CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: October 28, 2015

TO: Planning Commission

FROM: Comprehensive Planning Committee

RE: Review of proposed text amendment initiated by Planning Commission Resolution 12-55, amending the zoning code text regarding congregate living facilities (Sec. 60.207.F., 60.217.P., 61.503, 63.207, 65.132, 65.143, 65.150 – 65.191, 65.662, 65.922, 66.221, 66.321, 66.421, 66.521)

ISSUE

On August 24, 2012, Planning Commission passed Resolution 12-55, initiating a zoning study to consider amendments to the Zoning Code regarding congregate living facilities. A need was identified for clearer definitions, improved consistency in standards among different types of facilities, and more timelessly accurate reflections of associated state programs that frequently change. Questions regarding definitions and regulations for congregate living facilities have continued to arise through more recent zoning applications, including how to define uses that appear to fall under multiple definitions, how to address proximity to schools, and how to address traffic/parking.

BACKGROUND

The congregate living portion of the Zoning Code was originally drafted in 1980 during a time widespread de-institutionalization of persons being treated for mental illness, mental handicaps, and substance abuse. The code received a major update in 1991, informed by a report from a 15-member task force that spent 11 months discussing and analyzing numerous additions and revisions. Additionally, sober houses were the subject of an in-depth, if more focused, amendment in 2008. The subject zoning study is the first to address multiple types of congregate living in 24 years.

Due to the length and complexity of the background section, it is broken down into several subsections addressing the following questions:

- What are "Congregate Living Facilities"?
- Where are "Congregate Living Facilities"?
- What is the legal context for congregate living facilities regulation?
- How does the City Code currently regulate congregate living facilities?

What are "Congregate Living Facilities"?

Congregate living facilities are a category of residential uses that generally do not fit within the definition of a "family" because of the number of unrelated residents. They are commonly

recognized as important components of a healthy community that must be accommodated, but can have external impacts related to their size and outside services provided. The Saint Paul Zoning Code defines 18 categories of congregate living, including sober houses, rooming houses, nursing homes, dormitories, 3 types of community residential facilities, and others.

There is no complete inventory of all categories of congregate living in the city. The Department of Safety and Inspections (DSI) tracks certain categories in order to enforce separation requirements and maximum concentrations. Also, facilities information was recently obtained on a one time basis from the State of Minnesota Department of Human Services (DHS) for sites they license, though consistent future access to that data is not guaranteed. Other categories' facilities can be discovered via the Internet. There is also the issue that many facilities could fit under multiple definitions. Overall, we have a partial understanding of what congregate living facilities are like in Saint Paul today. The following paragraphs summarize our understanding of the various congregate living facilities, as categorized by our Zoning Code.

Foster home (Sec. 65.151) and Freestanding foster care home (Sec. 65.152)
By Zoning Code definition, a "freestanding foster care home" involves a license-holder who does not live on-site. According to DHS data, there are 4 freestanding foster care homes in Saint Paul, including 2 single-family homes with 5 or fewer adult residents, 1 single-family home with 4 youth residents, and 1 duplex with 10 adult residents with Alzheimer's disease (5 in each unit). There are also approximately 200 (not freestanding) foster care homes in Saint Paul, each with between 1 and 6 residents, mostly for youth but several for adults, and nearly all in single-family homes.

Community residential facility, licensed human service (Sec. 65.153)
There are 36 licensed human service community residential facilities in Saint Paul in a variety of settings, including converted single-family homes, apartment buildings, and converted convents. Seventeen (17) of the facilities have 6 or fewer residents, 13 have between 7 and 16 residents, and 6 have more (up to 64 residents). Below are representative photographs of these facilities.

Community residential facility, licensed correctional (Sec. 65.154)
There are 5 licensed correctional community residential facilities in Saint Paul, with capacities ranging from 26 (Re-Entry Metro) to 65 (Totem Town). The facilities' campus sizes vary widely with Totem Town at 71 acres, two facilities at approximately 1 acre (one in Downtown collocated in a government building), and two facilities at less than 7,000 square feet. The facilities on smaller campuses are in converted single-family homes.

Community residential facility, health department licensed (Sec. 65.155)
There are 8 health department licensed community residential facilities in Saint Paul. Four (4) of the facilities have 16 or fewer residents, 2 have between 17 and 32 residents, and 2 have more (up to 60 residents). The facilities provide services to mentally ill and/or chemically dependent populations in accordance with the Zoning Code definition, and several focus on homeless populations who are also mentally ill and/or chemically dependent. One of the 8 facilities also possesses a license from DHS. Below are photographs of all 8 facilities.

Emergency housing facility (Sec. 65.156)
There are 5 facilities in Saint Paul that provide emergency housing under this definition, including the Dorothy Day Center, 2 facilities that combine emergency housing with transitional housing (Naomi Family Shelter and Booth Brown House), and 2 smaller, 10-bed facilities for teenagers on Larpenteur Avenue.

