

**July 9, 2025
6:30 PM**

The Planning Commission Special Meeting will be conducted on **July 9, 2025** at 6:30 p.m. in the City Council Chambers of City Hall, located at 2400 Margaret St., North St. Paul.

You can watch the meeting on our YouTube channel here: <https://tinyurl.com/NSPYouTube>

I. Call to Order

II. Roll Call

COMMISSION

Patrick Blee, Chair

Andrew Wise, Vice-Chair

Arthur Alvarez, Jr. Commissioner

Stephanie Kane-Burback, Commissioner

Elizabeth Gadbois, Commissioner

Cameron Muhic, Commissioner

Jim Rathe, Commissioner

STAFF/LIAISONS

Jason Nordby, City Council Liaison

Ken Roberts, Community Development Director

Chris Cherne, Planning Commission Secretary

III. Adopt Agenda

IV. Approval of Minutes

A. Approval of June 5, 2025 Meeting Minutes

V. Meeting Open to the Public

This Open Forum is an opportunity for persons to address the Planning Commission on items not on the agenda. A completed public comment form should be presented to the staff liaison prior to the meeting. Comments will be limited to 3 minutes per person. While the Commission may ask clarifying questions of the speaker, no formal action by the Commission or discussion will be held on these items.

VI. Public Hearings

A. Land Use Plan Amendment & Zoning Map Amendment

B. Zoning Ordinance Text Amendment - Home Occupations

VII. Commission Business, Action Items & Recommendations

VIII. Reports

IX. Adjournment

The next regularly scheduled Planning Commission meeting is August 7, 2025.



| To | Date |
|------------------------|--------------|
| Planning Commissioners | July 9, 2025 |

Agenda Placement # IV.A
Approval of Minutes

Subject
Approval of June 5, 2025 Meeting Minutes

Background/Facts
N/A

Recommended Action
Staff recommend approval of the June 5, 2025 Planning Commission Meeting Minutes.

Attachments
1. PC Minutes 06-05-2025

Respectfully submitted,
Chris Cherne, Community Development Administrative Assistant



**Planning Commission
Regular Meeting Minutes
June 5, 2025
6:30 PM**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

I. CALL TO ORDER

Chair Blee called the meeting to order at 6:32 PM.

II. ROLL CALL

COMMISSION

Patrick Blee, Chair
Andrew Wise, Vice-Chair
Arthur Alvarez, Jr., Commissioner
Stephanie Kane-Burback, Commissioner
Elizabeth Gadbois, Commissioner
Cameron Muhic, Commissioner
Jim Rathe, Commissioner

STAFF/LIAISONS

Jason Nordby, City Council Liaison
Ken Roberts, Community Development Director

III. ADOPT AGENDA

Blee asked for a motion to adopt the June 5, 2025 meeting agenda.
M/Rathe, S/Wise.
Motion carried 7-0.

IV. APPROVAL OF MINUTES

A. Approval of April 3, 2025 Meeting Minutes

Blee asked for a motion to approve the April 3, 2025 meeting minutes.
M/Muhic, S/Rathe.
Motion carried 7-0.

B. Approval of May 1, 2025 Workshop Meeting Minutes

Blee asked for a motion to approve the May 1, 2025 workshop meeting minutes.
M/Wise, S/Gadbois.
Motion carried 7-0.

V. MEETING OPEN TO THE PUBLIC

There were no public comments.

VI. PUBLIC HEARINGS

There were no public hearings.

VII. COMMISSION BUSINESS, ACTION ITEMS & RECOMMENDATIONS

A. Comprehensive Plan and Zoning Map Amendments

Roberts presented the Comprehensive Plan and Zoning Map Amendments item to the Planning Commission. The staff report identifies two areas along 7th Ave E and South Avenue east of McKnight Road N for which the City should consider amending the Future Land Use designation in the Comprehensive Plan and the official Zoning Map. Roberts provided background on previous Planning Commission discussions regarding inconsistencies between the Zoning Map and Future Land Use Map.

All properties are designated in the Zoning Map and Comprehensive Plan as MU-3: Corridor Mixed-Use, but all the lots have existing single-family dwellings except for two vacant lots. The MU-3 Zoning District does not allow single-family homes. All the homes within this subject area exist as legal nonconforming uses. Staff propose a rezoning from MU-3: Corridor Mixed-Use to R-2: Mixed Residential.

Alvarez noted that these proposed changes are to align official city plans with what exists in reality. Muhic asked if a developer were to purchase several properties, what would they be able to do by right with the zoning designation changes. Roberts stated the Comprehensive Plan would allow townhomes at a density of 6-12 units per acre. The zoning allows single family homes and townhouses. If someone acquired all the properties and tried to build a large apartment building, there would need to be additional zoning map amendments. Muhic and Bles indicated that they do not see a problem with the proposed amendments. The advantage of moving forward with the amendments is that it allows the current homeowners in the subject area to have more flexibility.

Wise stated he hesitates to lower the zoning because 7th Ave E is a main corridor. The homes in those parcels are older homes. Those types of things would be attractive to someone looking to propose a denser project. By proceeding with the rezoning, there would be an additional hurdle for a potential developer. Bles stated a denser residential project would likely fall under the Planned Unit Development (PUD) umbrella.

The Planning Commission reached a consensus to proceed with this task.

B. Zoning Ordinance Update – Home Occupations

Roberts presented the Home Occupation Ordinance update item. The first few pages in the staff report are the existing ordinance language and comments regarding issues that could and should be changed with an updated ordinance. Based on staff research and comments, staff have proposed several amendments to the sections of the City Code regarding Home Occupations.

The most substantial changes in the new draft ordinance for home occupations include the creation of a defined Level 3 home occupation and the clarification of home occupations that are Level 1 and 2. The Level 1 home occupations are those that have no visible neighborhood impacts. Level 2 home occupations are those that have no potential neighborhood impacts except for signage, customer visits and parking areas.

Gadbois recommended the removal of foster care from the ordinance as the city does not regulate this. Bles asked if there is a permit or license required for existing home occupations. Roberts stated that the current ordinance indicates that there is no licensure or permits for Level

1 home occupations, but it does exist for Level 2 home occupations. In the new draft ordinance, a permit is required for Level 2 and Level 3 home occupations, although Level 3 home occupations must be approved by City Council via an interim use permit. Muhic recommended the clarification of tutoring as allowed as a home occupation if there are “no more than two pupils” and amending that to say, “no more than two unrelated pupils”. The Planning Commission discussed the definition of an art studio and its designation as a Level 2 home occupation. Gadbois recommended making a distinction between art lessons and making your own art to sell. Bles stated if you are crafting a product that will be sold later, that would be treated differently than having customers coming to your home. Wise recommended changing the list of acceptable Level 2 home occupations to cover “onsite client retail.” The Commission asked staff to work on drafting clarifying language for Level 2 home occupations to umbrella all customer based home occupations and quantity of customers.

