that this is consistent with the terms of the liquor license. However, for new outdoor dining areas established after (Date of Enactment) at businesses that serve alcohol, the outdoor dining area must be closed by 10 PM unless later hours of operation are granted via a conditional use permit amendment.

(2) If a property is lawful nonconforming and has indoor on-sale liquor without a conditional use permit, the expansion of liquor service to a new outdoor dining area shall require a conditional use permit.

(c) Performance Standards

(1) No portion of the outdoor dining area shall be located or occur within any public right-of-way, including the sidewalks/trails, boulevard areas or streets, unless otherwise approved with a sidewalk café permit (see Chapter 54, Article VII).

(2) The outdoor seating area shall be defined with the use of landscaping, permanent or temporary fencing or other means that defines the outdoor seating area and contains the tables and chairs for the use as demonstrated on a site plan and approved by the Zoning Administrator. If the outdoor dining area is in direct contact with or immediately adjacent to a vehicle parking or driving area, sufficient vehicle barriers must be provided.

(3) The dining area shall be surfaced with concrete, bituminous or decorative pavers or may consist of a deck constructed of wood or another flooring material that provides a clean, attractive, and functional surface. Other surfacing materials may be allowed through a site plan review by the City Council.

(4) The outdoor dining area must conform to all fire and building codes related to the number and types of exits that are required.

(5) Refuse containers must be provided for self-service outdoor dining areas. Such containers shall be placed in a manner which does not disrupt pedestrian circulation and must be designed to prevent spillage and blowing litter.

(6) The operator of the outdoor dining area shall be responsible for paying any required sewer access charges.

(7) Additional parking is not required if the outdoor dining area does not have more customer seats than the principal use's indoor dining area or if the total square footage of all dining areas does not exceed 7,500 square feet. If the outdoor dining area has more seats than the indoor dining area and the total square footage of all dining areas exceeds 7,500 square feet, a conditional use permit is required and the City will evaluate parking needs as a part of the conditional use permit review.

(8) Unless otherwise allowed by conditional use permit, an outdoor dining area within 20 feet of a side or rear property line that abuts a lot with R zoning or a lot which contains a building with a ground-floor residential use must provide code-compliant screening along these property lines that is at least 6 feet in height. This requirement shall not apply to sidewalk cafes that are operated in accordance with Chapter 54, Article VII.

SECTION 8. 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 creates performance standards for outdoor dining areas, including sidewalk cafes. It also clarifies that a conditional use permit is not required for off-sale accessory sales of 3.2 percent malt liquor.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _____

