

ORDINANCE NO. 2020-

AN ORDINANCE DEFINING AND CREATING STANDARDS FOR
TEMPORARY PANDEMIC RESPONSE HOUSING AS AN INTERIM USE IN THE RM-50
MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT; MODIFYING DEFINITIONS FOR
HOTEL, MOTEL, MOTOR HOTEL; GOVERNMENT FACILITIES - GENERAL; AND
CONGREGATE LIVING FACILITY; AND MODIFYING THE USE STATUS OF CONGREGATE
LIVING FACILITIES, THEREBY AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapters 19 and 21 of the City Code are hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 19: ZONING

ARTICLE I: GENERAL PROVISIONS

DIVISION B: DEFINITIONS

§ 19.03 DEFINITIONS.

The following words and terms when used in Chapters 19 and 21 shall have the following meanings unless the context clearly indicates otherwise.

CONGREGATE LIVING FACILITY. A type of housing in which occupants share a common dining room, recreational room, food service or other facilities, including but not limited to boarding houses, lodging houses, assisted living facilities, shelters, and convents. A Congregate Living Facility does not include bed and breakfasts, resorts, vacation homes, crash pads, hostels, multiple-family dwellings, temporary pandemic response housing or other uses separately defined.

~~[**FULL-SERVICE HOTEL.** A facility for public accommodation which provides guest rooms, restaurants, meeting rooms, and other facilities for the use and enjoyment of customers.]~~

GOVERNMENT FACILITIES, GENERAL. A building or site occupied by a public agency or agencies that provides non-residential services to the general public, with the exception of limited government facilities that are defined separately in the code.

HOTEL^[s] OR MOTEL^[s] OR MOTOR HOTEL^[s]. Any building or combination of buildings containing six or more rooms used for sleeping purposes by guests ~~[on a transient basis]~~ in which a person or persons pay for occupancy, possession or tenancy of the property and where the actual term of occupancy, possession or tenancy of the property pursuant to that lease, license or other

agreement is less than 30 consecutive calendar days. A hotel or motel does not include bed and breakfasts, resorts, vacation homes, crash pads, hostels, congregate living facilities, multiple-family dwellings, shelters, temporary pandemic response housing or other uses separately defined.

TEMPORARY PANDEMIC RESPONSE HOUSING. A building used to house individuals or families to reduce the transmission of disease within the community during a pandemic.

ARTICLE II: ADMINISTRATION AND PROCEDURE

§ 19.22 [RESERVED] PENALTY.

Violation of any provision of this chapter shall be a misdemeanor. Civil penalties may also be issued pursuant to § 12.15 of the city charter and § 1.19 of this city code. However, nothing in this chapter shall be construed to limit the city's other available legal remedies for any violation of the law, including without limitation, criminal, civil and injunctive actions.

CHAPTER 21: ZONING AND LAND DEVELOPMENT

ARTICLE I: INTRODUCTION AND ESTABLISHMENT

§ 21.109 PENALTY.

Violation of any provision of this chapter shall be a misdemeanor. Civil penalties may also be issued pursuant to § 12.15 of the city charter and § 1.19 of this city code. However, nothing in this chapter shall be construed to limit the city's other available legal remedies for any violation of the law, including without limitation, criminal, civil and injunctive actions.

ARTICLE II: DISTRICTS AND USES

DIVISION H: USES

§ 21.209 USE TABLES.

(c) *Residential Zoning districts.*

Use Type	Zoning District									References; See Listed Section
	R-1	R- 1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50	RM-100	

Other Residential											
<u>Temporary pandemic response housing</u>									1		21.302.34

e) *Industrial Zoning districts.*

Use Type	Zoning District						References; See Listed Section
	IT	I-1	I-2	I-3	IP	FD-2	

Congregate Living							
<u>State licensed residential care facility in existence prior to November 9, 2020</u>						C	21.302.23, M.S. 144D, 245A.11, 245D, 462.357
<u>City licensed congregate living facility serving five or more persons in existence prior to November 9, 2020</u>						C	

§ 21.301.06 PARKING AND LOADING

(d) *Number of off-street parking spaces required.*

- (1) The minimum number of off-street parking spaces provided within a development must meet the provisions of this subsection (d), varying by land use as provided in the following table. If more than one land use is present on a site, the required parking is determined by adding together the required number of parking spaces for each use.

If the number of off-street parking spaces results in a fraction, each fraction of one-half or more will constitute another space required. A lesser number of constructed off-street parking spaces may be allowed through flexibility measures (see subsection (e) below). The requirements for off-street surface parking space dimensions are set forth in subsection (c) above.