The Planning Commission discussed heating, plumbing and air-conditioning services home occupations being designated Level 3 and the possibility of it being a “home based professional” business that may be allowed as a Level 1 home occupation. Roberts clarified there are off-street parking regulations that would cover any trailers or trucks. Roberts also indicated there are possibilities of deliveries causing burdens and storage issues and also ride-alongs with other employees. The Planning Commission agreed that this type of business should continue as a Level 3 because there is the potential to impact neighboring properties.

Roberts indicated that contractors and small engine repair may need additional clarification in the home occupation ordinance. Bles recommended clarifying contractors as general construction contractors. The Commission directed staff to remove “contractors” and “small engine repair” but maintain the “building trades” portion of the ordinance. Kane-Burback recommended changing “family day care” to “in-home daycare” to be in line with current professional language.

Muhic stated that item xii, retail sales or distribution of products on the premises are prohibited, would be an issue for tailoring or beauty shops that sell products. Roberts stated that the ordinance indicates that this would be covered as long as they are occasional sales and incidental to and not the primary purpose of the home occupation. Roberts pointed out item x needing clarification as a property could be a dumping yard for the business and asked if the language needs changing. This item will be clarified to state “no exterior storage visible from the public street”.

Roberts stated that on page 3 of the ordinance there is a list of uses and activities not allowed as home occupations. Pet grooming or pet care facilities are on this list. The Commission recommended removing pet grooming from the list. Muhic asked if there should be any review on continuing nonconforming home occupations. Roberts indicated that would be complicated as the City does not keep track of private property sales. Nordby asked why firearm or ammunition sales/repair is on the list of not allowed. The Commission asked staff to clarify that state or federal licenses are required for firearm or ammunition sales/repair. Kane-Burback asked staff to look into pet boarding information in the existing zoning ordinance. Roberts stated he will try to get the revisions discussed at the meeting into an ordinance format for the Planning Commission to consider at their next meeting.

C. Subdivision Ordinance Update

Roberts presented the Subdivision Ordinance Update item to the Planning Commission. Roberts and the City Attorney have reviewed the ordinance and indicated that it is both outdated and confusing. The last major changes were made to the existing ordinance in 1999. The City Attorney noted three parts of the ordinance that they recommend the City update. First, they want to see a solid analysis of park dedication fees to make sure that they are consistent with recent

court rulings. Second, they would like to see more detail in the provisions requiring development contracts including requirements and terms imposed by a development contract. Third, the current code allows developers to post security in the form of a performance bond. The City Attorney indicated that now, the City should only allow security in the form of an Irrevocable Letter of Credit from a bank.

Staff recommend additional changes to the Subdivision Ordinance including:

- Adding a purpose section.
- Expanding and updating definitions.
- Adding language about the general provisions and administration of the Ordinance.
- Updating all references in the Code about the application submittal requirements.
- Adding clarifying language about the City process for reviewing lot consolidations and lot line adjustments.
- Revising the Code to allow City staff to approve simple lot divisions or lot splits rather than requiring Planning Commission review and City Council approval.

Muhic asked if it is a requirement to not use park dedication cash payments for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space. Roberts stated that park dedication cash payments received must be used only for acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space. Alvarez asked if an Irrevocable Letter of Credit is harder or easier to get than a performance bond. Roberts shared that his experience is that neither is easier or harder to get than the other. Roberts will bring this item back to the Planning Commission at an upcoming meeting for further review and discussion.

D. Downtown Design Manual Review

Roberts presented the Downtown Design Manual Review item to the Planning Commission. Included in the packet are additional former staff memos and a former proposed process/timeline. Roberts pointed out the west end of the historic downtown district (on 7th Ave E between North St. Paul Drive and Helen St N) and stated he questions whether the west end should be included as it is not historic in nature anymore. Roberts stated the original scope of the downtown design district was likely for the area around 7th Avenue and Margaret St N.

The Commission discussed various design guidelines in the Downtown Design Manual such as setbacks and height requirements. Roberts asked the Planning Commission what their priority is for the Downtown Design Manual. Blee indicated that the other items mentioned throughout the meeting are more of a priority, but it is important to have the Manual be right. Blee indicated it would be a good idea to have a consultant work on these updates next year. Muhic stated the east and west ends of the Downtown Design District should have a form-based code. The only truly historic parts of the town are the two blocks on either side of Margaret St N along 7th Ave E. Nordby asked staff to research if grants are available for the Manual update.

E. 2025-2026 Planning Commission Work Plan

Roberts presented the proposed Planning Commission Work Plan for 2025-2026. The Commission agreed that the Downtown Design Manual should move lower on the priority list, but the work plan will be helpful to balance priorities and stay on track.

VIII. REPORTS

A. July 3, 2025 Meeting

Due to the uncertainty of there being a quorum of Planning Commission members present at the July 3, 2025 meeting, staff will coordinate with members to cancel the regular meeting and schedule a special meeting on a different date.



Roberts stated he has been having conversations with a developer about a potential townhome project on South Ave E near the Maplewood border. The zoning of the lot is R-3: Multiple Family Residential. The developer is asking for City sponsorship via Metropolitan Council's Livable Communities Grant.

Nordby stated that there will be a presentation on the future of the Community Center on June 17, 2025 at 5:15 PM at City Hall.

Alvarez stated he is still researching definitions of townhouses, duplexes, and twin homes and will share as he learns more.

IX. ADJOURNMENT

Blees asked for a motion to adjourn the meeting at 8:20 PM.

M/Rathe, S/Alvarez.

Motion carried 7-0.

The next regularly scheduled Planning Commission Meeting is Thursday, July 3, 2025 at 6:30 PM.

Members, please notify any planned absences to:

Chris Cherne
Planning Commission Secretary
651-747-2440
chris.cherne@northstpaul.org

City of North St. Paul

Planning Commission Report



From: Ken Roberts, Community Development Director
Meeting Date: July 9, 2025
Agenda Item: Comprehensive Plan (Future Land Use Plan Map) and Zoning Map Amendments

INTRODUCTION

City staff have identified two areas along 7th Avenue and South Avenue east of McKnight Road for which the City should consider amending the Future Land Use Plan designation and the Zoning Map.

BACKGROUND

In August 2015, the City Council approved a complete rewrite to the zoning ordinance. The City amended the zoning map shortly thereafter to implement the new zoning ordinance that established new district designations.

On April 6, 2023, the Planning Commission reviewed the existing zoning map as compared to the Comprehensive Plan and the future land use map. At that meeting, the Commission directed staff to prepare a report analyzing each property proposed for rezoning to determine possible impacts and to guide discussion on next steps.

On May 4, 2023, the Planning Commission analyzed half of the areas in the city where the existing zoning was inconsistent with the future land use designation per the Comprehensive Plan.

On July 6, 2023, the Planning Commission analyzed another ten areas in the city where the existing zoning was inconsistent with the future land use designation per the Comprehensive Plan. Several of these areas were along the south side of 7th Avenue east of McKnight Road.

On June 5, 2025, City staff presented information to the Planning Commission about possible changes to the future land use plan map and the zoning map for two areas in North Saint Paul. These areas are generally east of McKnight Road along 7th Avenue, South Avenue and Oak Hill Place. The Commission heard a presentation from staff, discussed the proposed changes and agreed that the City should proceed with making the map changes for the two areas as outlined by City staff.

