



CITY OF WEST ST. PAUL
1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118

OPEN COUNCIL WORK SESSION
September 26, 2016
5:00 p.m.
MUNICIPAL CENTER
ADMINISTRATION CONFERENCE ROOM

1. Roll Call
2. Approve Agenda
3. Review The Regular Meeting Consent Agenda
4. Agenda Item(S)
 - 4.A. Closed Session To Discuss Robert Street Easement Acquisitions
Estimated Time Required: 30 minutes
 - 4.B. Group Home Amendment Discussion
Estimated Time Required: 15 minutes
Documents:

[COUNCIL REPORT - GROUP HOME AMEND.PDF](#)
[ORDINANCE - GROUP HOME AMEND.PDF](#)
 - 4.C. 2017 Preliminary Budget And Levy Update
Estimated Time Required: 15 minutes
Documents:

[COUNCIL REPORT - 2017 BUDGET AND MAXIMUM LEVY CERTIFICATION.PDF](#)
[2017 GENERAL FUND AND EDA BUDGET SUMMARIES.PDF](#)
 - 4.D. Discussion Of Bidwell Safe Routes To School Project
Estimated Time Required: 15 minutes
Documents:

[COUNCIL REPORT-BIDWELL SRTS.PDF](#)
[ATTACHMENT - SRTS BIDWELL STREET SEGMENT B.PDF](#)
 - 4.E. Discussion Of Legal Service Contract

Estimated Time Required: 15 minutes

5. Adjourn

Parking Lot of Upcoming Topics - Anticipated OCWS, Expected Time

- Economic Development Financing Tools - October 11, 90 minutes

Future Topics for Discussion & Consideration

- North Gateway Development (TBD)
- Solid Waste Management Discussion (90 min.)

*If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at
651-552-4100, TDD 651-322-2323 at least 5 business days prior to the meeting
www.wspmn.gov EOE/AA*



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

ORDINANCE NO. _____
CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

**AN ORDINANCE AMENDING SECTIONS 153.004 AND 153.050 THROUGH 153.128
OF THE WEST ST. PAUL CITY CODE REGARDING GROUP HOMES**

The City Council of West St. Paul does ordain:

SECTION 1. The following definitions are removed from West St. Paul City Code Section 153.004:

- Adult Day Care Facility;
- Adult Foster Care;
- Chemical Dependency Treatment Facility;
- Elderly Housing with Services Establishment;
- Overnight Shelter Facility; and
- Transitional Housing Facility.

SECTION 2. The following definition in West St. Paul City Code Section 153.004 is renamed from Residential Care Facility to Residential Care Facility, State-Licensed.

SECTION 3. West St. Paul City Code Sections 153.050 through 153.128 are hereby amended as follows:

§ 153.050 PERMITTED USES.

Within any “R-1A” One-Family Residential District, no structure or land shall be used except for one or more of the following uses:

- (A) One-family detached dwellings;
- (B) Public parks and playgrounds;
- (C) Public and parochial schools with the following conditions:
 - (1) No school building shall be located within 50 feet of any lot line of an abutting lot in an R District; and
 - (2) Where a school has an open play area abutting a street, a fence shall be erected 15 feet or more from the street right-of-way.
- (D) Churches, including those related structures located on the same site which are an integral part of the church property, such as convents or homes for persons related to a religious function on the same site with the following conditions:

(1) No church building shall be located within 50 feet of any lot line of an abutting lot in an R District; and

(2) No more than ten persons shall reside on the site.

(E) Municipal buildings and structures including storage of maintenance equipment and trucks. No building shall be located within 50 feet of any lot line of an abutting lot in an R District;

(F) A state licensed residential care facility [or a housing with services establishment registered under Chapter 144D](#) serving six or fewer persons, a licensed day care center serving 12 or fewer persons ~~as defined in § 153.004~~, or a group family day care facility licensed under Minn. Rules 9502.0315 to 9502.0445, to serve 14 or fewer children;

(G) Radio and television antennas, subject to the provisions in § [153.395](#);

(H) Satellite dish antennas less than one meter (39 inches) in diameter;

(I) Those uses as permitted and regulated in § [153.006](#); [and/or](#)

~~(J) — A state licensed child day care facility serving 12 or fewer children;~~

~~(K) — A state licensed adult day care facility serving 12 or fewer adults;~~

~~(L) — A state licensed adult foster care program serving 12 or fewer adults;~~

~~(M) — Residential hospice facility serving eight or fewer hospice patients;~~

~~(N) — Transitional housing facility serving a total of four or fewer adults and children; and/or~~

~~(O)~~ [\(J\)](#) Farmers market for the sale of agricultural and horticultural products.

(Ord. 08-09, passed - -; Ord. 08-17, passed - -; Ord. passed 10-11-1963)

§ 153.051 CONDITIONAL USES.

Within any R-1A One-Family Residential District, no structure or land shall be used for the following uses, except by conditional use permit:

(A) Golf courses, country clubs, tennis clubs, public swimming pools serving more than one family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R District, and accessory structure shall be a minimum of 50 feet from any lot line;

(B) Essential service structures, including, but not limited to, buildings, such as telephone exchange stations, booster or pressure regulating stations, wells and pumping stations, elevated

tanks, lift stations and electrical power substation provided no building shall be located within 50 feet from any lot line of an abutting lot in an R District. Prior to granting the permit it shall be found that the architectural design of essential service structures is compatible to the neighborhood in which it is to be located and thus will promote the general welfare;

(C) Commercial greenhouses provided all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street or an adjoining lot;

(D) Nursing homes, retirement homes, elderly housing with services establishments and state licensed residential uses.

(1) For nursing homes the site shall contain not less than 1,000 square feet of lot area for each person to be accommodated and buildings for uses described in this division are 50 feet or more from a lot line of an abutting lot in an R-1, R-2 or R-3 District.

(2) For retirement homes, elderly housing with services establishments and state licensed residential uses, the site shall contain not less than 3,500 square feet of lot area per dwelling unit. Parking facilities shall be equal to one space for each dwelling unit and proof of the availability of one additional space per unit.

(3) All parking for facilities in this section shall comply with §§ 153.345 through 153.351.

(E) A state licensed child day care facility serving 13 or more provided that the conditional use be in structures at least 50 feet of any lot line of an abutting lot in an R District and that a fence be erected 15 feet or more from any street right-of-way where the intended use is for open play;

(F) Off-street parking when the proposed site of the off-street parking abuts on a lot which is in the B or I District and is in the same ownership as the land in the B or I District and subject to those conditions set forth in §§ 153.345 through 153.351, and other conditions as found necessary by the City Council to carry out the intent of this chapter;

(G) School buildings which are a part of the physical system of the school district but which are considered temporarily in surplus may be used as research centers, offices not directly serving the public or for some form of educational activity provided:

(1) The off-street parking requirements are met; and

(2) The work day of the use falls between 7:00 a.m. and 7:00 p.m.