Overnight shelter (Sec. 65.157)
Only the Union Gospel Mission facility and the Catholic Charities Women's Shelter are currently categorized as overnight shelters.

Shelter for battered persons (Sec. 65.158)
There are 5 shelters for battered persons in Saint Paul with capacities ranging from 6 to 46 residents. Three (3) are in converted single-family homes, and 2 are in multi-family or institutional buildings. Photographs are not shown here in order to protect the occupants.

Transitional housing facility (Sec. 65.159)
There are 15 transitional housing facilities in Saint Paul, including 3 in converted single-family homes and the others in apartment buildings or a custom-built campus. Two (2) of the facilities have 6 or fewer residents, 9 have between 7 and 16 residents, and 4 have more (up to 39 residents). Transitional housing facilities, by Zoning Code definition, provide program activities to facilitate independent living – in practice, many of these programs are oriented to chemical dependency recovery and mental health. One program, notably, serves single mothers in poverty pursuing educational goals, none of whom necessarily have chemical dependence or mental health issues. Below are representative photographs of these facilities.

Sober house (Sec. 65.160)
There are 59 sober houses in Saint Paul, mostly located in converted single-family homes. In part due to clustering of sober houses in the Summit-University, Fort Road, and Union Park planning districts, a zoning study was launched in 2005 that created a definition and standards for sober houses to limit clustering and to abide by federal laws.

Boardinghouse (Sec. 65.170) and Roominghouse (Sec. 65.171)
These categories of congregate living facilities are generally not tracked. There was a notable conditional use permit granted in 2002 for a roominghouse with 71 units at 286 Marshall Avenue that had characteristics in common with a transitional housing facility, namely that it provided support services intended to facilitate independent living. However, its status as a roominghouse was confirmed through the conditional use permit approval process.

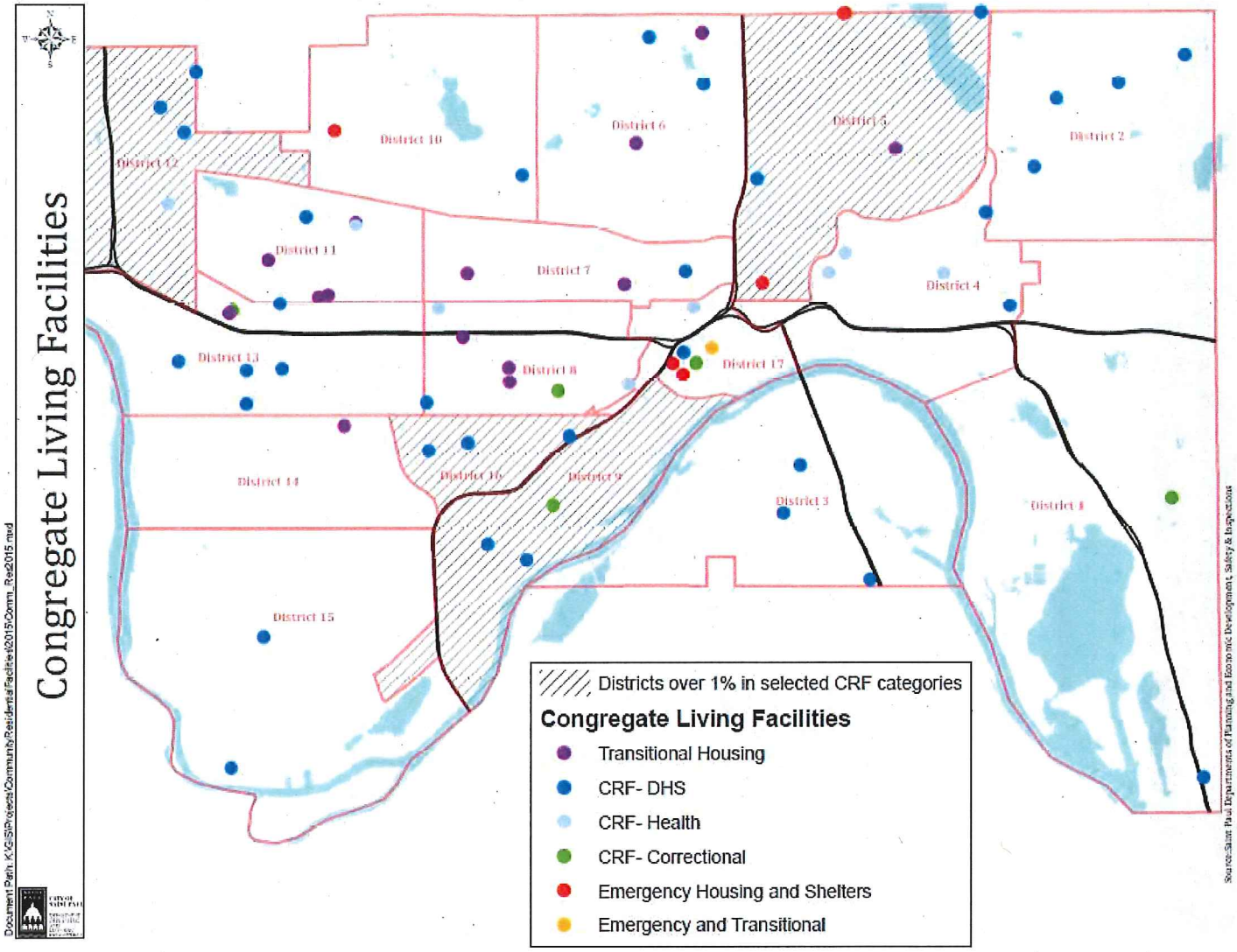
Assisted living (Sec. 65.180), Boarding care home (Sec. 65.181), and Nursing home (Sec. 65.182)
These categories are not tracked by the City, though they include large facilities like Cerenity and Sholom Home. The 3 categories are regulated the same by the Zoning Code. In modern