Published: _____

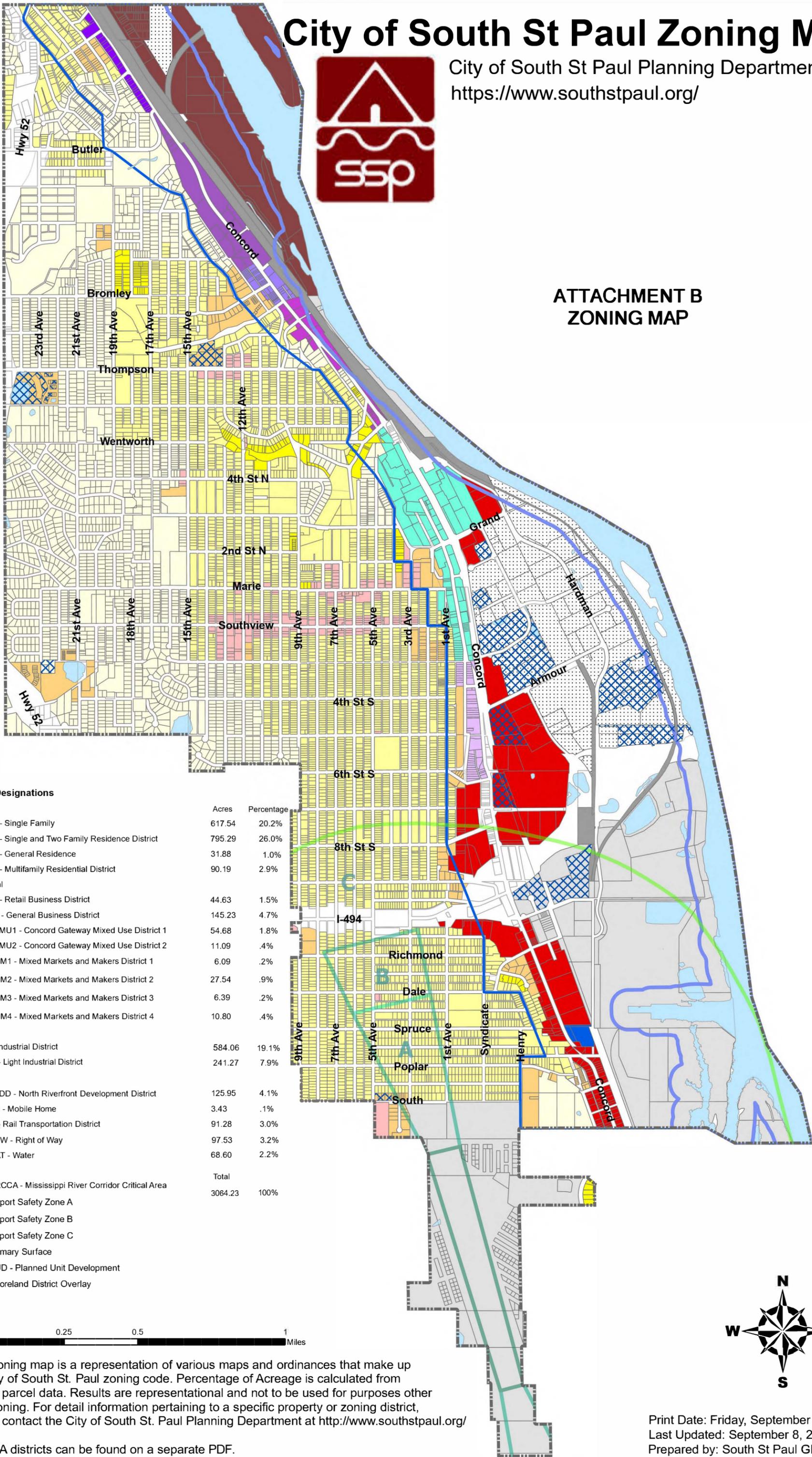
Deanna Werner, City Clerk

City of South St Paul Zoning Map

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



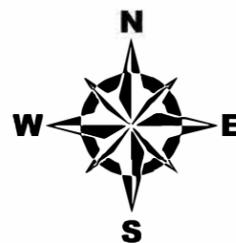
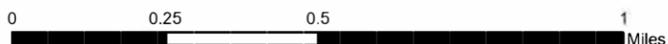
ATTACHMENT B ZONING MAP



Zoning Designations

	Acres	Percentage
Residential		
R1 - Single Family	617.54	20.2%
R2 - Single and Two Family Residence District	795.29	26.0%
R3 - General Residence	31.88	1.0%
R4 - Multifamily Residential District	90.19	2.9%
Commercial		
C1 - Retail Business District	44.63	1.5%
GB - General Business District	145.23	4.7%
CGMU1 - Concord Gateway Mixed Use District 1	54.68	1.8%
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	.9%
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	19.1%
I-1 - Light Industrial District	241.27	7.9%
Other		
NRDD - North Riverfront Development District	125.95	4.1%
MH - Mobile Home	3.43	.1%
RT - Rail Transportation District	91.28	3.0%
ROW - Right of Way	97.53	3.2%
WAT - Water	68.60	2.2%
Total	3064.23	100%

- 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: Friday, September 8, 2023
 Last Updated: September 8, 2023
 Prepared by: South St Paul GIS