(H) Commercial buildings which have previously been classified and certified as nonconforming uses at the time of the effective date of this chapter may be used as the same nonconforming or less intense use provided:

(1) The off-street parking requirements for the use are met;

(2) The hours of operation of the use shall be determined by the City Council;

(3) The structure is significant to the neighborhood and its continued active use will not be detrimental to the value of quiet enjoyment or surrounding residential properties; and

(4) The use would be normally allowed as a permitted use in the B-2 Neighborhood Business District.

(I) Satellite dish antennas greater than one meter (39 inches) in diameter. See § 153.396;

(J) Bed and breakfast residence;

(K) Elderly community education center, provided that it is located in a building that contains a civic or community center or a multifamily elderly residential housing facility;

~~(L) Residential hospice facility serving from nine to 12 hospice patients;~~

~~(M) Shelter for battered persons serving a total of six or fewer persons, including adults and children;~~

~~(N) Overnight shelter facility serving a total of six or fewer persons, including adults and children;~~

~~(L)~~ School with more than four accessory buildings or structures; or

~~(M)~~ On-site residential housing for an educational facility operating ~~school owned and operated~~ in conjunction with a permitted principal use, provided:

(1) Housing structures are limited to three stories in height;

(2) The number of on-site residents is limited to 200; and

(3) Housing structures must meet the building setback requirements from adjacent property lines as outlined in § 153.128.

~~(N)~~ Columbaria, provided they are located on the same property as an existing church and located a minimum of 50 feet from any property line.

(Ord. 03-04, passed - -; Ord. 08-09, passed - -; Ord. 09-02, passed - -; Ord. 11-10, passed - -; Ord. passed 10-11-1963)

§ 153.052 PERMITTED ACCESSORY USES.

Within any R-1A One-Family Use District, the following uses shall be permitted accessory uses:

- (A) Private garages and parking spaces;
- (B) Private swimming pool and tennis court;
- (C) Home occupations as defined herein, provided that:
 - (1) Only persons residing in the dwelling shall be engaged in the occupation;
 - (2) The occupation shall be conducted entirely within the principal structure;
 - (3) Evidence of the occupation shall not be visible from the street;
 - (4) No stock or warehousing for the occupation shall be stored on the premises;
 - (5) Over-the-counter retail sales are not involved;
 - (6) There shall be no more than three parking spaces for the occupant and visitors;
 - (7) No accessory building or attached garage shall be used for the home occupation;
- and
- (8) Property cannot be used as a meeting location for employees.
- (D) Signs as regulated by §§ 153.430 through 153.438 and by §§ 150.105 through 150.110;
- (E) Temporary buildings located for purposes of construction on the premises for a period not to exceed time necessary for the construction;
- (F) Gardening and other horticultural uses where no sale of products is conducted on the premises;
- (G) Decorative landscape features;
- (H) The keeping of domestic animals for noncommercial purposes for use of the occupants of the premises, provided that any accessory building used for housing the animals shall be located not less than 30 feet from the nearest residence, and provided further that the keeping of the animals shall be subject to requirements of the city code; and
- (I) Storage buildings subject to § 153.380.

(Ord. 04-15, passed - -; Ord. passed 10-11-1963)

§ 153.053 LOT AREA, HEIGHTS, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 “Building Height,” except as provided in § 153.009.

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter.

<i>Lot Area</i>	
Corner lot	9,100 square feet
Interior lot	7,000 square feet

Lot Width	
Corner lot	65 feet
Interior lot	50 feet

Yard, Building Setback	
Front	30 feet
Rear	30 feet or 20% of average lot depth, whichever is greater
Side	5 feet adjacent to another lot
	20 feet adjacent to street

(C) (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.

(2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

(Ord. 09-19, passed - -; Ord. passed 10-11-1963)

§ 153.065 PERMITTED USES.

Within the R-1B One-Family Residential District, no land or structure shall be used except for one or more of the following uses: any permitted use regulated in the R-1A District, § 153.050.

(Ord. 99-03, passed - -; Ord. passed 10-11-1963)

§ 153.066 CONDITIONAL USES.

Within any R-1B One-Family Residential District, no structure or land shall be used for the following uses except by conditional use permit: any conditional use regulated in the R-1A District, § 153.051.

(Ord. passed 10-11-1963)

§ 153.067 PERMITTED ACCESSORY USES.

Within any R-1B One-Family Use District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

(Ord. passed 10-11-1963)

§ 153.068 LOT AREA, HEIGHT, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 “Building Height,” except as provided in § 153.009.

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter:

<i>Lot Area</i>	
Corner lot	12,500 square feet
Interior lot	10,000 square feet

Lot Width	
Corner lot	90 feet
Interior lot	75 feet

Yard, Building Setback	
Front	30 feet
Rear	30 feet or 20% of average lot depth, whichever is greater
Side	9 feet one side/6 feet one side
	20 feet adjacent to street

(C) (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.

(2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

(Ord. 09-19, passed - -; Ord. passed 10-11-1963)

§ 153.080 PERMITTED USES.

Within the R-1C One-Family Residential District, no land or structure shall be used except for one or more of the following uses: any permitted use regulated in the R-1A District, § 153.050.

(Ord. 99-03, passed - -; Ord. passed 10-11-1963)

§ 153.081 CONDITIONAL USES.

Within any R-1C One-Family Residential District, no structure or land shall be used for the following uses except by conditional use permit: any conditional use regulated in the R-1A District, § 153.051.

(Ord. passed 10-11-1963)

§ 153.082 PERMITTED ACCESSORY USES.

Within any R-1C One-Family Residential District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

(Ord. passed 10-11-1963)

§ 153.083 LOT AREA, HEIGHT, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 “Building Height,” except as provided in § 153.009 of this chapter.

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter:

<i>Lot Area*</i>	
Corner lot	15,000 square feet
Interior lot	15,000 square feet
*A 10% deviation in lot width and/or area may be permitted provided the average lot area for each plat or subdivision shall not be less than 15,000 square feet, and the average lot width not less than 100 feet	

<i>Lot Width*</i>	
Corner lot	100 feet
Interior lot	100 feet
*A 10% deviation in lot width and/or area may be	

permitted provided the average lot area for each plat or subdivision shall not be less than 15,000 square feet, and the average lot width not less than 100 feet

Yard, Building Setback	
Front	30 feet
Rear	30 feet or 20% of average lot depth, whichever is greater
Side	10 feet adjacent to another lot
	30 feet adjacent to street

(C) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator. Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheetmetal and corrugated metal.

(Ord. 09-18, passed - -; Ord. passed 10-11-1963)

§ 153.095 PERMITTED USES.