<i>Minimum Off-Street Parking Requirements</i>
RESIDENTIAL

Congregate living facility	Licensed boarding house lodging or rooming houses	1 space per bedroom, where spaces are not stacked in a linear row
<u>Temporary Pandemic Response Housing</u>		<u>0.5 space per unit; plus one space per staff member</u>
Manufactured home parks		2 spaces per manufactured home; guest parking must be appropriately provided and dispersed throughout the development, subject to approval by the issuing authority

§ 21.302.34 TEMPORARY PANDEMIC RESPONSE HOUSING

- (a) Purpose. The following standards are intended to regulate temporary housing for the purposes of pandemic response while protecting the public health, safety, and general welfare of the community.
- (b) Review and approval. In addition to an interim use permit, Temporary Pandemic Response Housing must receive final development plan or final site and building plan approval prior to occupancy.
- (c) Duration. Interim use permits for temporary pandemic response housing are limited to two years in duration.
- (d) Standards. The following standards are applicable to temporary pandemic response housing.
 - (1) Zoning district. As a higher density residential use, temporary pandemic response housing is limited to the RM-50 Multiple-family zoning district.
 - (2) Licensing requirements. Temporary pandemic response housing requires a rental housing license. Temporary pandemic response housing must also comply with all regulations within Chapter 14 of the Bloomington city code regarding licenses unless the City Council approves a temporary exception in conjunction with the interim use permit approval.
 - (3) Security requirements. The applicant must submit a security plan that must be approved by the Police Chief prior to commencement of the use. The security plan must address the number, training, hours and deployment of security officers; protocols for communication with the Police Department; security cameras; contact information at any time on any day; and any other information deemed necessary by the Police Chief.
 - (4) Management and operational requirements. The applicant must submit a management and operations plan that must be approved by the issuing authority prior to commencement of the use. The management and operations plan must identify the property management and describe their demonstrated experience and qualifications; onsite staffing and supervisory personnel, including staff schedules; record keeping protocols to ensure accuracy and completion; occupancy data; code of conduct, including policy on drug and alcohol use; protocols for communication with the city; emergency response protocols; property maintenance protocols; approach to community outreach and communication; pandemic plans for reducing the spread of disease within the facility and following governmental health guidance; and a description of onsite services, including meals and laundry.
 - (5) Building and site requirements.
 - (A) The entire property and principal structure must be used for temporary pandemic response housing and related customarily incidental uses.

- Temporary pandemic response housing may not be mixed on the same site with hotel, residential, or other non-incidental uses;
- (B) Temporary pandemic response housing must meet current Minnesota State Building Code and International Property Maintenance Code provisions, including, but not limited to, fire resistance and occupancy;
 - (C) Parking for temporary pandemic response housing shall be provided in accordance with the requirements in Section 21.301.06.
 - (D) Exterior lighting shall be provided in accordance with the requirements in Section 21.301.07.
- (e) Inspections. The issuing authority may perform periodic code inspections of the temporary pandemic response housing and has the right to enter and have access to all areas of the building as reasonably necessary for enforcement purposes. The property manager is responsible for notifying the occupants and obtaining consent to enter their units for inspections. The property manager must make available all relevant records necessary to ascertain compliance with this section and the interim use permit conditions.
- (f) Additional requirements. Temporary pandemic response housing units and buildings must comply with any additional conditions imposed on the interim use permit by the City intended to protect public health, safety, and welfare.

§ 21.501.05 INTERIM USE PERMITS.

(a) *Purpose.* The purpose of the interim use permit application process is to:

- (1) Ensure that sufficient information is provided by the applicant;
- (2) Ensure that interim uses comply with city code requirements;
- (3) Ensure that temporary uses remain temporary in nature;
- (4) Ensure that appropriate conditions are attached to enhance compatibility with surrounding uses; and
- (5) Ensure that ~~conditional~~ interim use permit applications are processed in a manner consistent with state statutes.

(d) *Review and approval.* Interim use permit applications must be reviewed and acted upon by the Planning Commission, except for the uses listed in subsection (d)(1) below, which must be reviewed by the Planning Commission and acted upon by the City Council. If the Planning Commission action results in a tie vote, the interim use permit application is automatically sent to the City Council for their final action.

- (1) *City Council review.* Because of higher potential to negatively impact surrounding property, the following use types must be reviewed by the Planning Commission and acted upon by the City Council when an interim use permit is required by the underlying zoning district:
 - (A) Open storage;~~[-and]~~
 - (B) Remote airport parking~~[-];~~ and
 - (C) Temporary pandemic response housing.

(f) *Expiration and termination.*

(1) An interim use permit expires and the interim use must terminate at the earlier of:

- (A) The expiration date established by the City Council at the time of approval, but in no event more than five years from the date of approval unless otherwise specified in city code;
- (B) The occurrence of any event identified in the interim use permit for the termination of the use; or
- (C) Upon an amendment of the city code that no longer allows the interim use.

Passed and adopted this _____ day of _____, 2020.

/s/Tim Busse
Mayor

ATTEST:

/s/Denise M. Christianson
Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied
City Attorney