



South St. Paul

WORKSESSION AGENDA
SSP City Hall
125 3rd Avenue North
Training room

Monday, March 11, 2024
7:00 pm

AGENDA:

1. Rental Housing Improvement
2. Proposed Ordinance to Update Zoning Requirements for Residential Properties
3. Vacation of Unbuilt Rights-of-Way in City Parks
4. Council Resolutions and Proclamations Discussion
5. Council Comments & Questions



CITY COUNCIL WORKSESSION REPORT

DATE: MARCH 11, 2024

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DEPARTMENTS: “Problem Property Team”- Planning, City Clerk, Building, Police, South Metro Fire, City Attorney

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Brian Wicke, Chief of Police

Mark Juelfs, Fire Chief

Amanda Johnson, City Attorney

ADMINISTRATOR: RG

AGENDA ITEM: Rental Housing Improvement

DESIRED OUTCOMES:

1. Discuss updating the rental licensing ordinance to improve the City’s ability to address landlords who are bad actors.
2. Discuss the need for improved rental inspections and two possible options:

Option 1: Bring rental inspections “in-house” with a City employee or a dedicated third-party contractor who works for the City.

Option 2: Overhaul the existing inspection program which uses licensed third-party evaluators who perform independent inspections. *The current program lacks sufficient oversight and has loopholes that can be exploited.*

OVERVIEW:

Background

City Staff recently formed a new interdepartmental working group called the “Problem Property Team” which meets monthly to find solutions to the community’s most challenging code enforcement issues. The Problem Property Team works to fix problems with individual properties and to find big picture solutions to complicated policy issues. The team has been working diligently to respond to City Council direction given in 2023 related to rental housing:

- At their December 11th Worksession, the Council discussed potential ways to improve rental inspections. There was consensus that the inspections program needs to be improved, but there was not consensus around whether the best approach is to bring inspections “in-house” or to try to improve the existing third-party evaluator program.
- At their December 18th meeting, the Council approved a settlement agreement with “Westchester Investments/Fresno Management” to give them 120 days to rehabilitate the hazardous building that they own at 119 10th Avenue South. This same ownership group owns numerous rental properties throughout South St. Paul and is a known bad actor. The City Council directed the City Attorney to research ways to update the rental licensing ordinance to give the City better tools to deal with landlords who are bad actors.

Problems Identified with Existing Rental Licensing Program

The rental licensing program’s “status quo” has significant shortcomings:

1. The rental licensing ordinance allows the City to revoke the rental license of a specific rental property if the owner has been a bad steward of that specific rental property. The ordinance does not have a good mechanism for keeping that same bad landlord from purchasing other properties and obtaining rental licenses for those other properties.
2. The rental licensing ordinance does not currently require landlords who live far away from South St. Paul to designate a local agent. This means that landlords sometimes try to remotely manage their rental property from across the country. It is very challenging for City Staff to address code enforcement issues when dealing with an out-of-state landlord who has not authorized a local agent to handle problems at the rental property.
3. All rental inspections are performed by independent third-party evaluators who are hired directly by landlords to perform an inspection every three years. If the evaluators find hazards while completing the inspection, they submit an inspection report to the City Clerk that outlines the hazards. If they do not find hazards, they submit a document stating that they did not find hazards. The current process depends largely on the honor system. The City Clerk has no real way of knowing whether an inspection report is accurate or whether there are hazards that have not been marked.
 - a. The City makes it very easy to obtain a housing evaluator license. To get a license to perform third-party housing inspections in SSP, an Applicant essentially just needs to have insurance and needs a certificate of competence from the City of Minneapolis or the City of Saint Paul. The annual fee to get a license is \$60.
 - b. There are twenty-one (21) housing evaluators who are licensed to do time-of-sale inspections in South St. Paul. Twelve (12) of those same evaluators are also licensed to do rental inspections. City Staff has observed that the twenty-one licensed evaluators do not have a consistent quality level. Some are very good and submit detailed reports while others have poor customer service skills and submit reports that are just barely adequate. Landlords can pick any evaluator on the list and many landlords have a favorite evaluator who they always hire. There is a strong incentive for a landlord to find an evaluator who is going to give them a favorable inspection and will not require expensive repairs to their rental property.
 - c. Properties that City Staff knows have safety issues, such as the distressed apartment building at 1560 Willis Avenue, keep passing their rental inspections. There is a large disconnect between the City’s expectations and how some licensed housing evaluators are handling rental inspections.
 - d. The City Code sets a high bar for the denial or revocation of a housing evaluator license. It would take a large amount of Staff time and City Attorney time to revoke a housing evaluator license so it is unlikely that this step will ever be taken unless there is extreme misconduct, such as deliberate fraud.

4. The rental licensing program is tangled up with the time-of-sale program which is an entirely different housing inspection program with entirely different goals. Bad actors like Westchester Investments/Fresno Management are exploiting this situation.
 - a. The rental licensing ordinance allows a landlord to skip getting a rental inspection if their property has gotten a time-of-sale inspection during the previous 12 months. Time-of-sale inspections and rental inspections are similar but not identical. Time-of-sale inspections are less detailed, which makes sense because the stakes are much lower. Most people buying a home are going to hire their own private inspector and will not rely solely on the time-of-sale inspection report. Renters, on the other hand, depend on the City’s rental licensing program to help protect them from dangerous living conditions and they are unlikely to purchase their own independent inspection before beginning their tenancy.
 - b. Westchester Investments/Fresno Management does not get rental inspections for the rental properties that the City knows that they own (they use shell companies with various names to purchase their properties, so it is difficult to track ownership). Every three years, they briefly pretend that they are going to sell each property and obtain time-of-sale inspection reports. They then submit the time-of-sale reports to satisfy the City’s inspection requirement in lieu of getting rental inspections. The housing evaluator who they use for all their inspections is not licensed to do rental inspections and is only licensed to do time-of-sale inspections. Their approach to inspections is not considered a code violation because a time-of-sale report can legally be used in lieu of a rental inspection.

Two Options for Upgrading the Rental Inspections Program

The City Council has consistently stated that they feel that more needs to be done to improve the quality of the community’s rental housing. It will not be possible to achieve improvement without making major upgrades to the City’s rental inspection program. Realistically, there are only two approaches that the City can take:

Option 1: Bring Rental Inspections “In-House” With a City Employee or a Third-Party Contractor Who Works for the City and Offices Out of City Hall

- This is the gold standard. An “in-house” inspector would be part of the team at City Hall and would be in constant communication with the other departments. They could participate in coordinated code enforcement efforts such as the Problem Property Team.
- There would be consistency with how rental inspections are handled instead of 12 independent inspectors with differing approaches.
- Most cities with in-house rental inspections structure their inspection fees so that the rental inspector position is budget neutral or almost budget neutral.

- There are not 40 hours per week of rental inspections so it would only work to have this position as a full-time City employee if they were a trained building inspector and were assigned other inspections during times that they are not inspecting rental units.
 - If a new City employee were hired full-time, they could likely replace Inspectron, the third-party contractor that currently provides the Building Department with 16 hours of building inspections per week during the fall, winter, and spring and 24 hours of building inspections per week during the summer at a total cost of \$60,000 per year. Conversely, it is possible that Inspectron or a similar company would be interested in taking on rental inspections on behalf of the City if the Council did not want to hire a new City employee.
 - At the December 18th City Council Worksession, there was some discussion about trying to create a hybrid rental inspector/code enforcement officer position to cover in-house rental inspections and provide support to Code Enforcement Officer Lindamood. That type of hybrid position would be difficult to hire and would have turnover issues. Code enforcement work is viewed unfavorably by trained building inspectors and trained building inspectors are in high demand so they can afford to be picky. The City of South St. Paul trained its code enforcement officer to be a building inspector back in 2020 in the hopes that he could function in a hybrid role. Once he had completed his building inspector training, he soon found a different employer who offered him a building inspector role that did not include code enforcement.

Option 2: Overhaul the existing inspection program which uses licensed third-party evaluators who perform independent inspections.

- The current system could work better if there was increased consistency and accountability.
 - The rental licensing program needs to be completely separated from the time-of-sale program. Every rental property needs to be required to get a rental inspection every three years. The City must close the time-of-sale loophole that Westchester Investments/Fresno Management and possibly others are using to avoid getting rental inspections.
 - The guidelines that housing evaluators are using to complete rental inspections need to be comprehensively rewritten by the City Clerk and Building Official. Third-party inspections could become more consistent with more robust guidelines.
 - Housing evaluators need to check in with City Hall before completing each rental inspection. City Staff needs to have an opportunity to make them aware of outstanding code violations so that these issues can be addressed during the inspection (i.e., the distressed apartment building at 1560 Willis Avenue).

- Housing evaluators need to take photographs while completing inspections and these photographs need to be submitted along with the inspection report. The City cannot continue to rely wholly on the honor system.
- Housing evaluators need to be willing to talk to City Staff and answer questions about the inspections that they have carried out. Some housing evaluators are good about this, and others are not. It needs to be made clear that this is a component of the job and housing evaluators who are not willing to be partners with City Staff will not be eligible for licenses.
- The City would benefit from a reduction in the total number of housing evaluators. It would be easier for City Staff to develop a positive working relationship with the rental inspectors if there were not 12 of them.
 - Some of the lower quality independent housing evaluators may choose not to renew their licenses if the City makes the changes outlined above to increase consistency and accountability. The changes will require them to put in extra effort, and some evaluators will not be willing to do that.
 - The City Council could also consider imposing a cap on the total number of rental housing evaluators licenses as part of its licensing ordinance.

Discussion on the Two Options for Improving Rental Inspections

The Problem Property Team is unified in the belief that in-house rental inspections would ultimately be the most effective tool for improving the quality of rental housing in South St. Paul. Police Chief Wicke and Fire Chief Juelfs both feel especially strongly that communities with in-house rental inspections always have better results. City Staff understands that the City Council views it as a heavy lift to create an entirely new rental inspections program, especially one that involves hiring a new City employee and equipping them with a workspace and a vehicle. In past discussions, some City Councilmembers have also expressed that they appreciate some of the fringe benefits of using third-party housing evaluators such as the fact that some housing evaluators are willing to perform inspections during evening and weekend hours.

If the Council is not ready to move forward with an in-house rental inspections program or needs additional time to study the issue, the Problem Property Team would recommend the following:

1. The City Council should approve an ordinance amendment updating the rental housing ordinance to give the City tools to address landlords who are bad actors. The ordinance would also separate the rental licensing program from the time-of-sale program.
2. City Staff will overhaul the third-party rental inspection program with the approach outlined in the section above.
3. City Staff will report back to the City Council one year after the overhaul has been implemented to provide an assessment of whether the changes have been successful. If the overhaul has not been successful, City Staff will facilitate another conversation about bringing rental inspections in-house.