Within the R-2 Two-Family Residential District, no structure or land shall be used, except for one or more of the following uses:

- (A) Any permitted use regulated in the R-1A District, § 153.050; and/or
- (B) Two-family dwelling~~;~~

~~(C) Transitional housing facility serving a total of four or fewer adults and children. The facility may not be located in a duplex unless it occupies the entire structure; and/or~~

~~(D) Overnight shelter facility serving a total of six or fewer persons, including adults and children. The facility may not be located in a duplex unless it occupies the entire structure.~~

(Ord. 99-03, passed - -; Ord. passed 10-11-1963)

§ 153.096 CONDITIONAL USES.

Within any R-2 Two-Family Residential District, no structure or land shall be used for the following uses except by conditional use permit: Any conditional use regulated in the R-1A District, § 153.051.

(Ord. passed 10-11-1963)

§ 153.097 PERMITTED ACCESSORY USES.

Within the R-2 Two-Family Residential District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

(Ord. passed 10-11-1963)

§ 153.098 LOT AREA, HEIGHT, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 “Building Height,” except as provided in § 153.009 of this chapter.

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter:

- (1) Lot area: 15,000 square feet;
- (2) Lot width:
 - (a) Yard, building setback: 100 feet;
 - (b) Front: 30 feet;
 - (c) Side: ten feet adjacent to another lot, 20 feet adjacent to street; and
 - (d) Rear: 30 feet or 20% of average lot depth, whichever is greater.
- (3) Lot area per dwelling unit: 7,500 square feet.

(C) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator. Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

(Ord. 09-19, passed - -; Ord. passed 10-11-1963)

§ 153.110 PERMITTED USES.

Within any R-3 Townhouse Residential District, no structure or land shall be used except for of the following uses:

- (A) Structures housing three to eight dwelling units; and
- (B) Farmers market for the sale of agricultural and horticultural products.

(Ord. passed 10-11-1963)

§ 153.111 CONDITIONAL USES.

Within the R-3 Townhouse Residential District, no structure or land shall be used for the following uses except by conditional use permit:

- (A) Any conditional use regulated in the R-1A District, § [153.051](#);
- (B) Multiple dwelling structures containing more than eight dwelling units;
- (C) Two-family dwellings subject to lot and yard requirements of the R-2 District, § [153.098](#);
[or](#)

~~(D) — A state licensed child day care facility;~~

~~(E)~~(D) State licensed residential care facility ~~servicing up to~~ [from 7 through](#) 16 persons ~~or a licensed day care facility serving from 13 through 16 persons~~;

~~(F) — A state licensed adult day care facility serving up to 16 adults;~~

~~(G) — A state licensed adult foster care serving up to 16 adults;~~

~~(H) — Shelter for battered persons serving a total of up to 16 persons, including adults and children;~~

~~(I) — Overnight shelter facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi-family dwelling unless it occupies the entire structure; or~~

~~(J) — Transitional housing facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi-family dwelling, unless it occupies the entire structure.~~

(Ord. passed 10-11-1963)

§ 153.112 PERMITTED ACCESSORY USES.

Within the R-3 Townhouse Residential District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § [153.052](#).

(Ord. passed 10-11-1963)

§ 153.113 LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS.

(A) No limit shall be placed on height of buildings in this R-3 Zone, except that buildings over 35 feet shall have front, side and rear yards not less than one-half of the height of the building.

(B) The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications as set forth elsewhere in this chapter:

- (1) Lot area per dwelling unit: 5,500 square feet;
- (2) Lot width: 100 feet;
- (3) Yard, building setback:
 - (a) Front: 30 feet;
 - (b) Side: ten feet adjacent to another lot, 20 feet adjacent to street, except where the lot in question abuts any R-1 District where the side yard setback shall conform to the established setback or 30 feet, whichever is greater; and
 - (c) Rear: 30 feet or 20% of average lot depth, whichever is greater.
- (4) Distance between principal structures: 30 feet.

(C) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator. Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

(Ord. 09-19, passed - -; Ord. passed 10-11-1963)

§ 153.125 PERMITTED USES.

Within the R-4 Multiple-Family District, no structure or land shall be used except for the following use:

- (A) Structures housing three to 16 multiple-family dwelling units; and
- (B) Farmers market for the sale of agricultural and horticultural products.

(Ord. passed 10-11-1963)

§ 153.126 CONDITIONAL USES.

Within the R-4 Multiple-Family District, no structure or land shall be used for the following uses except by conditional use permit:

- (A) Any conditional use regulated in the R-1A District by § 153.051;

(B) Structure or structures over three stories in height or where ceilings of any dwelling unit are more than 31 feet above average grade;

(C) Two-family dwellings;

(D) Structure or structures containing more than 16 dwelling units;

~~(E) — A state licensed child day care facility;~~

~~(E)~~ (E) A state licensed residential care facility serving ~~up to 7~~ through 16 persons or licensed day care facility serving from 13 through 16 persons;

~~(G)~~ (F) Private clubs and lodges provided buildings are not less than 30 feet from a lot line of an abutting lot in an R District;

~~(H)~~ (G) Private swimming pools intended for and used solely by the occupants of the property in which it is located and their guests, provided the water surface of the pool is located not less than 15 feet from any lot line, that the pump and filter installed be not less than 25 feet from any lot line and that the pool area be so fenced as to prevent uncontrolled access from the street or from adjacent property;

~~(H)~~ (H) Nursing homes, retirement homes;

~~(I)~~ (I) Hospitals provided the site shall contain not less than 800 square feet of lot area for each person to be accommodated, and provided the lot line is 50 feet or more from a lot line of an R-1, R-2 or R-3 District; or

~~(K)~~ (J) Community centers as part of a multiple-family complex, provided the community center is located within setbacks no less than any other structure permitted in the district; does not exceed the height or size of the principal buildings(s); and shall be subject to the parking standards as set forth in §§ 153.345 through 153.351. For purposes of this division (K), of the term **COMMUNITY CENTERS** shall include meeting space, offices, bathrooms, indoor pool, indoor recreational space, limited kitchen facilities and related storage;

~~(L) — A state licensed adult day care facility serving up to 16 adults;~~

~~(M) — A state licensed adult foster care serving up to 16 adults;~~

~~(N) — Shelter for battered persons serving a total of up to 16 persons, including adults and children;~~

~~(O) — Chemical dependency treatment facility serving a total of up to 16 persons. The facility may not be located in a duplex or multi family dwelling unless it occupies the entire structure. The facility shall be located at least 600 feet, when measured in a straight line from the property line in which the facility is located to the property line of the following;~~

~~(1) A licensed child day care facility;~~

~~(2) A public or private educational facility classified as an elementary, middle, junior high or senior high school; or~~

~~(3) Single family or two family use.~~

~~(P) Overnight shelter facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi family dwelling unless it occupies the entire structure; or~~

~~(Q) Transitional housing facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi family dwelling unless it occupies the entire structure.~~

(Ord. 99-03, passed - -; Ord. 08-09, passed - -; Ord. passed 10-11-1963)

§ 153.127 PERMITTED ACCESSORY USES.

Within the R-4 Multiple-Family District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

(Ord. passed 10-11-1963)

§ 153.128 LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS.

