

City of South St. Paul
Dakota County, Minnesota
Ordinance No. XXXX

**AN ORDINANCE AMENDING SOUTH ST. PAUL CITY CODE TO ESTABLISH
ZONING REGULATIONS FOR CHILD DAY CARE FACILITIES AND ADULT DAY
CARE FACILITIES**

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

SECTION 1. AMENDMENT. South St. Paul City Code Section 118-8, 118-121, 118-123, 118-124, 118-125, 118-126, 118-127, 118-128, 118-129, 118-134, and 118-354 are hereby amended as follows:

Sec. 118-8. - Lots, distances, and definitions.

Adult Day Care Facility means a program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services and nutritional services that are directed at maintaining or improving the participants' capabilities for self-care.

Child Day Care Facility means the care of a child in a residence or facility licensed for such care, outside the child's own home for gain or otherwise, for less than 24 hours per day.

Group Family Day Care means a day care for no more than 14 children at one time. The total number of children includes all children of any caregiver when the children are present in the residence.

~~*Nursery, day,* means a use where care is provided for three or more children under kindergarten age for periods of four hours or more per day for pay and as defined and regulated by state statutes.~~

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.*

e. Child Day Care Facility serving twelve (12) or fewer persons.

f. Adult Day Care Facility serving twelve (12) or fewer persons.

(2) *Accessory uses.*

i. Group family day care located in a single-family dwelling or duplex serving no more than 14 children.

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

(10) A Reception or Meeting hall that is not part of a church, school, charitable organization, or other allowed use when contained within an existing building that is listed on the National Register of Historic Places.

(11) Child Day Care Facility except as provided in Section 118-121(a).

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

(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:

(3) Adult Day Care Facility serving between 13 and 16 persons.

~~(3)~~ (4) Any conditional use permitted in the R-1 and R-2 districts.

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

(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:

(7) Adult Day Care Facility.

Sec. 118-125. - CGMU, Concord Gateway mixed-use district.

(d) *Conditional uses, CGMU-1.* Within the CGMU-1 subdistricts, no structure or land may be used for any of the following uses except by conditional use permit:

(8) Adult Day Care Facility.

(9) Child Day Care Facility.

~~(8)~~ (10) Parking ramps or parking garages.

~~(9)~~ (11) Buildings in excess of 50 feet in height, if such buildings will not block significant views from existing uses or views to significant features within the CGMU district, and

if such buildings can be shown to be in keeping with the intent and character of the CGMU district and compatible with surrounding uses.

~~(10)~~ (12) Any permitted use or any other conditional use, if 10,000 square feet or more in gross floor area, if such use can be shown to be in keeping with the intent and character of the CGMU district and compatible with surrounding uses.

~~(11)~~ (13) Other uses determined by the city council to be similar in purpose and character to other permitted or conditional uses in this district.

Sec. 118-126. - C-1, retail business district.

(b) *Uses by conditional use permit.* The following uses shall require a conditional use permit:

(13) Adult Day Care Facility.

(14) Child Day Care Facility.

Sec. 118-127. - NCMU, North Concord mixed-use district.

(d) *Conditional uses, NCMU.* Within the NCMU district, no structure or land may be used for the following uses, except by conditional use permit:

(12) Gasoline service stations (with accessory car wash facility).

(13) Adult Day Care Facility.

(14) Child Day Care Facility.

~~(13)~~ (15) Other uses determined by the city council to be similar in purpose and character to other permitted and conditional uses in the NCMU district.

Sec. 118-128. - GB, general business district.

(1) Adult Day Care Facility.

~~(1)~~ (2) Armories, skating rinks, convention halls, and similar uses.

~~(2)~~ (3) Auditorium or recreational building.

~~(3)~~ (4) Automobile and truck service uses.

~~(4)~~ (5) Automobile car wash.

~~(5)~~ (6) Boat, marine, trailer, farm equipment, automobile, truck, and similar sales.

~~(6)~~ (7) Bottling works.

