



## Legislation Text

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**File #:** Ord 16-36, **Version:** 1

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Adopting an interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4 pending the completion of a zoning study and actions based upon the study including amending the City's official controls as they may pertain to the regulation of "temporary family healthcare dwellings" as permitted residential uses.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN:

### Section 1

#### **Statement of Legislative Intent and Findings of the City Council.**

(A) In 2016 Minn. Laws chap. 111, sec. 3, the Minnesota Legislature enacted new legislation, effective September 1, 2016 as Minn. Stat. § 462.3593, which created a new residential land use defined therein as a "temporary family healthcare dwelling." The legislation states that municipalities must regulate temporary family healthcare dwellings either as a permitted use under their municipal zoning codes or as provided in the state legislation. The legislation also provided that "[a] municipality may by ordinance opt-out of the requirements of this section."

(B) The City's zoning code, for the purposes of protecting the health, welfare, and safety of the public, defines various residential land uses by occupancy, specifies the zoning districts in which these occupancies may be permitted, and establishes specific standards for these occupancies. The zoning code's residential land use categories and standards are based upon the City Council's legislative determinations which are intended to ensure that land use classifications are well planned and are made in conformance with and further the City's Comprehensive Plan.

(C) In making legislative zoning determinations, the Council, pursuant to Admin. Code § 107.02, is provided with advice from the Planning Commission. In Council File No. 16-1462, the Council found that because the land use classification and regulatory standards applicable to "temporary family healthcare dwellings" were enacted by the state Legislature and, as a result, there was no study, report, or advice from the Planning Commission on the matter, the Council requested a zoning study to determine whether temporary family healthcare dwellings should be regulated under the City's zoning code, the new state law or, in the alternative, whether the City should "opt-out" of permitting such a use [See, Minn. Stat. § 462.3593, Subd. 9] and to make a recommendation to the Council based upon the zoning study as soon as possible.

(D) The Council also found that because 2016 Minn. Laws chap. 111, sec. 3 already contained the state Legislature's determination that temporary family healthcare dwellings are a permissible residential land use and specified the framework for regulating this use that, in the interests of expediting the zoning study process initiated under Council File No. 16-1462, that the Planning Administrator, in consultation with the Zoning Administrator, could undertake the zoning study and report its recommendation to the Council at its earliest convenience.

### Section 2

#### **During Pendency of Zoning Study, Interim Ordinance: Moratorium Imposed.**

(A) Based upon the findings set forth in Section 1 and the necessity to maintain the status-quo of residential

land uses permitted in the City pending the completion of the Planning Administrator's zoning study, the Council, pursuant to Minn. Stat. § 462.355, Subd. 4, hereby directs the Planning Administrator to undertake a zoning study and prepare a report addressing whether the City should allow temporary family healthcare dwellings as a use permitted and regulated under either the City's zoning code or under Minn. Stat. § 462.3593 as the case may be, or to "opt out" of permitting and regulating such a use as provided under 2016 Minn. Laws chap. 111, sec. 3. In preparing its report, the Planning Administrator should consult with the Zoning Administrator and the Planning Commission as the Planning Administrator deems necessary.

(B) Pending the Council's receipt of the Planning Administrator's study and report and any Council actions based upon the report, pursuant to Minn. Stat. § 462.355, Subd. 4, no city department shall take any action to approve or otherwise facilitate the construction or operation of any temporary family healthcare dwelling as that term is defined under 2016 Minn. Laws chap. 111, sec. 3 [Minn. Stat. § 462.3593, Subd. 9] including the issuance of building permits or certificates of occupancy.

### **Section 3**

#### **Interim Ordinance, Effective Dates.**

(A) This interim ordinance shall take effect and be in force thirty (30) days after its passage, approval and publication.

(B) For the purpose of complying with the time limits on interim ordinances under Minn. Stat. § 462.355, Subd. (4), and in conformance with City Charter § 6.05, the effective date of this interim ordinance shall be the effective date of the "bridge" resolution adopted under Council File No. 16-1462.

(C) Upon the effective date of this interim ordinance, the regulatory effect of Council File No. 16-1462 shall terminate with no additional action by this Council.

(D) This interim ordinance shall remain in effect until the effective date of any Council action taken based upon the recommendation resulting from the said zoning study or upon the conclusion of the time period permitted under Minn. Stat. § 452.355, Subd. 4.