(A) The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications as set forth elsewhere in this chapter. Minimum requirements for three or more dwelling units:

(1) Lot area per dwelling unit: 3,500. For dwelling units with more than two bedrooms, an additional 1,750 square feet is required;

(2) Lot width: 200 feet;

(3) Yard, building setback:

(a) Front: 50 feet, plus one foot per foot of building height over 50 feet;

(b) Side: 40 feet, plus one-half foot per foot of building height over 50 feet; and

(c) Rear: 40 feet, plus one-half foot per foot of building height over 50 feet.

(4) Distance between principal structures: 50 feet.

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(B) Building height: no maximum height for buildings with three or more units.

(C) Storage space requirement: a minimum of 96 cubic feet of miscellaneous storage space shall be provided for each dwelling within the principal structure containing the unit. The space shall be in addition to normal storage space provided in wardrobes, cabinets and closets or linen closets.

(D) (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.

(2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

(Ord. 09-19, passed - -; Ord. passed 10-11-1963)

SECTION 4. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-1 zoning district:

§ 153.145 PROHIBITED USES

Within the B-1 Limited Business District, the following uses are prohibited:

- (A) State-licensed residential care facilities;
- (B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 5. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-2 zoning district:

§ 153.160 PROHIBITED USES

Within the B-2 Neighborhood Business District, the following uses are prohibited:

- (A) State-licensed residential care facilities;
- (B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 6. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-3 zoning district:

§ 153.175 PROHIBITED USES

Within the B-3 General Business District, the following uses are prohibited:

- (A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 7. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-4 zoning district:

§ 153.192 PROHIBITED USES

Within the B-4 Shopping Center District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 8. Section 153.206 (N) of the West St. Paul City Code regarding conditional uses in the B-5 is hereby amended as follows:

(N) Retirement homes ~~or elderly housing with services establishment~~, provided that the site shall contain not less than 3,500 square feet of lot area per dwelling unit.

SECTION 9. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-5 zoning district:

§ 153.210 PROHIBITED USES

Within the B-5 Gateway North Mixed Use District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 10. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-6 zoning district:

§ 153.225 PROHIBITED USES

Within the B-6 Town Center Mixed Use District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 11. The following section is added to the West St. Paul City Code prohibiting certain uses in the I-1 zoning district:

§ 153.239 PROHIBITED USES

Within the I-1 Light Industrial District, the following uses are prohibited:

- (A) State-licensed residential care facilities;
- (B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 12. The following section is added to the West St. Paul City Code prohibiting certain uses in the I-2 zoning district:

§ 153.254 PROHIBITED USES

Within the I-2 General Industrial District, the following uses are prohibited:

- (A) State-licensed residential care facilities;
- (B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 13. 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 ordinance is intended to mirror state law regarding the permission of certain residential care facilities in residential zoning districts. Since these uses are now categorized as being either licensed or registered with the state, the individual types of uses no longer need to be identified. Facilities serving 6 or fewer people are permitted uses in single-family zoning districts, while facilities with 7-16 people require a conditional use permit in multi-family zoning districts. Since these uses would be inappropriate for commercial or industrial districts, language was added to prohibit them in these areas.

SECTION 14. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this ____ day of _____, 2016.

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk

TO: Mayor and City Council (OCWS)
THROUGH: Matt Fulton, City Manager
FROM: Joan Carlson, Finance Director
DATE: September 26, 2016
SUBJECT: 2017 Preliminary Budget and Maximum Levy



City of West St. Paul

BACKGROUND INFORMATION:

The preliminary levy and levy related budgets were presented to Council at the September 12th Open Council Work Session. Staff has updated the budgets as requested by Council at the meeting; and with new information received in the last two weeks. The biggest change is a significant reduction to the health insurance premiums. The new premiums have not been finalized or approved by Council so staff was conservative in its new estimates. Two new levy options are being provided for Council consideration as outlined below.

Option 1: This option uses the savings from reduced health insurance premiums to allow the hiring of two new police officers on January 1st, 2017 instead of the originally proposed staggered start dates of April 1st and July 1st; it also reduces the proposed levy by .41%.

Option 2: This option utilizes the proposed staggered starts for the police officers and reduces the proposed levy by 1.23%.

The 2017 preliminary property tax levy options are detailed in the table below:

Fund	2016	2017 Original Proposal	2017 - Revised Option 1	2017 - Revised Option 2
General Fund	\$8,818,285	\$9,700,000	\$9,650,000	9,550,000
EDA Fund	300,000	300,000	300,000	300,000
Insurance Fund	150,000	150,000	150,000	150,000
Debt Service Funds	2,606,576	2,793,542	2,793,542	2,793,542
Capital Funds	290,000	250,000	250,000	250,000
Total Levy	\$12,164,861	\$13,193,542	\$13,143,542	\$13,043,542
Percent Increase	4.77%	8.46%	8.05%	7.22%

The General Fund is the major operating fund of the city. Below is a summary of major changes of options 1 and 2:

	2017 Original Proposal	2017 Revised - Option 1	2017 Revised - Option 2
2016 Adopted General Fund Budget	\$12,741,898	\$12,741,898	\$12,741,898
Health insurance premium	311,957	120,000	120,000
Salaries/Benefits	244,153	248,653	248,653
Fire contract	164,695	164,695	164,695
2 new police officers	105,000	205,000	105,000
Harmon Park expenses	32,000	32,000	32,000
Dispatch contract	25,000	25,000	25,000
Community survey	20,000	20,000	20,000
Miscellaneous	11,602	11,602	11,602
2017 Proposed General Fund Budget	13,656,305	13,568,848	13,468,848

STAFF RECOMMENDATION:

Staff recommends discussion and consensus on preferred option for approval at tonight’s regular City Council meeting.