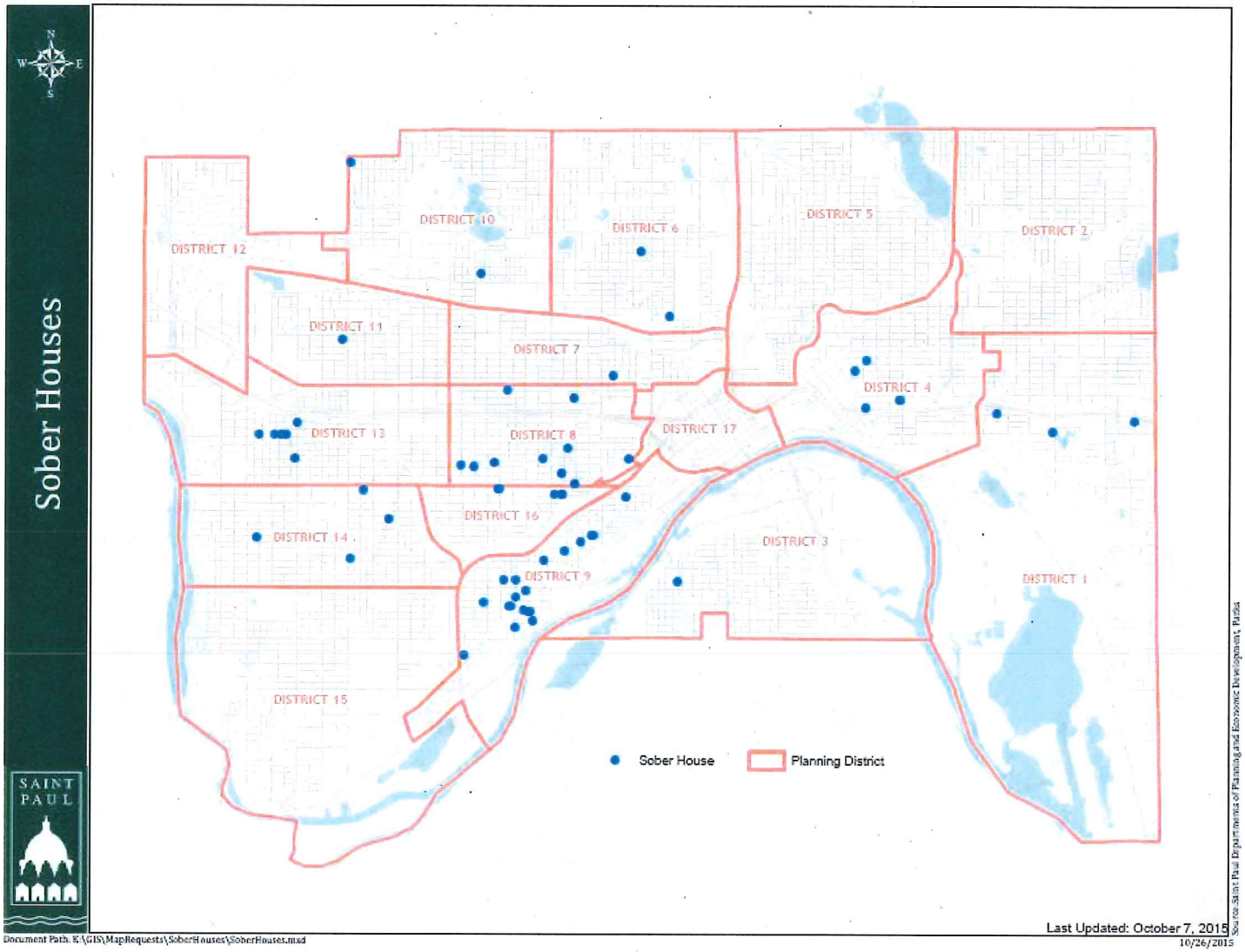
developments, assisted living is often co-located with "independent living", i.e. apartments for seniors who do not (yet) need ongoing health care services.

