

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

**Date:** October 28, 2013

**Initiator of Amendment:** Council Member Goodman

**Date of Introduction at City Council:** August 16, 2013

**Specific Site:** Citywide

**Ward:** Citywide      **Neighborhood Organization:** Citywide

**CPED Staff and Phone:** Mei-Ling Anderson, (612) 673-5342

**Intent of the Ordinance:** To broaden the zoning districts in which assisted living facilities may be located.

**Appropriate Section(s) of the Zoning Code:** Chapter 520: Introductory Provisions and Chapter 548: Commercial Districts.

**Background:** The ordinance introduction stemmed from a project proposal that would include an assisted living facility in the C3A Community Activity Center District.

Assisted living facilities are currently allowed as a conditional use in two of the five commercial zoning districts: the C2 Neighborhood Commercial District and the C4 General Commercial District. In addition, these facilities are allowed as conditional uses in three multiple-family residence districts (R4, R5, and R6), two office residence districts (OR2, OR3), and all Downtown Districts (B4, B4S, B4C, and B4N). Board and care home/nursing home/assisted living facilities are subject to specific development standards listed in Chapter 536.

This proposal would amend Chapter 548 to allow board and care home/nursing home/assisted living facilities by conditional use permit in the C1, C3A, and C3S districts. Chapter 548 would also be amended in order to establish a minimum lot area of 20,000 square feet and a minimum lot width of 80 feet for uses that fall under the residential use of board and care home/nursing home/assisted living facilities in the C1, C3A, and C3S districts. These dimensions would be consistent with the residential lot dimension requirements in the C2 and C4 districts for this use.

The ordinance amendment would also alter the definition of “Assisted living” in Chapter 520, Introductory Provisions, to reflect that assisted living facilities are registered with the Minnesota Department of Health rather than licensed by it.

**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?**

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The purpose of the amendment is to broaden the potential locations in which assisted living facilities may be located in the city. Board and care home/nursing home/assisted living facilities are currently allowed as a conditional use in two of the five commercial zoning districts – C2 and C4 – in addition to select residence districts, office residence districts, and all downtown districts. The proposed amendment would make these uses allowed in the C1, C3A, and C3S districts.

The City's commercial zoning districts support a range of uses in addition to commercial goods and services. These include residential uses, institutional and public uses, parking facilities, and public services and utilities. Adding board and care home, nursing home, and assisted living facilities as allowed uses in all commercial districts would be consistent with the diverse purpose of the City's commercial districts and make it possible to locate these facilities in a broader selection of sites, where appropriate.

The amendment is not expected to create any problems due to the proposed specific development standards and additional regulation and oversight by other agencies. These facilities would be subject to the specific development standards defined in Chapter 536, which emphasize that new construction must be compatible and harmonious with the scale and character of its surroundings to the extent practical. In addition, Chapter 548 would be amended in order to establish a minimum lot area of 20,000 square feet and a minimum lot width of 80 feet for board and care home/nursing home/assisted living facilities in the C1, C3A, and C3S districts. These dimensions would be consistent with the residential lot dimension requirements in the C2 and C4 districts for this use. Any facility that falls under the category of board and care home, nursing home, or assisted living is locally regulated by the Minnesota Department of Health.

The amendment will serve a public purpose by expanding potential locations for these uses, which can generate a significant number of jobs, support higher residential densities, and allow city residents to stay in the community. The amendment will also serve a public purpose by increasing the co-location of goods and services and residential uses throughout the City's commercial zoning districts.

### **Timeliness:**

**Is the amendment timely?**

**Is the amendment consistent with practices in surrounding areas?**

**Are there consequences in denying this amendment?**

This amendment is part of the continual process of updating the zoning ordinance in order to improve our processes and streamline certain applications. The amendment is also timely given that it supports CPED's departmental goal of developing and preserving life-cycle housing throughout the city. Finally, the amendment is timely in that there is a project proposal that would include an assisted living facility at 428 2<sup>nd</sup> Street South, which is located in the C3A commercial zoning district.

Staff performed a code search to obtain information on how other cities treat assisted living facilities in commercial districts. This information is summarized in **Table 1**.

