

**City of South St. Paul
Dakota County, Minnesota
Ordinance No. 1321**

**AN ORDINANCE AMENDING SOUTH ST. PAUL CITY CODE SECTION 118-8 AND
118-121 – 118-130 REGARDING SMALL WIRELESS FACILITIES IN ALL ZONING
DISTRICTS**

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

SECTION 1. AMENDMENT. South St. Paul City Code Section 118-8 is hereby amended as follows:

Sec. 118-8 Definitions

Essential services, public utility uses means underground or overhead gas, electrical, steam, or water distribution, collection, communication, supply, or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories, but not including buildings, transmission services or antenna, small wireless facilities, or personal wireless service towers.

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

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

(a) *Permitted uses.* Within the R-1 single-family district, no building, structure or land shall be used except for one or more of the following uses, unless otherwise provided in this chapter:

(1) *Principal use.*

- a. One single-family dwelling (not to include mobile homes).
- b. Churches, chapels, temples, and synagogues, including Sunday schools, and parish houses meeting the requirements of this district.
- c. Public parks and playgrounds.

(2) *Accessory uses.*

- a. Garages used as an accessory to the dwelling and located upon the same lot or an adjacent lot under single ownership, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted, as regulated herein by the performance standards section 118-208.

- b. One accessory building or structure, in addition to the garage, the use of which is incidental to and located on the same lot as the dwelling, as regulated herein by the performance standards section 118-208.
- c. Swimming pools and tennis courts, as regulated herein by the performance standards section.
- d. Keeping of domestic pets.
- e. Fences, signs, and recreation equipment, as regulated herein.
- f. Residential business office.
- g. A PWS antenna located entirely inside a building or structure.
- h. Keeping of chickens as per the backyard chicken regulations found in section 15-9.

(b) *Uses by conditional use permit.* Within the R-1 district, the following uses shall be by conditional use permit only:

- (1) Accessory buildings that exceed the height or size requirements in city code section 118-208.
- (2) Hospitals or sanatoriums, philanthropic and charitable institutions, except correctional institutions and animal hospitals. Any building permitted to be used shall have an appearance that shall be in appropriate harmony with the residential character of the area.
- (3) Essential services (public utility and municipal services).
- (4) Elementary, junior, and senior high schools and incidental and accessory uses, when situated on the same site or unit of property.
- (5) Cemeteries.
- (6) Home occupations.
- (7) A PWS antenna mounted on the outside of an institutional building or structure of any height, as defined in section 118-207, and any governmental building or structure.
- (8) A small wireless facility, as defined in section 54-402, that is located in the right-of-way, as long as all provisions of section 54-400 – 54-429 have been met.

(7) —

~~(8)~~(9) A detached garage when the principal dwelling already has an attached garage. No more than one detached garage shall be allowed per lot or per property under single ownership.

(c) *Building height, width, and area requirement.* 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.

(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 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.
- (2) *Ingress and egress.* All lots shall front on a public street or have adequate ingress and egress to a public street.
- (3) *Percent of land use.* All dwellings and accessory buildings on any lot shall not cover more than 30 percent of the area of the lot (see article VII of this chapter for additional requirements), except that all dwellings and accessory buildings on a lot containing 5,000 square feet or less shall not cover more than 35 percent of the lot.
- (4) *Front yard.* No building shall be erected, reconstructed, altered or moved nearer to the front lot line than the average setback observed by residential buildings on the same side of the street and fronting thereon within the same block. Further, no part of the structure shall be closer than 25 feet to the street line on which it faces, except when the average setback is less than 25 feet.
- (5) *Side yard.* There shall be a side yard of not less than five feet along each side of each building located on an interior lot having a frontage of 60 feet or less; such side yard on a lot having a frontage of more than 60 feet shall be not less than nine feet; provided, however, that a garage having no basement below it may have a side yard of not less than five feet if located in the front two-thirds of the lot, and no less than three feet if located entirely within the rear one-third of the lot. There shall be a side yard of not less than nine feet on the street side of any structure constructed on a corner lot. No building shall be placed within ten feet of any dwelling unit on an adjacent lot.
- (6) *Rear yard.* Each lot shall have a rear yard of not less than 25 feet in depth, except that a garage may be constructed within the 25-foot rear yard. A garage shall have

a setback from the rear property line of not less than three feet unless the entrance faces an alley or street, then the garage shall be set back no less than eight feet from the rear property line.