Hospice (Sec. 65.183)
Hospices are not tracked by the City, but they include Our Lady of Peace on St. Anthony Avenue and Sholom Home (co-located with assisted living). See photographs below.

Dormitory (Sec. 65.190) and Fraternity, sorority (Sec. 65.191)
These categories are not tracked by the City.

Where are Congregate Living Facilities?
The City tracks certain categories of congregate living facilities in order to determine compliance with separation and concentration requirements in the Zoning Code. The following maps show the distribution of those facilities. Besides the information on the maps, there are 5 shelters for battered persons that are not shown for safety purposes, but can generally be described as being located in Districts 3, 4, 9, 10, and 16.


Congregate Living Facilities
District 10
District 6
District 5
District 2
District 12
District 11
District 7
District 4
District 13
District 8
District 17
District 14
District 16
District 9
District 3
District 1
District 15
Districts over 1% in selected CRF categories
Congregate Living Facilities
Transitional Housing
CRF- DHS
CRF- Health
CRF- Correctional
Emergency Housing and Shelters
Emergency and Transitional
Source: Saint Paul Department of Planning and Economic Development, Safety & Inspections
Document Path: K:\GIS\Projects\Community\Residential Facilities\2015\Comm_Res2015.mxd



What is the legal context for congregate living facilities regulation?

There are federal and state regulations that affect congregate living facilities and provide parameters for local regulation. A review of the most significant legal issues to this zoning study is below. Also, it is important to recognize that many congregate living facilities are licensed by the State of Minnesota Department of Human Services, the Department of Health, the Department of Corrections, or a combination of the three, and thereby must abide by those departments' regulations. If a facility were to become noncompliant with state regulations, the controlling department could require corrective action potentially including revocation of funding or the license itself.

Federal Law

The *Fair Housing Amendments Act* (1988) prohibits local land use regulation that discriminates against individuals on the basis of disability. Several categories of congregate living facilities in Saint Paul provide housing, or could provide housing, to disabled persons. A disability, or handicap, is defined as "a physical or mental impairment which substantially limits one or more of such person's major life activities," not including sex offenders, current illegal drug users,

people who have been convicted of illegal drug use/sale/manufacturing, or persons who present a direct threat to the persons or property of others. A local government must allow for "reasonable accommodations" to allow persons or groups of persons with disabilities an equal opportunity to enjoy and use housing. The City of Saint Paul allows for such "reasonable accommodations" via Sec. 60.110, as applied through review by DSI.

The *Americans with Disabilities Act* (1990, amended 2010) similarly prohibits discrimination by public entities on the basis of disability, which is defined as "a physical or mental impairment that substantially limits one or more of the major life activities of (an) individual; a record of such an impairment; or being regarded as having such an impairment." Such impairment includes "mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities" and diseases or conditions such as "orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism."

Minnesota State Law

The Minnesota Revised Statutes address licensing and regulation of congregate living facilities via three departments: the Department of Corrections (DOC), the Department of Health (DOH), and the Department of Human Services (DHS). The most relevant state laws to our zoning study address local regulation of DHS facilities, as follows. Residential facilities licensed by DHS for six (6) or fewer persons are permitted in single-family housing, regardless of local restrictions based on the definition of "family," excepting only facilities for juvenile sex offenders. (The Saint Paul Zoning Code defines four (4) or fewer unrelated persons living together as a "family".) Residential facilities licensed for seven (7) to 16 persons are permitted in multi-family housing, though local governments are allowed to require a conditional use permit (CUP) that is no more restrictive than CUPs for other uses. DHS requires residential facilities to be separated by 1,320 feet from other such facilities under normal circumstances.

Court Case

FamilyStyle v. City of Saint Paul is a 1990 US Court of Appeals decision that affirmed our separation requirements for mentally ill group homes on the basis that they ensure patients will actually live in a community environment rather than one that recreates an institutional environment through clustering of facilities.

How does the City Code currently regulate congregate living facilities?

The Zoning Code currently contains 18 categories of congregate living as defined in Chapter 65, Division III: Congregate Living (Sec. 65.151-191). The table below summarizes in which districts the uses are permitted:

	RESIDENTIAL DISTRICTS							TRADITIONAL DISTRICTS				COMMERCIAL DISTRICTS							INDUSTRIAL DISTRICTS			
Uses	RL	R1-4	RT1	RT2	RM 1	RM 2	RM 3	T1	T2	T3	T4	OS	B1	BC	B2	B3	B4	B5	IT	I1	I2	I3
RESIDENTIAL USES																						
Congregate Living																						
Foster home, freestanding foster care home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Community residential facility, licensed human service	P	P	P	P/C	P/C	P/C	P/C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community residential facility, licensed correctional					C	C	C	C	C	C	C			C	C	C	C	C		C	C	
Community residential facility, health department licensed					C	C	C	C	C	C	C			C	C	C	C	C		C	C	
Correctional Facility																				C	P	
Emergency housing facility					C	C	C	C	C	C	C			C	C	C	C	C		C	C	
Overnight Shelter																		C		C	C	
Shelter for battered persons	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P	P	P	P	
Transitional housing facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P	P	P	P	
Sober house	P	P	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Roominghouse, boardinghouse					C	C	C	C	P	C	C			C			P	P			C	
Nursing home, boarding care home, assisted living						C	P	P	P	P	P			C			P	P				
Hospice	P	P	P	P	P	P/C	P	P	P	P	P	C	C	P/C	C	P	P	P	P	P	P	
Dormitory	P	P	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P			P/C			P	P				
Fraternity, sorority	P	P	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P			P/C								
Accessory Uses																						
Support services in housing for the elderly						P	P															

The Zoning Code definitions and standards establish separation requirements and maximum populations per planning district for certain categories of congregate living, as summarized in the table below. The table also notes which categories (as currently defined) are protected by the *FHAA*.

	Separation Requirement	Subject to 1% Maximum[1]	Count Toward 1% Maximum	Protected Class[2]
Foster home	No	No	No	No
Freestanding foster home	No	No	No	No
CRF - human service	Yes[3]	No	Yes	Yes
CRF - correctional	Yes[3]	Yes	Yes	No
CRF - health department	Yes[3]	Yes	Yes	Yes
Emergency housing	Yes[3]	Yes	Yes	No
Overnight shelter	Yes[4]	No	Yes	No
Shelter for battered persons	Yes[5]	Yes	Yes	No
Transitional housing	Yes[6]	Yes	Yes	No
Sober house	Yes[7]	No	No	Yes
Boardinghouse	No	No	No	No
Roominghouse	No	No	No	No
Assisted living	No	No	No	No
Boarding care home	No	No	No	No
Nursing home	No	No	No	No
Hospice	No	No	No	No

[1] Certain facilities' population in a planning district can be a maximum 1% of total district population.

[2] Those in a legally protected class can request "reasonable accommodations" to waive separation and 1% requirements. It is possible that other types of congregate living could also contain protected classes (e.g. an overnight shelter with high rates of mental illness). See Legal Context section above.

[3] 600' from certain other facilities in B4-B5, or 1,320' from such facilities in other districts

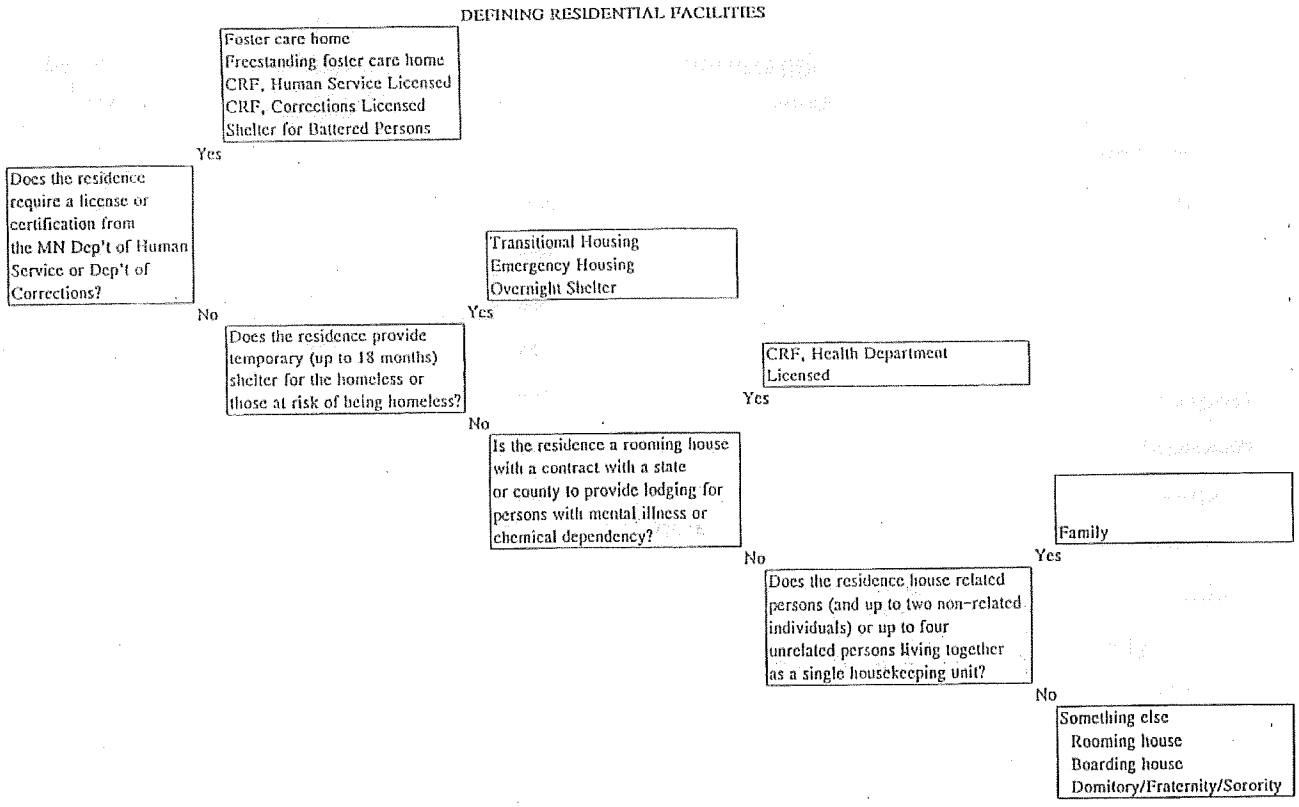
[4] 600' from certain other facilities in all districts