Draft Ordinance

The Problem Property Team has prepared a draft ordinance that would do the following:

- Separate the rental licensing program from the time-of-sale program.
 - The time-of-sale program is 100% being left alone.
 - Time-of-sale reports can no longer be used to skip getting a rental inspection.
 - The rental licensing ordinance will now have its own code criteria for housing evaluators instead of simply referencing the criteria used in the time-of-sale ordinance.
- Make it a misdemeanor to tear down the “UNLICENSED RENTAL” sign that the Code Enforcement Officer posts on the door of rentals that are operating without a license. *Some landlords currently tear down and ignore these posted notices.*
- Require any landlord who lives more than 75 miles away from their rental property to designate a local agent in writing and provide contact information. The local agent needs to be authorized to deal with code enforcement issues.
- Require landlords to supply a copy of the lease and their tenant screening process when applying for a rental license.
- Make it clear that a new inspection report must be filed within one month of the expiration of the old inspection report. *Inspection reports expire after 36 months. Because all rental licenses are renewed in May of each year, some landlords wait until April to get a new inspection report regardless of when their old report expired.*
- Require landlords to execute a statement that their rental dwelling unit complies with the Minnesota State Fire Code.
- Require landlords to screen all tenants. Require them to execute a statement regarding the screening process if requested by the City.
- Further clarify what types of housing do not need a rental license:
 - Make it clear that parish houses and rectories do not need a rental license.
 - Make it clear that government-owned public housing that is licensed and inspected by HUD does not need a rental license (such as the two senior high-rises that the City of South St. Paul owns).
- Explicitly make violations of the City’s sex offender residence prohibition ordinance grounds for denial, revocation, or non-renewal of a rental license.

- Add to the ordinance that failure to resolve a property maintenance violation within 6 months of the issuance of a compliance letter is grounds for denial, non-renewal, or revocation of a rental license.
- Add to the ordinance that any person, entity, or shareholder who has had two or more rental licenses revoked or denied in SSP is ineligible to hold a rental license for five (5) years.
- Create a process for denying a rental license because the landlord or property manager is found to be unfit to hold a rental license in South St. Paul. As proposed, a rental license could be denied for any of the following:
 - The owner or manager has another property elsewhere in SSP which has been declared a hazardous building and they have failed to remedy the situation within 6 months.
 - The owner or manager has two or more licensed rental properties elsewhere in SSP which have outstanding property maintenance violations which have not been resolved within 6 months of an initial compliance letter being sent.
 - The owner or manager has falsified information on their rental license application.
 - A court has found that the owner or manager has taken actions that constitute intimidation or retaliation against a tenant for communicating with a government official about the rental property.

DISCUSSION

The proposed updates to the rental licensing ordinance will give the City the tools that it needs to address landlords who are bad actors. The proposed ordinance will benefit the community regardless of how rental inspections are handled. However, these new tools will only be totally effective if the City makes comprehensive changes to its rental inspection program. This either means bringing inspections in-house or overhauling the existing system of third-party evaluators.

ACTION NEEDED

The City Council is asked to discuss the draft ordinance and provide direction regarding which approach they want to take with upgrading the rental inspection program.

ATTACHMENTS

A- LIST OF LICENSED HOUSING EVALUATORS

B- DRAFT ORDINANCE

**ATTACHMENT A
LIST OF LICENSED HOUSING EVALUATORS**

City of South St. Paul - Licensed Housing Evaluator List

Name	Company Name (if applicable)	Type	Email Address	Mailing Address	Phone
Alcaraz, Luis Santiago		TOS & Rental	inspectucasa@yahoo.com	5749 24th Ave S Minneapolis, MN 55417	(612) 743-8228
Anderson, Adam		TOS Only	adam@leafmn.com	3324 35th Ave S Minneapolis, MN 55406	(612) 221-3450
Brausen, Dan	Innerspec	TOS & Rental	danbrowsin@msn.com	3001 Labore Road Little Canada, MN 55109	(651) 483-8407
Devery, Brian		TOS & Rental	briandevery@hotmail.com	1645 Hewitt Ave Suite 2 St. Paul, MN 55104	(651) 644-3999
Fredrichs, Brett	Marigold Home Inspections	TOS Only	office@marigoldhomeinspections.com	9405 Holly St NW, Suite D Coon Rapids, MN 55433	(763)567-2181
Koenig, Nicholas Patrick		TOS & Rental	nicktheinspector@gmail.com	3697 Wescott Hills Dr. Eagan, MN 55123	(612) 802-4561
Lash, Dennis		TOS & Rental	lashda@yahoo.com	3697 Wescott Hills Dr. Eagan, MN 55123	(612) 729-6973
Leahy, Patrick	AccuSpec Home Inspections	TOS & Rental	patleahy@accuspechome.com	1372 Scheffer Ave St. Paul, MN 55116	(651) 699-6515
Lundequam, Joseph		TOS & Rental	jlundequam@gmail.com	1679 Hague Ave St. Paul, MN 55104	(651) 307-1384
McGill, Jarrod	Inspecta-Homes	TOS Only	Sabrina@inspectahomes.com	2469 University Ave W, Ste #100W, St. Paul, MN 55114	(651) 641-0641
Moser, Aaron		TOS & Rental	moserinspections@hotmail.com	847 19th Ave N South St. Paul, MN 55075	(651) 239-6001
Moser, Michael		TOS & Rental	gusbas@aol.com mike@mjomoser.com	847 19th Ave N South St. Paul, MN 55075	(612) 386-4995
Olson, Richard		TOS Only	danricholson@hotmail.com	PO Box 23375 Minneapolis, MN 55423	(952) 920-1360
Pass, Roger		TOS Only	rogerdpass@gmail.com	1744 Prosperity Road Maplewood, MN 55109	(651) 690-2122
Sanders, Karl A.	Homtech	TOS Only	kasanders@charter.net	6921 137th Ct W Apple Valley, MN 55124	(612) 408-4000
Staeheli, Brice		TOS Only	brice.staeheli@gmail.com	456 Osceola Ave S St. Paul, MN 55102	(651) 238-1314
Staeheli, Ronald D.		TOS Only	AmerCentralInsp@aol.com	4300 Balckhawk Road Eagan, MN 55122	(612) 865-2004
Turnlund, Karl Dean	Inspecta-Homes	TOS Only	Sabrina@inspectahomes.com	2469 University Ave W, Ste #100W, St. Paul, MN 55114	(651) 641-0641
Vang, Paochoua Ethan		TOS & Rental	ethanvang@gmail.com	2226 Craig Place Maplewood, MN 55109	(651) 788-6374
Williams, Brent		TOS & Rental	brent@icheckhi.com	6350 Bachman Circle Inver Grove Heights, MN 55077	(651) 454-1911
Wrobel, AJ	AJ Wrobel Inspections	TOS & Rental	ajwrobelhomeinspections@yahoo.com	1017 15th Ave N South St. Paul, MN 55075	(651) 276-2055

Revised 1/25/2024

**ATTACHMENT B
DRAFT ORDINANCE**

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

Ordinance No. 14XX

AN ORDINANCE AMENDMENT UPDATING RENTAL LICENSING REGULATIONS

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

SECTION 1. AMENDMENT. South St. Paul City Code Section 106-231 is hereby amended as follows:

Sec. 106-231. Definitions.

~~*Alternative inspection report* means a rental dwelling inspection report that the applicant obtains from an independent building inspector or for insurance related or mortgage related purposes, or another inspection report deemed acceptable by the city's building official. An alternative inspection report is valid for a period of 12 months.~~

Housing evaluator means an independent inspector who is licensed by the city as an evaluator, pursuant to section ~~106-247~~ 106-181.

Rental dwelling unit or rental property means any room or rooms, or space, in any rental dwelling designed or used for residential occupancy by one or more persons who are not the owner or a member of the owner's family.

SECTION 2. AMENDMENT. South St. Paul City Code Section 106-232 is hereby amended as follows:

Sec. 106-232. License required.

(a) *General rules.*

- (1) No person shall operate a rental property or rental dwelling unit in the city without a license pursuant to city Code chapter 18, article II.
- (2) No person shall operate a boardinghouse in any zoning district within the city, which means that no more than three unrelated persons may reside in one rental dwelling unit.
- (3) If a notice has been posted on a property identifying it as an unlicensed rental, the unauthorized removal of that notice shall constitute a misdemeanor.

(4) No license shall be issued or renewed if the owner does not reside within 75 miles of the rental dwelling unit unless such owner designates in writing the name and contact information (verified by driver's license or identification card) of a local agent who resides within 75 miles of the rental units, who is responsible for the maintenance upkeep of the building, and who is legally empowered to receive service of notice of violation of the provisions of this Code, to receive orders, to institute remedial action to effect such orders, and to accept all service of process pursuant to law. The City shall be notified in writing of any change of local agent. No P.O. Boxes will be accepted without proof of current owner address. Licensees are responsible for acts or omissions of their managers or local agents as it pertains to the rental dwelling.

(5) A property sold pursuant to a contract for deed must be recorded against the property or the property will be deemed a rental property and a license will be required.

(b) *Applications.* An application for a license shall be made on a form provided by the city. The license application shall include:

(1) *Property owner information.*

- a. The name, address, and complete information of the property owner, if the property owner is an individual.
- b. The name, address and complete information of at least one officer, manager or director, if the property owner is a business entity.

(2) *Property contact information.* For single-family residential dwellings, the license applicant must provide 24-hour contact information for one person in any of the following categories, which shall be kept current for the term of the license. For all other types of dwellings, the license applicant must provide 24-hour contact information for two people in any of the following categories:

- a. At least one owner of the rental property or rental dwelling unit.
- b. At least one person, if different from the owner, who is responsible for compliance with this and any other code requirement pertaining to the rental dwelling or rental dwelling unit, such as a manager.
- c. Any of the owner's agents responsible for management of the rental property or rental dwelling unit, such as a property management company and the name and contact information of a person at the property management company.
- d. Any vendors and all vendees, if the rental dwelling or rental dwelling unit is being sold pursuant to a contract for deed.

(3) *Number and type of units.* The license application must contain the number of units and types of units (condominium, apartment, townhome, etc.) within the rental property.

(4) *Inspection report.* The license application must be accompanied by a satisfactory city approved inspector's report or an alternative inspection report.

(5) *Copy of lease.* Copy of lease licensee will use for tenants.

(6) Tenant Screening. Statement of the screening process the licensee uses to ensure quality tenants occupy the rental dwelling.

~~(57)~~ *Notification of changes.* The city clerk must be notified in writing of any changes to the information provided on the application.

(c) Replacement of an Expired Inspection Report. If an inspection report expires during the rental license period, a new inspection report must be filed with the City within one month of the date of expiration.

