

Sec. 60.207. F.

~~Facility resident. A person who resides in a community residential facility and contributes toward meeting the facility's licensed capacity.~~

Sec. 60.217. P.

Planning district. One (1) of seventeen (17) geographic areas delineated, and from time to time amended, by the city council to facilitate citizen participation, and early notification of proposed city actions, ~~and planning for the purpose of determining concentration of community residential facilities. Planning district thirteen is divided into three (3) separate planning districts: Merriam Park, Snelling-Hamline and Lexington Hamline.~~ An official map of the designated areas is maintained by the department of planning and economic development.

Sec. 61.503. Conditional use permit, change requiring new permit.

A change to a conditional use requires a new permit when one (1) of the following conditions occurs:

- (f) The number of residents in a ~~community residential facility increases, or the number of rooming units in a rooming or boarding house~~ congregate living facility increases.

Table 63.207 Minimum Required Off-Street Parking By Use

Land Use	Minimum Number of Parking Spaces
<i>Residential Uses</i>	
Community residential facility, emergency <u>Emergency</u> housing facility, free-standing foster care home, licensed correctional community residential facility, overnight shelter, shelter for battered persons, <u>sober house, supportive housing facility transitional housing facility</u>	1.5 spaces per every 4 adult facility residents
Sober house	1.5 spaces per every 4 adult residents
Roominghouse, boardinghouse	1 space per 3 occupancy units
Nursing home, boarding care home, assisted living, hospice <u>Adult care home</u>	1 space per every 3 residents
Dormitory, fraternity, sorority	1 space per every 3 residents

Sec. 65.132. Reuse of large structures.

Conversion or reuse of residential structures of over nine thousand (9,000) square feet gross floor area and permitted nonresidential structures such as churches and schools.

Standards and conditions in residential districts:

- (a) The planning commission shall find that the structure cannot reasonably be used for a conforming use.
- (b) The planning commission shall find that the proposed use and plans are consistent with the comprehensive plan.
- (c) The planning commission shall find that the proposed use and structural alterations or additions are compatible with the surrounding neighborhood and land uses.
- (d) Parking for the new use shall be provided in accordance with the requirements of section 63.200 for new structures.
- (e) Applications for conversion or reuse shall include a notarized petition of two-thirds (2/3) of the property owners within one hundred (100) feet of the property proposed for the reuse, site plans, building elevations, and landscaping plans, and other information which the planning commission may request. The notarized petition requirement shall be waived for proposed conversion or reuse to serve residents who are all considered handicapped under the Federal Fair Housing Act Amendments of 1988.

Sec. 65.143. Mixed residential and commercial use.

Standards and conditions in B1—B3 business and industrial districts:

- (a) In B1—B3 business and IT industrial districts, ~~dwelling units residential uses~~ shall be limited to no more than fifty (50) percent of the first floor and fifty (50) percent of a basement. Entire upper floors may be for residential use. At least fifty (50) percent of the first floor shall be devoted to principal uses permitted in the district, other than residential uses.
- (b) In I1—I2 industrial districts, ~~dwelling units residential uses~~ shall not be located in the basement or first floor and at least eighty (80) percent of the first floor shall be devoted to principal uses permitted in the district, other than residential uses. In the I2 district, a conditional use permit is required for a mixed residential and commercial use with more than six (6) dwelling units.

Division 3. 65.150. Congregate Living

Sec. 65.151. Foster home.

Sec. 65.152. ~~Freestanding foster care home.~~Reserved.

Sec. 65.153. ~~Community residential facility, licensed human service.~~Supportive housing facility.

Sec. 65.154. Community residential facility, licensed correctional.

Sec. 65.155. ~~Community residential facility, health department licensed.~~Reserved.

Sec. 65.156. Emergency housing facility.

Sec. 65.157. Overnight shelter.

Sec. 65.158. Shelter for battered persons.

Sec. 65.159. ~~Transitional housing facility.~~Reserved.

Sec. 65.160. Sober house.

Secs. 65.161—65.169. Reserved.

~~Sec. 65.170. Boardinghouse.~~

Sec. 65.171. Roominghouse.

Secs. 65.172—65.179. Reserved.

Sec. 65.180. ~~Assisted living~~ Adult care home.

~~Sec. 65.181. Boarding care home.~~

~~Sec. 65.182. Nursing home.~~

~~Sec. 65.183. Hospice.~~

Secs. 65.~~184~~181—65.189. Reserved.

Sec. 65.190. Dormitory.

Sec. 65.191. Fraternity, sorority.

Sec. 65.151. Foster home.

A dwelling unit in which a foster care program licensed by the commissioner of human services or the commissioner of corrections is operated, whether located in the principle residence of the license holder or not.