GENERAL INFORMATION – DISCUSSION

The two areas staff want the city to consider changing the future land use designation and the zoning map are shown on the attached maps. The area along either side of South Avenue east of McKnight Road has a total of 16 properties with single family homes. The area along the north side of 7th Avenue between 3rd Street North and 2nd Street North and along Oak Hill Place has 14 single family homes and two vacant lots.

The existing Future Land Use designation for these areas is Corridor Mixed Use and the existing zoning is MU-3 Corridor mixed use. While the land use and zoning designations for the properties are consistent with each other, the MU-3 zoning does not allow single-family homes as a permitted or a conditional use.

This means all the existing single-family homes on these properties are legal non-conforming. This also means the City cannot issue building permits for single dwellings for the two vacant lots that are on the north side of 7th Avenue.

Section 154.009 of the City Code has standards for legal non-conformities in North Saint Paul. The City Code allows legal non-conformities (uses, structures and lots) to continue to be used as is. However, the City Code has specific language about the expansion of non-conforming properties in the MU-3 corridor as follows:

(C) *MU-3 Zone Expansion exception.* A building permit may be granted to a nonconforming use in the MU-3 zone if all of the following are met:

1. The expansion of the use involves an expansion of no more than 10% of the gross-floor area of the building;
2. The modification of the use consists of an expansion amounting to no more than 10% of the approved gross floor area;
3. When the expansion of the use is otherwise consistent with all other sections of this chapter;
4. And, when such expansion of the use eliminates an adverse effect or condition which is inconsistent with the MU-3 District or the approved plan for the area, and/or when such modification is determined to result in an improvement consistent with the objectives of the area and the total use of the site, and/or when such modification would lead to a more rapid implementation of the Comprehensive Plan and MU-3 District objectives while providing good aesthetics and functionality during the interim (time period between the nonconforming use and a conforming use of the property).

The standards noted above for expansion of non-conforming properties in the MU-3 zoning district are limiting. For example, it might not be possible for a property owner to add a deck or replace a detached garage on one of these properties because of the 10 percent size limit.

Proposed Changes

Comprehensive Plan – Future Land Use Plan Amendment

As noted above, the Future Land Use Plan designation for the properties in the two identified areas is Corridor Mixed Use. The 2040 Comprehensive Plan notes that this category is “established to encourage the development or redevelopment of mixed-use centers that combine retail development with a variety of housing, offices, live-work spaces employment activities and other complementary uses. This district will develop with a minimum of 30 percent residential component throughout the district.” Residential development in areas with this land use designation are intended to be at 12-40 units per acre.

Staff are not convinced at this time that the two areas being reviewed with this report will ever redevelop into more intense and dense land uses than the existing single-family homes. A redevelopment project would require a developer to assemble several properties into one project site that would require City approval. Based on this information, staff would like the Planning Commission to discuss having the City change the land use designation for these two areas to Low Density Residential. The 2040 Comprehensive Plan notes that this designation is intended for “single-family detached uses, duplexes and townhomes left as the result of older infill housing with a density range of 3 to 5.5 units per acre.” This land use designation is consistent with the existing residential uses and housing density in these areas.

The Comprehensive Plan and the City Code do not have any specific criteria for the city to consider when reviewing Comprehensive Plan or Land Use Plan Amendments. The Planning Commission and the City Council should review the proposed land use plan change and determine if it is consistent with the goals and policies of the City.

Zoning Map Amendment

If the City proceeds with changing the future land use designation of these properties, then the city should change the zoning map for the properties to ensure the land use designation and zoning map are consistent with each other. The R-2, Mixed Residential Zoning District is the zoning designation that is most consistent with the proposed Low Density Residential future land use designation and the existing lot sizes and uses on the properties. The purpose of this zoning district is to “maintain or increase compatibility of the essential characteristics of varying housing types and development consistent with the Comprehensive Plan.” The R-2 Zoning District has many permitted residential uses included single family dwellings, two family dwellings, townhouses, cottage development, and assisted living and state licensed residential facilities for six or fewer persons. This zoning map change from MU-3 (corridor mixed use) to R-2 (mixed residential) would make the existing use of these properties with single-family residences a conforming use rather than legal non-conforming uses. The proposed zoning map change also would make the two vacant lots on 7th Avenue eligible to have single family or two-family dwellings constructed on them.

Per Section 154.004(D), the city may grant a zoning map amendment (rezoning) if the proposed amendment is compliant with the following findings (items 1-5 below, with analysis follows):

1. The proposed zoning map amendment is consistent with the general purposes and intent of the Comprehensive Plan.

The proposed zoning map change would be consistent with the purposes and intent of the Comprehensive Plan and the proposed change to the future land use plan map.

2. The proposed zoning map amendment will not adversely affect the health, safety, or general welfare of the city.

The proposed zoning map amendment will not adversely affect the health, safety or welfare of the city.

3. The proposed zoning map amendment is compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the city.

The proposed zoning map amendment will be compatible with the present and future land uses in the surrounding area and is related to the overall needs of the city.

4. The proposed zoning map amendment is compatible with adjacent properties.

The proposed zoning map amendment is compatible with adjacent properties.

5. The proposed zoning amendment can be adequately supported by public urban services including the water supply, transportation system and capacity, police and fire protection, utilities, and sanitary waste disposal and stormwater disposal systems.

The proposed zoning map amendment can be adequately supported by the existing public services as there are no proposed changes to the existing land uses in the area.