[5] 1,320' from certain other facilities in all districts

[6] 1,320' from certain other facilities in RL-RT2 districts

[7] 330' from other sober house properties

There is often uncertainty regarding which Zoning Code definition should apply to a proposed facility. The following decision tree came into use in about 2007, but is not formalized in the Zoning Code. It illustrates the complexity of the existing regulations.



PROPOSED AMENDMENTS & ANALYSIS

The full proposed amendments to the Zoning Code text and tables of permitted principal uses are among the memo attachments. A summary and analysis of the proposed amendments is below

<u>Consolidate DHS CRFs, DOH CRFs, and Transitional Housing into a new definition: Supportive Housing Facility</u>

These 3 existing categories primarily work with the same types of populations (often the same people with multiple problems) with the goal of re-entry into society, and in fact many existing sites could conceivably fall under more than one of these current definitions. Consolidation requires severing definitions tied to funding or licensing and instead focusing on what actually occurs at the facility. Separation requirements continue to be appropriate in order to ensure they are placed in normal neighborhood environments, and not placed in clusters that replicate an institutional environment (see *FamilyStyle v City of Saint Paul* court decision). DHS- and Health Department-Licensed Community Residential Facilities by definition serve handicapped clients under the *Fair Housing Amendments Act of 1988*, though Transitional Housing may or may not. The new category generally follows existing standards and districts for DHS-Licensed Community Residential Facilities, which represents looser regulations for Health Department-Licensed Facilities and Transitional Housing.

Consolidate Assisted Living, Boarding Care Home, Nursing Home, and Hospice into Adult Care Home

Assisted Living, Boarding Care Home, and Nursing Home use the same standards and are allowed in the same districts. It appears the main reason to have separate definitions was to replicate State agency definitions. It is proposed to further consolidate these three (3) categories with Hospice, given the similar land use effects. The new category is proposed to be permitted mostly in the same zoning districts as the current category of Hospice, which is the least restricted of the four (4).

Eliminate the 1% Maximum

The Zoning Code regulation limiting the population of certain categories of congregate living to 1% or less of the planning district's total population (the "1% maximum" clause) is intended to counter overconcentration, much like the spacing requirements (e.g. 1,320' or 600' between certain facilities). Notably, the regulation applies to only five (5) categories of congregate living, but uses seven (7) categories in calculating the 1% population. Particularly troublesome is that one of the most common categories of congregate living, DHS-licensed community residential facilities, contributes to the 1% but does not need to abide by it. The 1% maximum clause also has other drawbacks, including that it requires substantial staff time to track, does not account for barriers like highways or railroad tracks, and its application to planning district geographies is overall not as effective as numerical separation requirements in avoiding "institutional environments" and promoting integration into the community.

Consolidate Foster Home and Freestanding Foster Home

Both categories are regulated the same except for parking, and there is no known reason to repeat the State definitions here. A Freestanding Foster Home requires 1.5 off-street parking spaces per 4 residents, while a Foster Home has no special requirement and is thus treated as its primary use (generally a one-family dwelling unit, which requires 1.5 spaces). In practice, the 4 existing Freestanding Foster Homes in Saint Paul would have the same parking requirement whether regulated under the current parking requirements, or simply as single-family or two-family dwellings (as applicable). Elimination of the explicit parking requirement for Freestanding Foster Home would have no effect if future facilities are similar in size to existing.

Consolidate Roominghouse and Boardinghouse

Like the above issue, both Roominghouse and Boardinghouse are regulated the same, and there is no known reason to repeat the State definitions here.

