

city of saint paul
planning commission resolution
file number 21-55
date December 17, 2021

WHEREAS, the United States District Court settlement agreement for Case No. 18-cv-00954 requires the City of Saint Paul to “initiate and proceed with... a zoning study to propose amendments to the City’s zoning ordinance to establish a better process for land use applications for religious organizations”; and

WHEREAS, the Zoning Code lacks clear standards for accessory uses on religious properties; and

WHEREAS, on January 24, 2020, the Planning Commission passed Resolution 20-07 initiating a zoning study to consider amendments to the Zoning Code pertaining to accessory uses on religious properties, and other connected regulations contained in the Zoning Code; and

WHEREAS, the Saint Paul Planning Commission held a duly noticed public hearing regarding potential zoning amendments regarding religious institution accessory uses; and

WHEREAS, the Comprehensive and Neighborhood Planning Committee of the Saint Paul Planning Commission, having reviewed the public hearing testimony and a memorandum containing analysis provided by staff, provided a recommendation for consideration by the Saint Paul Planning Commission; and

WHEREAS, the Saint Paul Planning Commission, having reviewed the public hearing testimony and the Comprehensive and Neighborhood Planning Committee’s recommendation, finds the proposed text amendments to be supported by the policies of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City’s Legislative Code, that the following proposed amendments to the Legislative Code are recommended for approval by the Mayor and Council of the City of Saint Paul:

moved by Holst
seconded by Presley
in favor Unanimous
against _____

Religious Institution Accessory Uses Proposed Code Amendments

Existing language to be deleted shown by ~~strikeout~~. New language shown by underlining.

Chapter 65. Zoning Code—Land Use Definitions and Development Standards

ARTICLE II. 65.100. RESIDENTIAL USES

Division 3. 65.150. Congregate Living

Sec. 65.154. 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:

- (a) In RL-RT2 residential, OS office-service, B1 local business, IT transitional industrial, F1 Ford river residential, and F5-F6 Ford districts the use shall be located on the same zoning lot as a religious institution.
- (b) In the I2 general industrial district the use requires a conditional use permit. In RM1-RM3 residential, T1-T4 traditional neighborhood, BC-B5 business, I1 light industrial, and F2-F4 Ford districts the use requires a conditional use permit if not located on the same zoning lot as a religious institution.
- ~~(c) See section 65.162, supportive housing facility, standards and conditions (a)–(d). If not located on the same zoning lot as a religious institution, the use shall be subject to standards and conditions (a)-(d) for supportive housing facility, section 65.162.~~

ARTICLE III. 65.200. CIVIC AND INSTITUTIONAL USES

Sec. 65.221. Community center.

A facility that may include such things as recreational and cultural facilities, gymnasiums, swimming pools, outdoor recreation, meeting rooms, performance space, social service facilities and public health facilities. A community center may provide for such things as art, music, dance, adult and general education classes; child and adult day care; counseling; public health and social services; legal clinics; civic events; community meetings; performances; and receptions.

Standards and conditions:

- (a) Unless operated by a religious institution, other tax-exempt organization or a government agency, the use requires a conditional use permit in residential districts. A community center operated by a religious institution, other tax-exempt organization or a government agency may provide space for other types of organizations.

(b) A conditional use permit is required for the use in the I2 general industrial district.

Sec. 65.221222. Day care.

The care of one (1) or more children on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the child's own dwelling unit. Day care includes family day care, group family day care and child care centers, as hereinafter defined.

- (1) *Family day care.* A day care program providing care for not more than ten (10) children at one (1) time, and which is licensed by the county as a family day care home. The licensed capacity must include all children of any caregiver when the children are present in the residence.
- (2) *Group family day care.* A day care program providing care for no more than fourteen (14) children at any one (1) time of which no more than ten (10) are under school age and which is licensed by the county as a group family day care home. The licensed capacity must include all children of any caregiver when the children are present in the residence.
- (3) *Child care center.* A day care program licensed by the state or the city as a child care center. Child care centers include programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers for school age children, after school programs, infant day care centers, cooperative day care centers, preschool and Head Start programs.

Standards and conditions:

- (a) In RL—R4 residential districts, a child care center shall be located in a nonresidential structure currently or formerly occupied by a church, community center, school or similar facility. In industrial districts, a child care center shall be accessory to a principal use permitted in the district.
- (b) A fence at least three and one-half (3½) feet in height shall surround all play areas located in a front yard or adjacent to a public or private street.

...

Sec. 65.235. ~~Recreation, noncommercial, Reserved.~~

~~Recreational areas including private, noncommercial recreation areas, institutional, municipal or community recreation centers, and nonprofit swimming pool clubs.~~

~~*Standards and conditions in residential districts:*~~

- ~~(a) The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a major thoroughfare (in definition), and the site shall be so planned as to provide principal access directly to said major thoroughfare.~~
- ~~(b) All yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these minimum yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.~~
- ~~(c) Whenever a swimming pool is constructed under this subparagraph, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.~~

Sec. 65.236. Religious institution.

A church, chapel, synagogue, temple or other similar place of worship, along with uses directly associated with religious exercise and the place of worship such as a rectory, parsonage, convent, monastery, gathering spaces, and religious retreat and education facilities.

ARTICLE VII. 65.900. ACCESSORY USES

Sec. 65.910. Accessory use or accessory.

A building, structure or use which is clearly incidental to, customarily found in connection with, and (except as provided in section 63.300) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as "accessory use."