RECOMMENDATION

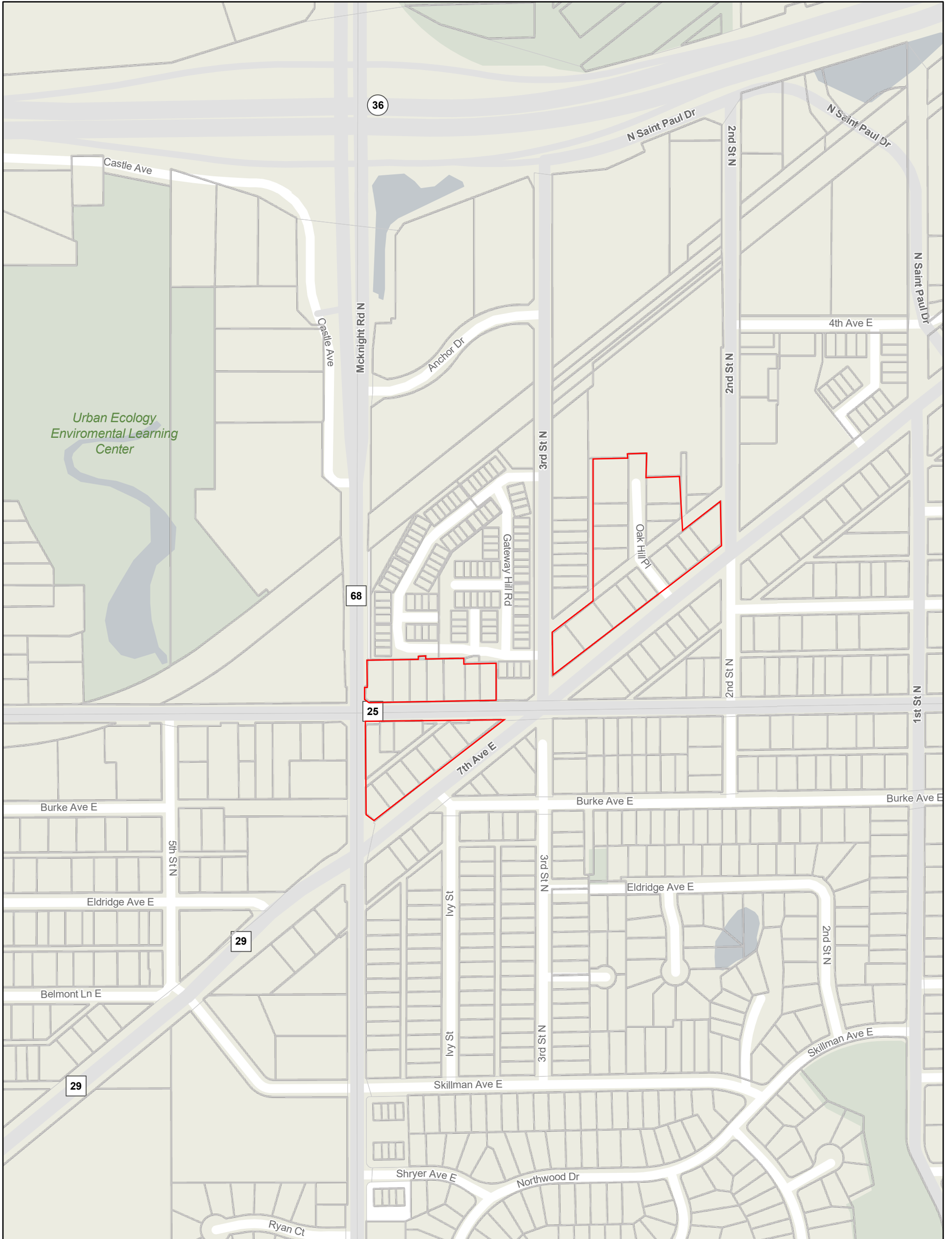
City staff are recommending the Planning Commission review the proposed changes to the Future Land Use and Zoning Maps for the two areas discussed in this report. If the Commission is supportive of the proposed changes, staff recommends the Planning Commission make the following motions:





1. Motion by _____, Seconded by _____ to recommend to the City Council approval of the Comprehensive Plan Amendment for the Future Land Use Plan Map. This proposal would change the land use designation for the residential properties in the study areas outlined in this report from Corridor Mixed Use to Low Density Residential.
2. Motion by _____, Seconded by _____ to recommend to the City Council approval of a zoning map amendment to change the zoning for the residential properties in the study area from MU-3 (Corridor Mixed Use) to R-2 (Mixed Residential). The Planning Commission is recommending approval of this change as it is compliant with the findings listed for such changes in Section 154.004(D) of the City Code.

ATTACHMENTS

1. Location Map
2. Aerial Overview Map
3. Future Land Use Plan Map – 7th and Oak Hill Lots
4. Current Zoning Map – 7th and Oak Hill Lots
5. Future Land Use Plan Map – South Avenue Lots
6. Current Zoning Map – South Avenue Lots

Location Map



-  Municipal Boundary
-  Address Label
-  Tax Parcels
-  Study Areas

1 in = 466 Ft






N

 May 28, 2025
 Map Powered By Datafi

Aerial Overview



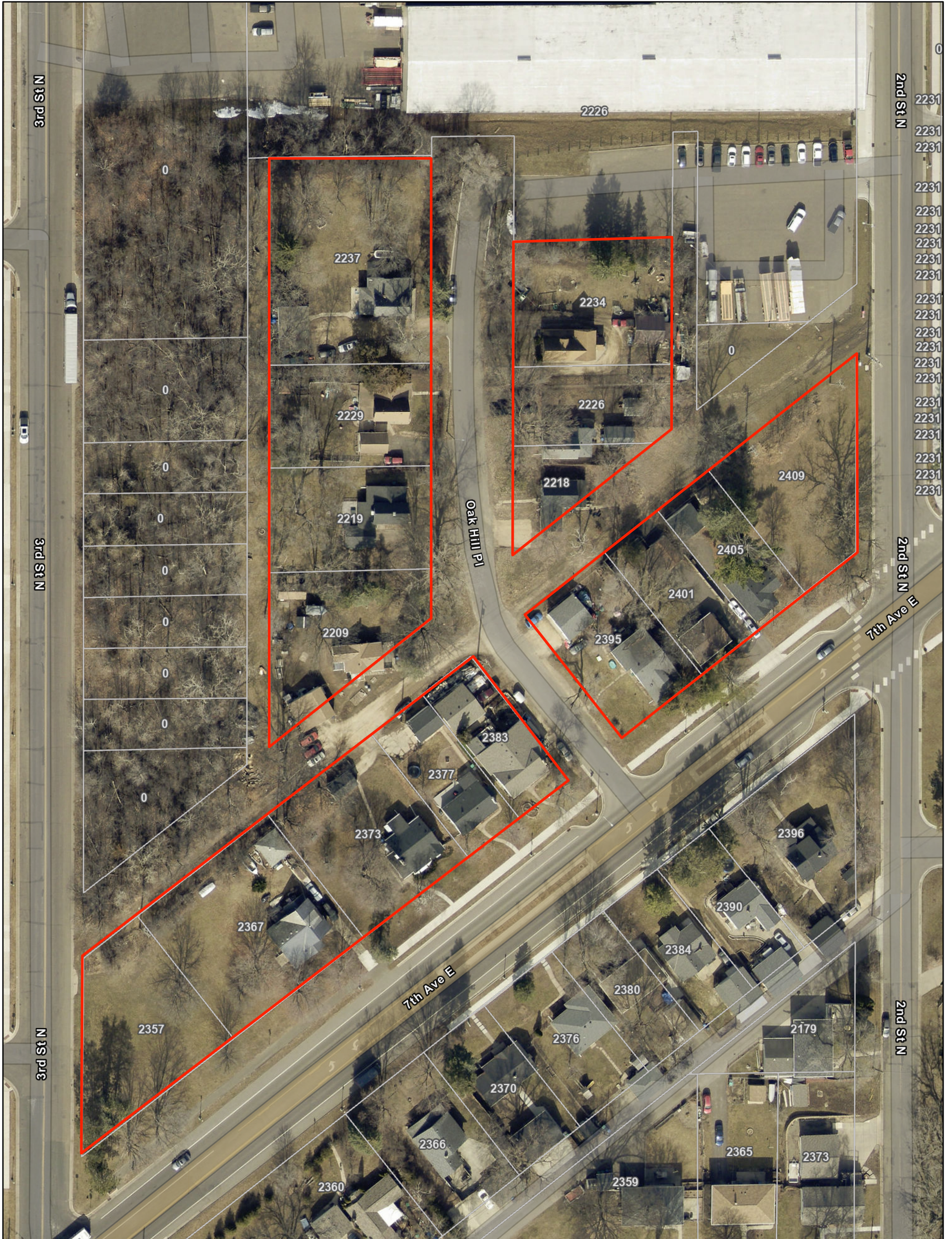
-  Municipal Boundary
-  Address Label
-  Tax Parcels




