

**City of South St. Paul  
Dakota County, Minnesota**

**Ordinance No. 1318**

**AN ORDINANCE AMENDING SECTIONS 118-8, 118-121 THROUGH 118-129, AND  
118-274 OF THE SOUTH ST. PAUL CITY CODE REGARDING STATE LICENSED  
RESIDENTIAL CARE FACILITIES AND HOUSING WITH SERVICES  
ESTABLISHMENTS**

The City Council of the City of South St. Paul does ordain:

**SECTION 1. AMENDMENT.** The following definition is added to South St. Paul City Code Section 118-8:

*Residential Care Facility, State-Licensed. A living unit providing 24-hour care established primarily for the accommodation and treatment of persons who are diagnosed with mental illness, a developmental disability, a physical disability or chemical dependency.*

**SECTION 2. AMENDMENT.** South St. Paul City Code Section 118-8 is hereby amended as follows:

*Institutional housing* means housing for ~~students, nurses, the mentally ill, the infirmed, the elderly, the physically retarded, and similar housing of a specialized nature.~~ an institutional use.

**SECTION 3. AMENDMENT.** South St. Paul City Code Sections 118-121 through 118-124 are hereby amended as follows:

**Sec. 118-121. R-1, single-family district.**

(a) *Permitted uses.* Within the R-1 single-family district, no building, structure or land shall be used except for one or more of the following uses, unless otherwise provided in this chapter:

(1) *Principal use.*

- a. One single-family dwelling (not to include mobile homes).
- b. Churches, chapels, temples, and synagogues, including Sunday schools, and parish houses meeting the requirements of this district.

c. Public parks and playgrounds.

d. A state licensed residential care facility or a housing with services establishment registered under Minn. Stat. Chapter 144D serving six or fewer persons.

(2) *Accessory uses.*

- a. One garage (attached or unattached) used as an accessory to the dwelling and located upon the same lot, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted, as regulated herein by the performance standards section 118-208.
- b. One accessory building or structure, in addition to the garage, the use of which is incidental to and located on the same lot as the dwelling, as regulated herein by the performance standards section 118-208.
- c. Swimming pools and tennis courts, as regulated herein by the performance standards section.
- d. Keeping of domestic pets.
- e. Fences, signs, and recreation equipment, as regulated herein.
- f. Residential business office.
- g. A PWS antenna located entirely inside a building or structure.
- h. Keeping of chickens as per the backyard chicken regulations found in section 15-9.

(b) *Uses by conditional use permit.* Within the R-1 district, the following uses shall be by conditional use permit only:

- (1) Accessory buildings that exceed the height or size requirements in city code section 118-208.
- (2) Hospitals or sanatoriums, philanthropic and charitable institutions, except correctional institutions and animal hospitals. Any building permitted to be used shall have an appearance that shall be in appropriate harmony with the residential character of the area.
- (3) Essential services (public utility and municipal services).
- (4) Elementary, junior, and senior high schools and incidental and accessory uses, when situated on the same site or unit of property.
- (5) Cemeteries.

- (6) Home occupations.
- (7) A PWS antenna mounted on the outside of an institutional building or structure of any height, as defined in section 118-207, and any governmental building or structure.
- (c) *Building height, width, and area requirement.* Within the R-1 district, residential dwellings must comply with the following:
  - (1) Shall not exceed a height of three stories, or 28 feet above grade as defined in the Minnesota State Building Code;
  - (2) Shall be a minimum of 24 feet wide; and
  - (3) Shall have a minimum area footprint of 800 square feet.
- (d) *Lot requirements.* Within the R-1 district, the following requirements shall apply:
  - (1) *Lot area, width, and depth.* Each dwelling, together with its accessory buildings, shall be located on a lot having an area not less than 9,000 square feet, width of not less than 75 feet, and depth of not less than 120 feet, except that a dwelling may be erected on a lot platted prior to May 1, 1967, having less than the foregoing area and width but having no less than 4,500 square feet of lot area.
  - (2) *Ingress and egress.* All lots shall front on a public street or have adequate ingress and egress to a public street.
  - (3) *Percent of land use.* All dwellings and accessory buildings on any lot shall not cover more than 30 percent of the area of the lot (see article VII of this chapter for additional requirements), except that all dwellings and accessory buildings on a lot containing 5,000 square feet or less shall not cover more than 35 percent of the lot.
  - (4) *Front yard.* No building shall be erected, reconstructed, altered or moved nearer to the front lot line than the average setback observed by residential buildings on the same side of the street and fronting thereon within the same block. Further, no part of the structure shall be closer than 25 feet to the street line on which it faces, except when the average setback is less than 25 feet.
  - (5) *Side yard.* There shall be a side yard of not less than five feet along each side of each building located on an interior lot having a frontage of 60 feet or less; such side yard on a lot having a frontage of more than 60 feet shall be not less than nine feet; provided, however, that a garage having no basement below it may have a side yard of not less than five feet if located in the front two-thirds of the lot, and no less than three feet if located entirely within the rear one-third of the lot. There shall be a side yard of not less than nine feet on the street side of any structure constructed on a