An accessory use includes, but is not limited to, the following:

- (a) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- (b) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- (c) Domestic storage in a barn, shed, tool room or similar accessory building or other structures including the storage of antique and classic automobiles within accessory structures.
- (d) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (e) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (f) Trash containers, including garbage dumpsters, in accordance with chapter 357 of the Saint Paul Legislative Code.
- (g) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- (h) Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex; greenhouses accessory and incidental to a florist; and auto rental accessory and incidental to a hotel or railroad passenger station.
- (i) Residential accommodations for servants or caretakers located within the main dwelling and without separate cooking facilities.
- (j) Swimming pools for the use of the occupants of a residence or their guests.
- (k) A newsstand primarily for the convenience of the occupants of a building which is located wholly within such building and has no exterior signs or displays.
- (l) A small brewery operated in conjunction with a bar or restaurant provided the beer is sold for consumption on the premises and not sold to other bars, restaurants or wholesalers, except that an

Rectory, parsonage	P	P	P	P	P	P	P	(s)
Convent, monastery, religious retreat	P	P	P	P	P	P	P	(s)
School, <u>grades K-12 primary & secondary</u>	P	P	P	P	P	P	P	(d), (s)

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.221, principal uses in residential districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS

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 Definition (d) Standards (s)
Residential Uses					
<i>Congregate Living</i>					
Emergency housing facility	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
Civic and Institutional Uses					
<i>Educational Facilities</i>					
<i>Social, Cultural, and Recreational Facilities</i>					
Club, fraternal organization, lodge hall		P	P	P	(d)
College, university, seminary, etc.	P	P	P	P	(d), (s)
<u>Community center</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(d), (s)
Day care	P	P	P	P	(d), (s)
Museum	P/C	P	P	P	(s)
Public library	P	P	P	P	
Public and private park, playground	P	P	P	P	
Recreation, noncommercial	P	P	P	P	(d)
<i>Religious Institutions</i>					
<u>Religious institution Church, chapel, synagogue, place of worship</u>	P	P	P	P	(d)
Rectory, parsonage	P	P	P	P	(s)
Convent, monastery, religious retreat	P	P	P	P	
School, <u>primary & secondary grades K-12</u>	P	P	P	P	(s)
Trade school, arts school, dance school, etc.	P	P	P	P	

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.321, principal uses in traditional neighborhood districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

ARTICLE IV. 66.400. BUSINESS DISTRICTS

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	Definition (d) Standards (s)
Residential Uses								
<i>Congregate Living</i>								
Emergency housing facility	<u>P</u>	<u>P</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(d), (s)
Civic and Institutional Uses								
<i>Educational Facilities</i>								
<i>Social, Cultural, and Recreational Facilities</i>								
Club, fraternal organization, lodge hall				P	P	P	P	(d)
College, university, seminary, etc.	C	C	C	C	C	C	C	(d), (s)
<u>Community center</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
Day care	P	P	P	P	P	P	P	(d), (s)
Museum						P	P	
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Recreation, noncommercial	P	P	P	P	P	P	P	(d)
<i>Religious Institutions</i>								
<u>Religious institution Church, chapel, synagogue, place of worship</u>	P	P	P	P	P	P	P	<u>(d)</u>
Rectory, parsonage	P	P	P	P	P	P	P	(s)
Convent, monastery, religious retreat	P	P	P	P	P	P	P	
School, <u>grades K-12 primary & secondary</u>	P	P	P	P	P	P	P	<u>(s)</u>
Trade school, arts school, dance school, etc.	P	P	P	P	P	P	P	

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.421, principal uses in business districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

ARTICLE V. 66.500. INDUSTRIAL DISTRICTS

Sec. 66.521. Principal uses.

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the IT—13 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					
<i>Congregate Living</i>					
Emergency housing facility	<u>P</u>	<u>P/C</u>	C		(d), (s)
Civic and Institutional Uses					
<i>Educational Facilities</i>					
<i>Social, Cultural, and Recreational Facilities</i>					
Club, fraternal organization, lodge hall	P	P	C		(d)
College, university, seminary, etc.	P	P	C		(d), (s)
<u>Community center</u>	<u>P</u>	<u>P</u>	<u>C</u>		<u>(d), (s)</u>
<u>Child care center</u> Group day care	P	P	C		(d), (s)
Museum	P	P	C		
Public library	P	P	C		
Public and private park, playground	P	P	P		
—Recreation, noncommercial	P	P	P		(d)
<i>Religious Institutions</i>					
<u>Religious institution</u> Church, chapel, synagogue, place of worship	P	P	C		<u>(d)</u>
School, grades K-12 <u>primary & secondary</u>	P	P	C		<u>(s)</u>
Trade school, arts school, dance school, etc.	P	P	C		

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.521, principal uses in industrial districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

ARTICLE IX. 66.900. FORD DISTRICTS

Sec. 66.921. Ford district use table.

Table 66.921, Ford district uses, lists all permitted and conditional uses in the F1-F6 Ford districts, and notes applicable development standards and conditions.

Table 66.921. Ford District Uses

Use	F1	F2	F3	F4	F5	F6	Definition (d) Standards (s)
Residential Uses							
<i>Congregate Living</i>							
Emergency housing facility	<u>P</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P</u>	<u>P</u>	(d), (s)
Civic and Institutional Uses							
Club, fraternal organization, lodge hall		P	P	P	P		(d)
College, university, specialty school		P	P	P	P	P	(d), (s)
<u>Community center</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
Day care, primary and secondary school	<u>P</u>	P	P	P	P	P	(d), (s)
Public library, museum	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	
Recreation, noncommercial		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d)</u>
Religious institution, place of worship	P	P	P	P	P	P	(d)
<u>School, primary and secondary</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

P—Permitted use C—Conditional use requiring a conditional use permit

Notes to table 66.921, Ford district uses:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.