General Fund

	2016 Budget	2017 Original Proposal	2017 Revised Option 1	2017 Revised Option 2	Change Option 1	Change Option 2
Revenue						
Property Taxes	8,818,285	9,700,000	9,650,000	9,550,000	(50,000)	(150,000)
Other Taxes	1,235,500	1,189,000	1,189,000	1,189,000	-	-
Licenses and Permits	519,500	598,000	583,000	583,000	(15,000)	(15,000)
Intergovernmental Revenues	484,500	485,000	467,000	467,000	(18,000)	(18,000)
Charges for Services	639,205	652,197	652,197	652,197	-	-
Fines & Forfeits	125,000	122,500	122,500	122,500	-	-
Miscellaneous	231,908	174,608	172,151	172,151	(2,457)	(2,457)
Other Financing Sources	688,000	735,000	733,000	733,000	(2,000)	(2,000)
	<u>12,741,898</u>	<u>13,656,305</u>	<u>13,568,848</u>	<u>13,468,848</u>	<u>(87,457)</u>	<u>(187,457)</u>
Expenditures						
Mayor and Council	120,652	140,061	120,061	120,061	(20,000)	(20,000)
Charter Commission	1,500	1,400	1,400	1,400	-	-
City Manager / City Clerk	778,375	678,822	679,570	679,570	748	748
Marketing and Communications	-	142,535	160,030	160,030	17,495	17,495
Elections	28,575	3,126	3,126	3,126	-	-
Finance	378,370	400,025	393,080	393,080	(6,945)	(6,945)
Legal	360,000	354,000	354,000	354,000	-	-
Planning & Comm Develp	317,275	343,110	334,760	334,760	(8,350)	(8,350)
Recycling Dept	23,250	28,307	28,307	28,307	-	-
Information Technology	437,225	439,747	433,142	433,142	(6,605)	(6,605)
City Hall Building	205,610	208,905	210,655	210,655	1,750	1,750
PW Facility	63,000	63,257	63,257	63,257	-	-
Police	4,324,825	4,636,940	4,510,190	4,510,190	(126,750)	(126,750)
Communications Center	638,065	662,889	662,889	662,889	-	-
Fire	2,125,394	2,290,089	2,290,089	2,290,089	-	-
Building Inspections	415,635	422,440	413,440	413,440	(9,000)	(9,000)
Civil Defense	15,295	16,995	16,995	16,995	-	-
Engineering	204,004	219,865	211,865	211,865	(8,000)	(8,000)
Streets	1,225,598	1,248,935	1,226,135	1,226,135	(22,800)	(22,800)
Street Lighting	132,025	142,025	142,025	142,025	-	-
Human Resources	88,775	138,562	138,562	138,562	-	-
Parks and Recreation	823,450	936,770	925,270	925,270	(11,500)	(11,500)
Unallocated	35,000	137,500	250,000	150,000	112,500	12,500
	<u>12,741,898</u>	<u>13,656,305</u>	<u>13,568,848</u>	<u>13,468,848</u>	<u>(87,457)</u>	<u>(187,457)</u>

net

- - - -

EDA Fund

	2017	2017	2017	Change	Change	
	Original	Revised	Revised	Option 1	Option 2	
	2016 Budget	Proposal	Option 1	Option 2	Option 2	
Revenue						
Tax - Ad Valorem-Current	300,000	300,000	300,000	300,000	-	-
Investment - Interest	10,000	5,000	5,000	5,000	-	-
Other Interest Earnings	50,000	50,000	50,000	50,000	-	-
Misc Revenue - All Other	6,000	10,000	10,000	10,000	-	-
	<u>366,000</u>	<u>365,000</u>	<u>365,000</u>	<u>365,000</u>	<u>-</u>	<u>-</u>
Expenditures						
Salaries - Full Time Reg	121,000	124,000	124,000	124,000	-	-
Contributions - PERA	9,100	9,875	9,875	9,875	-	-
Contributions - FICA	9,250	10,100	10,100	10,100	-	-
Contributions - Health In	13,200	19,600	17,250	17,250	(2,350)	(2,350)
Contributions - OthGrplns	330	360	360	360	-	-
Office Supplies	300	300	300	300	-	-
Supplies - General	500	500	500	500	-	-
Auditing Services	2,000	2,000	2,000	2,000	-	-
Legal Fees	15,000	15,000	15,000	15,000	-	-
Travel,Conference,Schools	5,000	4,715	4,715	4,715	-	-
Advertising	5,000	5,000	5,000	5,000	-	-
Postage	500	500	500	500	-	-
Printing & Publishing	1,000	1,000	1,000	1,000	-	-
Insurance - Gen Liability	1,500	1,500	1,500	1,500	-	-
Contractual Services	74,125	74,125	74,125	74,125	-	-
Subscriptions,Memberships	775	775	775	775	-	-
Misc Expenses	1,500	1,500	1,500	1,500	-	-
Business Subsidy	175,000	150,000	150,000	150,000	-	-
	<u>435,080</u>	<u>420,850</u>	<u>418,500</u>	<u>418,500</u>	<u>(2,350)</u>	<u>(2,350)</u>
net	(69,080)	(55,850)	(53,500)	(53,500)		

TO: Mayor and City Council (OCWS)
THROUGH: Matt Fulton, City Manager
FROM: PW & Parks Director/City Eng.
DATE: September 26, 2016
SUBJECT: Safe Routes to School Grant



City of West St. Paul

BACKGROUND INFORMATION: In 2015 the City applied for a Safe Routes to School (SRTS) grant for the installation of concrete sidewalk along the east side of Bidwell St. from Thompson Ave. to Butler Ave. The City was granted \$288,400 for construction of this project. The grant application estimated construction at \$360,500 and requires a 20% local match. The City is also required to pay 100% of preliminary engineering, easement acquisition and construction administration. Staff has hired Kimley-Horn as the consultant to perform preliminary engineering and navigate the federal process.

DISCUSSION: This is a very challenging corridor to retrofit a boulevard and concrete sidewalk in with regards to right-of-way, steep grades and existing mature trees. As a result, three design alternatives were put together for evaluation:

1. Install a 5-foot boulevard and 5-foot sidewalk behind existing curb.
 - a. Major impact to existing trees.
 - b. Requires extensive retaining walls.
 - c. Requires permanent and temporary easements.
2. Install at 7-foot sidewalk directly behind the existing curb.
 - a. Major impact to existing trees.
 - b. Requires retaining walls.
 - c. Requires permanent and temporary easements.
 - d. Causes problems with snow removal/storage.
3. Install new curb out in the existing road (4' to 8' out) and install a 5-foot boulevard and 5-foot sidewalk.
 - a. Reduces impact to trees.
 - b. Requires *No Parking* on the east side of Bidwell due to a narrower street.
 - c. Significantly reduces need for retaining walls.
 - d. Requires storm sewer modifications.
 - e. Requires few temporary easements.

For reference, attached are layouts of these three options for Segment B (Emerson Ave. to Logan Ave.).

Staff met with three of the main property owners on the project to discuss the three design alternatives. The two major properties between Thompson and Logan Avenue both like the idea of pushing out the curb into the road, minimizing impacts to trees, avoiding retaining walls and losing parking on their side of the road. A discussion with Heritage Middle School favored installing a 5-foot boulevard and 5-foot walk behind existing curb for the northernmost section along Charles Matson field. This would require removal of the