corner lot. No building shall be placed within ten feet of any dwelling unit on an adjacent lot.

(6) *Rear yard.* Each lot shall have a rear yard of not less than 25 feet in depth, except that a garage may be constructed within the 25-foot rear yard. A garage shall have a setback from the rear property line of not less than three feet unless the entrance faces an alley or street, then the garage shall be set back no less than eight feet from the rear property line.

(7) *Conditional use permit requirements.* All uses by conditional use permit shall provide such setback in front, side, and rear yards as the city council shall determine, taking into account the proposed use, the character of the surrounding area, the density of the area, and other relevant factors.

(e) *Off-street loading and unloading berths.* In the R-1 district, off-street loading and unloading shall be governed by the provisions of article VII of this chapter.

(f) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the R-1 single-family district: PWS towers and antennas, except as permitted under subsections (a)(2)g and (b)(7) of this section.

**Sec. 118-122. R-2, single- and two-family residence district.**

(a) *Permitted uses.* Within the R-2 district, no structure or land shall be used except for one or more of the following uses, except as otherwise permitted by this chapter:

- (1) Principal and accessory uses permitted in the R-1 district;
- (2) Duplex or twin home (see subsection (e) of this section); and
- (3) A PWS antenna located entirely inside a building or structure.

(b) *Uses by conditional use permit.* Within the R-2 district, the following uses shall be by conditional use permit only:

- (1) All uses allowed by a conditional use permit in the R-1 district; and
- (2) Home occupations as defined in this chapter.

(c) *Building height requirements.* Within the R-2 district, the permitted building height, width, and area shall be as regulated in the R-1 district.

(d) Lot requirements; single-family dwellings. The requirements shall be the same as specified in section 118-121(d) to all single-family dwellings in the R-1 district.

(e) *Lot requirements; two-family dwellings.* The following minimum lot and building requirements shall apply to all two-family dwellings in the R-2 district whether the two-family homes are newly constructed or are newly created by remodeling an existing structure which was previously not a two-family dwelling:

- (1) *Lot area, width, and depth.* No two-family dwelling shall be erected on a lot having less than 9,000 square feet of area and having less than 75 feet in width except that a building may be constructed on a lot platted prior to May 1, 1967, provided there is not less than 60 feet of frontage, and 7,500 square feet of area.
- (2) *Percent of land use.* The two-family dwelling and accessory buildings on any lot shall not cover more than 35 percent of the area of the lot.
- (3) *Access to unit.* Each unit of the two-family dwelling shall have a separate access to the outside of the dwelling or to a common hallway or entryway.
- (4) *Inspection and license.* Each rental unit within a two-family dwelling shall be inspected in accordance with article VII of chapter 106 of this Code prior to occupancy.
- (5) *Separate bathroom, kitchen, sleeping area.* Each dwelling unit must have a separate bathroom, kitchen and sleeping area.
- (6) *Miscellaneous.* The requirements of section 118-121(d)(2) and (d)(4)—(6) shall apply to two-family dwellings.

(f) *Off-street parking, loading and unloading berths.* Within the R-2 district, the provisions of article VII of this chapter shall apply.

(g) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the R-2 residence district: PWS towers and antennas, except as permitted under subsections (a) and (b) of this section.