- (7) *Conditional use permit requirements.* All uses by conditional use permit shall provide such setback in front, side, and rear yards as the city council shall determine, taking into account the proposed use, the character of the surrounding area, the density of the area, and other relevant factors.
- (e) *Off-street loading and unloading berths.* In the R-1 district, off-street loading and unloading shall be governed by the provisions of article VII of this chapter.
- (f) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the R-1 single-family district: PWS towers and antennas, except as permitted under subsections (a)(2)g and (b)(7) of this section and small wireless facilities located outside of the right-of-way.

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

- (a) *Permitted uses.* Within the R-2 district, no structure or land shall be used except for one or more of the following uses, except as otherwise permitted by this chapter:
 - (1) Principal and accessory uses permitted in the R-1 district;
 - (2) Duplex or twin home (see subsection (e) of this section); and
 - (3) A PWS antenna located entirely inside a building or structure.
- (b) *Uses by conditional use permit.* Within the R-2 district, the following uses shall be by conditional use permit only:
 - (1) All uses allowed by a conditional use permit in the R-1 district; and
 - (2) Home occupations as defined in this chapter.
- (c) *Building height requirements.* Within the R-2 district, the permitted building height, width, and area 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.
- (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 60 feet of frontage, and 7,500 square feet of area.

- (2) *Percent of land use.* The two-family dwelling and accessory buildings on any lot shall not cover more than 35 percent of the area of the lot.
 - (3) *Access to unit.* Each unit of the two-family dwelling shall have a separate access to the outside of the dwelling or to a common hallway or entryway.
 - (4) *Inspection and license.* Each rental unit within a two-family dwelling shall be inspected in accordance with article VII of chapter 106 of this Code prior to occupancy.
 - (5) *Separate bathroom, kitchen, sleeping area.* Each dwelling unit must have a separate bathroom, kitchen and sleeping area.
 - (6) *Miscellaneous.* The requirements of section 118-121(d)(2) and (d)(4)—(6) shall apply to two-family dwellings.
- (f) *Off-street parking, loading and unloading berths.* Within the R-2 district, the provisions of article VII of this chapter shall apply.
 - (g) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the R-2 residence district: PWS towers and antennas, except as permitted under subsections (a) and (b) of this section and small wireless facilities located outside of the right-of-way.

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

- (a) *Purpose.* The purpose of the Concord Gateway mixed-use (CGMU) district is to provide an area for compact, mixed-use development made mutually compatible through a combination of careful planning, urban design and coordinated public and private investment. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. The placement of building edges and the treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian-friendly environment envisioned for the CGMU. The standards in this section are intended to implement and effectuate the principles and relationships established in the city's Concord Gateway Framework Plan, a copy of which is on file in the office of the city clerk, which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping. The CGMU is divided into two subdistricts, CGMU-1 and CGMU-2, as depicted on the official zoning map.
- (b) *Permitted uses.* Within either the CGMU-1 or CGMU-2 subdistricts, no structure or land may be used except for one or more of the following uses, provided such use is less than 10,000 square feet in gross floor area:
 - (1) Accessory store, apparel.

- (2) Altering, pressing and repair of wearing apparel.
- (3) Appliance store.
- (4) Art gallery.
- (5) Bakery.
- (6) Banks and other financial institutions without drive-through facilities.
- (7) Barbershop.
- (8) Beauty shop.
- (9) Bookstore.
- (10) Cafe, cafeteria, restaurant, or delicatessen, without drive-through facilities.
- (11) Camera store.
- (12) Candy, nut or confectionery store.
- (13) Church.
- (14) Club or lodge, private.
- (15) Copy service or printing service.
- (16) Department store.
- (17) Flower shop.
- (18) Furniture store.
- (19) Gift, novelty, or souvenir store.
- (20) Grocery store.
- (21) Hardware store.
- (22) Hotel or motel.
- (23) Instrument store, musical.
- (24) Laundromat or dry cleaning.
- (25) Library.
- (26) Locksmith.

