

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Zach Logelin, License and Permit Technician
SUBJECT: Ordinance Text Amendment Relating to Residential Rehab Centers
DATE: February 20, 2024

BACKGROUND

An ordinance of the city of Cannon Falls, Minnesota Amending City Code 152.021 relating to the zoning of residential treatment facilities.

In the past months, Planning Commission has had numerous discussions regarding the zoning of treatment centers operating within city limits.

Under Minnesota Statute 462, the City is within its authority to enforce local zoning laws.

Enclosed is added & updated language to our current city code. We have added a definition that separates “treatment facilities” from “rehab centers” and removes rehab centers from operating in residential areas.

In the B-2 district, where these types of establishments are permitted, new conditions were added that must be met prior to obtaining a conditional use permit.

Planning Commission recommended approval at their February meeting.

The following further helps describe the proposal:

1. Notice of Public Hearing
2. Ordinance Number 393—Interim Ordinance Establishing a Moratorium
3. Ordinance Number 404—An Ordinance of the City of Cannon Falls amending Chapter 152 Related to Zoning

REQUESTED COUNCIL ACTION

Please consider and make a motion to approve Resolution 404, amending City Code 152.021 relating to the zoning of treatment facilities.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota, will meet at 6:30 p.m. in the City Council Chambers of City Hall, on February 12, 2024, to hold a Public Hearing to consider an ordinance of the City of Cannon Falls, Minnesota amending City Code chapter 152 related to the zoning of residential treatment facilities.

Project information is available at City Hall. The application and related information are available for public inspection at the City Administrator's office, 918 River Road, Cannon Falls, MN 55009.

Anyone interested in offering comments regarding the proposal will be given an opportunity to do so at this hearing.

Zach Logelin

507-263-9308

(Feb. 1, 2024) 227480

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

ORDINANCE NUMBER 393

**AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM WITHIN THE
CITY ON LAND USE AND SUBDIVISION APPLICATIONS FOR THE
CONSTRUCTION AND DEVELOPMENT OF
RESIDENTIAL TREATMENT FACILITIES**

THE CITY OF CANNON FALLS ORDAINS AS FOLLOWS:

SECTION 1. MORATORIUM

(a) Preamble

The City of Cannon Falls (“City”) has become aware of regulatory issues and possible shortcomings within the City Code relating to the provisions governing construction and development of residential treatment facilities within the City.

The City Council finds it necessary for the City to take time to study and consider (1) the impact of residential treatment facilities on other uses and the public health, safety and welfare; (2) whether existing infrastructure and public services can accommodate additional residential treatment facilities within the City; (3) potential local regulations governing residential treatment facilities including land use permits and other measures to insure compliance with state laws and protect the public health, safety and welfare of City residents; and (4) whether zoning ordinance changes and other regulations governing residential treatment facilities in the City may be required.

Upon completion of the foregoing studies, the City will consider the need and options for amendments to the City Code to regulate residential treatment facilities.

(b) Moratorium Established; Scope

- (1) In accordance with the above and pursuant to authority granted by Minn. Stat. § 462.355, subd. 4, the City hereby establishes a moratorium on the receipt, processing, or approval of land use applications and subdivision requests that propose to use any property in the City to operate a residential treatment facility while the study and implementation of potential regulations and zoning changes is ongoing.
- (2) For purposes of this moratorium, a “residential treatment facility” includes any facility that offers or provides care, treatment or other

services for substance use disorders, mental illness, or other behavioral issues, regardless of how patients pay for such services or whether such services are provided on an outpatient or inpatient basis.

(c) Enforcement

Any person, corporation, or other entity found to be in violation of this Ordinance shall be guilty of a misdemeanor. The City may enforce this Ordinance by mandamus, injunction, or other appropriate criminal or civil remedy in any court of competent jurisdiction.

(d) Term

Unless earlier rescinded by action of the City Council, the moratorium established by this Ordinance shall remain in full force and effect until May 10, 2024. The moratorium may be extended as provided in Minn. Stat. § 462.355, subd. 4(d).

SECTION 2. EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this 2nd day of May, 2023.

Matt Montgomery, Mayor

ATTEST:

Neil L. Jensen, City Administrator

Published in *Cannon Falls Beacon* on May 11, 2023.

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

**ORDINANCE NUMBER 404
SECOND SERIES**

**AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA AMENDING
CITY CODE CHAPTER 152 RELATED TO ZONING**

THE CITY OF CANNON FALLS ORDAINS AS FOLLOWS:

Section 1. City Code Section 152.021 is amended by adding the underlined language, as follows:

LODGING ROOM ESTABLISHMENTS. An establishment that provides short-term sleeping and living quarters for the exclusive use of its guests with at least one, but no more than five, lodging rooms available within a structure. Lodging Room Establishments shall not include Residential Rehab Centers.

RESIDENTIAL FACILITY, STATE LICENSED. Any program, defined by M.S. § 245A.02, Subdivision 14, as it may be amended from time to time, that provides 24 hour a day care, supervision, food, lodging, rehabilitation, training, education, habilitation or treatment outside a person's own home, including a nursing home or hospital that receives public funds, administered by the Commissioner of the Department of Human Services to provide services for five or more persons whose primary diagnosis is mental retardation or a related condition or mental illness and who do not have a significant physical or medical problem that necessitates nursing home care; a program in an intermediate care facility for four or more persons with mental retardation or a related condition; a nursing home or hospital that was licensed by the Commissioner of the Department of Human Services on July 1, 1987, to provide a program for persons with a physical handicap that is not the result of the normal aging process and considered to be a chronic condition; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under M.S. § 254B, as it may be amended from time to time. Residential programs include home and community-based services for persons with mental retardation or a related condition that are provided in or outside of a person's own home. Residential Facilities shall not include Residential Rehab Centers.

RESIDENTIAL REHAB CENTER. Any cooperative living residence that provides, but is not limited to, homebased services for persons with chemical dependency, emotional disturbance, substance abuse disorder, or co-occurring disorders and operates under a manager or managed program setting with house

rules, curfews, facilitated meetings, and stipulate that residents must abstain from using alcohol or other illicit drugs or substances not prescribed by a physician.

Section 2. City Code § 152.608(H) is amended by adding the underlined language as follows:

(H) Nursing homes and similar group housing, hospitals, sanitariums or similar institutions, not including Residential Rehab Centers, provided that:

Section 3. City Code 152.648 is amended by adding the underlined language as follows:

Subject to applicable provisions of this chapter, the following are conditional uses in the B-2 District and require a conditional use permit based upon procedures set forth in and regulated by §§ 152.070 through 152.074 of this chapter:

* * *

(Y) Residential Rehab Centers provided that:

- (1) A fence is to be installed around the rehab center. The fence shall be constructed of masonry, brick or wood, except as otherwise provided in this section. The fence shall provide a solid screening effect and be a minimum of six feet in height but not exceed eight feet in height. The fence shall be required in the side, rear and front yards (subject to §152.186 of this chapter). Grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The design and materials used in constructing a required screening fence shall be subject to the approval of the Zoning Administrator.
- (2) All sides of the rehab center shall require a green belt planting strip. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and be a minimum of 20 feet in width and of a sufficient density to provide a visual screen and reasonable buffer. This planting strip shall be designed to provide visual screening to a minimum height of six feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The planting plan and type of plantings shall require the approval of the Zoning Administrator.
- (3) The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated;
- (4) All state statutes and regulations governing the use are strictly adhered to and all required operating permits are secured; and
- (5) Adequate off-street loading space is provided in compliance with §§ 152.255 through 152.264 of this chapter.

Section 4. This ordinance shall become effective upon its passage and publication.

PASSED AND ADOPTED BY THE CITY Council of the City of Cannon Falls, Minnesota, this
_____day of _____, 2024.

Matt Montgomery, Mayor

ATTEST:

Neil L. Jensen, City Administrator