

ORDINANCE NO. 2025-

AN ORDINANCE ESTABLISHING A DEFINITION OF CO-LIVING UNIT AND CO-LIVING DEVELOPMENT AND ESTABLISHING STANDARDS FOR EACH; REMOVING CONGREGATE LIVING FACILITY AND BOARDING HOUSE USES FROM THE USE TABLES; AND MODIFYING THE DEFINITION OF FAMILY IN THE CITY'S ZONING ORDINANCE, THEREBY AMENDING CHAPTERS 9, 14, AND 21 OF THE CITY CODE.

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

Section 1. That Chapter 9 of the City Code is hereby amended by deleting those words within brackets and [stricken through] and adding those words that are underlined, to read as follows:

CHAPTER 9: HOUSING OPPORTUNITY AND PRESERVATION

ARTICLE I: GENERAL PROVISIONS

§ 9.04 DEFINITIONS

BLOOMINGTON HOUSING AND REDEVELOPMENT AUTHORITY (HRA). The Housing and Redevelopment Authority in and for the City of Bloomington that was created by an act of the Legislature of the State of Minnesota entitled "Municipal Housing and Redevelopment Act" approved and in force April 23, 1947 and by Special Law, Chapter 616, 1971 as amended by Special Law, Chapter 344, 1977, and that operates as the city's public housing agency and whose purposes include administration of a Section 8 Housing Choice Voucher and other public housing programs.

CO-LIVING DEVELOPMENT. A building or portion thereof containing five or more co-living units. This use is not a residential care facility as defined in § 21.601, or any other group housing type that requires a State license.

CO-LIVING UNIT. A separate, private living space that has access to a shared kitchen and other communal living space. Each private living space may or may not include a private bathroom, but must not include cooking facilities, specifically a stove or oven. Co-living units are typically leased on an individual basis and collectively do not constitute a dwelling.

DENSITY BONUS UNIT. A unit as a result of an increase in density permitted above the per acre limit established by the city code.

DISTRICT PLAN. An adopted plan focused on one or more sites within an area that is intended to guide development, land use, transportation, preservation and other factors over a number of years or in several phases for a specific area or district.

RESIDENTIAL DEVELOPMENT. A residential or mixed use development, that includes any single family, duplex, townhouse, condominium dwelling, co-living, or other residential unit. **RESIDENTIAL DEVELOPMENT** includes the conversion of rental housing to condominiums or similar residential uses if applicable.

SITE. A lot, or group of adjacent lots intended, designated or approved to function as an integrated unit, that is proposed for development in accord with the provisions of this code and is in a single ownership or has multiple owners, all of whom execute a joint application for development.

§ 9.06 OPPORTUNITY HOUSING REQUIREMENT.

(a) *New residential construction, regardless of type of dwelling unit.* For newly constructed, converted, or infill multi-family, co-living or townhome residential developments with 20 or more newly created dwelling or co-living units, at least 9% of the newly created units must be affordable to households at or below 60% of AMI. For newly constructed or infill single-family detached residential developments with 20 or more newly created dwelling or co-living units, at least 9% of the newly created units must be affordable to low income family households up to 115% AMI.

ARTICLE II: DEVELOPER OPTIONS

§ 9.08 OFF-SITE.

(a) In consideration of and as a way of providing the developer with tools and flexibility to meet the requirements of this chapter, a developer may meet its opportunity housing requirement by the construction of opportunity housing units on a site different from the site of the residential development as follows:

(1) *For-sale residential development.* Off-site opportunity housing units equivalent to no less than 9% of the total dwelling or co-living units in the residential development must be made available for purchase at a housing cost to those households earning no more than 110% of the area median income.

(2) *Rental residential development.* Off-site rental opportunity housing units numbering no less than 9% of the total dwelling or co-living units in the residential development must be made available for rent with a housing mix of extremely low, very low and up to 60% AMI households.

§ 9.09 PAYMENT IN LIEU OF AFFORDABLE UNITS.

(d) If a developer chooses the in lieu payment, the fee in-lieu must be paid to the Affordable Housing Trust Fund, but the developer may assign the in lieu payment to another housing development when it is:

(1) To a development by the same developer that will include at least the sum amount of units that is no less than 9% of the total dwelling or co-living units in the developer's original housing development in addition to 11% of the total dwelling or co-living units in the proposed development, affordable to households at or below 60% AMI provided the development receives city final development plan approval within 24 months of issuance of building permit for the market rate development;

(2) To a development by different developer that will include at least the sum amount of units that is no less than 9% of the total dwelling or co-living units in the developer's original housing development in addition to 11% of the total dwelling or co-living units in the proposed development, affordable to households at or below 60% of AMI provided the development receives city final development plan approval within 24 months of issuance of building permit for the market rate development; or

ARTICLE III: AFFORDABLE HOUSING TOOLS AND INCENTIVES

§ 9.15 AFFORDABLE HOUSING TOOLS AND INCENTIVES.