- ~~(7)~~ (8) Bowling alley.
- ~~(8)~~ (9) Carpet or rug cleaning.
- (10) Child Day Care Facility.
- ~~(9)~~ (11) Church.
- ~~(10)~~ (12) Commercial recreation and equipment storage.
- ~~(11)~~ (13) Contractor, if open storage is utilized.
- ~~(12)~~ (14) Dance and other commercial schools.
- ~~(13)~~ (15) Drive-in business of all types.
- ~~(14)~~ (16) Dry cleaning.
- ~~(15)~~ (17) Dwelling units in any building.
- ~~(16)~~ (18) Equipment and vehicle rental.
- ~~(17)~~ (19) Essential services.
- ~~(18)~~ (20) Existing use in an adjacent existing business district that is not a permitted use or a specified use by conditional use permit.
- ~~(19)~~ (21) Exterior storage, open sales lots.
- ~~(20)~~ (22) Food locker plant.
- ~~(21)~~ (23) Laundry.
- ~~(22)~~ (24) Lumber yard.
- ~~(23)~~ (25) Manufacturing as permitted in the I district.
- ~~(24)~~ (26) Medical uses (human and animal).
- ~~(25)~~ (27) On-sale and off-sale liquor sales, including 3.2 percent beer.
- ~~(26)~~ (28) Other uses deemed by the city council to be similar in purpose and character to those set forth in this subsection and in subsection (a) of this section.
- ~~(27)~~ (29) Parking garage.
- ~~(28)~~ (30) PWS antennas.
- ~~(29)~~ (31) PWS tower.
- ~~(30)~~ (32) Reception or Meeting Hall.
- ~~(31)~~ (33) Seasonal business.
- ~~(32)~~ (34) Spur tracks.
- ~~(33)~~ (35) Supper club.
- ~~(34)~~ (36) Structures exceeding 45 feet in height.
- ~~(35)~~ (37) Body art establishment; provided, however, that the building in which the body art establishment is located shall not be closer than:

- a. Three hundred feet from the nearest part of a residential building located within a residential district, as referenced in section 118-8; and
- b. One-half mile from the nearest part of a building in which another body art establishment is located.

~~(36)~~ (38) Theater.

~~(37)~~ (39) Wholesaling.

~~(38)~~ (40) Alternative financial establishment, subject to the supplemental regulations in section 118-275.

Sec. 118-129. - I, industrial district.

- (c) *Uses by conditional use permit or interim use permit.* The following uses shall require a conditional use permit or an interim use permit, and all applications for such conditional use permits shall follow the review and procedural guidelines set forth in section 118-132 of this chapter, governing planned unit developments:

(4) Child Day Care Facility when located within the same building as the principal use and provided only for employees of the principal use.

~~(4)~~ (5) Exterior processing on industrial zoned property south of I-494, except that part north of Richmond Street, west of Hardman Avenue north of vacated Malden Street from Hardman Avenue to the Mississippi River, the south one-half of section 35, T28N, R22W and the east one-half of the NW 1/4 of section 35, T28N, R22W.

~~(5)~~ (6) Exterior storage (not as a principal use).

~~(6)~~ (7) Exterior storage and open sales lot in conjunction with an approved use on the same site.

~~(7)~~ (8) Exterior storage and processing of wood chips...

~~(8)~~ (9) Exterior storage as a principal use on industrial zoned property...

~~(9)~~ (10) Exterior storage or exterior processing as a principal use on industrial zoned property...

~~(10)~~ (11) Hotel or motel.

~~(11)~~ (12) Laundry and dry cleaning processing plants (not retail).

~~(12)~~ (13) Metal clad building.

~~(13)~~ (14) Other uses deemed by the city to be similar to those set forth in this subsection and consistent with the purpose set forth in subsection (a) of this section.

~~(14)~~ (15) Pawnbrokers and precious metal dealers, as defined in article XIV of chapter 18 of this Code, 500 feet north of I-494 and south of Grand Avenue.

~~(15)~~ (16) Private and business schools.

~~(16)~~ (17) PWS antenna.