Development standards:

In B1, B2—B3 business, and ~~IRI~~I2 industrial districts, the use shall be within a mixed-use building. In B4 and B5 business districts, the use shall be within a multiple-family building.

Sec. 65.152. ~~Freestanding foster care home.~~Reserved.

~~A dwelling unit in which a foster care program that is licensed by the commissioner of human services is operated in other than the principle residence of the license holder.~~

~~*Development standards:*~~

~~See Sec. 65.151. Foster home.~~

Sec. 65.153. ~~Community residential facility, licensed human service~~Supportive housing facility.

One (1) main building, or portion thereof, on one (1) zoning lot where ~~one (1) or more children or persons with mental retardation or related conditions, mental illness, chemical dependency, or physical or mental handicaps, and/or persons who have experienced homelessness~~ reside ~~on a 24-hour per day basis under the auspices of a program licensed by the state department of human services to provide lodging in conjunction with monitoring, supervision, treatment, rehabilitation, habilitation, education or training of the residents of the facility, and wherein counseling, training, support groups, and/or similar services are provided to the residents.~~

This definition does not include:

- (1) Foster homes ~~or freestanding foster homes~~ as defined in this code;
- (2) Residential treatment programs physically located on hospital grounds;
- (3) Regional treatment centers operated by the commissioner of human services;
- (4) Licensed semi-independent living services for persons with mental retardation or related conditions or mental illness, if the license holder is not providing, in any manner, direct or indirect, the housing used by persons receiving the service.

(5) Community residential facilities, licensed correctional, as defined in this code.

Standards and conditions:

- (a) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than four (4) adult residents, except in B4—B5 business districts where it shall be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons ~~with more than four (4) adult facility residents,~~ or overnight shelter, ~~or transitional housing facility with more than four (4) adult facility residents, except in B4—B5 business districts where it shall be at least six hundred (600) feet from any other such facility.~~
- (b) In RL—RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2 residential, traditional neighborhood, OS—B3 business and ~~IRT~~—I2 industrial districts, the facility shall serve sixteen (16) or fewer facility residents.
- (c) In residential districts, a conditional use permit is required for facilities serving seven (7) or more facility residents.
- ~~(d) In B4—B5 business districts, the facility shall be located in a multiple-family structure.~~
- (ed) In residential and T1 traditional neighborhood districts ~~Except in B4—B5 business districts,~~ facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~two-six (26)~~ guest rooms. In T2—T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.

(C.F. No. 05-441, § 3, 8-24-05; Ord. No. 11-27, § 1, 4-20-11)

Sec. 65.154. Community residential facility, licensed correctional.

One (1) main building, or portion thereof, on one (1) zoning lot where one (1) or more persons who are placed there by a court, court services department, parole authority or other correctional agency having dispositional power over persons charged with or convicted of a crime or adjudicated delinquent reside ~~on a 24-hour-per-day basis~~ under the care and supervision of a residential program licensed by the state department of corrections.

This definition does not include:

- (1) Licensed foster care homes serving persons under eighteen (18) years of age in the principal residence of the license holder;
- (2) Municipal, county or regional jails, workhouses, juvenile detention facilities, or state correctional facilities operated by the commissioner of corrections.

Standards and conditions:

- (a) Preliminary licensing review by the state department of corrections.
- (b) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than four (4) adult residents, except in B4—B5 business districts where it shall be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons ~~with more than four (4) adult facility residents,~~ or overnight shelter, ~~or transitional housing facility with more than four (4) adult facility residents, except in B4—B5 business districts where it shall be at least six hundred (600) feet from any other such facility.~~
- ~~(c) Except in B4—B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities with more than four (4) adult facility residents, shelters for battered persons, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.~~

- (d) The facility serves no more than sixteen (16) facility residents, except in B4—B5 business districts where it shall serve no more than thirty-two (32) facility residents.
- (e) It shall occupy the entire structure.
- (f) Except in B4—B5 business districts, In residential and T1 traditional neighborhood districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~two-four~~ (24) guest rooms. In T2—T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.

(C.F. No. 05-441, § 3, 8-24-05)

Sec. 65.155. ~~Reserved. Community residential facility, health department licensed.~~

~~One (1) main building, or portion thereof, on one (1) zoning lot which is licensed by the commissioner of health as a rooming and/or boardinghouse and receives fifty (50) percent or more of its residents under a contract or other arrangement with the state or a local government human services agency to provide lodging for people who are mentally ill or chemically dependent.~~

~~*Standards and conditions:*~~

- ~~(a) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4—B5 business districts where it shall be at least six hundred (600) feet from any other such facility.~~
- ~~(b) Except in B4—B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.~~
- ~~(c) The facility shall serve no more than sixteen (16) adult facility residents and minor children in their care, except in B4—B5 business districts where it shall serve no more than thirty-two (32) total facility residents.~~
- ~~(d) The facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure.~~
- ~~(e) Except in B4—B5 business districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms.~~

~~(C.F. No. 05-441, § 3, 8-24-05)~~

Sec. 65.156. Emergency housing facility.