1 in = 214 Ft



N
 May 27, 2025
 Map Powered By Datafi

Aerial 7th Ave & Oak Hill PI Lots



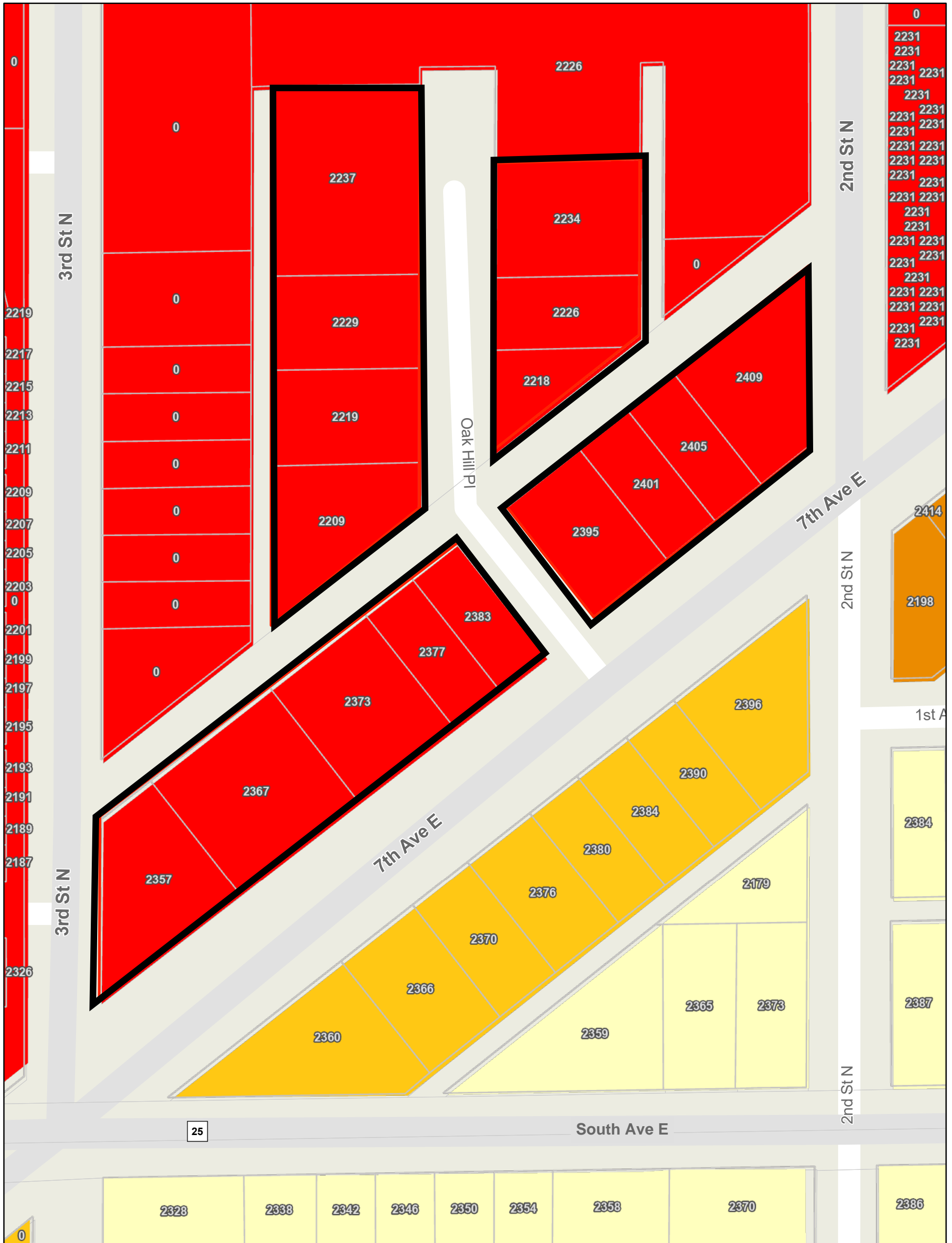
-  Municipal Boundary
-  Address Label
-  Tax Parcels

1 in = 102 Ft



N
May 27, 2025
Map Powered By Datafi

Future Land Use 7th Ave & Oak Hill PI Lots



--- Municipal Boundary

Address Label

□ Tax Parcels

■ Corridor Mixed Use

■ Low Density Residential

■ Medium Density Residential

■ Multi-Family Residential

1 in = 111 Ft



May 27, 2025
Map Powered By Datafi

The information on this map is from a digital database using the Datafi Geographic Information System. The map and associated data do not represent a survey. The City of North St. Paul makes no claims or guarantees about the accuracy or currency of the data depicted and expressly disclaims liability for errors and omissions in its contents. Each user of this map is responsible for determining its suitability for their intended use or purpose.

