



## Legislation Details (With Text)

**File #:** Ord 22-3      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 1/19/2022

**Title:** Amending Chapters 65 and 66 of the Legislative Code pertaining to Religious Uses and Accessory Uses.

**Sponsors:** Amy Brendmoen

**Indexes:** Zoning

**Code sections:** Sec. 65.001. - Land use definitions and development standards., Sec. 65.211. - Day care., Sec. 66.221. - Principal uses., Sec. 66.321. - Principal uses., Sec. 66.421. - Principal uses., Sec. 66.521. - Principal uses., Sec. 66.921. - Ford district use table.

**Attachments:** 1. Table 66.221, 2. Table 66.321, 3. Table 66.421, 4. Table 66.521, 5. Table 66.921, 6. PC Resolution Religious Accessory Uses- 12.17.21, 7. Religious Accessory Uses PC memo- post PH, 8. PC- PublicHearing comments-Religious Uses, 9. CC ENS notice- Religious Uses1, 10. Staff Presentation, 11. Novare Letter, 12. Novare Video, 13. Ord 22-3 - Interfaith Action

Date	Ver.	Action By	Action	Result
1/31/2022	1	Mayor's Office	Signed	
1/19/2022	1	City Council	Adopted	Pass
1/12/2022	1	City Council	Amended and Laid Over for Final Adoption	Pass
1/5/2022	1	City Council	Laid Over to Second Reading	

Amending Chapters 65 and 66 of the Legislative Code pertaining to Religious Uses and Accessory Uses.

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 on October 29, 2021 regarding the potential zoning amendments; and

WHEREAS, in a memo dated December 10, 2021, the Comprehensive and Neighborhood Planning Committee submitted a report to the Planning Commission in which recommendations and a rationale for amending specific sections of the Zoning Code were set forth; and

WHEREAS, on December 17, 2021, the Planning Commission, based upon the Comprehensive and Neighborhood Planning Committee's report and all the testimony received from the October 29 public hearing, duly submitted its recommendation to amend certain sections of the Zoning Code regarding religious uses and accessory uses to the Mayor and City Council for its review and consideration; and

WHEREAS, a public hearing before the City Council having been duly conducted at which all interested parties were given an opportunity to be heard, and having considered all the testimony and recommendations concerning the proposed zoning text amendments, including the Planning Commission resolution and the Comprehensive and Neighborhood Planning Committee's memorandum and their rationale for the recommended Zoning Code amendments which the Council finds persuasive and thus hereby incorporates by

reference into this ordinance for the specific purpose of articulating the Council's reasons and rationale for enacting the recommended amendments as set forth below in Section 1, in addition to any other reasons the Council might articulate on the record in adopting these amendments the Council, having considered all the facts and recommendations concerning the proposed zoning amendments and pursuant to the authority granted by and in accordance with the procedures set forth in Minnesota Statutes Sec. 462.357 states as follows:

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Chapters 65 and 66 of the Saint Paul Legislative Code are hereby amended to read as follows:

**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)~~ ninety (90) 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.

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**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 establishment licensed under Minn. Stat. § 340A.301, subd. 6(d) may sell "growlers" off-sale with appropriate city license.

- (m) An enclosed, single-bay car wash operated in conjunction with an auto convenience market or auto service station.
- (n) Auto detailing and minor servicing of automobiles within and for users of a parking structure with more than fifty (50) parking spaces, using no more than ten (10) percent of the floor area of the parking facility.
- (o) Food shelf when located in a dwelling unit ~~or~~, an accessory building for ~~the a~~ dwelling unit, ~~churches, synagogues a religious institution,~~ and or a community centers.
- (p) Overnight shelter for up to twenty-five (25) adults, and minor children in their care, accessory to a religious institution.
- (q) Homeless services facility accessory to a religious institution, subject to the standards and conditions in section 65.240.

## Chapter 66. Zoning Code-Zoning District Uses, Density and Dimensional Standards

### ARTICLE II. 66.200. RESIDENTIAL DISTRICTS

#### 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

[See attached table 66.221]

### 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

[See attached table 66.321]

### 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

[See attached table 66.421]

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-I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

[See attached table 66.521]

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

[See attached table 66.921]

SECTION 2

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.