SECTION 3. AMENDMENT. South St. Paul City Code Section 106-233 is hereby amended as follows:

Sec. 106-233. Investigations.

- (a) In order to protect the general welfare of the public for all applications, a background investigation will be conducted on the owner listed on any new application. The city may request additional information from the applicant regarding all property owners, if the property is owned by individuals or regarding all officers, managers, or directors, if the property is owned by a business entity, and may conduct additional background investigations as it deems necessary. The applicant shall pay a background investigation fee for each background investigation conducted, as set by resolution adopted by the city council.
- (b) *Authorization.* At the time of making a new application, the applicant must provide written authorization to the city to investigate all facts set out in the application and to do a personal and business background investigation on the applicant. A criminal background investigation shall be conducted as part of a personal background investigation. The information obtained from the investigation shall be used to assist the police chief in making a recommendation to the city council as to whether the applicant should be granted a license. The recommendation may be based on the following criteria:
 - (1) Whether the applicant was convicted of a crime or offense in the last five years involving or directly relating to the business for which a license is sought; or
 - (2) Whether there is a material misrepresentation in the application.
- (c) For renewal applications, background investigations are not required and no background fee shall be required, however, the Police Department or other city staff may require a background investigation at its sole discretion.

SECTION 4. AMENDMENT. South St. Paul City Code Section 106-237 is hereby amended as follows:

Sec. 106-237. – Conditions of the license.

As conditions of the license, the licensee agrees to do the following and upon request by the city, shall provide copies of the documents listed below:

(1) *Written Lease.* Use a written lease with each tenant that includes the Minnesota Crime-Free Lease Addendum, or its equivalent.

(2) *Tenant register.* Maintain a current register of tenants and other persons who have a lawful right to occupancy of rental property or rental dwelling units. For purposes of this section, "current" means that the register is updated every 30 days.

(3) *Fire certification.* Execute a statement that the rental dwelling unit is in compliance with the Minnesota State Fire Code and that the smoke detectors are properly installed and operable and that the fire exits are accessible.

(4) *Tenant screening certification.* Licensee shall screen all tenants and if requested by the City shall execute ~~Execute~~ a statement that includes the description of the screening process the licensee uses during the approval process of each tenant to attempt to ensure quality tenants occupy the rental dwelling.

SECTION 5. AMENDMENT. South St. Paul City Code Section 106-239 is hereby amended as follows:

Sec. 106-239. Exemptions.

This section does not apply to and no license shall be required for the following: ~~hotels, motels, hospitals, state-licensed residential care facilities, assisted living facilities or nursing homes.~~

- (a) Hotels.
- (b) Motels.
- (c) Hospitals.
- (d) State-licensed residential care facilities.
- (e) Assisted living facilities.
- (f) Nursing homes.
- (g) Monasteries, convents, parish houses, parsonages, and rectories.

- (h) Public Housing that is owned by a Government Agency which is Licensed and Inspected by the Department of Housing and Urban Development (HUD)

SECTION 6. AMENDMENT. South St. Paul City Code Section 106-244 is hereby amended as follows:

Sec. 106-244. License denial, suspension, non-renewal, or revocation and administrative penalties.

- (a) *Grounds for denial, suspension, non-renewal or revocation.* Regardless of whether any administrative citations are issued pursuant to section 106-242, the city council may deny, revoke or suspend a license for any of the following:
- (1) Any of the reasons enumerated in city code section 18-47(b) (revocation, suspension or denial of a business license).
 - (2) Any uncorrected violations of section 106-241 (maintenance standards). The rental property has outstanding violations of Section 106-241 (maintenance standards) that have not been corrected within six months of the issuance of the initial compliance letter.
 - (3) Violations of subsection 106-242(a) (code of conduct).
 - (4) Any other violation of this article, City Code Section 38-118, or Minn. Stat. ch. 504B.
 - (5) Any person, entity, or shareholder who has had an interest in two or more rental licenses revoked or denied in South St. Paul shall be ineligible to hold or have an interest in a rental license for a period of five years.
 - (6) A failure to screen tenants as required by Section 106-237.
 - (7) The rental property has delinquent property taxes or assessments.
 - (8) The owner or manager of the rental property has demonstrated unfitness as a licensee through one of the following taking place:
 - a. A property that they own or manage elsewhere in the city has been deemed a hazardous building by the Building Official or Fire Department and the property owner has failed to remedy the situation and remove the hazardous building designation within six months.
 - b. Two or more licensed rental properties that they own or manage elsewhere in the city have outstanding violations of Section 106-241 (maintenance standards) that have not been resolved within six months of an initial compliance letter being sent.
 - c. The Applicant for the license has falsified information on their rental license application.

- d. A court has determined that the licensee has taken actions which constitute either intimidation or retaliation against a tenant relating to the initiation of police contact, the reporting of a potential property maintenance violation, or other communication to any public official or other third party about the condition of the property or activities occurring on or near the licensed premises.

Any temporary suspension, suspension or revocation shall comply with section 18-47(c) and (d).

- (b) *Nonexclusive remedy.* Enforcement actions provided in this section are not exclusive, and the council may take any action with respect to a licensee, a tenant or the licensed premises as is authorized by the city code, state or federal law.
- (c) *Reapplication.* Upon suspension or revocation of a license, the owner may not reapply for a license for a period of one year six months. Upon expiration of the six-month one year period, the applicant must re-apply by complying with all the provisions of section 106-232.
- (d) *Notification to tenants.* Upon receipt of notice of a hearing to be held by the city council to consider the denial, suspension or revocation of the rental license, the property owner will notify all affected tenants of the license hearing by providing a copy of the notice of hearing to all tenants. Following the hearing, upon the suspension, revocation or denial of a license, the property owner will notify all affected tenants that the license has been revoked, suspended or denied.

SECTION 7. ENACTMENT. South St. Paul City Code Section 106-248 is hereby enacted as follows:

Sec. 106-248. Rental Housing Evaluator license required.

- (a) *General rule.* No person, partnership, business entity, or corporation shall conduct or perform a rental inspection in the city without a license. Except as herein stated, the provisions of chapter 18, article II shall apply.
- (b) *Applications.* An application for a license shall be made on a form provided by the city. The license application shall include:
 - (1) The applicant's name, address and place of employment.
 - (2) The applicant's education as it relates to the licensed activity, including the dates and names of schools attended and the degrees or certifications received.
 - (3) Any certifications that the applicant has in other cities or agencies who have similar licensed activities.
 - (4) A complete list of cities or other agencies with whom the applicant has been licensed.
 - (5) The applicant's chronology of employment as it relates to the licensed activity, including duties and type of work performed.
 - (6) Proof that the applicant has a valid certificate of competency from the city of Minneapolis or St. Paul.

- (c) *Payment of fees.* The prescribed fee for a license must be paid at the office of the city clerk at the time the application is made. A license fee shall not be prorated for a portion of a year. A license fee paid will not be refunded unless the application for a license is denied.
- (d) *Insurance.* The applicant must provide proof of insurance insuring the applicant in the sum of at least \$500,000.00 against liability imposed by law on account of negligent bodily injury, death, or property damage and at least \$500,000.00 against any liability imposed by law on account of bodily injury, death, or property damage of one or more persons in any one accident resulting from conditions which should have been disclosed in the report but were omitted due to negligence in the inspection or completion of the report. The applicant's or evaluator's insurance must remain in force continuously thereafter. A license will not be in effect during any period of time [in] which such insurance and proof thereof are not also in effect. The city must be included as an additional named insured on the insurance required hereunder at the expense of the evaluator.

SECTION 8. ENACTMENT. South St. Paul City Code Section 106-249 is hereby enacted as follows:

Sec. 106-249. Approval or denial of a Rental Housing Evaluator License.

Rental housing evaluator licenses shall be approved or denied by the city in accordance with the following guidelines:

- (1) The city may deny a rental housing evaluator license if the applicant:
 - a. Has been convicted of any crime related to the licensed occupation;
 - b. Has falsified any information or omitted material information in the license application form required by the city;
 - c. Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city;
 - d. Fails to pay the required fees; or
 - e. Has had any type of housing evaluator license application denied or a license revoked or suspended in another jurisdiction within the last ten years.
- (2) The city may revoke, suspend or not renew a rental housing evaluator license if the license holder:
 - a. Has been convicted of any crime related to the licensed occupation.
 - b. Has falsified any information or omitted material information in the license application form required by the city.
 - c. Has been the subject of substantiated complaints from residents using the applicant's services.
 - d. Has demonstrated incompetence or inefficiency in conducting inspections.
 - e. Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city.
 - f. Allows required insurance to lapse.
 - g. Has allowed the evaluator certification issued to the license holder to be used by another person.

- h. Violates any of the provisions of this article or any conditions provided for in the license issued pursuant to this article.
 - i. Fails to pay the required fees or fails to promptly file any disclosure report.
 - j. Has a license revoked or suspended by another jurisdiction during the term of the license.
 - k. Fails to follow the Housing Evaluator's Code of Ethics and Standards, as adopted by City Council Resolution.
- (3) If a license is denied, revoked, suspended or not renewed, the city shall notify the applicant or license holder in writing of the license holder's right to appeal the city's decision to the city council within ten days after the date of the notice. If a timely appeal is made by the applicant/license holder a hearing before the city council or an administrative law judge shall be scheduled within a reasonable period.

SECTION 9. ENACTMENT. South St. Paul City Code Section 106-250 is hereby enacted as follows:

Sec. 106-250. Evaluation forms.

The city shall prepare or authorize use of evaluation forms as it deems appropriate to constitute a disclosure under this article. The evaluation form shall provide information concerning code requirements, major structural defects and hazardous conditions or items [that pose a threat] to health, safety and property.

SECTION 10. ENACTMENT. South St. Paul City Code Section 106-251 is hereby enacted as follows:

Sec. 106-251. Correction of hazardous items or conditions.

- (a) In the rental inspection report, the evaluator shall clearly identify any hazardous items or conditions, pursuant to the Housing Evaluator's Code of Ethics and Standards.
- (b) The City will not accept a rental license application as complete and schedule the license for review by the City Council until all hazards identified in the inspection report have been corrected and a new inspection is performed that verifies that all hazards have been resolved.
- (c) If an inspection report expires during the rental license period and the evaluator preparing the new inspection report determines that hazardous conditions exist, no occupancy shall be permitted of the rental dwelling unit if it is currently vacant until the hazards have been corrected. If there is a tenant already occupying the rental dwelling unit, all hazards must be corrected within 30 days.

SECTION 11. ENACTMENT. South St. Paul City Code Section 106-252 is hereby enacted as follows:

Sec. 106-252. Appeal.

