

Introduced by: Council Present

AN ORDINANCE AMENDING CHAPTER 400, ARTICLE II, TO CHANGE THE USE OF GROUP HOMES FOR FOSTER CARE AND GROUP HOMES FOR MENTALLY OR PHYSICALLY HANDICAPPED FROM A SPECIAL USE TO A PERMITTED USE IN THE RESIDENTIAL ZONED DISTRICTS OF THE CITY OF BERKELEY, TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE THEREOF

WHEREAS, on July 02, 2019 the City Manager was notified by the Metropolitan St. Louis Equal Housing and Opportunity Council that the requirement of a Special Use Permit for residential zoned districts to house disabled individuals as defined as a “group home” by the City of Berkeley Section 400.090 (D, 10), 400.100 (D, 10), 400.110 (D, 10), and 400.120 (D, 10) of the zoning code is unlawful according to the Fair Housing Act, 42 USC 3601 and must be changed; and

WHEREAS, on July 10, 2019, the Planning commission deliberated the matter and concluded that the City of Berkeley zoning code Section 400.090 (D, 10), 400.100 (D, 10), 400.110 (D, 10), and 400.120 (D, 10) should be rescinded from the City’s code and therefore, made recommendation to the City Council for a Public Hearing on August 19, 2019.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

Section 1. Special Uses in reference to Group Homes for mentally or physically handicapped in Residential Districts is therefore rescinded from the City of Berkeley municipal code in R-1: Section 400.090, D, 10; R-2: Section 400.100, D, 10; R-3: Section 400.110, D, 10; and R-4: Section 400.120, D, 10.

Group homes for foster care and group homes for mentally or physically handicapped. In the case of any residential home for mentally or physically handicapped persons, the exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Further, any group home shall be at least two thousand five hundred (2,500) feet away from any other group home.

Section 2. Amend Permitted Use in the Residential Districts by inserting the following:

1. Section 400.090 “R-1” Single-Family Residence District

B. *Permitted Uses.* A building or premises shall be used only for the following purposes:

1. Single-family dwelling
2. Group homes for foster care and group homes for mentally or physically handicapped. The exterior and interior of the home shall meet all ADA fair housing accommodation requirements.

2. Section 400.100 “R-2” Single-Family Residence District

B. *Permitted Uses.* A building or premises shall be used only for the following purposes:

1. Single-family dwelling.
2. Group homes for foster care and group homes for mentally or physically handicapped. The exterior and interior of the home shall meet all ADA fair housing accommodation requirements.

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3. Section 400.110 “R-3” Single-Family Residence District

B. *Permitted Uses.* A building or premises shall be used only for the following purposes:

1. Single-family dwelling.
2. Group homes for foster care and group homes for mentally or physically handicapped. The exterior and interior of the home shall meet all ADA fair housing accommodation requirements.

4. Section 400.120 “R-4” Multiple-Family Residence District

B. *Permitted Uses.* A building or premises shall be used only for the following purposes:

1. Single-family dwelling.
2. Two-family dwelling.
3. Multiple-family dwellings, including condominiums.
4. Group homes for foster care and group homes for mentally or physically handicapped. The exterior and interior of the home shall meet all ADA fair housing accommodation requirements.

Section 3. This Ordinance shall be in full force and effect from and after the date of its passage.

1st Reading, this _____ day of _____ 2019

2nd Reading this _____ day of _____ 2019

3rd Reading, PASSED and APPROVED, this **day of** **2019**

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Greene	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___