

**CITY OF WALKER
CASS COUNTY, MINNESOTA
ORDINANCE No. 2019-02**

**AN ORDINANCE ADDING TRANSITIONAL HOUSING STANDARDS TO THE
WALKER CITY CODE**

Findings and Purpose: The purpose of this section is to provide standards for Transitional Housing in the R-RR-LDR-TC districts. The City sees the benefit of such uses but also realizes that the high turnover in occupancy of residential structures can bring increased intensity of use, higher levels of noise, and increased need for parking and sanitation facilities which, if not controlled, can detract from the residential character of certain areas of the city; and to provide standards for transitional housing in order to promote the health, safety, morals, and general welfare of the City of Walker and to establish uniform regulations to:

1. To promote the health, safety and welfare of Transitional Housing clients.
2. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood.
3. To minimize their impacts on the residential neighborhood and provide for the greatest level of safety within the neighborhood.
4. To minimize the public costs and impacts of community service delivery and enforcement efforts necessary to ensure adequate levels of regulation and safety where such uses are located.

The City Council of Walker, Minnesota ordains:

Section 1. PART II-LAND DEVELOPMENT AND LAND USE ORDINANCES; CHAPTER 109-ZONING AND SUBDIVISIONS; Article VI. Requirements For Specific Uses; Division 1. Generally; of the City of Walker Code is hereby amended by adding the following to the City Code:

Section 109-202. Transitional Housing

A. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 1. Transitional Housing:** For the purposes of this Ordinance, a transitional housing use refers to temporary living situations wherein individuals or families are residing temporarily with or without separate sleeping rooms and a congregate space. Congregate space means that individuals share all or part of the kitchen, bath and recreational spaces. Transitional housing shall only be defined as requiring an Interim Use Permit if each housing unit does not contain independent living and cooking facilities, but rather are designed and integrated around a central group or congregate style living, cooking and dining facilities.

2. **Operator, transitional housing:** The owner, individual, partnership, organization, or corporation, which manages either a Transitional Housing use, whether or not for remuneration of any kind.

B. Land use requirements for Transitional Housing:

1. Except as may otherwise be allowed or required by this Ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used or occupied for Transitional Housing unless it is connected to Municipal water and sewer services and is in full conformity with the provisions of this Ordinance, and all other applicable federal, state and local laws, rules, regulations, codes, and ordinances.
2. Transitional Housing are interim uses and are allowed in the R-RR-LDR-TC Districts upon issuance of an interim use permit. Except as may be provided for by law, no such uses shall occur in these Districts unless an Interim Use Permit has been applied for and obtained pursuant to the procedures provided for in this Ordinance.
3. No new Transitional use shall be located on a parcel that has a boundary that is within five hundred (500) feet from the boundary of a parcel containing any other transitional use.
4. All Transitional Housing shall be required to meet all applicable building, safety, fire and health code requirements.
5. Signage may be permitted in accordance with applicable sign regulations with the issuance of a sign permit.
6. The application for an interim use permit for transitional Housing shall provide a list of its Board of Directors, Executives and Officers and the owner of the proposed facility and the operator of the facility.
7. Transitional Housing lawfully established prior to the effective date of this Section shall be allowed to continue provided they comply with applicable building, safety, fire and health code requirements. Transitional Housing which are lawful nonconforming uses may expand the use within the existing structure in which it is located provided the expanded use continues to comply with the applicable building, safety, fire and health code requirements. However, no relocation of the use or expansion of the structure in which it is located shall be allowed except in conformity with the requirements of this Ordinance. Furthermore, if any such nonconforming use is discontinued for period of one year or more, it shall not be re-established except in conformity with the requirements of this Ordinance.

C. Application filing and processing of this Chapter.

General. Applications for transitional housing shall be filed and processed in compliance with this Chapter and pursuant to Section 109-52 Interim Use Permit.

1. **Procedures.** All applications for a transitional housing use permit shall be submitted to the zoning administrator not less than 30 days ahead of the hearing date, accompanied by the required submission, "Walker Land Use Application Form VRBO/Transitional Housing Checklist and Transitional Housing Use Application," adopted herein by reference and available for inspection in the office of the administrator/city clerk-treasurer, along with the appropriate fee and the following:
 - a. The contract owner of the property shall sign the application.
 - b. The zoning administrator shall notify all property owners within 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least

ten days ahead of the public hearing. He or she shall send the same notice postmarked at least ten days in advance of the hearing to the DNR if the proposed use is in shorelands.

