



Legislation Text

File #: RES 16-1462, **Version:** 1

Initiating an interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 2 regulating “temporary family healthcare dwellings” pending the effective date of a separate ordinance regulating the same subject to be adopted in compliance with City Charter § 6.05.

WHEREAS, the City’s zoning ordinances, adopted pursuant to powers delegated under the Municipal Planning Act (Minn. Stat. §§ 462.351 - .365), contain various land use classifications including several classifications for residential land uses found in Leg. Code §§ 65.111 - .191; and

WHEREAS, effective as of September 1, 2016, the Minnesota Legislature, in 2016 Minn. Laws chap. 111, sec. 3, enacted new legislation, to be codified as Minn. Stat. § 462.3593, which creates a new residential land use defined therein as a “temporary family healthcare dwelling” which municipalities must regulate as a permitted use under their municipal zoning codes or as provided under the new state legislation; and

WHEREAS, 2016 Minn. Laws chap. 111, sec. 3 also provides that “[a] municipality may by ordinance opt-out of the requirements of this section” (Minn. Stat. § 462.3593, Subd. 9); and

WHEREAS, the Council finds that because the residential land use classification and the regulatory standards applicable to it were enacted without the benefit of a study and report by the planning commission as is the practice of the City when considering amendments to the zoning code, that a study of temporary family healthcare dwellings be immediately undertaken to determine whether the City should allow temporary family healthcare dwellings as a use permitted and regulated under either the City’s zoning code, the new state legislation or, as the case may be, to “opt out” of permitting and regulating such a land use as provided under 2016 Minn. Laws chap. 111, sec. 3; and

WHEREAS, because 2016 Minn. Laws chap. 111, sec. 3 contains a framework for regulating temporary family healthcare dwellings, the Council, in the interests of expediting the zoning study process initiated pursuant to this resolution, requests the Planning Administrator, in consultation with the Zoning Administrator, to study whether temporary family healthcare dwellings should be regulated as a permitted residential land use under either the zoning code, Minn. Stat. § 462.3593, or whether the City should “opt-out” of allowing such a use and to report its recommendation to the Council at its earliest convenience; and

WHEREAS, during the period in which the study is underway, the City Council further desires to maintain the current status quo of permitted residential uses in the City by prohibiting the issuance of any City permits or approvals which may be necessary to construct or otherwise permit the establishment of any temporary family healthcare dwelling unit until such time as the Planning Administrator’s study of this matter has been completed and the City Council has taken action on the recommendation of the study.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Saint Paul, based upon the foregoing findings and for the general welfare of the public, deems it necessary to immediately prohibit the issuance or approval of any City permits to construct or create a temporary family healthcare dwelling unit until the expiration of twelve months as provided in Minn. Stat. § 462.355, Subd.(4) or until such earlier time as the Council has taken action on the recommendation of the study; AND,

BE IT FURTHER RESOLVED, as provided in Minn. Stat. § 462.355, Subd.(4), the Council of the City of Saint Paul will, in conformance with City Charter § 6.05, subsequently enact via a separate interim ordinance which

shall be consistent with the intent of this resolution, which prohibits the issuance or approval of any City permits to construct or create a temporary family healthcare dwelling, and further, for the purpose of complying with the time limit imposed on interim ordinances under Minn. Stat. § 462.355, Subd.(4), the effective date of the said interim ordinance shall be the effective date of this resolution; and,

BE IT FINALLY RESOLVED, upon the effective date of the said interim ordinance, the regulatory effect of this resolution shall terminate with no additional action on the part of this Council.