One (1) main building, or portion thereof, on one (1) zoning lot where persons who do not have housing live on a 24-hour-per-day basis until more permanent arrangements can be made, but generally for no longer than thirty (30) days.

Standards and conditions:

See section 65.155153, ~~community residential facility, health department licensed~~supportive housing facility, standards and conditions (a)—(ed).

Sec. 65.157. Overnight shelter.

One (1) main building, or portions thereof, on one (1) zoning lot where persons receive overnight shelter, but are not expected or permitted to remain on a 24-hour-per-day basis.

Condition:

The facility shall be a minimum distance of six hundred (600) feet from any other of the following congregate living facilities with more than four (4) adult residents: overnight shelter, supportive housing facility, licensed correctional community residential facility, emergency housing facility, or shelter for battered persons ~~with more than four (4) adult facility residents, or transitional housing facility with more than four (4) adult facility residents.~~

Sec. 65.158. Shelter for battered persons.

One (1) main building, or portion thereof, on one (1) zoning lot where adults and children who have suffered assault or battery live on a 24-hour-per-day basis for a period of time generally not to exceed thirty (30) days and are served by a program certified by the state department of corrections.

Standards and conditions for shelters for battered persons serving more than four (4) adult facility residents and minor children in their care:

- (a) In residential, traditional neighborhood and OS—B2 business districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care.
- (b) ~~In residential districts, t~~The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than four (4) adult residents: shelter for battered persons ~~with more than four (4) adult facility residents, supportive housing facility, licensed correctional community residential facility, emergency housing facility, or overnight shelter, or transitional housing facility with more than four (4) adult facility residents.~~
- ~~(c) Except in B4—B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.~~
- (d) In RL—RT2 residential, traditional neighborhood, OS—B3 business and ~~IRIT~~—I2 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care.
- (e) The facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure.
- (f) In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~two-four (24)~~ two-four (24) guest rooms. In T2—T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.

(C.F. No. 05-441, § 3, 8-24-05; Ord. No. 11-27, § 1, 4-20-11)

Sec. 65.159. ~~Transitional housing facility~~Reserved.

~~One (1) main building, or portion thereof, on one (1) zoning lot where persons who may or may not have access to traditional or permanent housing but are capable of living independently within a reasonable period of time, generally about eighteen (18) months, reside on a 24-hour-per-day basis for at least thirty (30) days and participate in appropriate program activities designed to facilitate independent living.~~

~~*Standards and conditions for transitional housing facilities serving more than four (4) adult facility residents and minor children in their care:*~~

- ~~(a) In residential, traditional neighborhood and OS—B2 business districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care.~~
- ~~(b) In RL—RT2 residential districts, the facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other transitional housing facility with more than four (4) adult facility residents, licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, or overnight shelter.~~
- ~~(c) Except in B4—B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.~~
- ~~(d) In RL—RT1 residential districts, the facility shall serve six (6) or fewer adult facility residents and minor children in their care. In RT2 residential, traditional neighborhood, OS—B3 business and IR—I2 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care.~~
- ~~(e) In RL—RT2 residential districts, the facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure.~~
- ~~(f) In residential districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms.~~

~~(C.F. No. 05-441, § 3, 8-24-05; Ord. No. 11-27, § 1, 4-20-11)~~

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 seventeen (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.

(C.F. No. 08-640, § 1, 7-9-08)

Secs. 65.161—65.169170. Reserved.

~~Sec. 65.170. Boardinghouse.~~

~~Any roominghouse which provides meals to its roomers.~~

Sec. 65.171. Roominghouse.

- (1) Any residential structure or dwelling unit, supervised or not, which provides living and sleeping arrangements for more than four (4) unrelated individuals for periods of one (1) week or longer; or
- (2) Any residential structure or dwelling unit which provides single room occupancy (SRO) housing as defined in CFR section 882.102 to more than four (4) unrelated individuals; or
- (3) Any building housing more than four (4) unrelated individuals which has any of the following characteristics shall be considered and regulated as a roominghouse:
 - a. Rental arrangements are by the rooming unit rather than the dwelling unit.
 - b. Rooming unit doors are equipped with outer door locks or chains which require different keys to gain entrance.
 - c. Kitchen facilities may be provided for joint or common use by the occupants of more than one (1) rooming unit.
 - d. Rooming units are equipped with telephones having exclusive phone numbers.
 - e. Rooming units are equipped with individual intercom security devices.
 - f. Each rooming unit has a separate assigned mailbox or mailbox compartment for receipt of U.S. mail.