Aerial - South Ave Lots



- Municipal Boundary
- Address Label
- Tax Parcels

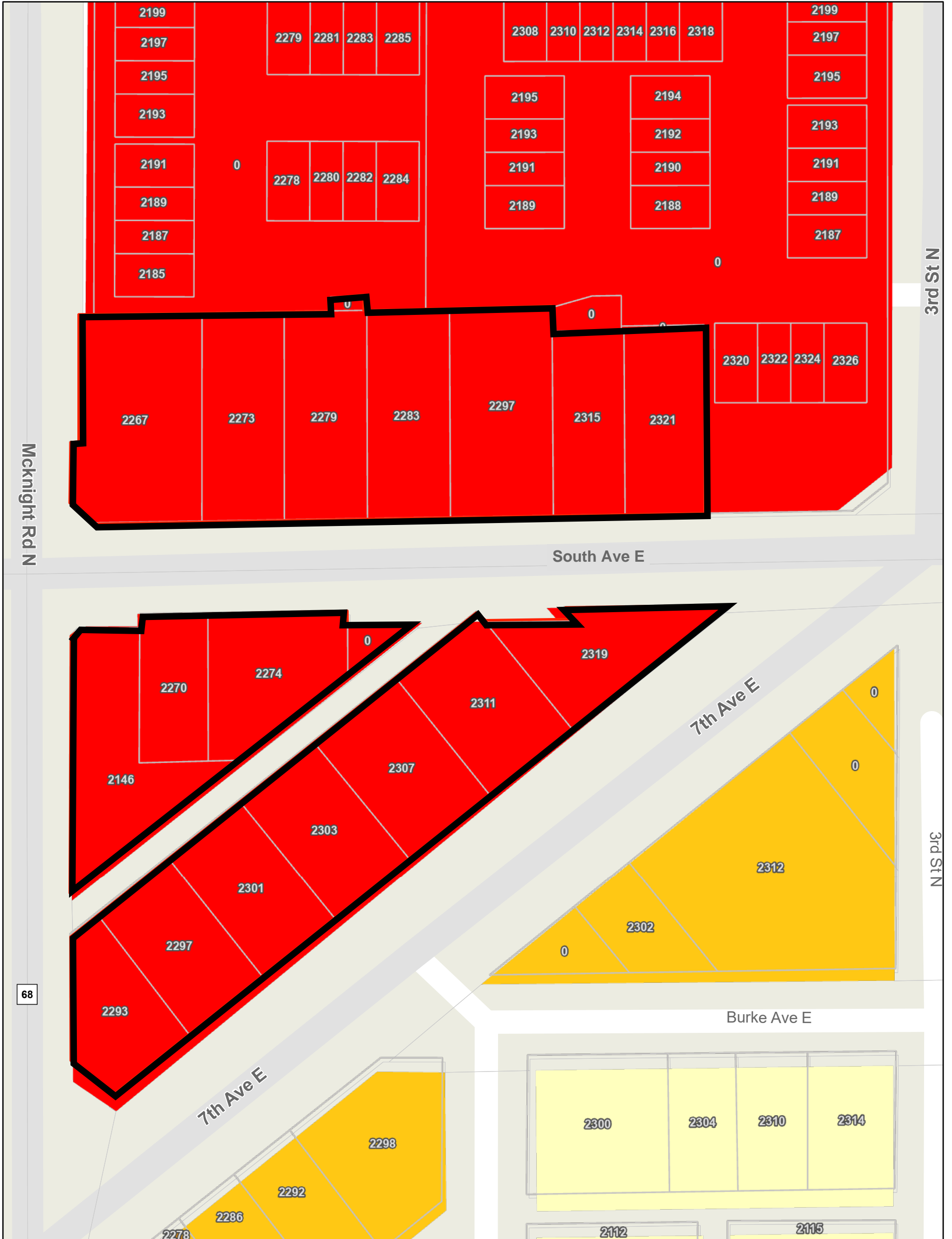
1 in = 102 Ft



May 27, 2025
Map Powered By Datafi

The information on this map is from a digital database using the Datafi Geographic Information System. The map and associated data do not represent a survey. The City of North St. Paul makes no claims or guarantees about the accuracy or currency of the data depicted and expressly disclaims liability for errors and omissions in its contents. Each user of this map is responsible for determining its suitability for their intended use or purpose.

Future Land Use - South Ave Lots



--- Municipal Boundary

Address Label

□ Tax Parcels

■ Corridor Mixed Use

■ Low Density Residential

■ Medium Density Residential

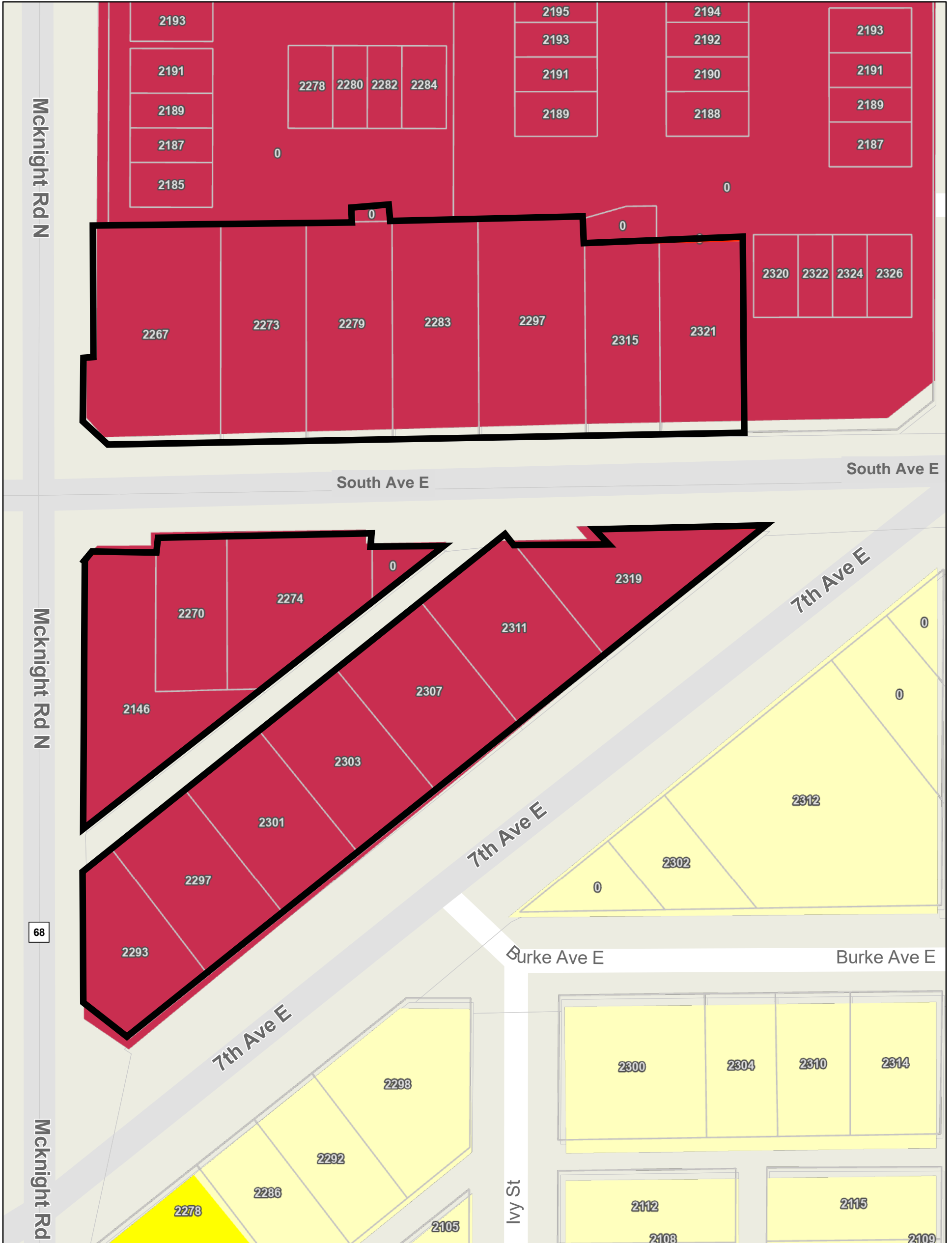
■ Multi-Family Residential

1 in = 96 Ft



N
 May 27, 2025
 Map Powered By Datafi

Current Zoning South Ave Lots



--- Municipal Boundary

Address Label

□ Tax Parcels

□ R1: Single Family Residential

□ R3: Multiple Family Residential

□ MU3: Corridor Mixed-Use

1 in = 93 Ft



N
 May 27, 2025
 Map Powered By Datafi

City of North St. Paul

Planning Commission Report



From: Ken Roberts, Community Development Director
Meeting Date: July 9, 2025
Agenda Item: Home Occupation Zoning Ordinance Text Amendments

INTRODUCTION

City staff have prepared a zoning ordinance text amendment related to home occupations in North Saint Paul. Staff are proposing the ordinance changes to clarify the types of occupations or activities the City will allow a property owner to conduct from residential properties, the standards for operating a home occupation and the types of uses and activities the City will not allow as home occupations in North Saint Paul.

