



**Request for City Council Committee Action from the Department of Community Planning
& Economic Development – Planning Division**

Date: March 10, 2010
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee
Referral to: Zoning and Planning Committee
Subject: Referral from the March 8, 2010 City Planning Commission Meeting
Recommendation: See report from the City Planning Commission

Prepared by: Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

Approved by: Jason Wittenberg, Supervisor, CPED Planning-Development Services

Presenter in Committee:

9. Zoning Code Text Amendment, Hilary Dvorak, Sr Planner, x2639

Community Impact (use any categories that apply)

Other: See staff report(s) from the City Planning Commission

Background/Supporting Information Attached

The attached report summarizes the actions taken at the City Planning Commission meeting held on March 8, 2010. The findings and recommendations are respectfully submitted for the consideration of your Committee.

**REPORT
of the
CITY PLANNING COMMISSION
of the City of Minneapolis**

The Minneapolis City Planning Commission, at its meeting on March 8, 2010 took action to **submit the attached comment** on the following items:

9. Zoning Code Text Amendment (Ward: All), ([Hilary Dvorak](#)).

A. Text Amendment: Amending Title 20 of the Minneapolis Code of Ordinances related to the Zoning Code, as follows:

Amending Chapter 520 relating to Zoning Code: Introductory Provisions

Amending Chapter 551 relating to Zoning Code: Overlay Districts

The intent of the text amendment is to allow overnight shelters as a principal use in specific geographic areas within downtown.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment, amending Chapter 520 and Chapter 551.

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

Date: March 8, 2010

Initiator of Amendment: Council Member Goodman

Date of Introduction at City Council: January 29, 2010

Ward: 5

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Intent of the Ordinance: The intent of the text amendment is to allow overnight shelters as a principal use in a specific geographic area within downtown.

Appropriate Section(s) of the Zoning Code: Chapter 520, Introductory Provisions and Chapter 551, Overlay Districts.

Background: Overnight shelters are currently allowed only as an accessory use to a religious institution place of assembly. There is currently a proposal to construct a new building that would include a continuum of housing from overnight shelter beds to affordable rental units. This type of development would require a text amendment to allow an overnight shelter that is not accessory to a religious institution place of assembly.

The proposed text amendment would allow an overnight shelter as a principal use in a defined area of Downtown Minneapolis. The defined area is bounded by East Lyndale Avenue North, Glenwood Avenue, 10th Street North, Hawthorne Avenue, and Linden Avenue. Within the defined area there is also a spacing requirement being proposed that would not allow two overnight shelters to be built within 1,000 feet of one another. Currently within the defined boundary there is one existing overnight shelter. Given this the possibility of having more than two overnight shelters within the defined boundary is very low.

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 primary reason for this text amendment is to allow overnight shelters as a principal use in a specific geographic area within downtown. By allowing an overnight shelter as a principal use it allows such a use to be established independently of a religious institution place of assembly. By allowing an overnight shelter to be constructed independently of a religious institution place of assembly it allows the use to be designed specifically to house people in need of a place to sleep and eat and not an establishment for people seeking worship.

The Planning Division believes that the proposed text amendment will serve the public purpose by allowing an overnight shelter to be constructed specifically with the goal of housing homeless

individuals. The design of the facility and the amenities that can be programmed into the space will be done with the primary goal of helping individuals end the cycle of homelessness.

Staff does not anticipate any problems with adopting this text amendment.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

- E. The Planning Division believes that the amendment is timely. Within the current economic status of the nation the number of homeless individuals has increased due to loss of jobs and home foreclosures. A recent proposal to build a new model of housing that includes a continuum of housing from overnight shelter beds to affordable rental units has been submitted to the City of Minneapolis. Based on the current regulations in the Minneapolis Zoning Code this proposal could not be built because overnight shelters are currently only allowed as an accessory use to a religious institution place of assembly.**