**Sec. 118-123. R-3, general residence district.**

(a) *Permitted uses.* Within the R-3 district, no structures or land shall be used except for one or more of the following uses:

- (1) Any use permitted in the R-1 and R-2 districts, as regulated therein, except that a state licensed residential care facility or a housing with services establishment registered under Minn. Stat. Chapter 144D, may only serve six or fewer persons and must be located on a lot that is being used as a single family use.
- (2) Townhouses not exceeding eight dwelling units (also see section 118-267).
- (3) Buildings containing two or more dwelling units, not to exceed 12 dwelling units. No

building permit shall be issued for any apartment building or townhouse containing three or more dwelling units unless the city engineer has first approved drawings showing the following information:

- a. The overall size of the exterior of the building or buildings and the general character and appearance of the building or buildings in elevation.
- b. A site plan filed with the city clerk, as approved by the city engineer, shall be submitted showing the placement of buildings on the site, proposed parking and ingress and egress, proposed contours and retaining walls as related to existing contours, general layout of any proposed access roads, and locations of sewer and water connections, as may be needed.

(b) *Permitted accessory uses.* Within the R-3 district, the following uses shall be permitted accessory uses: all accessory uses permitted in the R-1 and R-2 districts and as regulated therein.

(c) *Uses by conditional use permit.* Within the R-3 district, no structures or land shall be used for the following, except by conditional use permit: ~~any conditional use permitted in the R-1 and R-2 districts.~~

(1) State licensed residential care facility serving up to 16 persons;

(2) Housing with services establishment registered under Minn. Stat. Chapter 144D, subject to the following:

i. A building with 2-19 units is allowed no more than one unit to be occupied for such use.

ii. A building with 20 units or more is allowed no more than 5% of the units per building to be occupied for such use.

If a building exceeds the 1 unit maximum or 5% maximum unit capacity as of June 30, 2017, the building shall be considered a nonconforming use and shall be allowed to continue but may not increase the number of units for the use. If there is a reduction in the number of units for the use for a period of one year, then the number of units for the use must be reduced accordingly until the use complies with this section;

(3) Any conditional use permitted in the R-1 and R-2 districts.

~~(e)~~(d) *Lot area, yard, and building height, width, and area requirements.*

- (1) One- and two-family dwellings shall comply with the requirements of the R-2 district;
- (2) Buildings containing three or more dwelling units shall be subject to the provisions of section 118-267.

~~(d)~~(e) *Off-street parking and loading.* Off-street parking and loading within the R-3 zoning district shall be as required and regulated in article VII of this chapter.

(f) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the R-3 district: ~~PWS towers and antennas, except as permitted under this section.~~

(1) ~~PWS towers and antennas, except as permitted under this section;~~

(2) ~~State-licensed residential care facilities, except as provided in 118.123(a)(1); and 118.123(c)(1);~~

(3) ~~Housing with services establishments registered under Minn. Stat. Chapter 144D, except as provided in 118.123(a)(1) or 118.123(c)(2).~~

#### **Sec. 118-124. R-4, multifamily residential district.**

(a) *Permitted uses.* Within the R-4 district, no land or structure shall be used except for one or more of the following uses:

(1) Multifamily residential buildings containing four or more dwelling units but not exceeding 20 dwelling units nor three stories or 38 feet in height. No building permit shall be issued for any multifamily residential building unless the city has first approved drawings showing the same information as that required by section 118-123(a)(3) and following the same procedures.

(2) Any use permitted in the R-1, R-2, and R-3 districts, ~~and~~ as regulated therein, except that a state licensed residential care facility or a housing with services establishment registered under Minn. Stat. Chapter 144D may only serve six or fewer persons and must be located on a lot that is being used as a single family use.

(3) PWS antennas located entirely inside a building or structure.

(b) *Uses by conditional use permit.* Within the R-4 district, no land or buildings shall be used for the following, except by conditional use permit:

(1) All conditional uses permitted in the R-1, R-2, and R-3 districts;

(2) Multifamily residential developments that exceed 20 dwelling units;

~~(3) All multifamily residential buildings that exceed three stories or 38 feet in height; or~~

~~(4) State licensed residential care facility serving up to 16 persons;~~

~~(5) Housing with services establishment registered under Minn. Stat. Chapter 144D, as~~

provided in 118.123(c)(2); or

~~(3)(6)~~ PWS antennas mounted on a building or structure 30 feet high or higher.

(c) *Accessory uses.* These shall include all accessory uses permitted in the R-3 district.

(d) *Lot area, yard, and building height requirements.* These requirements shall be as provided in section 118-267(f).

(e) *Off-street parking and loading.* Within the R-4 district, off-street parking and loading shall be as required and regulated in article VII of this chapter.