BACKGROUND

On June 5, 2025, City staff presented information to the Planning Commission about possible ordinance changes to the City zoning regulations for home occupations. The Commission and staff reviewed and discussed the proposed changes for their relevance and usefulness for the City. It was the consensus of the Commission that the City should move forward with the proposed amendments with some changes as the Commission discussed during the meeting.

GENERAL INFORMATION – DISCUSSION

Zoning Ordinance Text Amendment

The attached zoning ordinance text amendment will repeal and replace three sections of the zoning code related to home occupations. It includes most of the changes the Planning Commission requested during their meeting on June 5, 2025. The changes the Commission requested included:

1. Adding language to Level 1 stating they are subject to all performance standards in the ordinance.
2. Removing art studio from Level 2.
3. Changing Family daycare to In Home daycare in Level 3.
4. Adding language in (f) about the appeal process.
5. Adding the phrase “visible from the public street” to (g) x. about exterior storage.
6. Removed pet grooming or pet care services from the prohibited list of home occupations.
Note: Animal grooming is listed as a permitted use only in the MU-1 and MU-2 zoning districts.
7. Adding Veterinary Services as a prohibited home occupation.
8. Adding “Unlicensed” to xiv (f) related firearm or ammunition sales and repair.
9. Added animal boarding as a prohibited home occupation as they are only allowed in the MU-3 Zoning District by CUP (conditional use permit).

I have underlined many of the proposed additions to the updated ordinance (attached) for ease of review by the Planning Commission.

Additional information about Day Care

Since the Planning Commission meeting on June 5, 2025, city staff reviewed the North Saint Paul City Code language regarding day care, day care centers and similar uses. Below is a list of several related terms in the City Code, their current definitions and information about the zoning districts where they are allowed in North Saint Paul:

DAY CARE. A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

DAY CARE CENTER. A facility which provides one of the following services: Care of a child outside the child's own home for gain or otherwise, on a regular basis for any part of a 24-hour day; or care for adults offering a program less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services.

Day Care facilities (day care centers) serving 12 or fewer persons are listed as a permitted use in the R-1, R-2, R-3 zoning districts and are listed as a conditional use in MU-1, MU-2 and MU-3 Zoning Districts.

DAY NURSERY. A use, licensed by the state where care is provided for pay for three or more children under kindergarten age for periods of more than three but less than 24 hours per day.

This use is listed as a permitted use in the R-1, R-2 and R-3 Zoning Districts when serving 14 or fewer children.

FAMILY DAY CARE. See 'Day Nursery'.

GROUP FAMILY DAY CARE. Day Care for no more than 14 children at any one time.

This use is listed as a permitted accessory use in the R-1, R-2, R-3, MU-1 and MU-2 Zoning Districts.

Staff are recommending the City drop family day care (and in home day care) from the list of Level 3 home occupations since day care centers, day nursery and group family day care are all listed as permitted uses in the R-1, R-2, R-3 zoning districts.

Ordinance Requirements

Per Section 154.004(D), the city may grant a zoning ordinance text amendment or a zoning map amendment (rezoning) if the proposed amendment is compliant with the following findings (items 1-5 below, with analysis follows):

1. The proposed amendment is consistent with the general purposes and intent of the Comprehensive Plan.

The proposed zoning ordinance text amendment for home occupations would be consistent with the purposes and intent of the Comprehensive Plan.

2. The proposed amendment will not adversely affect the health, safety, or general welfare of the city.

The proposed zoning ordinance text amendment will not adversely affect the health, safety or welfare of the city. In fact, the proposed text amendment should help to better protect the health, safety and general welfare of the residents of North Saint Paul.

3. The proposed amendment is compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the city.

The proposed amendment is not directly applicable to any one property but is related to the overall needs of the City.

4. The proposed amendment is compatible with adjacent properties.

The proposed zoning ordinance text amendment is not directly related or applicable to any one property.

5. The proposed amendment can be adequately supported by public urban services including the water supply, transportation system and capacity, police and fire protection, utilities, and sanitary waste disposal and stormwater disposal systems.

The proposed zoning ordinance text amendment can be adequately supported by the existing public services.

RECOMMENDATION

City staff are recommending the Planning Commission review the proposed Zoning Ordinance Text amendments for the Home Occupations in North Saint Paul. If the Commission is supportive of the proposed changes, staff recommends the Planning Commission make the following motion:

Motion by _____, Seconded by _____ to recommend to the City Council approval of Ordinance 2025 – XXX, a zoning ordinance text amendment to repeal and replace the existing City Code language related to Home Occupations in North Saint Paul.

ATTACHMENT:

1. Ordinance No. 2025 – XXX amending portions of Chapter 154 of the zoning ordinance

CITY OF NORTH ST. PAUL

ORDINANCE NO. 2025-XXX

**AN ORDINANCE AMENDING THE NORTH ST. PAUL CITY CODE
AS IT RELATES TO HOME OCCUPATIONS**

The City Council of the City of North St. Paul does hereby ordain as follows:

SECTION 1. Repeal and replace the definition for home occupation in §154.003 of the Municipal Code to read as follows:

HOME OCCUPATION. An occupation, profession, activity, or use conducted by the owner, renter or occupant of a residential property for financial gain or profits on or from the residential property that is clearly incidental and secondary to the residential use of the dwelling, not including a yard or garage sale.

SECTION 2. Repeal and replace §154.010(D)2(i) of the Municipal Code related to home occupations in accessory structures to read as follows:

- (i) Home occupations. Level 1 and Level 2 home occupations are allowed within an accessory dwelling unit subject to provisions of §154.010(D)19, provided the home occupation is incidental and secondary to the accessory dwelling unit. The home occupation within the accessory dwelling unit shall not be in addition to more than one home occupation within the principal dwelling. Level 3 home occupations are not allowed within accessory dwelling units.

SECTION 3. Repeal and replace §154.010(D)(19) of the Municipal Code about home occupations to read as follows.

