

**Department of Community Planning and Economic Development –
Planning Division Report
Zoning Code Text Amendment**

Date: November 28, 2005

Initiator Of Amendment: Council Member Goodman

Date of Introduction at City Council: August 19, 2005

Ward: All

Planning Staff And Phone: Tara Beard, (612) 673-2351

Intent Of The Ordinance: The intent of the amendment is to allow overnight shelters approved by conditional use permit to be open 24 hours per day.

Appropriate Section(s) of the Zoning Code:

Chapter 520: Introductory Provisions

Chapter 537: Accessory Uses and Structures

Background: Overnight shelters are allowed by obtaining a conditional use permit as an accessory use to a religious institution place of assembly. The first standard that such a shelter must meet is that it shall operate only between the hours of 5 p.m. and 9 a.m. The second standard requires that shelter guests be provided with an enclosed waiting area (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only. This standard should also be excepted if a shelter is open 24 hours a day.

Purpose For The Amendment:

What is the reason for the amendment?

What problem is the amendment designed to solve?

What public purpose will be served by the amendment?

What problems might the amendment create?

The amendment would eliminate the situation in which persons without permanent housing would have to leave an overnight shelter during the day. While it is important that overnight housing remain a temporary, daily resource for those without permanent housing, limiting the hours in which a shelter can remain open could have a disparate impact on those with second or third shift jobs, and could be unusually cruel in cold-weather months.

The amendment is expected to eliminate the negative impacts mentioned above while maintaining the intent of the hours restriction, which is to prevent persons from retaining rights to a particular shelter for more than one day at a time.

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The amendment would serve the public interest by ensuring that persons without permanent housing can obtain overnight shelter for up to 24 hours per day when and where available. Being open 24 hours a day would also prevent the intense loitering or long lines that can occur prior to a shelter opening. Conversely, without any hours in the day to close the shelter, there may be an increased chance of loitering during daytime hours.

Planning staff does not anticipate that the amendment would cause problems, although an additional amendment in Chapter 520 defining overnight shelters would need to also be amended to provide consistency within the Code. Current definition of overnight shelter limits the period of time a person can stay at an overnight shelter to 16 hours.

Finally, there is a concern that allowing overnight shelters to be open 24 hours a day would reduce the distinction between an overnight shelter, supportive house, and/or a community residential facility.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

One of the purposes of the amendment is to prevent persons without permanent housing who are utilizing overnight shelters from being forced outside during daytime hours during cold winter months. With cold winter months now upon us the amendment is certainly timely. Furthermore, recommendations of this nature were submitted to the City Council in 2002 by the City/County Shelter Advisory Board.

Practices vary widely in other municipalities related to shelter definitions and requirements. Staff was able to find several cities similar in size to Minneapolis that did not restrict the daily hours of operation of a shelter.

The consequences of denying the amendment would be that overnight shelters would continue to be required to restrict their hours.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

There is no reference to overnight shelters of persons without permanent housing in the Comprehensive Plan.

Recommendation Of The CPED Planning Division:

The CPED Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment.

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Proposed Ordinance
of the
City of Minneapolis

By Goodman and Schiff

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 520.160 of the above-entitled ordinance be amended to read as follows:

Overnight shelter. An accessory use to a religious institution place of assembly providing temporary housing for a period of time not to exceed ~~sixteen (16)~~ **twenty-four (24)** hours ~~within a twenty-four (24) hour period~~ to persons without permanent housing.

CPED Planning Division Report

Proposed Ordinance
of the
City of Minneapolis

By Goodman and Schiff

Amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to Zoning Code: Accessory Uses and Structures.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 537.110 of the above-entitled ordinance be amended to read as follows:

Overnight shelter. Overnight shelters shall be allowed accessory to a religious institution place of assembly. In addition to obtaining a conditional use permit, as specified in Chapter 525, Administration and Enforcement, such overnight shelter shall be subject to the following standards:

~~(1) — The shelter shall operate only between the hours of 5:00 p.m. and 9:00 a.m. daily.~~

~~(2)~~ (1) Shelter guests shall be provided with an enclosed waiting area (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open (24) hours per day.

~~(3)~~ (2) The number of guests shall not exceed the housing code occupancy requirements.

~~(4)~~ (3) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits, bathing and restrooms.

~~(5)~~ (4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.