- ~~(17)~~ (18) PWS tower.
- ~~(18)~~ (19) Restaurants.
- ~~(19)~~ (20) Sexually oriented uses, as defined in article XVIII of chapter 18, 500 feet north of I-494 and south of Grand Avenue.
- ~~(20)~~ (21) Spur tracks.
- ~~(21)~~ (22) Structures of any type over 50 feet in height.
- ~~(22)~~ (23) Temporary on-site rock crushing operation when used for surcharging the land as an integral part of a land reclamation plan approved by the city engineer.
- ~~(23)~~ (24) Temporary structures.
- ~~(24)~~ (25) Truck stop.
- ~~(25)~~ (26) Veterinary clinic.
- ~~(26)~~ (27) Wholesaling.

Sec. 118-134. - I-1, light industrial district.

- (d) *Uses by conditional use permit.* The following uses or other uses deemed to be similar shall require a conditional use permit:

- (1) Adult Day Care Facility.
- ~~(1)~~ (2) Automobile, truck and other vehicle repair.
- (3) Child Day Care Facility.
- ~~(2)~~ (4) Commercial kennels, animal hospitals, dog/pet daycare or lodging.
- ~~(3)~~ (5) Enclosed mini-storage facilities.
- ~~(4)~~ (6) Exterior storage (not as a principal use) subject to the following:
 - a. Exterior storage use shall be incidental to an approved use on the same site.
 - b. Exterior storage shall be screened from adjacent properties and public view and shall meet the required performance standards of section 118-240.
 - c. The city may impose reasonable conditions on the exterior storage such as, but not limited to, maximum lot coverage, height, and type of the exterior storage.
- ~~(5)~~ (7) Open sales lot incidental to an approved use on the same site.
- ~~(6)~~ (8) Hotel or motel.
- ~~(7)~~ (9) Laundry and dry cleaning processing plants (not retail).
- ~~(8)~~ (10) On-sale liquor.
- ~~(9)~~ (11) Pawnbrokers and precious metal dealers, as defined in article XIV of chapter 18 of this Code, 500 feet north of I-494.

- ~~(10)~~ (12) Pet cremation
- ~~(11)~~ (13) PWS antenna.
- ~~(12)~~ (14) PWS tower.
- ~~(13)~~ (15) Restaurants.
- ~~(14)~~ (16) Schools: Private, business, and vocational schools.
- ~~(15)~~ (17) Sexually oriented uses, as defined in article XVIII of chapter 18, 500 feet north of I-494 and south of Grand Avenue.
- ~~(16)~~ (18) Spur tracks.
- ~~(17)~~ (19) Structures of any type over 50 feet in height.
- ~~(18)~~ (20) Temporary on-site rock crushing operation when used for surcharging the land as an integral part of a land reclamation plan approved by the city engineer.
- ~~(19)~~ (21) Temporary structures.
- ~~(20)~~ (22) Truck stop.
- ~~(21)~~ (23) Veterinary clinic.
- ~~(22)~~ (24) Wholesaling.
- ~~(23)~~ (25) Exterior processing of wood chips, accessory to a permitted or conditional use and subject to the required performance standards in section 118-134(d)(4).

Sec. 118-354. - Off-street parking spaces required.

Off-street parking spaces required by land uses generating the need for parking shall be as follows:

- (31) Automobile and truck sales: One space for each 400 square feet of gross floor space plus one space for each two employees.
- (32) Child Day Care Facility and Adult Day Care Facility: One space per employee on maximum shift.

SECTION 2. 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 proposed ordinance would establish zoning standards for child day care facilities and adult day care facilities. It would align the City Code with State Statute by allowing small daycares in residential districts as a permitted use. It would allow large child day care facilities in all of the R districts as a conditional use and would allow large adult day care facilities as a conditional use in the R-4 district. It would allow child day cares and adult day cares as a conditional use in the City's

commercial districts and light industrial district. It would allow child day care as a conditional use in the Industrial district if it is serving employees of the business where it is located. The ordinance would also establish parking requirements for child day care and adult day care.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _____

Published: _____

Christy Wilcox, City Clerk