



Legislation Text

File #: Ord 17-16, **Version:** 1

Opting out of the requirements of Minn. Stat. § 462.3593 by reenacting reserved Legislative Code Chapter 14A for the purpose of complying with Minn. Stat. § 462.3593, Subd. 9 regarding temporary family health care dwellings.

STATEMENT OF LEGISLATIVE PURPOSE AND FINDINGS

WHEREAS, on May 12, 2016, the creation and regulation of so-called temporary family health care dwellings took effect based upon state legislation, codified as Minn. Stat. § 462.3593, which required a municipality to regulate a temporary family health care dwelling as a permissible residential use classification under either the municipality's zoning code or as provided under Minn. Stat. § 462.3593; and

WHEREAS, Minn. Stat. §462.3593, Subd. 9 allowed municipalities to "opt out" of allowing temporary family health care dwellings as a permitted use provided the municipality enacted an ordinance to that effect; and

WHEREAS, in light of the Minn. Stat. § 462.3593, Subd. 9, the Council of the City of Saint Paul, in Council Ordinance File No. 16-36, enacted an interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4 prohibiting the establishment of temporary family health care dwellings pending receipt of a report and recommendation regarding whether temporary family health care dwellings should be a permitted land use under the City's zoning code; and

WHEREAS, pursuant to Council Ordinance File No. 16-36, the City's Planning and Zoning Administrators commenced a study and on February 16, 2017, the Administrators submitted their report entitled *Temporary Family Health Care Dwelling Unit Study* which recommended, based upon the findings stated therein, that the City "opt out" of the requirements of Minn. Stat. § 462.3593; and

WHEREAS, the Council has reviewed the findings and recommendation contained in the said report which the Council finds persuasive and, accordingly, hereby incorporates them by reference for the specific purpose of articulating the Council's reasons and rationale for enacting the following amendment to the Legislative Code as set forth below Section 1 below; NOW, THEREFORE, BE IT RESOLVED THAT

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

That the Saint Paul Legislative Code City Code is hereby amended by re-enacting reserved Chapter 14A by adding the following new section to read:

Sec. 14A.1. Minn. Stat. § 462.3593, Subd. 9 compliance ordinance: temporary family health care dwelling.

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Saint Paul opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION 2

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