Practices vary widely from one community to another. Planning staff reviewed both the St. Paul, MN and Richfield, MN zoning codes and found that there is no standard that is used to define or regulate overnight shelters. In the City of St. Paul overnight shelters are a conditional use in the B5 Central Business-Service District, the I1 Light Industrial District and the I2 General Industrial District. Where overnight shelters are allowed they are required to be spaced 600 feet from any other overnight shelter, licensed community residential facility, emergency housing facility, shelter for battered persons with more than four adult facility residents, or transitional housing facility with more than four adult facility residents. There is no maximum occupancy requirement for an overnight shelter in the City of St. Paul. The maximum occupancy of the facility is determined by the building code. In the City of Richfield overnight shelters are a conditional use in the R Single Family Residential District, the MR-1 Two Family Residential District, the MR-2 Multi-Family Residential District, the MR-3 High Density Multi-Family Residential District and the C-2 General Commercial District. Where overnight shelters are allowed they are required to be in non-residential buildings and can serve up to 16 people.

The consequences of denying the amendment would be that overnight shelters would continue to only be allowed as an accessory use to a religious institution place of assembly.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The following Housing policies of *The Minneapolis Plan for Sustainable Growth* apply:

- **Preserve and increase the supply of safe, stable, and affordable supportive housing for homeless youth, singles and families (Housing Policy 3.4).**

Applicable Implementation Steps

3.4.1. Promote increased development of housing for very low-income households earning 30% or less of metropolitan median income.

3.4.2 Support the creation of additional supportive housing units for homeless youth, singles and families.

3.4.3 Support the creation of additional shelter beds for youth.

3.4.4 Evaluate City policies and regulations related to the creation of supportive housing and smaller housing units, including Single Room Occupancy (SRO) housing.

3.4.5 Implement and promote additional strategies to reduce homelessness, such as those identified in Heading Home Hennepin.

The policies and implementation steps related to homelessness say to support the development of additional housing for the homeless through the creation of additional shelter beds and smaller housing units. The proposed amendment will help implement the recently adopted policies.

Recommendation of the Community Planning and Economic Development--Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending Chapter 520 and Chapter 551.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Goodman

**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:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Overnight shelter. An accessory use to a religious institution place of assembly providing temporary housing for a period of time not to exceed twenty-four (24) hours to persons without permanent housing. In addition, an overnight shelter may be a principal use in the DS Downtown Shelter Overlay District, subject to the provisions of the district.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Goodman

**Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances
Relating to Zoning Code: Overlay Districts**

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

Section 1. That Chapter 551 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article XVIII, including new Sections 551.1350 – 551.1380, to read as follows:

ARTICLE XVIII. DS DOWNTOWN SHELTER OVERLAY DISTRICT

551.1350. Purpose. The DS Downtown Shelter Overlay District is established to provide areas that offer overnight shelter facilities that may not meet the accessory use requirements for an overnight shelter contained in the regulations of the primary zoning district.

551.1360. Established boundaries. The boundaries of the DS Overlay District shall be the areas shown on the official zoning map.

551.1370. Eligible areas outside of established boundaries. The DS Overlay District shall be limited to locations within the downtown area bounded by East Lyndale Avenue North, Glenwood Avenue, 10th Street North, Hawthorne Avenue, and Linden Avenue. Any person having a legal or equitable interest in property located within the eligible area outside of the established boundaries may file a petition to request the addition of the DS Overlay District classification in the manner provided for zoning amendments in Chapter 525, Administration and Enforcement.

551.1380. Conditional uses. In addition to the conditional uses allowed in the primary zoning district, an overnight shelter may be allowed as a conditional use in the DS Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement, and the following:

- (1) The overnight shelter shall be located on a zoning lot of at least twenty thousand (20,000) square feet.
- (2) The overnight shelter shall be located at least one thousand (1,000) feet from all existing principal overnight shelters.
- (3) The total number of shelter guests shall not exceed three hundred-fifty (350) persons.
- (4) Parking and loading shall be provided as approved by conditional use permit.
- (5) Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.
- (6) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the area.
- (7) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the area.
- (8) Shelter guests shall be provided with an enclosed waiting area one (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open twenty-four (24) hours per day.

- (9) The operator shall submit a management plan for the facility, and a floor plan showing sleeping areas, emergency exits, bathing and restrooms.
- (10) 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.