- c. The application shall include all information and materials required by an Interim Use Permit application and this Chapter, and the following additional information. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G (Findings and decision), below.
- d. The application shall also include details of the operations of the use, including, but not limited to, a description of the following:
 - i. Number of proposed beds/occupants.
 - ii. Cooking facilities.
 - iii. Sanitation facilities and management thereof.
 - iv. Site lighting.
 - v. Site security and management, including the number of staff on site at any given time.
 - vi. Location of proposed parking.
 - vii. On-going site maintenance.
 - viii. Clean-up/returning the site to its original condition following termination of the use.

D. Development standards.

- 1. Number of units permitted. The number of temporary housing units shall be determined through the Temporary Use Permit process.
- 2. Lighting. Adequate external lighting shall be provided for security purposes.
- 3. On/Off-site management. For proposals that include group quarters shall have at least one facility manager shall be available to be contacted by City of Walker Staff at all hours.
- 4. Sanitation facilities. The number of bathrooms and showers required on site shall be determined through the building permit process, and shall be consistent with the Minnesota Building Code.
- 5. Parking. Each transitional housing unit shall provide the number of automobile parking spaces required by subsection E. Automobile parking requirements for temporary housing, except where a greater or lesser number of spaces are required through conditions of approval.

E. Automobile parking requirements for temporary housing

- 1. One (1) on-site space per transitional housing unit plus one (1) on-site space per on-site on-duty staff person

F. Building inspection checklist

- 1. A building inspection checklist is required for all transitional housing. The fee for the inspection is set by the fee schedule.

G. Findings and decision.

- 1. An Interim Use Permit for transitional housing may be approved by City Council pursuant to Section 109-52. Interim Use Permit

H. Termination

1. Termination. An interim use shall terminate upon any of the following events, whichever first occurs: (1) The date stated in the permit or ordinance; (2) Upon violation of conditions under which the permit was issued; (3) Upon change in the city's zoning regulations which render the use nonconforming; (4) The redevelopment of the use and property upon which it is located to permitted or conditional use as allowed within the respective zoning district.

I. Duration of use and Annual Review.

1. The initial term of a Transitional Housing is two years. The property owner may thereafter apply to renew the IUP for Transitional Housing. There are no automatic renewals. Each initial and renewal application is subject to an inspection and fee as provided in this Chapter.
2. Prior to consideration of an initial or renewal of the IUP for Transitional Housing application by the council, the property shall be inspected by the City building inspector. In the event modifications are made to the property after the application inspection but prior to council consideration of the application, additional inspections may be required. The applicant is responsible for all inspection fees. The inspector shall provide a report to the council regarding the home's compliance with applicable building codes and this section.

Section 11. PART II-LAND DEVELOPMENT AND LAND USE ORDINANCES;
 CHAPTER 109-ZONING AND SUBDIVISIONS; Article III. Zoning Districts and Use Standards; Section 109-81; of the City of Walker Code is hereby amended by adding the double underlined language as follows:

Sec. 109-81. - Land use classification chart.

LAND USE CLASSIFICATION CHART

Key:

X=Prohibited

I=InterimUsePermitted

C=ConditionallyPermitted

P = Permitted

Use	District										
	R	RR	LDR	MFR	CBD	TC	GC	WC	I	P	PR
Adult Uses	X	X	X	X	X	I	I	I	X	X	X
Agricultural	X	P	P	C	X	X	X	X	X	C	C
Airport	X	X	X	X	X	X	X	X	C	C	C
Auto/RV Repair	X	X	X	X	I	X	P	X	C	X	X
Auto/RV Sales	X	X	X	X	I	I	I	X	C	X	X
Auto Salvage Yard	X	X	X	X	X	X	X	X	C	X	X
Bank	X	X	X	X	P	P	P	X	X	X	X
Bed and Breakfast	I	I	I	I	I	I	X	I	X	X	X
Bulk Liquid Storage (5,000+ gallons)	X	X	X	X	I	P	P	X	P	X	X
Car Wash	X	X	X	X	I	I	I	X	C	X	X
Cemetery	C	C	C	C	X	X	C	C	C	C	C
Church	C	C	C	C	C	C	C	C	C	C	C
Club/Lodge	X	C	X	C	C	C	C	C	X	X	X
Controlled Access Lot	C	X	C	X	X	X	X	C	X	X	X
Contractor's Yard/Storage	X	X	X	X	C	C	C	X	C	X	X
Day Care Center, Commercial	I	I	I	C	C	C	C	X	X	X	X
Dental Office	X	X	X	X	P	P	P	C	C	X	X
Dirtmoving < 10 cubic yards (shore or bluff impact)	P	P	P	P	P	P	P	P	P	P	P
Dirtmoving > 10 cubic yards (Shore or bluff impact)	C	C	C	C	C	C	C	C	C	C	C
Dirtmoving < 50 cubic yards (non-shore or bluff impact)	P	P	P	P	P	P	P	P	P	P	P