This definition does not include:

- (1) Supportive housing facilities as defined in this code.
- (2) Licensed correctional community residential facilities as defined in this code.
- (3) Sober houses as defined in this code.

Standards and conditions, ~~except in B4—B5 business districts:~~

- (a) In residential and T1 traditional neighborhood districts, A minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~two-four~~ (24) guest rooms. In T2—T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.
- (b) ~~In the I2 general industrial district, a roominghouse must be co-located with a health department licensed community residential facility as defined and regulated in section 65.155. This condition may not be modified.~~

(C.F. No. 05-441, § 1, 8-24-05)

Secs. 65.172—65.179. Reserved.

Sec. 65.180. Assisted living-Adult care home.

~~A facility licensed by the state department of health where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management where aged, infirm, or terminally ill persons reside in order to receive nursing care, custodial care, memory care, appropriate Medicare-certified hospice services, or individualized home care aide services either by the management or by providers under contract with the management.~~

~~Standards and conditions:~~

~~See section 65.182. Nursing home.~~

Sec. 65.181. Boarding care home.

~~A building or structure where aged or infirm persons reside on a twenty-four-hour basis in order to receive custodial care and related personal services; for purposes of this code, the same as a nursing home.~~

Sec. 65.182. Nursing home.

~~A building or structure where aged or infirm persons reside on a twenty-four-hour basis in order to receive nursing care and related services.~~

~~Standards and conditions:~~

- (a) The yard requirements for multiple-family use in the district apply.
- (b) In traditional neighborhood development districts, a facility located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.
- (c) In traditional neighborhood development districts, the site shall contain a minimum of one hundred fifty (150) square feet of ~~green-outdoor community~~ space per resident, consisting of ~~outdoor~~ seating areas, ~~yards and/or gardens and/or recreational facilities~~. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
- (d) In RL—RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2—RM1 residential, traditional neighborhood and OS—B3 business districts, the facility shall serve sixteen (16) or fewer facility residents.

Sec. 65.183. Hospice.

~~One (1) main building, or portion thereof, on one (1) zoning lot in which terminally ill persons live in order to receive appropriate Medicare-certified hospice services.~~

~~Standards and conditions:~~

- ~~(a) A conditional use permit is required for hospices serving seventeen (17) or more facility residents.~~
- ~~(b) In RL—RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2—RM1 residential and OS—B3 business districts, the facility shall serve sixteen (16) or fewer facility residents.~~
- ~~(c) The yard requirements for multiple-family use in the district apply.~~

Secs. 65.184-181—65.189. Reserved.

Sec. 65.190. Dormitory.

A building designed for or used as group living quarters for students of a high school, college, university or seminary, organized and owned by a high school, college, university or seminary.

Standards and conditions:

- (a) In residential, ~~and TN1 traditional neighborhood,~~ and BC community business (converted) districts, a conditional use permit is required for off-campus dormitories.
- (b) The use must be within two hundred fifty (250) feet of the campus of the institution it serves, for a college, university, seminary or other such institution of higher learning as established in a conditional use permit. In RL—R4 residential districts, the use shall be on the campus.
- (c) The yard requirements for multiple-family use in the district apply when the use is not located on a campus established in a conditional use permit.

Sec. 65.191. Fraternity, sorority.

A building used as group living quarters for students of a college, university or seminary, who are members of a fraternity or sorority that has been officially recognized by the college, university or seminary.

Standards and conditions:

- (a) In residential, ~~and TN1 traditional neighborhood,~~ and BC community business (converted) districts, a conditional use permit is required for off-campus fraternities and sororities.
- (b) The use must be within two hundred fifty (250) feet of the campus boundary as established in the conditional use permit for the institution it serves. In RL—R4 residential districts, the use shall be on the campus.
- (c) If it is outside of the campus boundary, the use must be located in an existing structure designed and built as a one- or two-family dwelling or new structure that meets the height, density and setback requirements for a two-family dwelling.

Sec. 65.662. Adult bookstore.

Standards and conditions:

- (c) In B3 business and I1—I2 industrial districts the adult bookstore shall be located at least five hundred (500) feet from any protected use. In B4—B5 business districts the adult bookstore shall be located at least two hundred fifty (250) feet from any protected use. "Protected use" shall be defined as residential buildings in nonresidential zoning districts, mixed commercial residential buildings, a day care center, where such day care center is a principal use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan; a fire station; a supportive housing facility; a community residential facility; an emergency housing facility or a hotel/motel. The distance shall be measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest point of the property line of the building in which is located an aforementioned protected use.

Sec. 65.922. Support services in housing for the elderly.

Support services within elderly housing as defined in section 65.123 including limited food service, beauty salon and retail goods sales areas.

Development standard:

Support service areas shall ~~not~~not exceed five (5) percent of designated community room area.