Reduce Minimum Lot Size Requirements

A minimum lot size should continue to be specified for congregate living uses in certain zoning districts in order to meet the intent of minimum lot size regulations, which for other residential uses are based on number of units, not number of residents or number of rooms. That is, for example, a congregate living facility has only 1 living unit according to the Zoning Code regardless of the number of residents, and therefore would have an excessively small minimum lot size if relying only on the district standards. However, the existing minimum lot size requirements (generally 5,000 square feet plus 1,000 square feet for each guest room in excess of 2 guest rooms) for certain categories of congregate living seem to exceed actual need. The proposed amendments bring congregate living lot size more in line with similar residential uses in residential and T1 zoning districts. Meanwhile, minimum lot sizes are proposed to be

eliminated for congregate living uses in zoning districts that do not regulate multi-family uses that way, but instead rely on floor-to-area ratio (F.A.R.) to control density: T2-T4, business, and industrial districts.

Eliminate Petition Requirement Under Reuse of Large Structures for "Handicapped" Users
Given: (1) the general City policy to accommodate facilities supporting the reintegration of mentally ill and former substance abusers into mainstream society; (2) the reliable neighbor opposition to "those people" who are perceived to be likely to harm a child walking to a nearby school, etc.; (3) the protections afforded to mentally ill and other handicapped by the *FHAA*; and (4) the plethora of large structures in need of productive reuse; it would seem to be a reasonable accommodation to allow uses serving mentally ill and other handicapped persons to avoid the petition requirement for reuse of large structures. The public hearing notification requirements would remain.

COMPREHENSIVE PLAN ANALYSIS

The Housing Chapter of the Comprehensive Plan applies to the proposed Zoning Code amendments in several ways. First and foremost, Strategy H-3.4.c calls for the City to examine and update the Zoning Code to correspond with the current state and county licensing and registration requirements and group housing programs, which is an issue explicitly addressed by this study. Strategy H-1.1 calls for increasing housing choices across the city. Strategy H-2.18 supports the expansion of housing choices for seniors, which is furthered by the expanded number of zoning districts that permit Assisted Living, Boarding Care Homes, and Nursing Homes (proposed to be combined as Adult Care Homes). Strategy H-3.4.a calls for siting permanent supportive and homeless housing to increase locational choices in an area, and increasing the distribution across the city.

COMMITTEE RECOMMENDATION

The Comprehensive Planning Committee recommends that the Planning Commission release this zoning study and proposed amendments for public review and schedule a public hearing for January 22, 2016.

Attachments

1. Proposed Text Amendments to Chapters 60-65
2. Tables of Permitted Principal Uses (Chapter 66), with proposed changes
3. Existing and Proposed Tables of Permitted Principal Uses (consolidated and clean)

Sec. 66.221. Principal uses.

Table 66.221, principal uses in residential districts, lists all permitted and conditional uses in the RL—RM3 residential districts, and notes applicable development standards and conditions.

Table 66.221. Principal Uses in Residential Districts

Use	RL	R1—R4	RT1	RT2	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~~Supportive housing facility	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	✓
Sober house	P	P	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~~	~~✓~~
Roominghouse~~, boarding house~~					C	C	C	✓
~~Nursing home, boarding care home, assisted living~~						~~C~~	~~P~~	~~✓~~
~~Hospice~~Adult care home	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	✓

Sec. 66.321. Principal uses.

Table 66.321, principal uses in traditional neighborhood districts, lists all permitted and conditional uses in the T1—T4 traditional neighborhood districts, and notes applicable development standards and conditions.

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	Development Standards
Residential Uses					
Congregate Living					
Foster home~~, freestanding foster care home~~	P	P	P	P	
~~Community residential facility, licensed human service~~Supportive housing facility	P/C	P	P	P	✓
Community residential facility, licensed correctional	C	C	C	C	✓
~~Community residential facility, health department licensed~~	~~C~~	~~C~~	~~C~~	~~C~~	~~✓~~
Emergency housing facility	C	C	C	C	✓
Shelter for battered persons	P/C	P/C	P/C	P/C	✓
~~Transitional housing facility~~	~~P/C~~	~~P/C~~	~~P/C~~	~~P/C~~	~~✓~~
Sober house	P/C	P/C	P/C	P/C	✓
Roominghouse~~, boardinghouse~~	C	~~P~~C	C	C	✓
~~Nursing home, boarding care home, assisted living~~	~~P~~	~~P~~	~~P~~	~~P~~	~~✓~~

~~Hospice~~Adult care home	P	P	P	P	✓
Dormitory	P/C	P	P	P	✓
Fraternity, sorority	P/C	P	P	P	✓

Sec. 66.421. Principal uses.

Table 66.421, principal uses in business districts, lists all permitted and conditional uses in the OS—B5 business districts, and notes applicable development standards and conditions.

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~~Supportive housing facility	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			P	P	✓
~~Nursing home, boarding care home, assisted living~~			~~C~~			~~P~~	~~P~~	~~✓~~
~~Hospice~~Adult care home	C	C	~~P/~~C	C	P	P	P	✓
Dormitory			P/C			P	P	✓
Fraternity, sorority			P/C					✓

Sec. 66.521. Principal uses.