A person aggrieved by a decision, notification or order under this article may appeal such decision, notification or order to the council, which may reverse, modify or affirm the same after a hearing upon notice to the appellant. The appeal must:

- (1) Be in writing;
- (2) Specify the decision, notification or order appealed from;
- (3) Specify with particularity the basis and grounds of the appeal; and
- (4) Be filed with the clerk on or before 20 days following the date of the decision, notification or order.

SECTION 12. 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 updates the City’s rules for rental licensing to establish new standards for inspections and adopt criteria for the non-renewal of rental licenses.

SECTION 13. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _____

Published: _____

Deanna Werner, City Clerk



CITY COUNCIL WORKSESSION REPORT

DATE: MARCH 11, 2024

DEPARTMENT: Planning

Prepared By: Michael Healy, Planning Manager

ADMINISTRATOR: RG

2

AGENDA ITEM: Proposed Ordinance to Update Zoning Requirements for Residential Properties

DESIRED OUTCOMES:

1. Discuss questions that came up during the 1st Reading of the proposed ordinance at the February 19th City Council meeting.
2. Reach consensus on what version of the ordinance will be presented for the 2nd reading.

OVERVIEW:

Background

At their February 19th meeting, the City Council held a 1st reading for a proposed ordinance that would codify subdivision requirements for lot and update zoning requirements for residential properties. There was unanimous support for most of the code updates, but councilmembers requested additional discussion about three topics:

- 1. Since at least 2009, South St. Paul has prohibited any new single-family home from having a flat roof for its principal roofline. All new single-family homes must have a principal roofline with at least a 2½:12 pitch. At least one Councilmember would like to see the ban on flat-roofed single-family homes removed from the City Code.**

At the request of a Councilmember, the Planning Commission discussed this topic at their public hearing for the draft ordinance on February 7th. The Planning Commission does not want to address the ban on flat-roofed homes as part of this ordinance update. They want to leave the ban in place for the time being.

If most members of the City Council want to stop banning flat-roofed single-family homes, this can easily be added to the ordinance prior to the second reading. If there is not a strong consensus, this seems like the wrong time to try to tackle this issue. As City Staff explained during the first reading, it is unlikely that many people will build flat-roofed single-family homes in South St. Paul even if it is allowed. This type of roof system has high construction costs and high maintenance costs and is typically only seen on high-end custom homes.

- 2. The proposed ordinance would require any residential property with less than 50 feet of street frontage to use the alley for driveway access if an improved alley is available and there are no safety or topography issues. As proposed, properties that have at least 50 feet of street frontage would still be allowed to have a private driveway which connects directly to the street. During the 1st Reading, some Councilmembers expressed a desire to require all residential properties to use the improved alley for driveway access if it is available, except for corner lots, which is the way that both Minneapolis and Saint Paul handle their alleys.**

Requiring driveways to be off the alley is primarily intended to address the negative effects of having too many curb cuts on a public street. Curb cuts eliminate guest parking since all guest vehicles parked on the street must be at least 5 feet from driveway openings. When there are many tightly spaced curb cuts on a street, it means that there is very little room for grass boulevards and boulevard trees. Streets with too many curb cuts may end up looking bleak and having little to no shade or greenery. This can have a negative effect on general livability, aesthetics, and property values. Unnecessary curb cuts also create additional conflict points for cars and pedestrians.

Staff views it as a “no-brainer” to require narrow lots to use the alley if an improved alley is available and there are no safety issues or topography issues that prevent alley access from being feasible. For the reasons listed above, most cities do not allow new residential lots to be created without alley access unless the lots are at least 50 feet wide. When it comes to larger lots, there is more nuance to the issue, and this is ultimately a policy decision for the City Council to make. Staff would make the following comments to help structure the discussion:

- The City Code currently allows each single-family home property to have one curb cut which is capped at 22 feet in width. For a 40-foot lot, that curb cut would take up over half of the width of the lot and make it challenging to plant boulevard trees or have guest parking on the street in front of the house. For a 60-foot lot, that same curb cut only takes up about a third of the width of the lot so there is still room for boulevard trees and guest parking. This would be the main justification if the City Council wanted to allow larger residential lots to have a private driveway connection to the street, even if there is an alley available.
- Residential streets with fewer curb cuts do generally look better because there is more room for greenery, boulevard trees, and other decorative features. In addition to the aesthetic benefits, streets with fewer curb cuts are objectively “better” in terms of traffic safety and traffic flow since there are fewer conflict points for vehicles. This is why Dakota County is so aggressive about closing curb cuts onto county roads like Southview Boulevard any time there is a redevelopment project that requires County approval.
- Some people buy a large property specifically because they want more flexibility with how they lay out site improvements. It may upset some owners of larger properties if they no longer have the option of having a private driveway connection to the street. The City Council will need to weigh the benefit of limiting curb cuts against the fact that some property owners may be upset by this.
- Any residential property with an existing private driveway connection to the street will become lawful nonconforming (“grandfathered”) if the property would not be allowed to have a private driveway installed under the new ordinance. They will still be allowed to repair, maintain, improve, and replace their existing driveway.

- If there is a desire to give large single-family home properties more flexibility, a possible compromise would be:
 - All residential properties less than XX feet in width must use the improved alley if it is available. *The City Council could set 60 feet as the cutoff if that feels like a better spot than 50 feet.*
 - All new 2-family, 3-family, and 4-family residential buildings must use the improved alley if it is available. *Both Columbia Heights and Minneapolis require small multifamily buildings to utilize the alley but have a process where larger multifamily buildings can potentially get a private curb cut since they have more complicated parking needs.*
3. **The proposed ordinance would place new restrictions on “garage forward” home design where a large, attached garage sticks out into the front yard and is the main façade feature that is visible from the public street. The proposed ordinance would limit garages to sticking out no more than 5 feet beyond the front of the house into the front yard. The proposed ordinance would also limit how much of the front façade of the house can be garage doors by capping it at 60%. This is a common approach taken by cities that want their blocks to have a traditional neighborhood character instead of an outer-ring suburban neighborhood character where most streetscapes are dominated by garages.**

At the first reading, at least one Councilmember expressed concern that the City has a mixed track record with architectural requirements and he is reluctant to support anything that could stifle architectural creativity or interfere with development.

The proposed restrictions on garage-forward design are really site design requirements rather than architectural requirements:

- When it comes to the exterior of buildings, architecture requirements are largely about style. Cities that strictly regulate the style of buildings can stifle creativity and may end up with bland cookie-cutter designs. Style requirements can also price some builders out of the market if they include mandates that high-end exterior building materials be utilized. SSP has dramatically scaled back its architectural style requirements in recent years to allow more flexibility with exterior building materials and façade design.
- Site design requirements such as setback requirements, height limits, landscaping requirements, and driveway placement requirements, are not about architectural style. They are about making sure that a new development “fits” the fabric of a neighborhood. Most communities do not allow detached garages, sheds, above-ground swimming pools, and other accessory buildings to be in the front yard blocking the front façade of the house, regardless of their architectural style. These types of improvements just do not belong in front yards because it undermines the streetscape. Many communities have decided that large attached garages do not belong in front yards because they also undermine the streetscape.

- Extreme garage-forward designs do not “fit” in traditional neighborhoods regardless of what type of architecture they use. Subtle garage forward designs can fit in traditional neighborhoods which is why the proposed ordinance gives an allowance for attached garages to stick out up to 5 feet in front of the house.
- Garage forward designs that involve a 3-car or 4-car attached garage and have a short driveway typically need a very wide curb cut which causes all the issues that were outlined earlier in this memo (no room for boulevard trees, no room for guest parking, etc.).

ACTION NEEDED

The City Council is asked to discuss the three issues that are presented in this staff memo. City Staff is looking for consensus on whether the proposed ordinance should be adjusted in any way prior to the Second Reading.

ATTACHMENTS

A- STAFF MEMO FOR FIRST READING



CITY COUNCIL AGENDA REPORT

DATE: FEBRUARY 20, 2024

DEPARTMENT: Planning

Prepared By: Michael Healy, Planning Manager

ADMINISTRATOR: RG

10-A

AGENDA ITEM: First Reading- Ordinance Amendment Updating Subdivision Regulations for Lot Splits and Updating Zoning Requirements for Residential Properties

ACTION TO BE CONSIDERED:

Introduce ordinance for a first reading.

OVERVIEW:

Application

The Applicant is the City of South St. Paul.

Background

Staff and the City Council have identified five issues that could be addressed with a code 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 be problematic on a 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.

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 Decide Not to Use the Alley

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 main 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 restricting “garage forward” design and want to consider adopting versions of both Rule #1 and Rule #2.

Proposed Ordinance

Staff has written a draft ordinance to 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 setback requirement but meets all other zoning rules, 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.

Planning Commission Public Hearing

The Planning Commission held a public hearing for the proposed ordinance at their meeting on February 7th. No members of the public attended the hearing or submitted comments. The Planning Commission was supportive of the proposed ordinance and noted that the new restrictions on garage-forward design could always be refined further in the future if they end up not working as intended.

The Planning Commission also discussed the City Code's existing rule that single-family homes cannot have a flat roof for their main roofline. City Staff explained that flat roofed homes are expensive to build and maintain due to drainage issues so generally only high-end custom homes ever have flat roofs. The Planning Commission's consensus was that flat-roofed single-family homes are not consistent with the character of South St. Paul neighborhoods, and they want to continue to prohibit single-family homes from having a flat roof for their main roofline.

The Planning Commission recommended approval of the proposed ordinance with a 6-0 vote.

STAFF RECOMMENDATION:

Staff recommends that the City Council introduce the ordinance for a first reading.

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**

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 perogatives 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

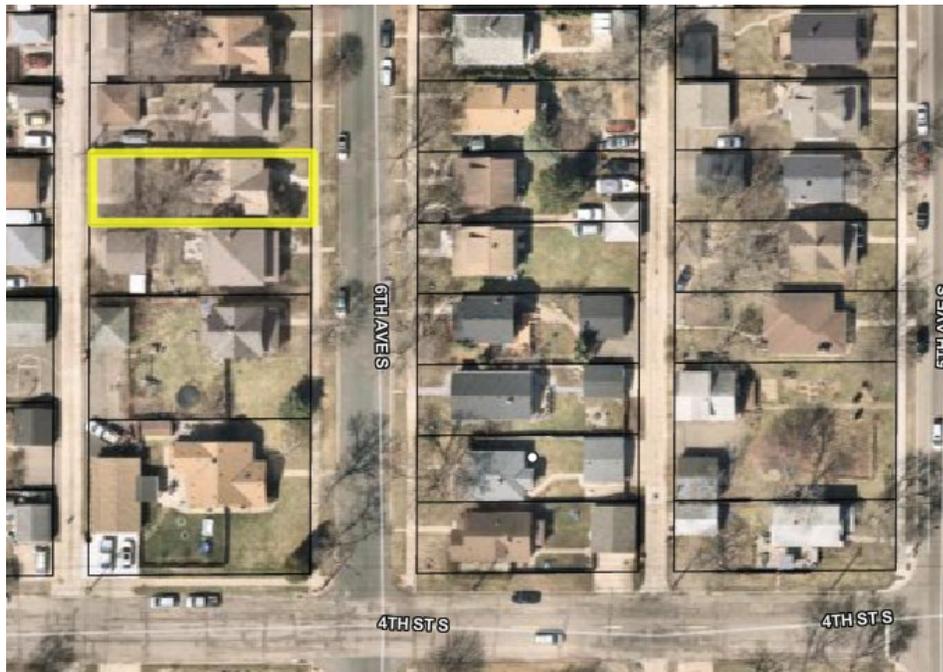
Seconded by Councilmember Johnson

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.