- (27) Luggage store.
- (28) Machines, business sales and service.
- (29) Magazine stand or newsstand.
- (30) Massage therapy (licensed pursuant to article XII of chapter 18 of the City Code).
- (31) Meat market for retail sale to the public.
- (32) Medical or dental office or clinic (for humans only).
- (33) Museum.
- (34) Musical instrument and musical recordings store.
- (35) Notions store.
- (36) Office.
- (37) Optician.
- (38) Painting, wallpaper and decorating store for retail sales and service.
- (39) Pet store.
- (40) Repair and servicing of items the sale of which is permitted in this district.
- (41) Residential multifamily dwelling units, if within a structure containing at least four units.
- (42) School, public or private.
- (43) Shoe store.
- (44) A small wireless facility, as defined in section 54-402, that is located in the right-of-way, as long as all provisions of section 54-400 – 54-429 have been met.
- ~~(44)~~(45) _____ Sporting goods store.
- ~~(45)~~(46) _____ Stationery store.
- ~~(46)~~(47) _____ Tanning salon.
- ~~(47)~~(48) _____ Tobacco store.
- ~~(48)~~(49) _____ Toy store.
- ~~(49)~~(50) _____ Variety store.

~~(50)~~(51) Video sales and rental.

- (c) *Accessory uses.* Within the CGMU-1 or CGMU-2 subdistricts, the following uses shall be permitted accessory uses:
- (1) Off-street parking of automobiles for patrons or employees of a permitted use.
 - (2) Off-street loading areas as regulated herein.
 - (3) Signs, fences, and decorative landscape features as regulated herein.
 - (4) Customary uses incidental to the principal use as determined by the city council.
- (d) *Conditional uses, CGMU-1.* Within the CGMU-1 subdistricts, no structure or land may be used for any of the following uses except by conditional use permit:
- (1) On-sale and off-sale liquor establishments as regulated by this Code.
 - (2) Amusement or entertainment, as defined and regulated by this Code.
 - (3) Drive-through facilities for a permitted use, if provisions for vehicle stacking, vehicle maneuvering, outdoor speaker devices, appearance and lighting of outdoor menu boards, and other related matters can be shown to be in keeping with the intent and character of the CGMU district and compatible with surrounding uses.
 - (4) Residential dwelling units within the same building as nonresidential uses, if provisions for parking, security, noise, odors, and other related issues affecting the residential units can be shown to be handled adequately and in keeping with the best interests of the residents.
 - (5) Theaters.
 - (6) Parking ramps or parking garages.
 - (7) Buildings in excess of 50 feet in height, if such buildings will not block significant views from existing uses or views to significant features within the CGMU district, and if such buildings can be shown to be in keeping with the intent and character of the CGMU district and compatible with surrounding uses.
 - (8) Any permitted use or any other conditional use, if 10,000 square feet or more in gross floor area, if such use can be shown to be in keeping with the intent and character of the CGMU district and compatible with surrounding uses.
 - (9) Other uses determined by the city council to be similar in purpose and character to other permitted or conditional uses in this district.
- (e) *Conditional uses, CGMU-2.* Within the CGMU-2 subdistricts, no structure or land may be used for the following uses, except by conditional use permit:

- (1) Any conditional use allowed in the CGMU-1 subdistrict.
 - (2) Automobile and truck service uses.
 - (3) Equipment and vehicle rental.
 - (4) Gasoline service stations, auto repair, sales, and storage.
 - (5) Automobile car wash.
 - (6) Screened outdoor storage.
- (f) *Prohibited uses. Within the CGMU-1 or CGMU-2 subdistricts, no structure or land may be used for small wireless facilities located outside of the right-of-way.*

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

- (a) *Permitted uses.* No land or buildings within the C-1 district shall be used except for one or more of the following uses:
- (1) Accessory store, apparel.
 - (2) Altering, pressing and repair of wearing apparel.
 - (3) Ambulance service.
 - (4) Appliance store.
 - (5) Art gallery.
 - (6) Bakery employing not over five employees.
 - (7) Bank.
 - (8) Barbershop.
 - (9) Beauty shop.
 - (10) Bookstore.
 - (11) Bus terminal.
 - (12) Cafe, cafeteria, or restaurant.
 - (13) Camera store.
 - (14) Candy, nut or confectionery store.
 - (15) Caterer.

- (16) Church.
- (17) Clinic, dental or medical.
- (18) Club or lodge, private.
- (19) Coin-operated laundromat or dry cleaning.
- (20) Dance studio.
- (21) Delicatessen store.
- (22) Dental labs.
- (23) Department store.
- (24) Drugstore.
- (25) Dry goods store.
- (26) Floral shop.
- (27) Food locker plant.
- (28) Furniture store.
- (29) Gift, novelty, or souvenir store.
- (30) Grocery store.
- (31) Hardware store.
- (32) Hobby supply store.
- (33) Hotel.
- (34) Jewelry store.
- (35) Laundry employing not more than five people.
- (36) Library.
- (37) Locksmith.
- (38) Luggage store.
- (39) Machines, business sales and service.
- (40) Magazine stand or newsstand.