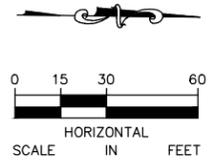
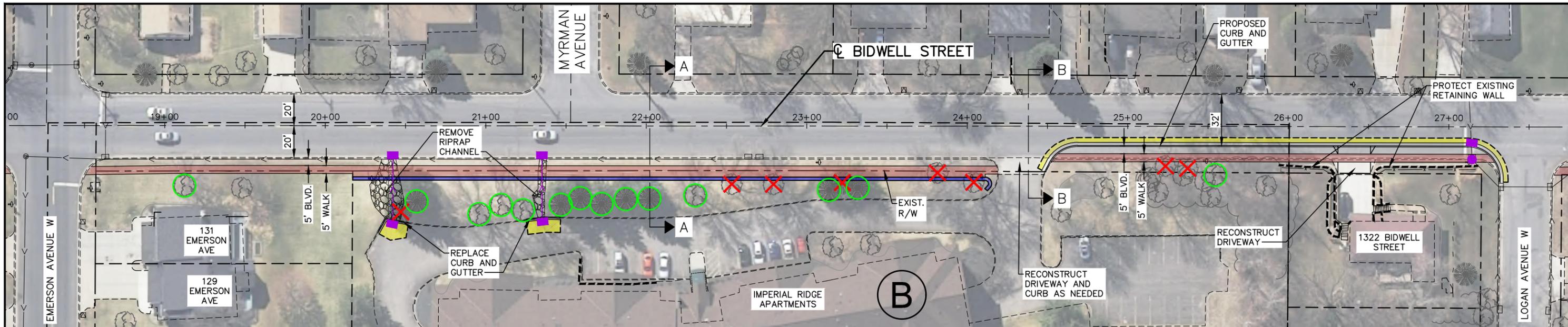
boulevard trees, but allow for parking to remain on Bidwell St. which is heavily needed during sporting events.

There are two blocks in between, Logan Ave. to Orme St., which are single family homes with landscaping and mature boulevard trees. For estimation purposes it is assumed that the option of bumping out the curb into the street to minimize impacts (tree removal and retaining wall installation) would be the preferred option in this area. Based on the options as stated above the estimated construction cost is \$700,000.

Estimated total project costs:

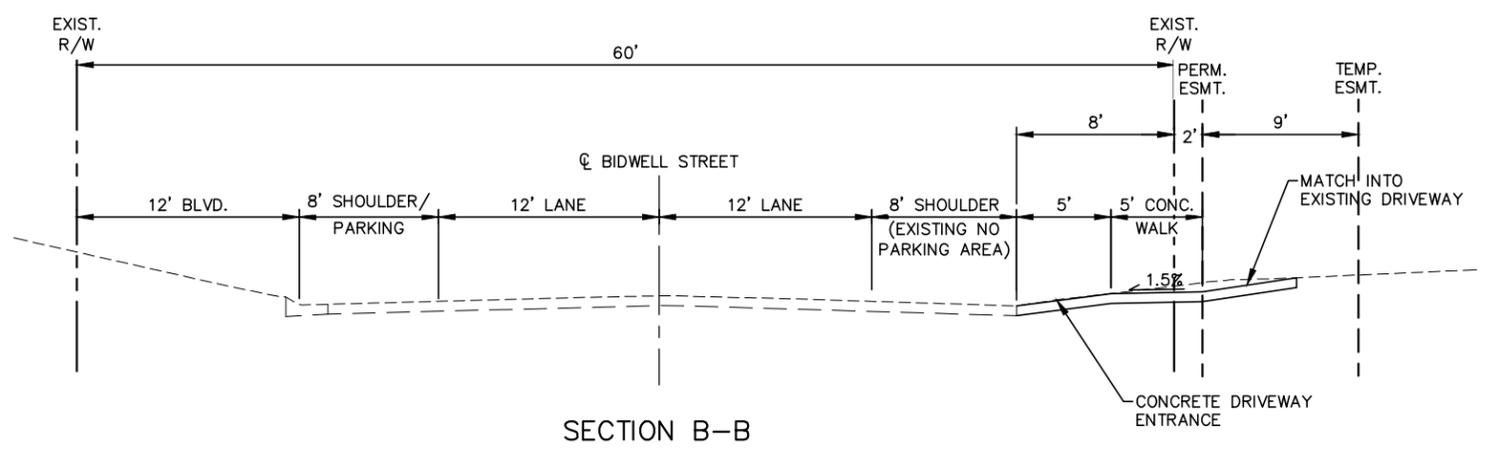
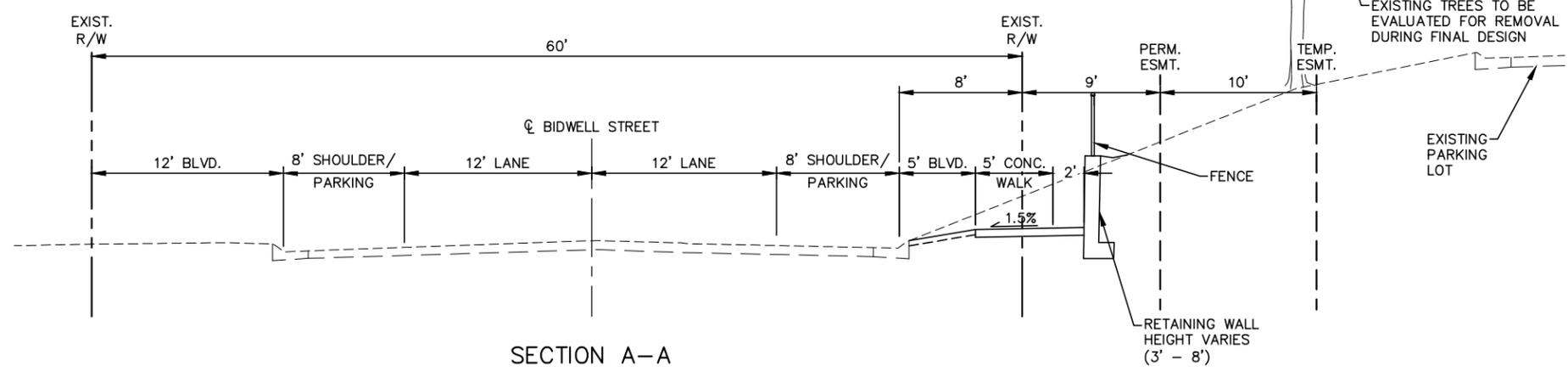
Preliminary Engineering	\$130,000 (Kimley-Horn contract)
Construction	\$700,000
Construction Admin./Insp./Testing	\$100,000 (future consultant contract)
Easement Acquisition/Attorney Fees	<u>\$ 30,000</u>
Total Estimated Project Cost	\$960,000

STAFF REQUEST FOR CONSIDERATION This is an informational update with considerable cost revisions. Staff is looking for direction on whether to proceed with the public involvement process, easement acquisition and design in order to maintain our construction timeline. A public open house is tentatively scheduled for October 25, 2016.



LEGEND

	CONCRETE SIDEWALK
	RETAINING WALL
	BITUMINOUS PAVEMENT
	TREE REMOVAL
	TREE TO BE EVALUATED FOR REMOVAL
	PROPOSED STORM SEWER

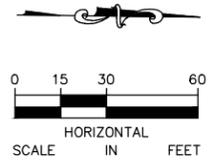
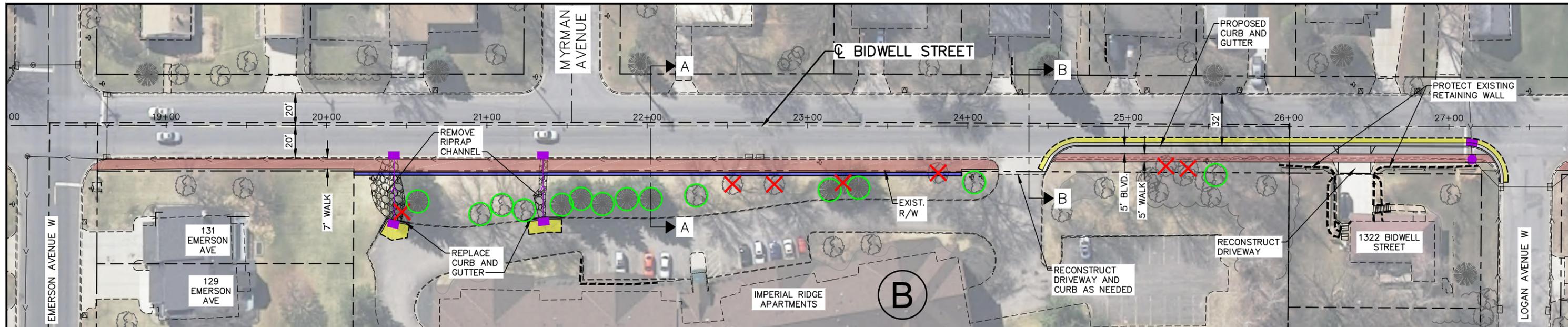


**SEGMENT B
ALTERNATIVE 1
5' SIDEWALK WITH 5' BOULEVARD
BIDWELL STREET
EMERSON AVE TO LOGAN AVE**

**SAFE ROUTES TO SCHOOL
BIDWELL STREET
CITY PROJECT 17-3**

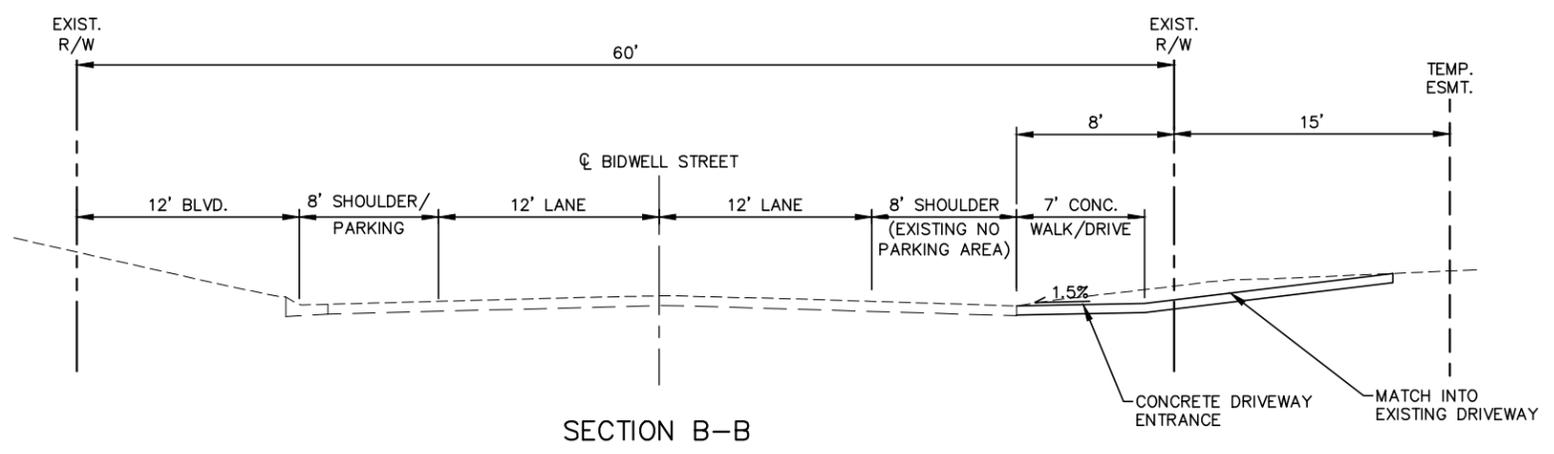
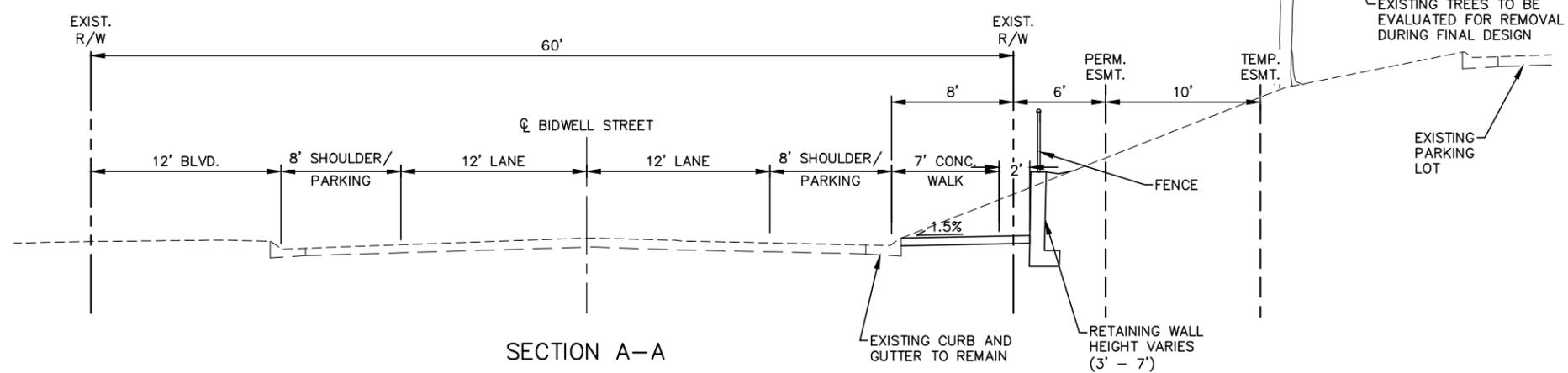


2550 UNIVERSITY AVENUE WEST, SUITE 238N, ST. PAUL, MN 55114
PHONE: 651-645-4197
WWW.KIMLEY-HORN.COM



LEGEND

	CONCRETE SIDEWALK
	RETAINING WALL
	BITUMINOUS PAVEMENT
	TREE REMOVAL
	TREE TO BE EVALUATED FOR REMOVAL
	PROPOSED STORM SEWER