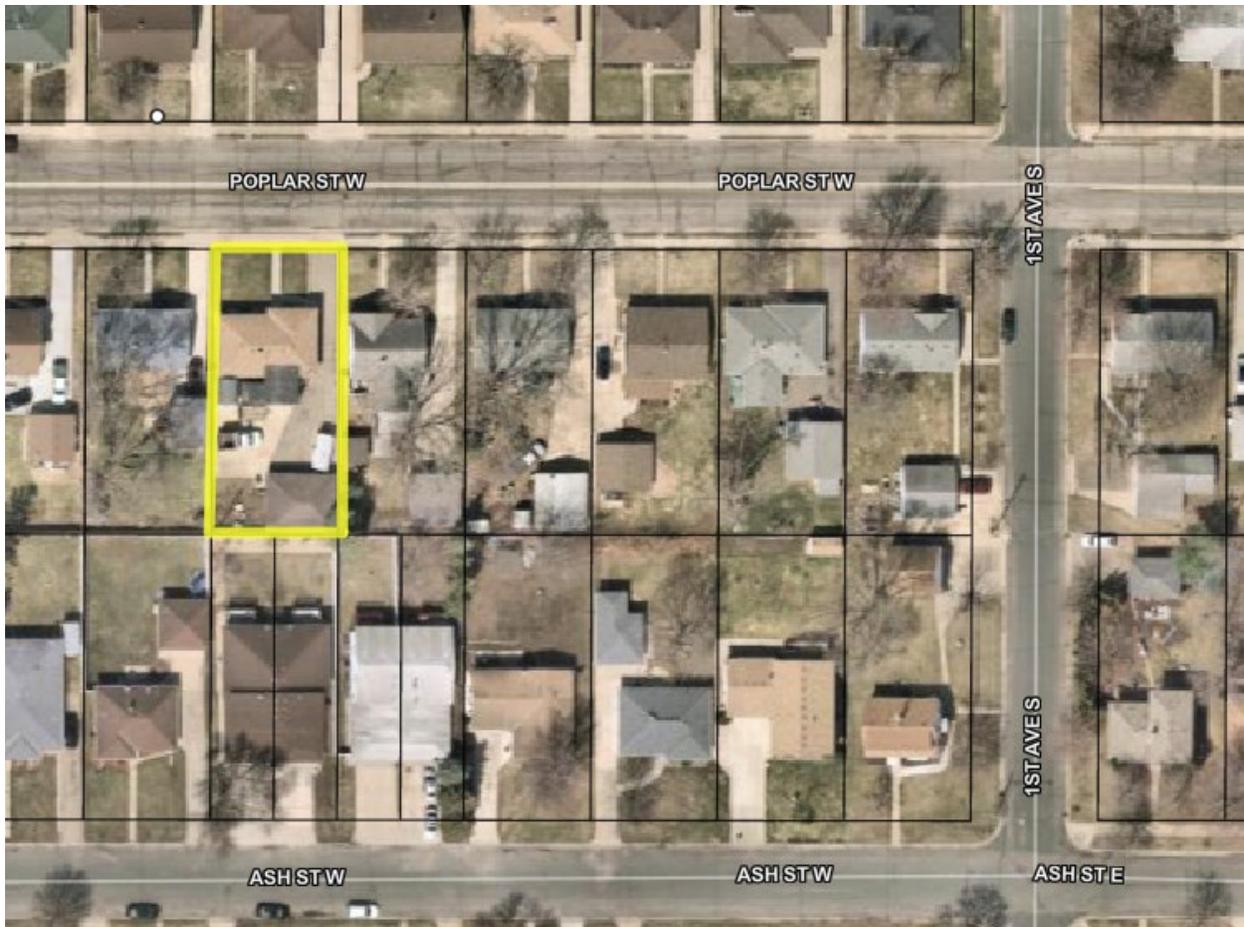
50-FOOT-WIDE LOTS

- 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).

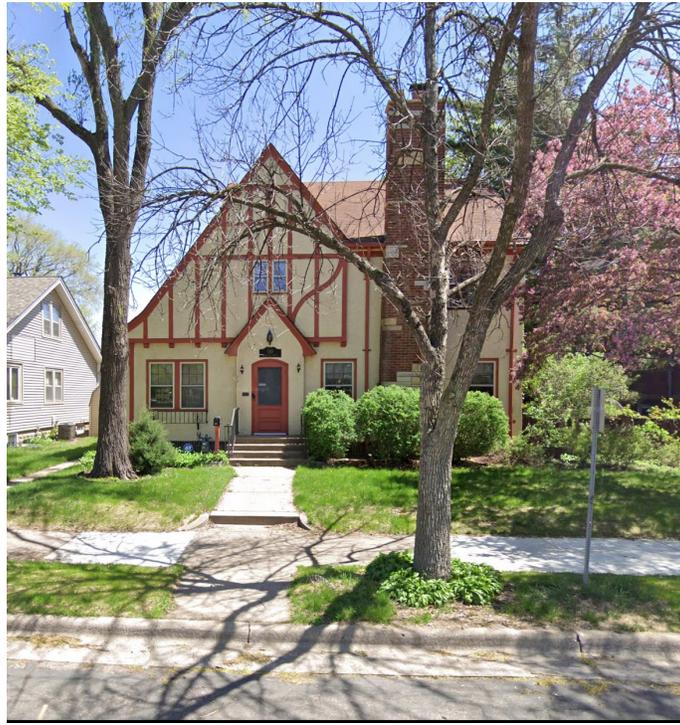


60-FOOT-WIDE LOTS

- 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

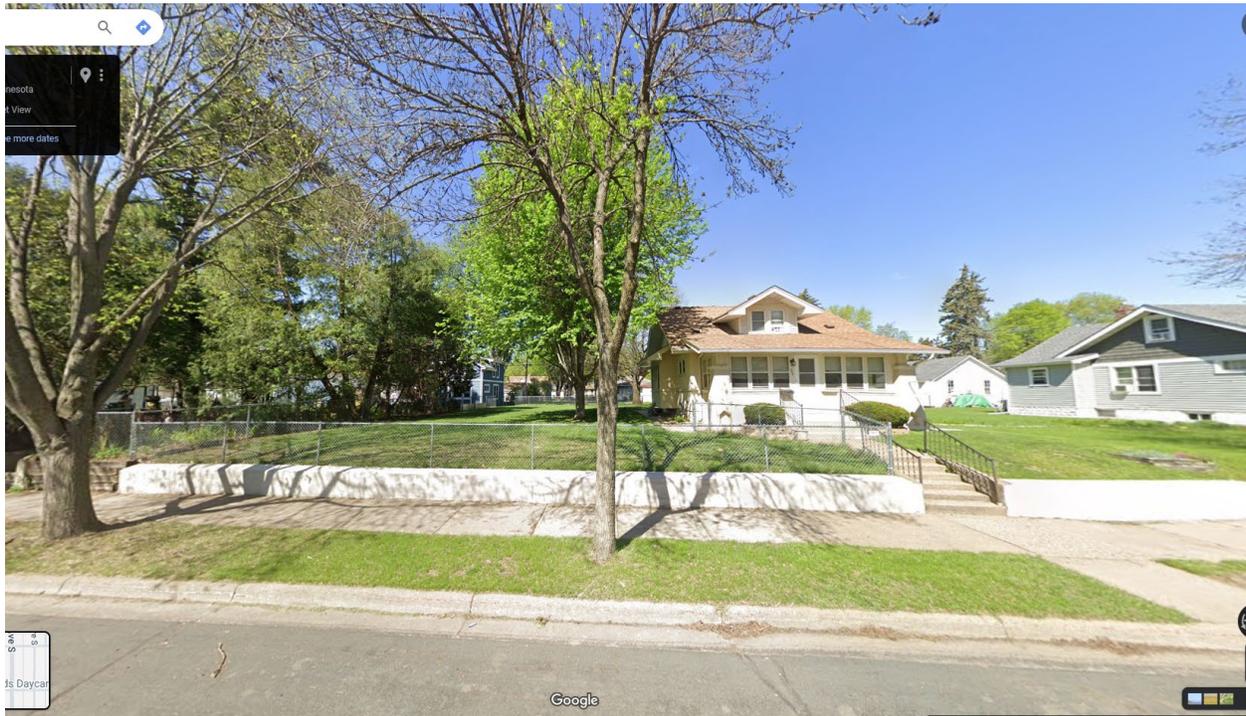
- Since 1967, it has not been legal to create a new neighborhood or new subdivision unless all lots are at least 75 feet wide, 120 feet deep, and at least 9,000 square feet in size. There are just a small number of neighborhoods in South St. Paul that meet these requirements including a few neighborhoods 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.

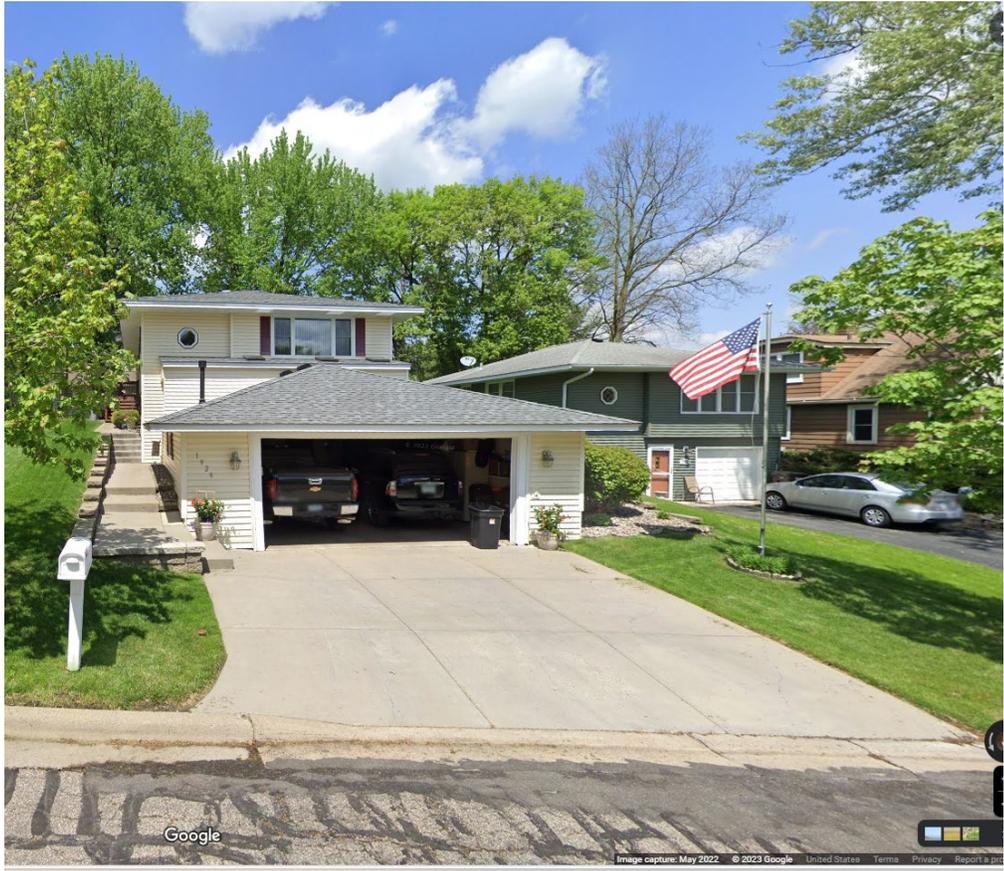
**ATTACHMENT D
EXAMPLES OF SSP HOMES WITH TRADITIONAL DESIGN**





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





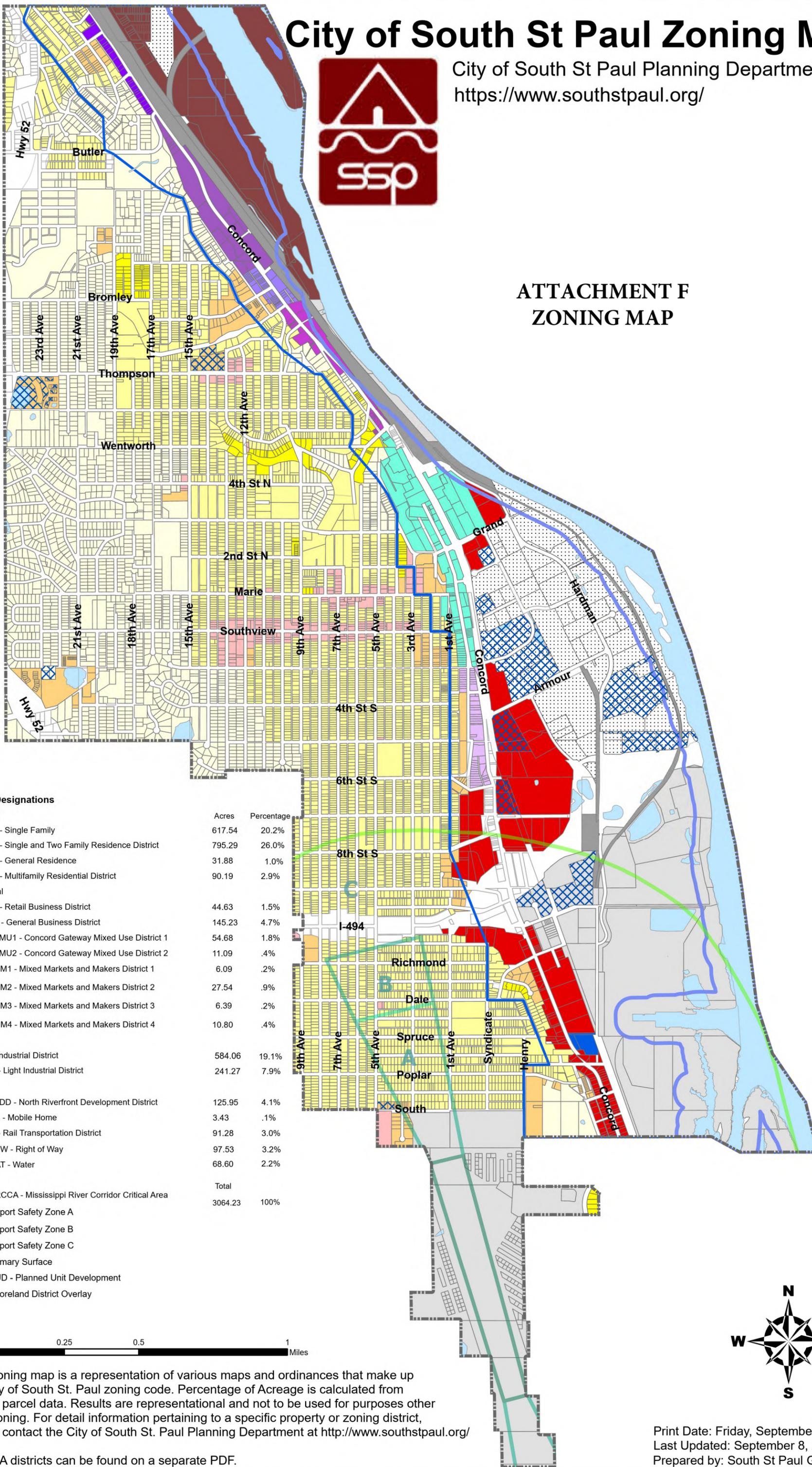


City of South St Paul Zoning Map

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



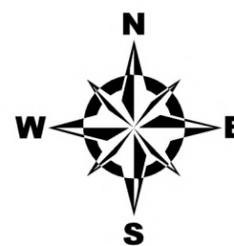
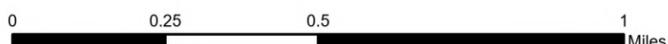
ATTACHMENT F ZONING MAP



Zoning Designations

- Residential**
- R1 - Single Family
- R2 - Single and Two Family Residence District
- R3 - General Residence
- R4 - Multifamily Residential District
- Commercial**
- C1 - Retail Business District
- GB - General Business District
- CGMU1 - Concord Gateway Mixed Use District 1
- CGMU2 - Concord Gateway Mixed Use District 2
- MMM1 - Mixed Markets and Makers District 1
- MMM2 - Mixed Markets and Makers District 2
- MMM3 - Mixed Markets and Makers District 3
- MMM4 - Mixed Markets and Makers District 4
- Industrial**
- I - Industrial District
- I-1 - Light Industrial District
- Other**
- NRDD - North Riverfront Development District
- MH - Mobile Home
- RT - Rail Transportation District
- 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	20.2%
795.29	26.0%
31.88	1.0%
90.19	2.9%
44.63	1.5%
145.23	4.7%
54.68	1.8%
11.09	.4%
6.09	.2%
27.54	.9%
6.39	.2%
10.80	.4%
584.06	19.1%
241.27	7.9%
125.95	4.1%
3.43	.1%
91.28	3.0%
97.53	3.2%
68.60	2.2%
Total	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, September 8, 2023
 Last Updated: September 8, 2023
 Prepared by: South St Paul GIS

**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 contained in each section of the Code relating to the specific zoning districts:

(1) *For all 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 setback 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

(c) *Building height, width, ~~and area,~~ and architecture requirements.* Within the R-1 district, residential dwellings 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.

(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.

- (c) *Building height, width, area, and architecture requirements.* Within the R-2 district, ~~the permitted~~ building height, width, ~~and~~ area, and architecture for residential dwellings shall be as regulated in the R-1 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 118-123 is hereby amended as follows:

Sec. 118-123. R-3, general residence district.

- (d) *Lot area, yard, and building height, width, ~~and~~ area, and architecture requirements.*
- (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 118-124 is hereby amended as follows:

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

(d) *Lot area, yard, ~~and~~ building height, and architecture 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 9. 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 10. AMENDMENT. South St. Paul City Code Section 118-353 is hereby amended as follows:

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

(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 11. 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 12. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _____

Published: _____

Deanna Werner, City Clerk



AGENDA ITEM: Vacation of Unbuilt Rights-of-Way in City Parks

DESIRED OUTCOMES:

- Review the unbuilt street and alley rights-of-way in the City’s parks that should be vacated.
- Provide staff with direction if they should move forward with the proposed vacations.

OVERVIEW:

Background

Staff from the Parks and Recreation Department is applying for funding through the DNR Outdoor Recreation Grant Program to assist with replacing the aging park equipment at Lorraine Park. As part of the application, Staff was asked to provide a wide variety of information, including documenting whether there is any city right-of-way within the project area. This requirement brought it to staff’s attention that there are a number of parks, including Lorraine Park and Veteran’s Field, that have unvacated street or alley rights-of-way running through them. These rights-of-way were likely not deliberately left unvacated and this situation is likely the result of South St. Paul being an older community that was built out before modern web-based GIS mapping was available. Now that online maps are available, it is very clear that many of the parks have “messy” titles and have unvacated roads and alleys running through them.

It is not hugely detrimental to have unopened right-of-way on a City park, but it is a best practice to vacate this unbuilt right-of-way when possible to prevent zoning nonconformities. For example, the Lorraine Park splash pool is located partially in an unbuilt portion of 3rd Avenue South and one of the dugouts for the ballfield at Lorraine Park is in an unbuilt alley. The City Code does not typically allow structures to be placed in a public street or alley so technically these structures could be considered zoning nonconformities.

Staff from Administration, Engineering, Parks and Recreation, and Planning sat down to review and discuss which of the rights-of-way in the city’s parks should be vacated. The group ultimately determined that the unbuilt rights-of-way within Lorraine Park, Veterans Field, Harmon Park, Kaposia Park, and Seidl’s Lake should be vacated. The proposed vacations would not negatively impact any future park improvements, prevent the city from being able to access its utilities, or create any zoning nonconformities.

Since the City is required to send a mailed notice to property owners who live near a street or alley that is proposed to be vacated, staff wanted to make the City Council aware of the proposed vacations and receive the City Council’s blessing before moving forward with the project. Some residents may reach out with questions after receiving the mailed notice.

DIRECTION NEEDED

Staff is looking for direction from the City Council’s about whether to proceed with the proposed vacations.

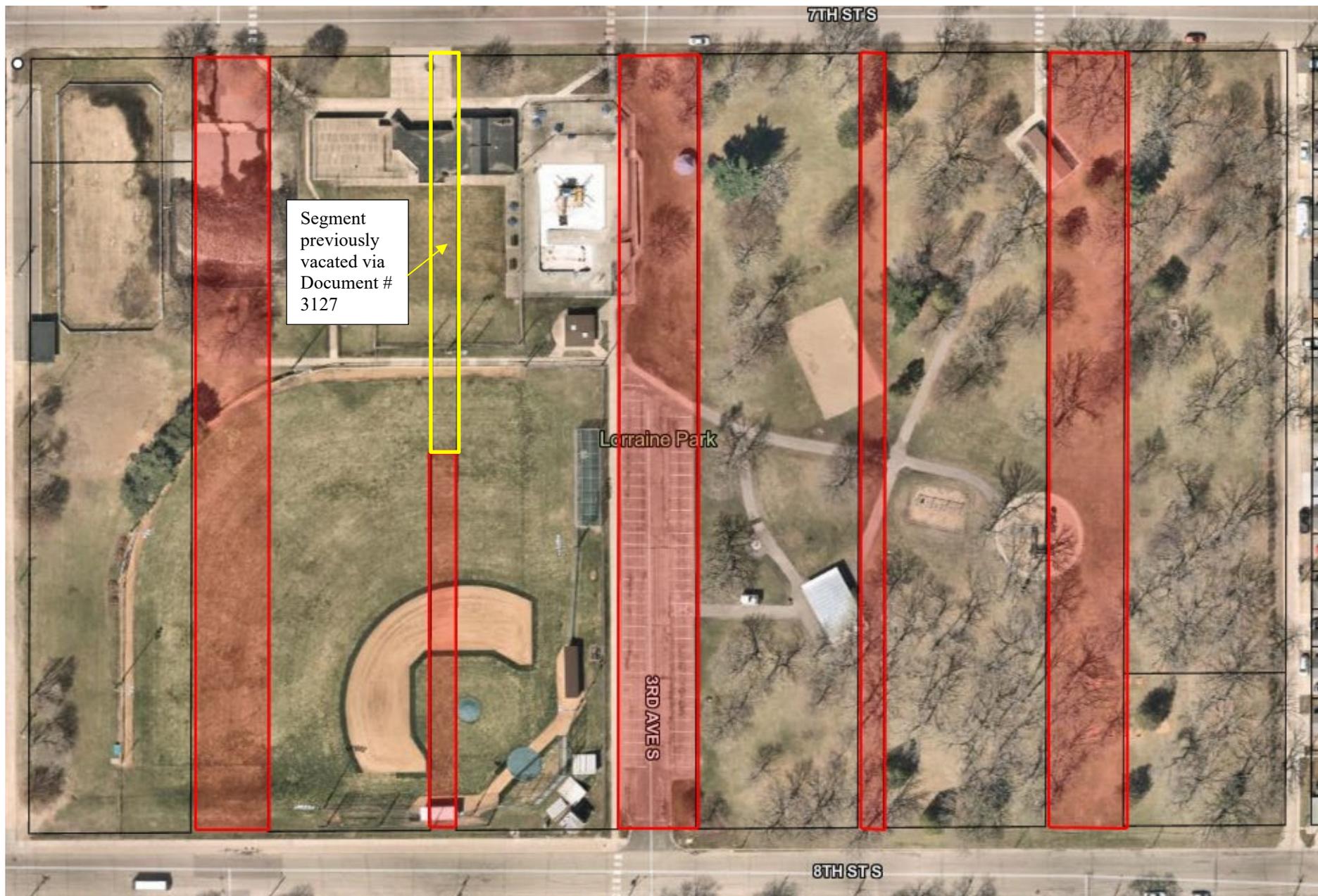
SOURCE OF FUNDS:

Staff is handling the proposed vacation project “in-house” and it does not appear that a third-party surveyor will need to be hired to assist with the proposed vacations. The only cost will be the cost of having the Dakota County Recorder’s Office record the vacation documents against the park properties. This is a nominal expense which will be paid for using existing department budgets.

ATTACHMENTS

- A-** Proposed Vacation Map for Lorraine Park
- B-** Proposed Vacation Map for Veterans Field
- C-** Proposed Vacation Map for Harmon Park
- D-** Proposed Vacation Map for Kaposia Park
- E-** Proposed Vacation Map for Seidls Lake