Dirtmoving > 50 cubic yards (non-shore or bluff impact)	C	C	C	C	C	C	C	C	C	C	C
Dwelling, Duplex	C	P	C	P	X	C	C	C	X	X	X
Dwelling, Guest Quarters	C	P	C	C	X	X	X	C	X	X	X
Dwelling, Multifamily	X	P	C	C	C	C	C	C	X	X	X
Dwelling, Single-Family	P	P	P	P	C	P	P	P	X	X	X
Extractive Use	X	X	X	X	X	X	I	X	I	X	X
Gas Service Station	X	X	X	X	C	C	P	X	C	X	X
Golf Course	C	C	C	C	X	X	C	C	X	C	C
Group Home/Nursing Facility	C	C	C	C	X	X	C	C	X	X	X
Home Occupation	I	I	I	I	P	P	P	P	X	X	X
Landfill	X	X	X	X	X	X	X	X	C	X	X
Lumberyard	X	P	X	X	X	X	P	X	C	X	X
Manufactured Home	P	P	P	P	X	X	X	X	X	X	X
Marina	C	X	C	C	X	X	X	C	X	C	X
Medical Facility	X	X	X	X	C	C	C	C	X	C	X
Model Home/Office Structure	I	I	I	I	X	I	I	I	I	X	X
Motel/Hotel	X	X	X	X	C	C	C	C	X	X	X
Motor Home Campground	X	I	X	X	C	X	C	X	X	X	X
Municipal/Government Buildings	X	C	X	X	P	C	C	C	C	P	P
Office, General	X	C	X	X	P	P	P	P	C	X	X
Outdoor Storage	X	X	X	X	I	I	I	I	C	X	X
Pawn Shops	X	X	X	X	I	P	P	X	P	X	X
Portable or Metal Storage Pods (parked < 14 days)	X	X	X	X	I	I	I	X	C	X	X
Public Park	P	P	P	P	X	P	P	P	C	P	P
Pharmacy/Retail	X	P	X	X	P	P	P	P	X	X	X
Planned Unit Development, Residential	C	C	C	C	X	X	X	X	X	X	X
Planned Unit Development, Commercial	X	X	X	X	C	C	C	C	C	X	X
Recreational Vehicle Campground	X	C	X	X	X	X	C	X	X	X	X
Recycling Center	X	X	X	X	X	C	C	X	C	X	X
Resort	X	C	X	X	X	C	C	C	X	X	X
Restaurant	X	C	X	X	P	P	P	P	C	X	X

Retail Store/Sales	X	I	X	X	P	P	P	P	C	X	X
School	C	C	C	C	X	C	C	X	X	P	P
Semi-public Use	C	C	C	C	C	C	C	C	C	C	C
Transitional Housing	I	I	I	X	X	I	X	X	X	X	X
Temporary Outdoor Sales	X	X	X	X	I	I	I	I	I	X	X
Shooting Range	X	X	X	X	X	X	X	X	P	X	X
Indoor Theater	X	X	X	X	C	X	C	X	X	X	X
Vacation/Private Home Rental	I	I	I	I	X	X	X	X	X	X	X
Vegetation Removal, Clear Cutting	C	C	C	C	P	X	X	X	C	X	X
Vegetation Removal, Open Cutting	P	P	P	P	P	P	C	C	C	C	C
Vegetation Removal, Selective Removal	P	P	P	P	P	P	P	P	C	P	P
Vet Clinic	X	X	X	X	X	P	P	X	C	X	X
Warehousing	X	X	X	X	I	X	C	X	C	X	X
Water-Oriented Accessory Structure	C	X	C	C	X	X	X	X	X	C	C

Section III. This Ordinance becomes effective from and after its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Walker, Minnesota, this _____ day of _____, 2019.

Jed Shaw, Mayor

ATTEST: _____
Terri Bjorklund, City Administrator

MOTION:
SECOND:
Hansen:
Moore:
Senenfelder:
Shaw:
Wilkening: