Substitute 6/25/2008

Council File # 08-640
Green Sheet # 3054835

ORDINANCE
CITY OF SAINT PAUL, MINNESOTA

Presented by

An ordinance amending the Legislative Code Chapter 65 by creating a new § 65.160, entitled "sober house," which defines and permits this residential use with associated zoning standards; amending § 63.207, Parking requirements by use, by adding a line with a parking requirement for *sober house*; and amending use tables in §§ 66.221, 66.321, 66.421, and 66.531 adding *sober house* as a permitted use in certain zoning districts.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN

Section 1

That Legislative Code Chapter 65 is hereby amended by adding a new §65.160 entitled "sober house," as follows:

Sec. 65.160. Sober house.

A dwelling unit occupied by more than four (4) persons, all of whom are in recovery from chemical dependency and considered handicapped under the Federal Fair Housing Act Amendments of 1988, that provides a non-institutional residential environment in which the residents willingly subject themselves to written rules and conditions, including prohibition of alcohol and drug use (except for prescription medications obtained and used under medical supervision), intended to encourage and sustain their recovery. The residents of a sober house are similar to a family unit, and share kitchen and bathroom facilities and other common areas of the unit. Sober houses are financially self-supporting. This definition does not include facilities that receive operating revenue from governmental sources. Sober houses do not provide on-site supportive services to residents, including the following: mental health services; clinical rehabilitation services; social services; medical, dental, nutritional and other health care services; financial management services; legal services; vocational services; and other similar supportive services.

Standards and conditions:

A request for reasonable accommodation for this use as required under the Federal Fair Housing Act Amendments of 1988 by providing an exception to the maximum number of unrelated persons living together in a dwelling unit shall automatically be granted if the following standards and conditions are met. This does not limit the city from granting additional reasonable accommodation for this use under the general provisions of this code.

(a) The operator shall submit a request for reasonable accommodation to the zoning administrator on a form provided by the city, specify the number of residents, and provide information necessary to assure the use meets applicable zoning standards. The maximum total number of residents permitted in the sober house shall be specified by the Fire Certificate of Occupancy.

(b) For a sober house that does not meet the parking requirement in section 63.207, the operator shall submit a written parking plan that demonstrates sufficient parking for the use.

(c) In RL-R4 Residential Districts, the sober house shall serve ten (10) or fewer residents.

(d) For a structure serving 17 or more sober house residents, a conditional use permit is required. This use shall be exempt from section 61.501 conditional use permit general standards (a), (c), and (d).

(e) Property containing one or more sober house units shall be a minimum distance of three hundred thirty (330) feet from any other property containing a sober house.

Section 2

That Legislative Code Sec. 63.207, Parking requirements by use, in the "*Residential Uses*" section of the table, is hereby amended as follows:

Sec. 63.207. Parking requirements by use.

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Land Use	**Minimum Number of Parking Spaces**
Residential Uses	
Dwelling	1.5 spaces per unit
Dwelling in RL zone	2.0 spaces per unit
Housing on Irvine Avenue	2.0 spaces per unit plus one (1) guest parking area per unit (see section 63.312)
Housing for the elderly	0.33 spaces per unit
Community residential facility, emergency housing facility, shelter for battered persons, transitional housing facility	1 space per every 2 adult facility residents
Mission	1 space per employee
Sober house	1.5 spaces per every 4 residents
Rooming house	1 space per 3 occupancy units
Boarding care home	1 space per 2 beds and 1 space per day shift employee or full-time equivalent
Nursing home	1 space per 3 beds and 1 space per each 2-day shift employees or full-time equivalent
Dormitory	1 for every 3 beds
Fraternity, sorority	1 for every 5 active members or 1 for every 2 beds, whichever is greater

Section 3

That Legislative Code Chapter 66, the "Congregate Living" section of Table 66.221, Principal Uses in Residential Districts, is hereby amended as follows:

Table 66.221. Principal Uses in Residential Districts

Use	**RL**	**R1-R4**	**RT 1**	**RT 2**	**RM1**	**RM2**	**RM3**	**Development Standards**
Residential Uses								
Congregate Living								
Foster home, freestanding foster care home	P	P	P	P	P	P	P	
Community residential facility, licensed human service	P	P	P	P/C	P/C	P/C	P/C	✓
Community residential facility, licensed correctional					C	C	C	✓
Community residential facility, health department licensed					C	C	C	✓
Emergency housing facility					C	C	C	✓
Shelter for battered persons	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓
Transitional housing facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓

Sober house	P	P	P/C	P/C	P/C	P/C	P/C	✓
Roominghouse, boarding house					C	C	C	✓
Nursing home, boarding care home, assisted living						C	P	✓
Hospice	P	P	P	P	P	P/C	P	✓
Dormitory	P	P	P/C	P/C	P/C	P/C	P/C	✓
Fraternity, sorority	P	P	P/C	P/C	P/C	P/C	P/C	✓

Section 4

That Legislative Code Chapter 66, the "Congregate Living" section of Table 66.321, Principal Uses in Traditional Neighborhood Districts, is hereby amended as follows:

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	TN1	TN2	TN3	Development Standards
Residential Uses				
Congregate Living				
Foster home, freestanding foster care home	P	P	P	
Community residential facility, licensed human service	P	P	P	✓
Community residential facility, licensed correctional	C	C	C	✓
Community residential facility, health department licensed	C	C	C	✓
Emergency housing facility	C	C	C	✓
Shelter for battered persons	P/C	P/C	P/C	✓
Transitional housing facility	P/C	P/C	P/C	✓
Sober house	P/C	P/C	P/C	✓
Roominghouse, boardinghouse	C	P	C	✓
Nursing home, boarding care home, assisted living	P	P	P	✓
Hospice	P	P	P	✓
Dormitory	P/C	P	P	✓
Fraternity, sorority	P/C	P	P	✓

Section 5

That Legislative Code Chapter 66, the "Congregate Living" section of Table 66.421, Principal Uses in Business Districts, is hereby amended as follows:

Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Development standards
Residential Uses								
Congregate Living								
Foster home, freestanding foster care home	P	P	P	P	P	P	P	✓
Community residential facility, licensed human service	P	P	P	P	P	P	P	✓
Community residential facility, licensed correctional			C	C	C	C	C	✓
Community residential facility, health department licensed			C	C	C	C	C	✓
Emergency housing facility			C	C	C	C	C	✓
Overnight shelter							C	✓
Shelter for battered persons	P/C	P/C	P/C	P/C	P	P	P	✓
Transitional housing facility	P/C	P/C	P/C	P/C	P	P	P	✓

Sober house	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓
Roominghouse, boardinghouse			C					✓
Nursing home, boarding care home, assisted living			C					✓
Hospice	C	C	P/C	C	P	P	P	✓
Dormitory			P/C					✓
Fraternity, sorority			P/C					✓

Section 6

That Legislative Code Chapter 66, the "Congregate Living" section of Table 66.521, Principal Uses in Industrial Districts, is hereby amended as follows:

Table 66.521. Principal Uses in Industrial Districts

Use	IR	I1	I2	I3	Development Standards
Residential Uses					
Congregate Living					
Foster home, freestanding foster care home	P	P	P		✓
Community residential facility, licensed human service	P	P	P		✓
Community residential facility, licensed correctional		C	C		✓
Community residential facility, health department licensed		C	C		✓
Correctional facility		C	P	C	
Emergency housing facility		C	C		✓
Overnight shelter		C	C		✓
Shelter for battered persons	P	P	P		✓
Transitional housing facility	P	P	P		✓
Sober house	P/C	P/C	P/C		✓
Hospice	P	P	P		✓

Section 7

This ordinance shall become effective thirty (30) days after its passage, approval and publication.

	Yeas	Nays	Absent
Benanav			
Bostrom			
Harris			
Helgen			
Lantry			
Montgomery			
Thune			

Requested by Department of:

Planning and Economic Development

By: _____

Form Approved by City Attorney

By: PW Warner 8-25-08

Form Approved by Mayor for Submission to Council

By: _____

Adopted by Council: _____

Date:

Adoption Certified by Council Secretary:

By: _____

Approved by Mayor

Date: _____