



TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
Jim Hartshorn, Community Dev. Dir.
Ben Boike, Planner
FROM: Korine Land, City Attorney
DATE: September 26, 2016
SUBJECT: Ordinances Related to Group Homes

City of West St. Paul

BACKGROUND INFORMATION:

In July 2015, the City Council adopted a one-year moratorium on accepting any zoning applications related to transitional housing, foster care, overnight shelters, and chemical dependency facilities.

The one-year has expired and we are now proposing several ordinance changes to be consistent with recent changes in state law. Our ordinances have numerous types of categories of “group homes” that can be simplified by adopting the state law categories of: State Licensed Residential Care Facilities (i.e. nursing homes, developmentally disabled group homes) and Registered Housing with Services Establishments (i.e. people recently released from prison, chemically dependent-related group homes).

State law (Minn. Stat. §462.357 subd. 7-8) *requires* a State-License Residential Care Facility and a Registered Housing With Services Establishment to be permitted uses in certain zoning districts, which coincide with our ordinances as follows:

	R1-R2	R3	R4	B1-B4, B6	B5	I1-I2
State-Licensed	Permitted 0-6 persons	Permitted 7-16 persons	Permitted 7-16 persons	Prohibited	CUP for mixed use	Prohibited
Registered Housing with Services	Permitted 0-6 persons	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

Issues/Concerns to consider:

- We cannot regulate the density of these uses (i.e. no more than xx number per block), as that could be considered discrimination on the basis of a disability.
- We cannot enforce our definition of “family” for these uses (up to 6) in a single-family home as they are allowed by state law.
- We cannot prohibit an owner of a multi-family building from renting all of its units to people who have housing vouchers from the County or renters who utilize a provider that offers housing with services, because the building itself is a permitted use as multi-family building.

We are recommending adding a PROHIBITED USE section to B1-B4, B5 and B6 that will specifically prohibit these uses in those zoning districts.

FISCAL IMPACT:

n/a

STAFF RECOMMENDATION:

Discuss proposed ordinance amendments

ATTACHMENTS:

An ordinance amending Section 153.004 – 153-128