

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

Ordinance No. 1383

AN ORDINANCE AMENDING THE ZONING CODE'S RULES FOR HOUSING WITH SERVICES ESTABLISHMENTS TO ALIGN WITH STATE STATUTE

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

SECTION 1. AMENDMENT. South St. Paul City Code Section 118-121 is 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. ch. 144D~~ serving six or fewer persons.

SECTION 2. AMENDMENT. South St. Paul City Code Section 118-123(a), (c) and (f) are hereby amended as follows:

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. ch. 144D~~, may only serve six or fewer persons and must be located on a lot that is being used as a single family use.
- (~~e~~**b**) *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:
- (1) State licensed residential care facility serving up to 16 persons;
 - (2) ~~Housing with services establishment registered under Minn. Stat. ch. 144D, subject to the following:~~
 - a. ~~A building with two to 19 units is allowed no more than one unit to be occupied for such use.~~
 - b. ~~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 one unit maximum or five percent 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) Adult day care facility serving between 13 and 16 persons.~~
- ~~(4) Any conditional use permitted in the R-1 and R-2 districts.~~

- (f) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the R-3 district:
- (1) PWS towers and antennas, except as permitted under this section;
 - (2) State-licensed residential care facilities, except as provided in sections 118.123(a)(1) and 118.123(e)(1);
 - ~~(3) Housing with services establishments registered under Minn. Stat. ch. 144D, except as provided in section 118.123(a)(1) or 118.123(e)(2).~~

SECTION 3. AMENDMENT. South St. Paul City Code Section 118-124 (a), (b) and (f) are hereby amended as follows:

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, as regulated therein, except that a state licensed residential care facility ~~or a housing with services establishment registered under Minn. Stat. ch. 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;
 - (4) State licensed residential care facility serving up to 16 persons;
 - ~~(5) Housing with services establishment registered under Minn. Stat. ch. 144D, as provided in section 118.123(e)(2); or~~
 - ~~(6) PWS antennas mounted on a building or structure 30 feet high or higher.~~
 - ~~(7) Adult day care facility.~~

(f) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the R-4 multifamily residential district:

- (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 sections 118.124(a)(2) and 118.124(b)(4);
- ~~(3) Housing with services establishments registered under Minn. Stat. ch. 144D, except as provided in sections 118.124(a)(2) and 118.124(b)(5).~~

SECTION 4. AMENDMENT. South St. Paul City Code Section 118-125(k) is hereby amended as follows:

Sec. 118-125. 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. ch. 144D;~~
- (3) Within the CGMU-1 or CGMU-2 subdistricts, no structure or land may be used for small wireless facilities located outside of the right-of-way.

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

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

(g) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the C-1 district:

- (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. ch. 144D;~~
- (4) Within the C-1 district, no structure or land may be used for small wireless facilities located outside of the right-of-way.

SECTION 6. AMENDMENT. South St. Paul City Code Section 118-127(j) is hereby amended as follows:

Sec. 118-127. 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. ch. 144D;~~
- (3) Within the NCMU district, no structure or land may be used for small wireless facilities located outside of the right-of-way.

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

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

- (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:
- (1) Metal shredder location or operation;
 - (2) State-licensed residential care facilities;
 - ~~(3) Housing with services establishments registered under Minn. Stat. ch. 144D;~~
 - (4) Within the GB district, no structure or land may be used for small wireless facilities located outside of the right-of-way.

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

Sec. 118-129. I, industrial district.

- (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) Small wireless facilities located outside of the right-of-way.
 - (15) Sludge disposal.
 - (16) State-licensed residential care facilities.
 - ~~(17) Housing with services establishments registered under Minn. Stat. ch. 144D.~~

SECTION 9. AMENDMENT. South St. Paul City Code Section 118-134(e) is hereby amended as follows:

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

- (e) *Prohibited uses.* Some land uses are not compatible with the purpose statement for the I-1 district and therefore shall not be permitted, even in an enclosed building. The following uses are prohibited:
- (1) Acid manufacturing.
 - (2) Asphalt and concrete plants.
 - (3) Creosote treatment or manufacture.
 - (4) Exterior storage as a principal use.
 - (5) Impound lots.
 - (6) Junkyards.
 - (7) Landfills (not including the filling and grading of land to prepare the land for development).
 - (8) Manufacturing of hazardous chemicals as a principal use.
 - (9) Metal shredder location or operation.
 - (10) Mining of any type.
 - (11) Open sales lots, except as permitted by subsection (d)(5).
 - (12) Petroleum refineries.
 - (13) Permanent or temporary storage of hazardous waste as a principal use.
 - (14) Processing of hides or skins of animals.
 - (15) Processing of grease or organics into by-products.
 - (16) Rendering, reclaiming or processing of animals or meat by-products.
 - (17) Slaughtering of animals.
 - (18) Small wireless facilities located outside of the right-of-way.
 - (19) Sludge disposal.
 - (20) State-licensed residential care facilities.
 - (21) ~~Housing with services establishments registered under Minn. Stat. Ch. 144D.~~

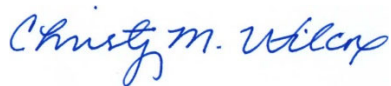
SECTION 10. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall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

The Minnesota legislature repealed Minn. Stat. Ch. 144D regarding housing with services establishments, thereby rendering all references to these types of uses in various zoning districts moot.

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

Approved: September 7, 2021

Published: September 9, 2021



Christy Wilcox, City Clerk