(a) The developer of any of the following types of development that creates 20 or more total dwelling or co-living units or preserves 20 or more NOAH dwelling units is eligible to use any of the following affordable housing tools and incentives for which it qualifies:

§ 9.16.02 SITE AREA REDUCTION.

(a) To incentivize the creation of opportunity housing units, a residential development that includes at least 9% of its total dwelling or co-living units affordable to households at or below 60% of AMI may reduce the required minimum site area as follows unless the City Council determines that the reduction is likely to create a specific adverse public health, safety, or welfare impact or would otherwise conflict with local, state, or federal regulations, rules, or laws:

§ 9.16.03 SITE WIDTH REDUCTION.

(a) To incentivize the creation of opportunity housing units, a residential development that includes at least 9% of its total dwelling or co-living units affordable to households at or below 60% of AMI may reduce the required minimum site width as follows unless the City Council determines that the reduction is likely to create a specific adverse

public health, safety, or welfare impact or would otherwise conflict with local, state, or federal regulations, rules, or laws:

§ 9.16.05 OPEN SPACE REDUCTION.

(a) To incentivize the creation of opportunity housing units, a residential development that includes at least 9% of its total dwelling or co-living units affordable to households at or below 60% of AMI may reduce the required minimum usable open space as follows unless the City Council determines that the reduction is likely to create a specific adverse public health, safety, or welfare impact or would otherwise conflict with local, state or federal regulations, rules, or laws:

§ 9.18 HEIGHT BONUS.

(a) To incentivize the construction of a mixture of opportunity housing units for households at or below 60% of AMI, the developer of a multiple-family development with at least 9% of its total dwelling or co-living units affordable to households at or below 60% of AMI qualifies for a height bonus of one additional story and 10 additional feet above the height limit set forward on the City's height limits map.

§ 9.19 PARKING REDUCTION.

(a) To incentivize the creation of opportunity housing units, a residential development with at least 9% of its total dwelling units affordable to households at or below 50% of AMI qualifies for car parking reductions provided that the development agreement required pursuant to § 9.35 affirms that the owner will not charge opportunity housing units in the residential development for access to parking. Potential parking reduction incentives are based upon the level of affordability as follows:

<i>Affordability provided:</i>	<i>Projects located in the Designated Transit Area, Tier I:</i>	<i>Projects located in the Designated Transit Area, Tier II:</i>	<i>Projects located outside a Designated Transit Area:</i>
9% of <u>dwelling</u> units qualifying as very low or extremely low income	15%	10%	5%
20% of <u>dwelling</u> units qualifying as very low income	25%	20%	10%
50% of <u>dwelling</u> units qualifying as very low income or 20% of <u>dwelling</u> units qualifying as extremely low income	35%	30%	15%

100% of <u>dwelling</u> units qualifying as very low income or 50% of <u>dwelling</u> units qualifying as extremely low income	45%	40%	20%
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(b) The car parking reductions provided in this section are not cumulative. Each qualifying development is eligible for only one parking reduction of 5% to 45% depending upon the level of affordability provided.

(c) In mixed use developments, potential parking reduction incentives may only be applied to the parking requirement created by the residential portion of the development.

(d) Opportunity housing units must have access to parking spaces that are comparable in quality and design to parking spaces accessible to market rate units. For example, if a development has enclosed and unenclosed parking spaces, the development agreement required pursuant to § 9.35 will affirm that the availability of enclosed and unenclosed parking spaces to opportunity housing dwelling units will be proportional to the availability of enclosed and unenclosed parking spaces to market rate units.

(e) If a development seeks a parking reduction incentive at or above 30%, the City Engineer or their designee may require a parking study, prepared by an independent traffic engineering professional, to help the City Council determine if the parking incentive reduction is appropriate for a particular development, or if it should be adjusted, when there is evidence that the proposed parking supply reduction may negatively impact the surrounding public roadway network or adjacent land uses.

(f) Co-living units. Co-living units are not eligible for car parking reductions in this section.

§ 9.22 ALTERNATIVE EXTERIOR MATERIALS ALLOWANCE.