**ATTACHMENT A
PROPOSED VACATION MAP FOR LORRAINE PARK**



Segment
previously
vacated via
Document #
3127

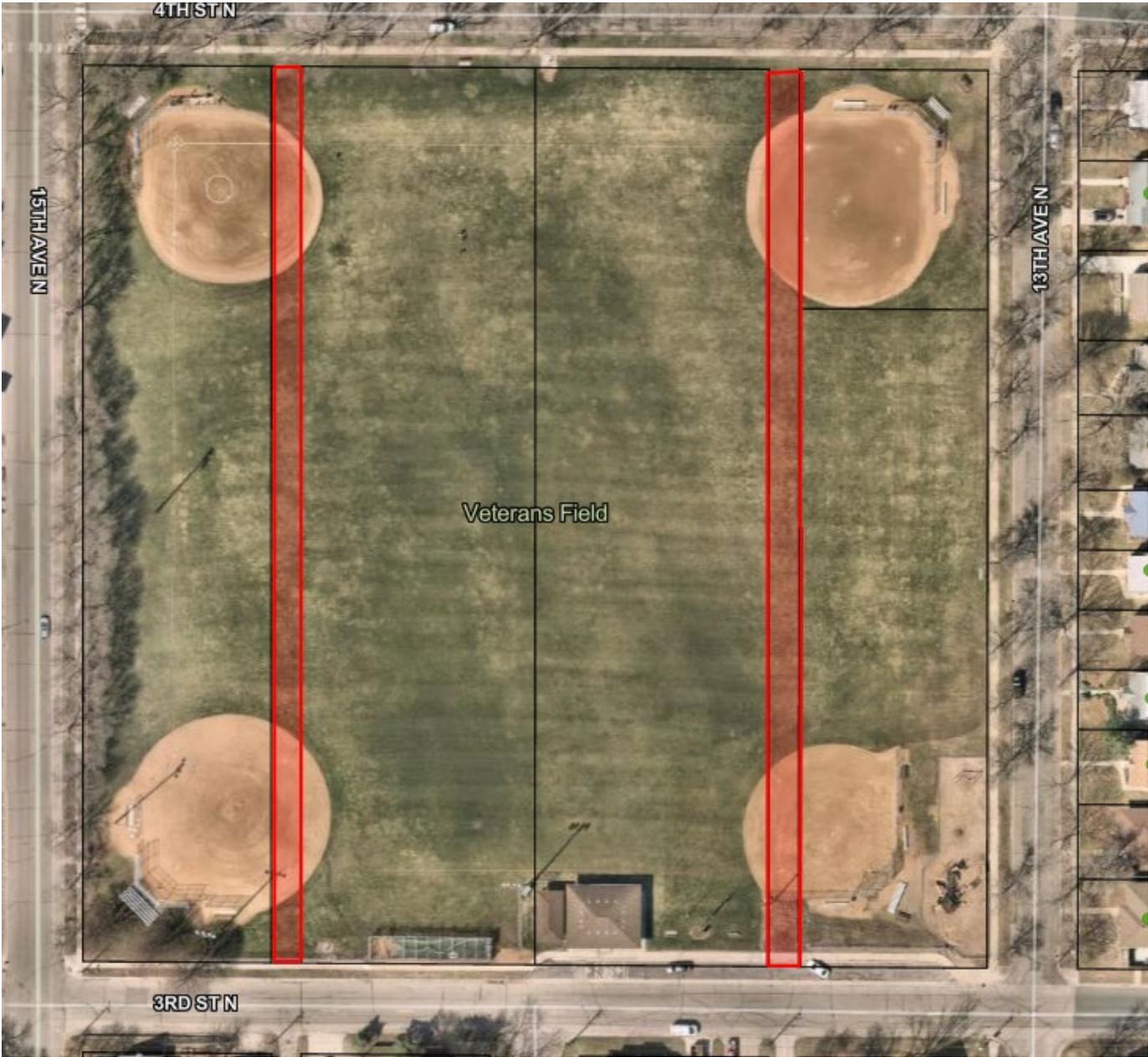
7TH STS

Lorraine Park

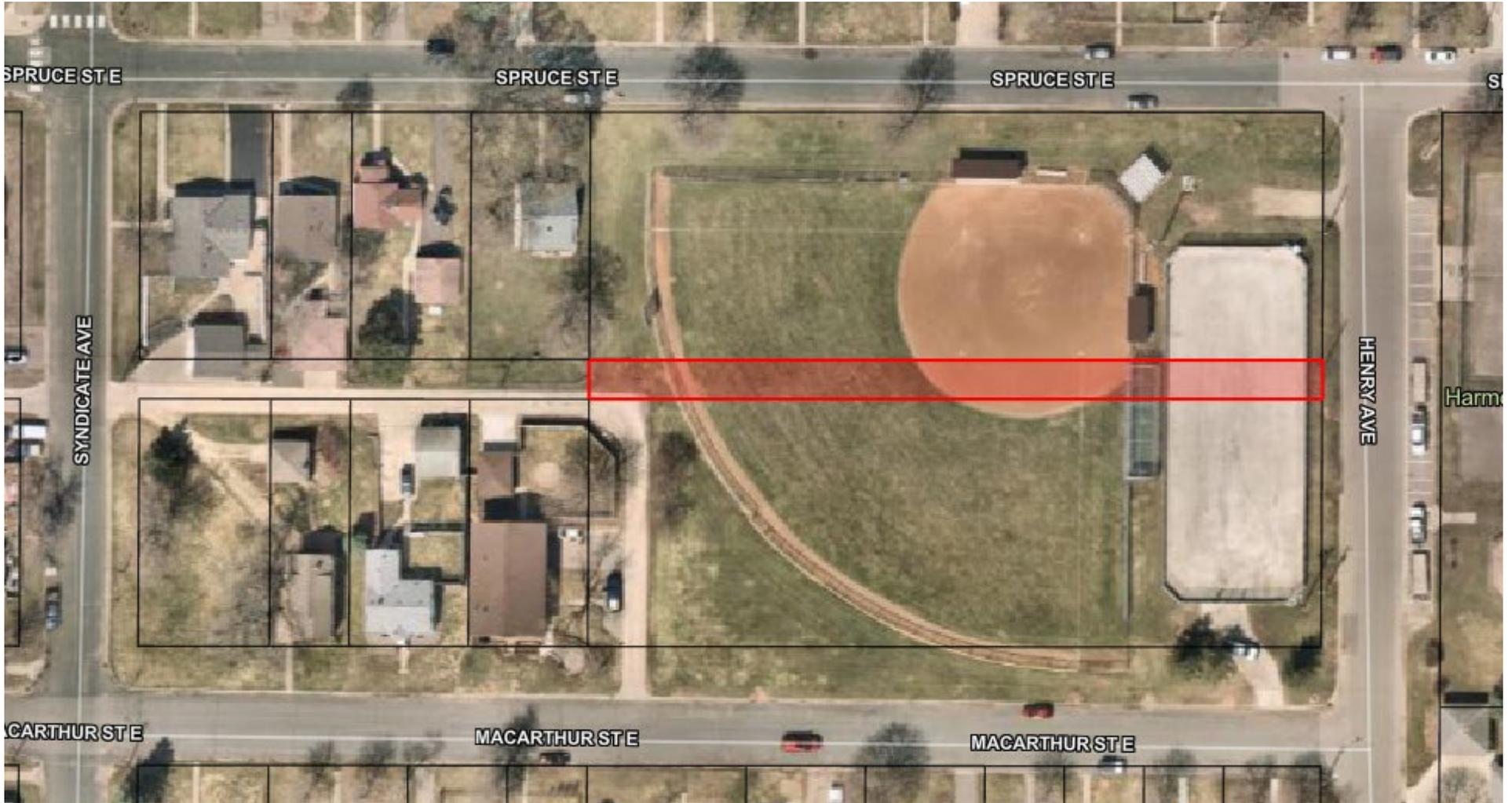
3RD AVES

8TH STS

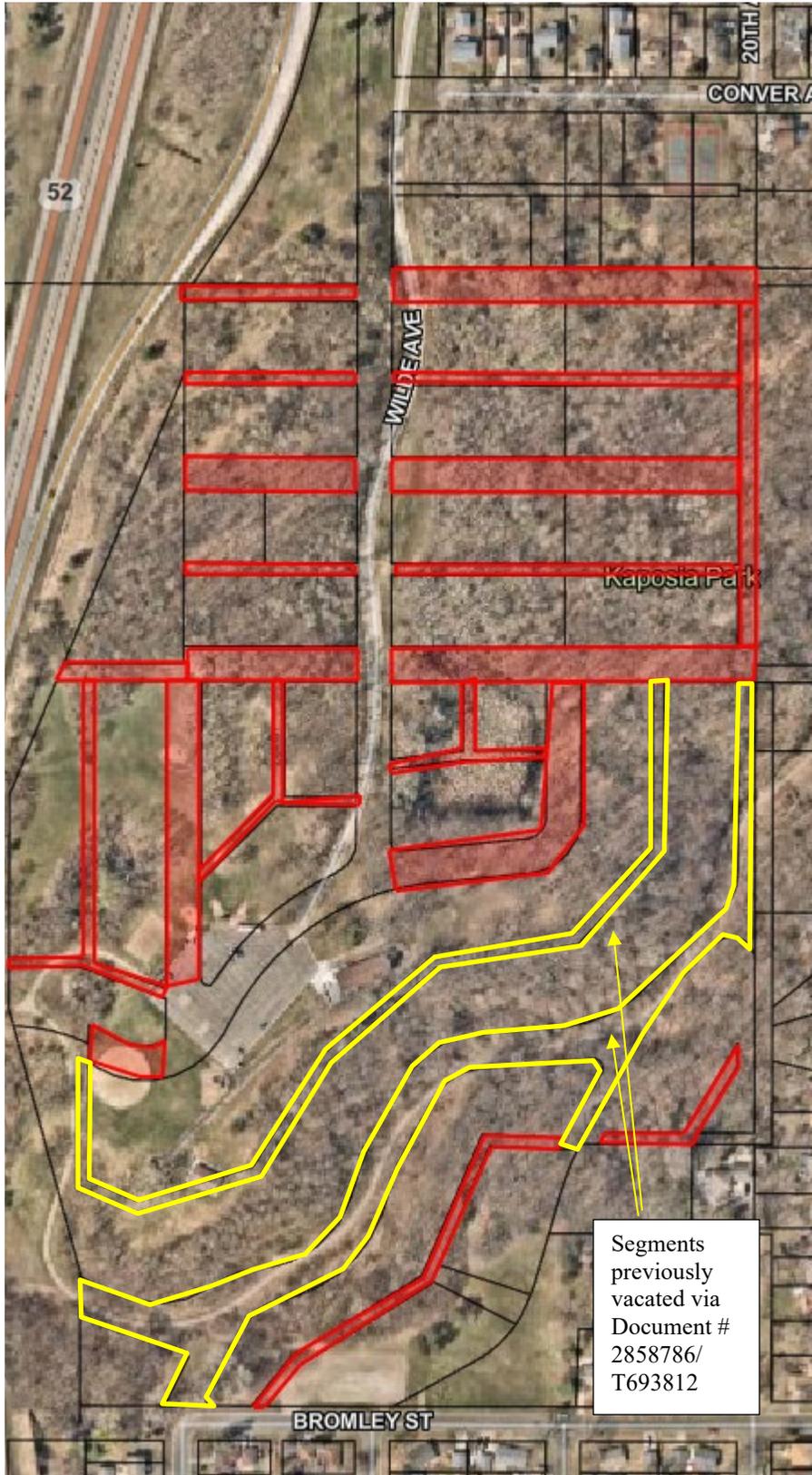
**ATTACHMENT B
PROPOSED VACATION MAP FOR VETERANS FIELD**



**ATTACHMENT C
PROPOSED VACATION MAP FOR HARMON PARK**



**ATTACHMENT D
PROPOSED VACATION MAP FOR KAPOSIA PARK**



**ATTACHMENT E
PROPOSED VACATION MAP FOR SEIDL'S LAKE**





AGENDA ITEM: Council Resolutions and Proclamations Discussion

DESIRED MEETING OUTCOMES:

- Consider establishing City Council policy to clarify purpose and intent of official Resolutions of the Council and/or Proclamations of the Mayor and/or Council.

OVERVIEW:

From time to time, members of the Council and the Mayor receive requests from individuals or groups that are advocating for the City to take a position on issues that are outside the direct and explicit purview and influence of the City's authority and jurisdiction. Recent examples include campaigns to demand that the City of Minneapolis reject a proposed ordinance relating to minimum wage for rideshare drivers, and a demand that the City Council pass a resolution to call for a ceasefire in and allow for the delivery of humanitarian aid to Gaza.

In informal communications with Council, it is clear that there is general consensus that such topics are not appropriate for the Council to take official action on. By and large, there is a complete absence of official, objective, informed and/or authoritative intelligence that either Staff or the City Council have direct access to as it relates to such issues. Furthermore, it is agreed and understood that the City Council's role as spelled out in Statute and the City Charter is to legislate and otherwise take official action on matters that directly and unambiguously relate to the regulation of certain activities within the City's jurisdiction, and the provision and delivery of public goods and services directly impacting South St. Paul specifically. As evidenced by our Council Agendas, there is no shortage of "local" problem-solving and opportunity-mining that our Staff and Council are tasked with researching, investigating, analyzing, deliberating, and acting upon. In South St. Paul, Resolutions are reserved for official actions of the City Council when acting upon things such as purchases, contracts and agreements, approval of certain land use and property development actions, approving expenditures and donations, and other business matters that are explicitly related to governing in South St. Paul.

In addition to formal Council resolutions, from time to time the Mayor has exercised the right to prepare and present for the record official proclamations at City Council Meetings. These proclamations do have a wider range in terms of subject matter (recognizing local businesses for significant milestones, recognizing local residents for their service to the community, state, or nation, acknowledging certain events within the community, etc.), but generally speaking they are unambiguously applicable to the South St. Paul experience.

Considering all of this, Staff is interested in exploring whether the Council feels it would be meaningful to establish a policy to clearly delineate the circumstances under which official Council Resolutions, and/or Mayoral Proclamations, be presented and acted upon by the City Council. Borrowing from other jurisdictions, Staff has prepared a draft/model policy for discussion and consideration.

ATTACHMENTS:
Draft Policy

City of South St. Paul Council Policy

CONSIDERATION OF PROCLAMATIONS / RESOLUTIONS

The South St. Paul City Council is a nonpartisan body that does not advocate for positions unless such positions have a direct, unambiguous and explicit relationship to the City's policies, programs, services or budgets. This policy provides the City Council and Administration with guidelines in responding to requests for Resolutions and Proclamations. It outlines, in general, the reasons for Council Proclamations and Resolutions.

I. PURPOSE AND NEED FOR THE POLICY

The City of South St. Paul receives numerous requests over the course of the year to approve resolutions and proclamations to promote or honor various public and private organizations and causes. It is the view of the City Council that the City must be consistent in its practice of considering resolutions and proclamations.

II. POLICY

It is the policy of the City of South St. Paul that the City Council will only consider proclamations or resolutions that pertain specifically, directly, and unambiguously to City of South St. Paul local government service delivery. Such consideration of resolutions and proclamations pertaining to City of South St. Paul local government service delivery will take place at regularly scheduled City Council meetings and will be included on the City Council meeting agenda.

- A. Ceremonial Proclamations and Resolutions are documents signed by the Mayor and issued for the purposes of building public awareness of topics of general but distinctly local importance or influence, recognizing and memorializing the arts, community and community member events and accomplishments, and special honors.
- B. Resolutions of the City Council may, at Council's discretion, be utilized to take affirmative action on an item of official City business, such as:
 - i. Approval of City policies, procedures, and guidelines
 - ii. Approval of an annual budget, budget amendments, capital improvement plans, to establish funds, to make large purchases
 - iii. Approval to advertise for bids and proposals, to enter into contracts and agreements
 - iv. Approval of interim or ad hoc committees to analyze locally significant issues
 - v. Approval of appointments of some employees and appointments to various boards, commissions, and committees
 - vi. Approval of a comprehensive plan and other plans, ordinances and ordinance amendments, permits, licenses, findings of fact, and other regulatory matters
 - vii. Approval of certain employment policies and collective bargaining agreements

- viii. Designation of an official newspaper, an official website, and other periodic or annual requirements
- ix. Establishment or dissolution of Joint Powers Agreements
- x. Enacting a State of Emergency
- xi. Other actions required by State or Federal law or policy

C. Resolutions as Statements to Influence State and/or Federal Policy may be appropriate, at Council's discretion, if and when such State and/or Federal policy should directly and explicitly relate to the City's policies, budgets, programs and services. Issues of importance and raised as legislative priorities by the League of Minnesota Cities, MetroCities, and National League of Cities may, if determined by Council to be locally important, be subject of a Resolution by the City Council.

III. RESPONSIBILITY

The City Administrator will have the responsibility of reviewing requests for proclamations and resolutions to determine if there is a direct correlation to local government service delivery. If the resolution does pertain to City of South St. Paul local government service delivery, the City Administrator shall include the proclamation or resolution on a regular City Council agenda.

The final decision on whether to approve a proclamation or resolution ultimately lies with the City Council.

IV. AUTHORITY

The City's "Consideration of Proclamations/Resolutions Policy" was authorized by the City Council at the xxxxx xx, xxxx Regular City Council meeting.

Date of Approval: _____

Approved:

Mayor