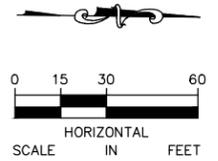
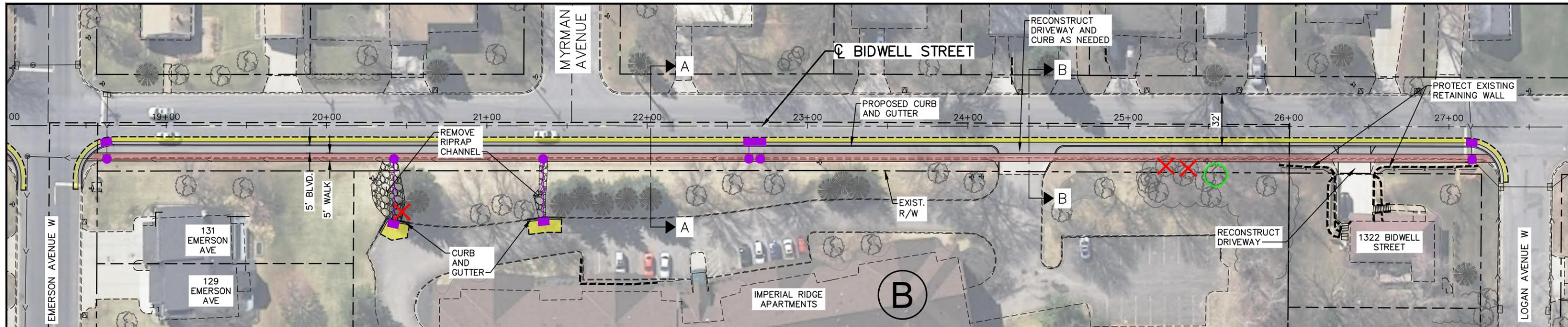


**SEGMENT B
ALTERNATIVE 2
7' SIDEWALK AGAINST CURB
BIDWELL STREET
EMERSON AVE TO LOGAN AVE**

**SAFE ROUTES TO SCHOOL
BIDWELL STREET
CITY PROJECT 17-3**

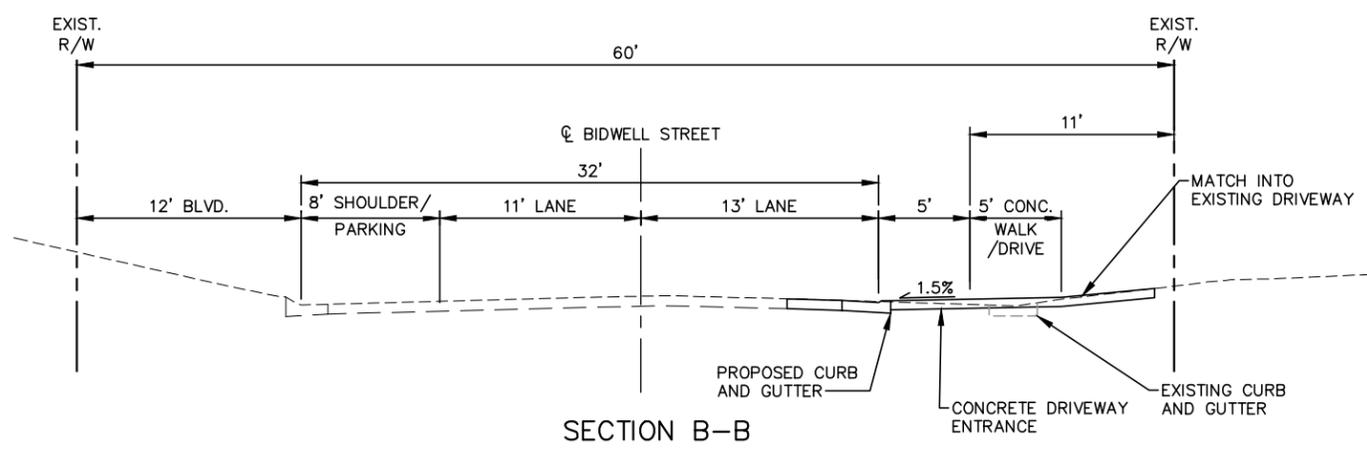
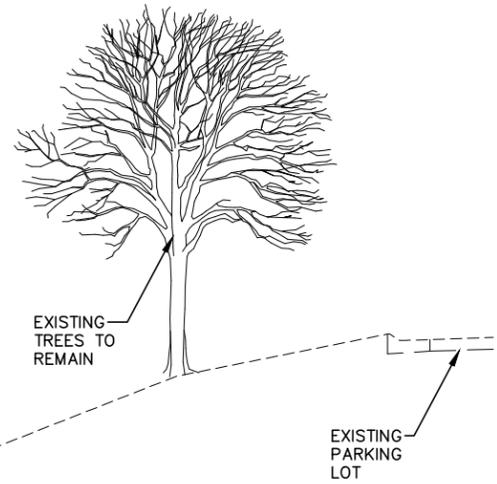
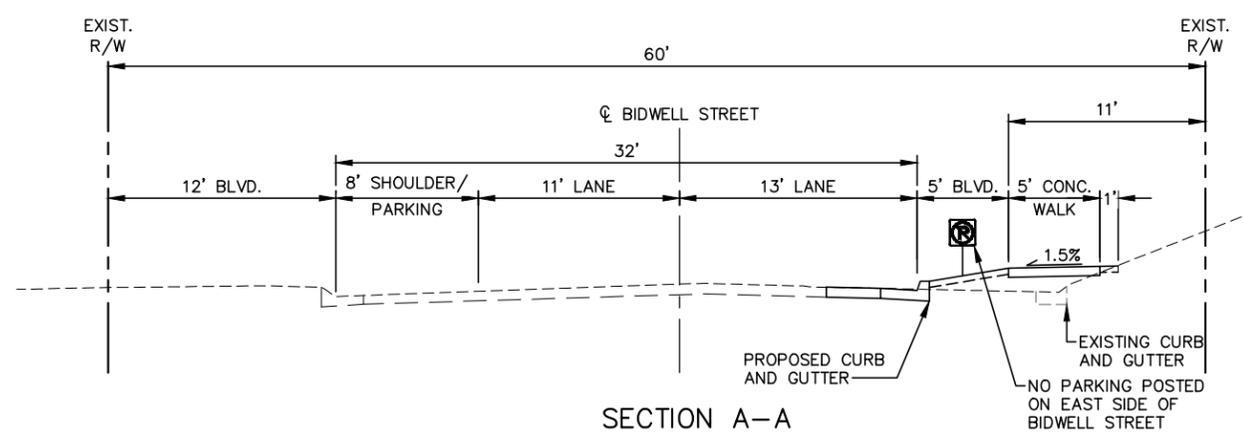


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LEGEND

	CONCRETE SIDEWALK
	BITUMINOUS PAVEMENT
	TREE REMOVAL
	TREE TO BE EVALUATED FOR REMOVAL
	PROPOSED STORM SEWER



**SEGMENT B
ALTERNATIVE 3
NARROW BIDWELL STREET TO 32'
BIDWELL STREET
EMERSON AVE TO LOGAN AVE**

**SAFE ROUTES TO SCHOOL
BIDWELL STREET
CITY PROJECT 17-3**



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