(f) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the R-4 multifamily residential district: ~~PWS towers and antennas, except as permitted under subsections (a)(3) and (b)(4) of this section.~~

~~(1) PWS towers and antennas, except as permitted under subsections (a)(3) and (b)(4) of this section;~~

~~(2) State-licensed residential care facilities, except as provided in 118.124(a)(2) and 118.124(b)(4);~~

~~(3) Housing with services establishments registered under Minn. Stat. Chapter 144D, except as provided in 118.124(a)(2) and 118.124(b)(5).~~

**SECTION 4. AMENDMENT.** The following section is added to the South St. Paul City Code Section 118.125 prohibiting certain uses in the CGMU, Concord Gateway mixed-use district:

~~(k) *Prohibited uses.* The following uses of land or buildings in the CGMU are prohibited:~~

~~(1) State-licensed residential care facilities;~~

~~(2) Housing with services establishments registered under Minn. Stat. Chapter 144D.~~

**SECTION 5. AMENDMENT.** South St. Paul City Code Section 118-126 is hereby amended as follows:

~~(g) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the C-1 district: PWS towers and antennas, except as permitted under subsections (a)(54) and (b)(11) of this section.~~

~~(1) PWS towers and antennas, except as permitted under subsections (a)(54) and (b)(11) of this section;~~

(2) State-licensed residential care facilities;

(3) Housing with services establishments registered under Minn. Stat. Chapter 144D.

**SECTION 6. AMENDMENT.** The following section is added to the South St. Paul City Code Section 118.127 prohibiting certain uses in the NCMU, North Concord mixed-use district:

(j) *Prohibited uses.* The following uses of land or buildings in the NCMU are prohibited:

(1) State-licensed residential care facilities;

(2) Housing with services establishments registered under Minn. Stat. Chapter 144D.

**SECTION 7. AMENDMENT.** South St. Paul City Code Section 118-128 is hereby amended as follows:

(g) *Prohibited uses.* Some land uses because of their inherent characteristics are neither suitable or compatible with the purpose statement for the GB district and, therefore, should not be permitted. The following uses are prohibited: ~~Metal shredder location or operation.~~

(1) Metal shredder location or operation;

(2) State-licensed residential care facilities;

(3) Housing with services establishments registered under Minn. Stat. Chapter 144D.

**SECTION 8. AMENDMENT.** South St. Paul City Code Section 118-129 is hereby amended as follows:

(d) *Prohibited uses.* Some land uses are not compatible with the purpose statement for the I district and therefore shall not be permitted. The following uses are prohibited:

(1) Acid manufacturing.

(2) Asphalt plants.

(3) Creosote treatment or manufacture.

(4) Exterior storage as a principal use, except as permitted by subsections (c)(5) and (c)(8) of this section.

(5) Junkyards.

- (6) Landfills (not including the filling and grading of land with totally buildable materials to prepare the land for development).
- (7) Manufacturing of hazardous chemicals as a principal use.
- (8) Reserved.
- (9) Metal shredder location or operation.
- (10) Mining of any type.
- (11) Open sales lots.
- (12) Petroleum refineries.
- (13) Permanent or temporary storage of hazardous waste as a principal use.
- (14) Sludge disposal.
- (15) State-licensed residential care facilities.
- (16) Housing with services establishments registered under Minn. Stat. Chapter 144D.

**SECTION 9. AMENDMENT.** South St. Paul City Code Section 118-274 is hereby amended as follows:

(a) *Definition.* Institutional use applies to any churches or buildings serving religious purposes, government, charitable, nonprofit clubs or lodges, medical or dental uses (human or animal), nursing homes, ~~treatment centers~~, day care centers, schools providing instruction for three or more students on the premises at one time, housing for students, and facilities for philanthropic or fraternal uses.

**SECTION 10. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance amendment allows state-licensed residential care facilities and registered housing with services establishments as a permitted use in residential zoning districts as long as they are in a single-family home and are limited in capacity to up to 6 people. It also allows these same uses in a multifamily building through a CUP. For registered housing with services establishments they are limited in capacity to no more than 5% of the units per building. Any multifamily building in excess of the limited number of units upon date of adoption of the ordinance will be allowed to continue such use, as long as those units are continuously occupied in the same manner. If the unit is no longer occupied

for such use for a period of one year, then the number of units allowed for that building is reduced accordingly until the building is in compliance.

**SECTION 11. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

Approved: June 5, 2017

Published: June 19, 2017

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Christy Wilcox, City Clerk