- (41) Mail order house.
- (42) Massage therapy (licensed pursuant to article XII of chapter 18 of the City Code).
- (43) Meat market.
- (44) Motel.
- (45) Museum.
- (46) Musical instrument and musical recordings store.
- (47) Notions store.
- (48) Office.
- (49) Optician.
- (50) Paint and wallpaper store.
- (51) Painting and decorating.
- (52) Pet store.
- (53) Printing and publishing.
- (54) PWS antennas located entirely inside a building or structure.
- (55) Radio and television broadcasting.
- (56) Repair and servicing of any article the sale of which is permitted in the district.
- (57) School, elementary or secondary.
- (58) Shoe store.
- (58)(59) A small wireless facility, as defined in section 54-402, that is located in the right-of-way, as long as all provisions of section 54-400 – 54-429 have been met.
- (59)(60) Sporting goods store.
- (60)(61) Stationery store.
- (61)(62) Supermarket or grocery store.
- (62)(63) Tanning salon.
- (63)(64) Tile and linoleum store.

~~(64)~~(65) _____ Tobacco store.

~~(65)~~(66) _____ Toy store.

~~(66)~~(67) _____ Variety store.

~~(67)~~(68) _____ Video sales and rental.

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

(1) Other uses deemed by the city council to be similar in purpose and character to those set forth in subsections (a) and (b) of this section.

(2) Apartment houses as provided in section 118-123.

(3) Gasoline service station, auto repair, sales, and storage.

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

(5) All drive-in businesses.

(6) Structures exceeding 45 feet in height.

(7) Amusement or entertainment, as defined and subject to the conditions contained in section 118-268.

(8) Bakery employing more than five employees when the site is located within 350 feet of State Highway 56 (as measured from the property boundary nearest the highway).

(9) Food warehousing in conjunction with a permitted or conditional use when the site is located within 350 feet of State Highway 56 (as measured from the property boundary nearest the highway).

(10) Parking garage.

(11) A PWS antenna mounted on a building or structure 30 feet high or higher. Outdoor display or sales (vehicle sales are not permitted by this provision) which are accessory to a permitted use in the C-1 district, provided:

a. The outdoor display and sales are kept on private property.

b. The outdoor display and sale items must be removed at the close of business and stored inside the building when the business is closed. The outdoor display and sale items must not be permanently attached to the ground, building, or any other surface.

c. The outdoor display and sales items are kept well maintained so as not to present a nuisance to the neighborhood.

- d. The outdoor display and sales should not occupy required parking or access aisles.
- e. The outdoor display and sales are for items typically carried for sale inside the principal building.

(c) Prohibited uses. Within the C-1 district, no structure or land may be used for small wireless facilities located outside of the right-of-way.

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Sec. 118-127. - NCMU, North Concord mixed-use district.

- (a) *Purpose.* The purpose of the North Concord mixed-use (NCMU) district is to provide an area for compact, mixed-use development made mutually compatible through a combination of careful planning, urban design and coordinated public and private investment. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. The placement of building edges and the treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian-friendly environment envisioned for the NCMU. The standards in this section are intended to implement and effectuate the principles and relationships established in the city's Concord Gateway Framework Plan, a copy of which is on file in the office of city clerk and which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping. The NCMU district is depicted on the official zoning map.
- (b) *Permitted uses.* Within the NCMU district, no structure less than 10,000 square feet in area or land may be used, except for one or more of the following uses:
 - (1) Accessory store, apparel.
 - (2) Altering, pressing and repair of wearing apparel.
 - (3) Appliance store.
 - (4) Art gallery.
 - (5) Bakery.
 - (6) Banks and other financial institutions, without drive-through facilities.
 - (7) Barbershop.
 - (8) Beauty shop.
 - (9) Bookstore.
 - (10) Cafe, cafeteria, coffee shop, restaurant, or delicatessen, without drive-through facilities.

- (11) Camera store.
- (12) Candy, nut or confectionery store.
- (13) Church.
- (14) Club or lodge, private.
- (15) Copy service or printing service.
- (16) Department store.
- (17) Flower shop.
- (18) Furniture store.
- (19) Gift, novelty, or souvenir store.
- (20) Grocery store.
- (21) Hardware store.
- (22) Hotel or motel.
- (23) Laundromat or dry cleaning.
- (24) Library.
- (25) Locksmith.
- (26) Luggage store.
- (27) Machines, business sales and service.
- (28) Magazine stand or newsstand.
- (29) Massage therapy (licensed pursuant to article XII of chapter 18 of the City Code).
- (30) Meat market for retail sale to the public.
- (31) Medical or dental office or clinic (for humans only).
- (32) Museum.
- (33) Musical instrument and musical recording store.
- (34) Notions store.
- (35) Office.

- (36) Optician.
- (37) Painting, wallpaper and decorating store for retail sales and service.
- (38) Pet store.
- (39) Repair and servicing of items the sale of which is permitted in this district.
- (40) Residential multifamily dwelling units, within a structure containing at least four units.
- (41) School, public or private.

(42) Shoe store.

~~4~~(43) A small wireless facility, as defined in section 54-402, that is located in the right-of-way, as long as all provisions of section 54-400 – 54-429 have been met.

(42)(44) Sporting goods store.

(43)(45) Stationery store.

(44)(46) Tanning salon.

(45)(47) Tobacco store.

(46)(48) Toy store.

(47)(49) Variety store.

(48)(50) Video sales and rental.

(c) *Accessory uses.* Within the NCMU district, the following uses shall be permitted accessory uses:

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

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

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

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

(d) *Conditional uses, NCMU.* Within the NCMU district, no structure or land may be used for the following uses, except by conditional use permit:

(1) On-sale and off-sale liquor, beer, and wine establishments as regulated by this Code.

(2) Amusement or entertainment, as defined and regulated by this Code.

- (3) Drive-through facilities for a permitted use, if provisions for vehicle stacking, vehicle maneuvering, outdoor speaker devices, appearance and lighting of outdoor menu boards, and other related issues can be shown to be in keeping with the intent and character of the NCMU district and compatible with surrounding uses.
- (4) Residential dwelling units within the same building as nonresidential uses, if provisions for parking, security, noise, odors, and other related issues affecting the residential units can be shown to be handled adequately and in keeping with the best interests of the residents.
- (5) Theaters.
- (6) Pet boarding, kenneling, and grooming during daytime hours, only.
- (7) Construction contractors (with no exterior storage or exterior trailer and vehicle fleeting and storage).
- (8) Parking ramps or parking garages.
- (9) Buildings in excess of 50 feet in height, if such buildings will not block significant views from existing uses or views to significant features within the NCMU district, and can be shown to be in keeping with the intent and character of the NCMU district and compatible with surrounding uses.
- (10) Any permitted use or conditional use, if 10,000 square feet or more in land area or floor area, if such use is in keeping with the intent and character of the NCMU district and compatible with surrounding uses.
- (11) Automotive repair (with no exterior storage of vehicles in an obvious state of disrepair and disassembly, unlicensed vehicles, and automotive parts, accessories, and equipment).
- (12) Gasoline service stations (with accessory car wash facility). Other uses determined by the city council to be similar in purpose and character to other permitted and conditional uses in the NCMU district.

(e) Prohibited uses. Within the NCMU district, no structure or land may be used for small wireless facilities located outside of the right-of-way.

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

- (a) *Permitted uses.* Uses permitted in the general business (GB) district shall include and be limited to the following: All uses permitted in the C-1 retail business district.
- (b) *Uses by conditional use permit.* Within the GB district, the following uses may be allowed only by conditional use permit:

- (1) Armories, skating rinks, convention halls, and similar uses.
- (2) Auditorium or recreational building.
- (3) Automobile and truck service uses.
- (4) Automobile car wash.
- (5) Boat, marine, trailer, farm equipment, automobile, truck, and similar sales.
- (6) Bottling works.
- (7) Bowling alley.
- (8) Carpet or rug cleaning.
- (9) Church.
- (10) Commercial recreation and equipment storage.
- (11) Contractor, if open storage is utilized.
- (12) Dance and other commercial schools.
- (13) Drive-in business of all types.
- (14) Dry cleaning.
- (15) Dwelling units in any building.
- (16) Equipment and vehicle rental.
- (17) Essential services.
- (18) Existing use in an adjacent existing business district that is not a permitted use or a specified use by conditional use permit.
- (19) Exterior storage, open sales lots.
- (20) Food locker plant.
- (21) Laundry.
- (22) Lumber yard.
- (23) Manufacturing as permitted in the I district.
- (24) Medical uses (human and animal).

- (25) On-sale and off-sale liquor sales, including 3.2 percent beer.
- (26) Other uses deemed by the city council to be similar in purpose and character to those set forth in this subsection and in subsection (a) of this section.
- (27) Parking garage.
- (28) Public hall.
- (29) PWS antennas.
- (30) PWS tower.
- (31) Seasonal business.
- (32) Spur tracks.
- (33) Supper club.
- (34) Structures exceeding 45 feet in height.
- (35) Body art establishment; provided, however, that the building in which the body art establishment is located shall not be closer than:
 - a. Three hundred feet from the nearest part of a residential building located within a residential district, as referenced in section 118-8; and
 - b. One-half mile from the nearest part of a building in which another body art establishment is located.
- (36) Theater.
- (37) Wholesaling.
- (38) Alternative financial establishment, subject to the supplemental regulations in section 118-275.
- (c) *Prohibited uses. Within the GB district, no structure or land may be used for small wireless facilities located outside of the right-of-way.*

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

- (a) *Purpose.* The purpose of the industrial (I) district shall be to provide for the continuation and establishment of industrial and manufacturing uses that are of high quality and can be built to high performance standards. All new uses in the industrial zone that are not going

into existing facilities or are going into existing structures that are being structurally modified shall go before the city council for site plan approval.

(b) *Permitted uses.*

(1) Commercial recreations (handball, racquetball and tennis).

(2) Manufacturing in an enclosed building with permanent walls and roof, Except as prohibited by subsection (d) of this section.

(3) Offices.

(4) Printing and publishing.

(5) PWS antennas located entirely inside a building or structure.

~~(5)~~(6) A small wireless facility, as defined in section 54-402, that is located in the right-of-way, as long as all provisions of section 54-400 – 54-429 have been met.

~~(6)~~(7) Radio, television and other transmitting studios and towers under 50 feet in height.

~~(7)~~(8) Warehousing and distribution in an enclosed building with permanent walls and roof.

~~(8)~~(9) Within the boundaries of the South St. Paul Municipal Airport, aviation- and airport-related businesses.

(c) *Uses by conditional use permit or interim use permit.* The following uses shall require a conditional use permit or an interim use permit, and all applications for such conditional use permits shall follow the review and procedural guidelines set forth in section 118-132 of this chapter, governing planned unit developments:

(1) Armories, convention halls and similar uses.

(2) Automobile, truck and other vehicle repair.

(3) Commercial kennels, animal hospitals.

(4) Exterior processing on industrial zoned property south of I-494, except that part north of Richmond Street, west of Hardman Avenue north of vacated Malden Street from Hardman Avenue to the Mississippi River, the south one-half of section 35, T28N, R22W and the east one-half of the NW 1/4 of section 35, T28N, R22W.

(5) Exterior storage (not as a principal use). Exterior storage and open sales lot in conjunction with an approved use on the same site.

(6) Exterior storage and processing of wood chips, accessory to an approved business, provided a detailed screening, parking, driveway, storage, and display plan for the

wood chip processing and storage area and all off-street parking and driveway area is implemented, consistent with current city codes, subject to the city council review and approval.

- (7) Exterior storage as a principal use on industrial zoned property south of I-494, except that part north of Richmond Street, west of Hardman Avenue, north of vacated Malden Street, from Hardman Avenue to the Mississippi River, the south one-half of section 35, T28N, R22W and the east one-half of the NW 1/4 of section 35, T28N, R22W.
- (8) Exterior storage or exterior processing as a principal use on industrial zoned property described as follows:

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

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

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

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

- (16) PWS tower.
 - (17) Restaurants.
 - (18) Sexually oriented uses, as defined in article XVIII of chapter 18, 500 feet north of I-494 and south of Grand Avenue.
 - (19) Spur tracks.
 - (20) Structures of any type over 50 feet in height.
 - (21) Temporary on-site rock crushing operation when used for surcharging the land as an integral part of a land reclamation plan approved by the city engineer.
 - (22) Temporary structures.
 - (23) Truck stop.
 - (24) Veterinary clinic.
 - (25) Wholesaling.
- (d) *Prohibited uses.* Some land uses are not compatible with the purpose statement for the I district and therefore shall not be permitted. The following uses are prohibited:
- (1) Acid manufacturing.
 - (2) Asphalt plants.
 - (3) Creosote treatment or manufacture.
 - (4) Exterior storage as a principal use, except as permitted by subsections (c)(5) and (c)(8) of this section.
 - (5) Junkyards.
 - (6) Landfills (not including the filling and grading of land with totally buildable materials to prepare the land for development).
 - (7) Manufacturing of hazardous chemicals as a principal use.
 - (8) Reserved.
 - (9) Metal shredder location or operation.
 - (10) Mining of any type.
 - (11) Open sales lots.

- (12) Petroleum refineries.
- (13) Permanent or temporary storage of hazardous waste as a principal use.
- (14) Small wireless facilities located outside of the right-of-way.
- (15) Sludge disposal.

(e) *Accessory uses.*

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

(f) *Lot area, yard and building height.* Within the I district, the following requirements shall be met:

- (1) No structure shall be more than 50 feet in height except by conditional use permit.
- (2) Minimum building setbacks measured from the property line or right-of-way line shall be as follows:

| | |
|-----------------------------------|---------|
| Front yard (any street frontage). | 30 feet |
| Side yard | 20 feet |
| Rear yard | 20 feet |
| Side or rear facing RR siding | 0 feet |

- (3) Minimum lot size shall be one acre.
- (4) Minimum principal building square footage shall be 5,000 square feet.

- (g) *Certificate of occupancy.* A certificate of occupancy shall be required for all uses.
- (h) *Lot coverage.* Lot coverage by buildings shall not exceed 40 percent of the lot.
- (i) *Off-street parking and loading signs.*

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

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

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

- a. *Landscaping.* In addition to the requirements of section 118-243, all areas in this zone shall present a detailed landscape plan prepared by a landscape architect or other qualified person approved by the city engineer. The landscaping plan shall provide for a landscaped area that is a minimum of 15 percent of the parcel's total area. The landscaping plan shall present a pleasing handling of the lot and shall include overstory trees, understory trees and appropriate plants and shrubs. The trunks of all deciduous trees shall be at least 2½ inches in diameter, and all coniferous trees shall be at least five feet in height. The minimum number of overstory trees shall be equal to the perimeter of the lot divided by 70. If any of these specific landscaping requirements are not practicable, as determined by a qualified landscaping expert, due to soil conditions, water tables, availability of plant species or other conditions beyond the control of the property owner, these requirements may be modified by the city at the request of the owner. The plan shall certify that the cost of the plant materials is equal to or exceeds two percent of the cost of the proposed building. For buildings over \$1,000,000.00 in cost, the amount of landscaping cost may be reduced by the city council.
- b. *Exterior building materials.* All buildings shall be finished on all sides with permanent finished materials of consistent quality. Except as otherwise provided by section 118-249, exterior wall surfaces shall be face brick, glass, or stone. Architecturally treated concrete, cast in place, precast panels, or decorative block may be acceptable if incorporated in a building design that is compatible with other development throughout the district.

Sec. 118-130. - NRDD, north riverfront development district.

- (a) *Purpose.* The purpose of this district is to promote and regulate the development of mixed commercial and certain high-density uses in the area adjacent to and in the vicinity of the Mississippi River by the balancing of utilization of land for the purposes for which it is most appropriate and protection of the river amenities in the public interest.
- (b) *Permitted uses.* No building, structure, or land shall be used in whole or in part except for the following permitted uses:
 - (1) Boat marinas.
 - (2) Public recreational uses.
 - ~~1-(3)~~ PWS antennas located entirely inside a building or structure.
 - ~~(3)~~(4) A small wireless facility, as defined in section 54-402, that is located in the right-of-way, as long as all provisions of section 54-400 – 54-429 have been met.
- (c) *Conditional uses.* The following uses shall be allowed by conditional use permit in the NRDD district: commercial recreational uses.
- ~~(d)~~ *Prohibited uses.* Within the NRDD district, no structure or land may be used for small wireless facilities located outside of the right-of-way.

SECTION 3. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance amendments provide for small wireless facilities as permitted uses in the right-of-way in all zoning districts except for single-family residential, in which case, it shall be allowed by a conditional use permit. No small cell wireless facilities shall be allowed outside of the right-of-way.

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

Approved: September 18, 2017

Published: September 24, 2017

Christy Wilcox, City Clerk