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**Table 1: Peer Comparison of Assisted Living Facilities in Commercial Districts**

<b>Municipality</b>	<b>Use category</b>	<b>Requires conditional use permit, special use permit, or other permit review approval</b>	<b>Permitted by-right</b>
<i>St. Paul</i>	Assisted living facilities/ boarding care homes/nursing homes	BC community business district	<ul style="list-style-type: none"> <li>• All Traditional Neighborhood Districts</li> <li>• B4 central business district</li> <li>• B5 central business-service district</li> </ul>
<i>Atlanta, GA</i>	Nursing homes, assisted living facilities, rehabilitation centers and personal care homes	All (5) commercial districts	Not applicable
<i>Denver, CO</i>	Assisted living facilities	<ul style="list-style-type: none"> <li>• All (6) Mixed-Use districts</li> <li>• All (4) Commercial Corridor districts</li> </ul>	Not applicable
<i>Chicago, IL</i>	Assisted Living (Elderly Custodial care)	B1 Neighborhood Shopping District	All other business and commercial districts <ul style="list-style-type: none"> <li>• B2 Neighborhood Mixed-Use</li> <li>• B3 Community Shopping</li> <li>• C1 Neighborhood Commercial</li> <li>• C2 Motor Vehicle-Related Commercial</li> <li>• C3 Commercial, Manufacturing, and Employment</li> </ul>
<i>Pittsburgh, PA</i>	Assisted living facilities <ul style="list-style-type: none"> <li>• Class A (fewer than 9 beds)</li> <li>• Class B (9-17 beds)</li> <li>• Class C (18 or more beds)</li> </ul>	Class C facilities: <ul style="list-style-type: none"> <li>• UNC Urban Neighborhood Commercial district</li> <li>• HC Highway Commercial district</li> <li>• UI Urban Industrial district</li> <li>• Other mixed-use districts</li> </ul>	Class A and Class B facilities: <ul style="list-style-type: none"> <li>• UNC Urban Neighborhood Commercial district</li> <li>• HC Highway Commercial district</li> <li>• UI Urban Industrial district</li> </ul>
<i>Richmond, VA</i>	Adult care residences	RO-2 residential-office district RO-3 residential-office district B-3 general business district B-4 central business district	I institutional district
<i>Duluth, MN</i>	Residential care facility/assisted living	Not applicable	Mixed use districts (6 total) <ul style="list-style-type: none"> <li>• 5 mixed-use districts facilities with 7 or more occupants</li> <li>• 2 mixed use districts allow facilities with 6 or fewer occupants</li> </ul> Form-based districts -permitted in 5 of 9 districts, regardless of size <ul style="list-style-type: none"> <li>• Permitted on the ground floor of the Corridor Building type only in 4 form-based districts (F-2, F-4, F-5, F-8)</li> <li>• For other building types, permitted above the ground floor only</li> </ul>

The main consequence of denying said amendment is that the City of Minneapolis would continue to be more restrictive than peer cities and other cities nationwide as it relates to assisted living facilities.

### **Comprehensive Plan:**

#### **How will this amendment implement the Comprehensive Plan?**

The following general land use policies of the *Minneapolis Plan for Sustainable Growth* apply:

**Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.**

**Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.**

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

**Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.**

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.

**Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.**

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

**Housing Policy 3.1: Grow by increasing the supply of housing.**

3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

**Housing Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.**

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3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

### **Housing Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.**

3.6.1 Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time.

3.6.2 Promote housing development in all communities that meets the needs of households of different sizes and income levels.

3.6.5 Promote accessible housing designs to support persons with disabilities and the elderly.

This amendment will promote business growth, employment, and housing choice throughout the city and is consistent with the above policies of the comprehensive plan.

### **RECOMMENDATIONS:**

#### **Recommendation of the Department of Community Planning and Economic Development:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending Chapters 520 and 548.

#### **Attachments:**

1. Ordinance amending Chapter 520, Introductory Provisions.
2. Ordinance amending Chapter 548, Commercial Districts, to allow the location of board and care home/nursing home/assisted living facilities in additional zoning districts and to establish minimum lot dimensions for these uses.