19. Home Occupation

- (a) Purpose. The City of North Saint Paul establishes the standards and procedures herein for home occupations to permit the conduct of home occupation activities while preserving the character of residential neighborhoods, protecting the property rights of neighbors, promoting small businesses, and protecting the health, safety, and welfare of those neighborhoods.
- (b) A property owner may only establish and conduct a home occupation in accordance with this subsection.
- (c) Level 1 home occupations. Level 1 home occupations are those that have no visible neighborhood impacts, such as signage, customers or clients coming to the home, or external building or site alterations. Level 1 home occupations are permitted by right and do not require a home occupation permit and are subject to all performance standards listed in this ordinance. Level 1 home occupations may include:
 - i. Professionals that work from home.
- (d) Level 2 home occupations. Level 2 home occupations are those that have no potential neighborhood impacts except for signage, customer visits and parking areas in conformance with the standards listed in Section g below. Level 2 home occupations are a permitted use that require the issuance of an administrative home occupation permit by the City. The City shall issue these permits subject to no more than two customers on site at any one time and the business operator following the standards in Section g below. Level 2 home occupations may include, but are not strictly limited to:

- i. Dressmaking and tailoring;
 - ii. Barber shops;
 - iii. Beauty shops;
 - iv. Professional offices such as legal, accounting, insurance or computer technician; and
 - v. Tutoring, musical, dance, voice and other instructions that consist of no more than two unrelated pupils at a time.
- (e) Level 3 home occupations. Level 3 home occupations are those that have the potential to impact neighboring properties. A level 3 home occupation requires City Council approval of an interim use permit. Level 3 home occupations also shall be subject to the standards for home occupations listed in Section g below. Level 3 home occupations may include, but are not strictly limited to:
- i. ~~In-home day care~~ (now is Family day care);
 - ii. Small engine repair;
 - iii. Small equipment repair;
 - iv. Building trades; and
 - v. Heating, plumbing, electrical or air-conditioning services.
- (f) Determination. In cases where it is unclear whether a home occupation should be classified as Level 1, Level 2, or Level 3, the Zoning Administrator or the Community Development Director shall make such a determination. An owner or operator of a home occupation may appeal to the City Council the City staff decision about the level of the home occupation.
- (g) General provisions. All home occupations shall be subject to the following standards:
- i. A home occupation required to have a state or federal license shall show proof of this license to the city at the time of permit application.
 - ii. A home occupation shall result in no incompatibility or disturbance to the surrounding residential uses.
 - iii. All home occupations must be clearly incidental and secondary to the residential use of the property, shall not change the residential character of the property, shall not occupy more than 25 percent of the gross floor area of the dwelling (excluding garages and detached accessory buildings), and must be conducted by a person or persons who reside full-time in the dwelling.
 - iv. All home occupations shall meet all applicable fire and building codes, as well as any other city, county, state or federal regulations.
 - v. Home occupations shall not create parking and loading demands in excess of that which can be accommodated in an existing driveway. Such an occupation shall not generate more than two additional motor vehicles at one time. Parking facilities required to serve the home occupation shall be provided on the property, but no such parking facilities shall be located within any required front or side yard, except upon an established driveway.
 - vi. No exterior alterations to the structure shall be permitted and no permanent alterations to the residence shall be permitted that are not customarily found in a residence.
 - vii. No home occupation shall produce light, glare, noise, odor, water, smoke, gasses, heat, dust or vibration discernable beyond the property line that will in any way have an objectionable effect upon adjacent or nearby property.
 - viii. The operator shall not use any equipment in the home occupation that will create electrical interference to surrounding properties.
 - ix. The City does not permit the installation or use of any mechanical or electrical equipment requiring more than 240 volts single phase to conduct a home occupation.
 - x. There shall be no exterior storage visible from a public street of equipment, products or materials used in the home occupation, except that functioning, personal motor vehicles used by the owner or residents of the property of the home occupation may be parked on the site.
 - xi. All activities related to a home occupation must be conducted within a fully enclosed building. The growing of food or ornamental crops, to be sold or donated off-site, shall be exempt from this provision provided the plants and related materials are maintained in a clean and orderly manner and that waste is disposed of appropriately. Food or ornamental crops may only be made available for on-site pick-up, if they are grown on-site, if they are distributed through a Community Supported

Agriculture (CSA) model. For purposes of this subdivision, the cannabis plant and hemp plant, as defined in Minnesota Statutes, section 342.01 are not a food or ornamental crop.

- xii. Regular retail sales or distribution of products on the premises are prohibited. Occasional sales of products or other articles on-site are permitted where the dwelling serves as an office for a person regularly engaged in retail sales outside the dwelling, or where such occasional sales are incidental to and not the primary purpose of the home occupation. The City allows the on-site sale of products related to the home occupation with the following conditions:
 - i) Products are shipped to and/or from the premises; or
 - ii) Product sales occur off-site at other locations; or
 - iii) Customers visit the premises by appointment only; or
 - iv) Products are sold on the premises at garage or yard sales as regulated by the City Code.

- xiii. The hours of operation for any home occupation shall be limited to between 8:00 AM and 9:00 PM.

- xiv. The following uses and activities are not allowed as home occupations:
 - a) The service and repair, whether for consideration or not, of motor vehicles that are not registered to a resident of the dwelling on the property where the repair is made, or to a son or daughter, sibling, parent, grandparent, or grandchild of a resident of the property;
 - b) Motor vehicle body repair and painting;
 - c) Motor vehicle sales;
 - b) Sexually-orientated use or adult use businesses and activities regulated under Chapter 120 and Section 154.010 of the City Code;
 - c) The practice of medical, dental, chiropractic, psychiatric, or other similar treatment or therapy, including acupuncture, where the person(s) providing such treatment or therapy is not licensed by the State of Minnesota to administer such treatment or therapy; or in the case of massage therapy, where the person(s) providing such treatment is not certified by the "National Certification Board for Therapy Massage and Bodywork" or by the "Massage and Bodywork Licensing Examination;"
 - d) Businesses, educational programs, or similar gatherings that meet on a regular basis, having more than six (6) nonresident adults in attendance at one (1) time;
 - e) Veterinary services;
 - f) Unlicensed firearm or ammunition sales/repair;
 - g) Music instruction, unless conducted within a single-family (detached) dwelling;
 - h) Tattoo and body-art businesses;
 - i) All cannabis businesses;
 - j) Restaurant;
 - k) Currency-exchange;
 - l) Payday loan agency; and
 - m) Animal boarding.

- (h) Existing nonconforming home occupations. Existing home occupations lawfully existing on the effective date of this section may continue as non-conforming uses. Any existing home occupation that is discontinued for a period of more than one year shall be brought into conformity with the provisions of this section prior to re-institution. See also §154.009 pertaining to nonconformities.
- (i) Inspection. The city hereby reserves the right to inspect the premises for which the City has granted a home occupation permit to ensure compliance and the provisions of this section or any conditions additionally imposed.

- (j) Violations. Any home occupation found to be in violation of this section shall be served with a notice from the Zoning Administrator or Community Development Director. If the owner or operator of the home occupation does not correct the violation within thirty (30) days, the City shall revoke the approval for the home occupation.
- (k) Regulations. All occupations conducted in the home shall comply with the provisions of this section, as well as applicable local, state, and federal laws as well as § 98.18 Nuisances Affecting Peace and Safety.

SECTION 4. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED by the North St. Paul City Council this ____ day of _____, 2025.

Motion by Council Member _____

Second by Council Member _____

Voting: Aye: Council Member
 Council Member
 Council Member
 Council Member
 Mayor
 Nay:
 Abstain:
 Absent:

 John Monge, Mayor

Attest: _____
 Brian Frandle, City Manager