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the IT—I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Use	IT	I1	I2	I3	Definition (d) Standards (s)
Residential Uses					
Congregate Living					
~~Community residential facility, licensed human service~~Supportive housing facility	P	P	P		(d), (s)
Community residential facility, licensed correctional		C	C		(d), (s)
~~Community residential facility, health department licensed~~		~~C~~	~~C~~		~~(d), (s)~~
Correctional facility		C	P		

Emergency housing facility		C	C		(d), (s)
Overnight shelter		C	C		(d), (s)
Shelter for battered persons	P	P	P		(d), (s)
~~Transitional housing facility~~	~~P~~	~~P~~	~~P~~		~~(d), (s)~~
Sober house	P/C	P/C	P/C		(d), (s)
Roominghouse~~, boardinghouse~~	P	P	~~C~~P		(d), (s)
~~Hospice~~Adult care home	~~P~~C	~~P~~C	~~P~~C		(d), (s)

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
Residential Uses	
~~Community residential facility, emergency~~ Emergency housing facility, ~~free-standing foster care home,~~ licensed correctional community residential facility, overnight shelter, shelter for battered persons, sober house, supportive housing facility ~~transitional housing facility~~	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~~Adult care home	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~~170. 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 ~~IR~~IT—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 ~~IR~~IT—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.~~

(~~e~~d) 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 (~~2~~6) 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 (~~2~~4) 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.~~155~~153, ~~community residential facility, health department licensed~~supportive housing facility, standards and conditions (a)—(~~e~~d).

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 ~~IR~~IT—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 (~~2~~4) 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.~~169~~170. 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~~ T~~N~~1 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~~ T~~N~~1 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 ~~nor~~ not exceed five (5) percent of designated community room area.

Existing

	RESIDENTIAL DISTRICTS							TRADITIONAL DISTRICTS				COMMERCIAL DISTRICTS							INDUSTRIAL DISTRICTS				
Uses	RL	R1-4	RT1	RT2	RM 1	RM 2	RM 3	T1	T2	T3	T4	OS	B1	BC	B2	B3	B4	B5	IT	I1	I2	I3	Definition
RESIDENTIAL USES																							
Congregate Living																							
Foster home, freestanding foster care home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					65.151/2
Community residential facility, licensed human service	P	P	P	P/C	P/C	P/C	P/C	P	P	P	P	P	P	P	P	P	P	P	P	P	P		65.153
Community residential facility, licensed correctional					C	C	C	C	C	C	C			C	C	C	C	C		C	C		65.154
Community residential facility, health department licensed					C	C	C	C	C	C	C			C	C	C	C	C		C	C		65.155
Correctional Facility																				C	P		
Emergency housing facility					C	C	C	C	C	C	C			C	C	C	C	C		C	C		65.156
Overnight Shelter																		C		C	C		65.157
Shelter for battered persons	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P	P	P	P		65.158
Transitional housing facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P	P	P	P		65.159
Sober house	P	P	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		65.160
Roominghouse, boardinghouse					C	C	C	C	P	C	C			C			P	P			C		65.170/1
Nursing home, boarding care home, assisted living						C	P	P	P	P	P			C			P	P					65.180/1/2
Hospice	P	P	P	P	P	P/C	P	P	P	P	P	C	C	P/C	C	P	P	P	P	P	P		65.183
Dormitory	P	P	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P			P/C			P	P					65.190
Fraternity, sorority	P	P	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P			P/C									65.191
Accessory Uses																							
Support services in housing for the elderly						P	P																65.922

Proposed

	RESIDENTIAL DISTRICTS							TRADITIONAL DISTRICTS				COMMERCIAL DISTRICTS							INDUSTRIAL DISTRICTS				
Uses	RL	R1-4	RT1	RT2	RM 1	RM 2	RM 3	T1	T2	T3	T4	OS	B1	BC	B2	B3	B4	B5	IT	I1	I2	I3	Definition
RESIDENTIAL USES																							
Congregate Living																							
Foster home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					65.151
Supportive housing facility	P	P	P	P/C	P/C	P/C	P/C	P/C	P	P	P	P	P	P	P	P	P	P	P	P	P		65.153
Community residential facility, licensed correctional					C	C	C	C	C	C	C			C	C	C	C	C		C	C		65.154
Correctional Facility																				C	P		
Emergency housing facility					C	C	C	C	C	C	C			C	C	C	C	C		C	C		65.156
Overnight Shelter																		C		C	C		65.157
Shelter for battered persons	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P	P	P	P		65.158
Sober house	P	P	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		65.160
Roominghouse					C	C	C	C	C	C	C			C			P	P	P	P	P		65.171
Adult care home	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C	P	P	C	C	C		65.182
Dormitory	P	P	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P			P/C			P	P					65.190
Fraternity, sorority	P	P	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P			P/C									65.191
Accessory Uses																							
Support services in housing for the elderly						P	P																65.922