(a) To incentivize the construction of opportunity housing units affordable to households at or below 60% of AMI, a residential development that includes at least 9% of its total dwelling or co-living units affordable to households at or below 60% of AMI may use the alternative exterior materials of fiber cement, engineered wood, exterior insulation finishing system (EIFS), and 20 year warranty metals on façades not facing public streets where otherwise not allowed by the city code as follows:

§ 9.24 LANDSCAPE FEE IN-LIEU REDUCTION.

To incentivize the construction of opportunity housing units affordable to households at or below 60% of AMI, a residential development that includes at least 9% of its total dwelling or co-living units affordable to households at or below 60% of AMI may reduce

the fee in lieu for providing landscaping on a constrained site, where such fee in lieu is approved by the city council, as follows: developments with 9% mix of its total units qualifying as extremely low or very low income opportunity housing units may reduce the fee by 100%.

§ 9.26 DEVELOPMENT FEE DEFERMENT.

(a) The city may consider development fee deferrals from the Affordable Housing Trust Fund for zoning application fees, building permit fees, park dedication fees, sewer availability charge (SAC) fees and related infrastructure fees to a qualifying development under the following circumstances:

(1) When a residential development includes more than the required 9% of its total dwelling or co-living units as opportunity housing affordable to households at or below 60% of AMI, when calculated before any applicable density bonus, the development may be eligible to defer up to the full amount of its development fees until 12 months after the development obtains its certificate of occupancy. The city will charge an annual interest of 5% during the deferral period.

(2) When a residential development includes at least a 20% of its total dwelling or co-living units as opportunity housing affordable to households at or below 60% of AMI, when calculated before any applicable density bonus, the development may be eligible to defer up to the full amount of its development fees until 24 months after the development obtains its certificate of occupancy. The city will charge an annual interest of 5% during the deferral period.

(b) The interest paid to the city during the deferral will be deposited into the Affordable Housing Trust Fund.

Section 2. That Chapter 14 of the City Code is hereby amended by deleting those words within brackets and [stricken through] and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

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ARTICLE VIII: RENTAL HOUSING CODE

DIVISION A: GENERAL PROVISIONS

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§ 14.568 DEFINITIONS.

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ASSISTED LIVING FACILITY. An establishment, as defined in M.S. § 144G.08, subd. 7 and subd.8 for assisted living facility with dementia care, providing assisted living services defined in subd. 9, as they may be amended from time to time.

CO-LIVING DEVELOPMENT. A building or portion thereof containing five or more co-living units.

CO-LIVING UNIT. A separate, private living space that has access to a shared kitchen and other communal living space. Each private living space may or may not include a private bathroom, but must not include cooking facilities, specifically a stove or oven. Co-living units are typically leased on an individual basis and collectively do not constitute a dwelling.

DWELLING, ACCESSORY. A secondary dwelling unit, but not a manufactured home built on a permanent chassis, located on the same lot as a single-family dwelling unit, either physically attached to, within, or detached from the single-family dwelling unit. Accessory dwelling units must be developed in accordance with the standards set forth in § 21.302.03.

* * *

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

GROUP HOUSING. A dwelling occupied by individuals renting a bedroom or bed and shared living spaces with or without supervision. Group housing includes co-living units, co-living developments, assisted living, and residential care facilities~~[licensed or registered by the Minnesota Departments of Health or Human Services under M.S. Chapters 144G, 157, 245A or 245D, as they may amended from time to time]~~. Group housing does not include owner-occupied dwelling units, nursing homes or hospitals.

HABITABLE SPACE. An approved space in a structure used for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered **HABITABLE SPACES**.

* * *

RENTAL LEASE. A written contract between an owner, agent or manager, and a tenant, whereby the tenant makes rent payments in order to occupy the dwelling unit, group housing or accessory dwelling unit. The **RENTAL LEASE** also includes language that relates to the obligations of both parties to the contract and has the same meaning as a rental agreement.

RESIDENTIAL CARE FACILITY. A facility that provides ~~[custodial]~~care to persons who~~[, because of physical, mental, or emotional disorders,]~~ are not able to live independently. Occupants may share a common dining room, recreational room, food service or other facilities, but the use does not include bed and breakfasts, co-living developments, crash pads, hostels, multiple-family dwellings, resorts, vacation homes,

or other separately defined uses. A ***RESIDENTIAL CARE FACILITY*** may be licensed by the State, but a State license is not required in all cases.

ROOM. Interior space enclosed by walls or separated from other similar spaces by walls or partitions.

Section 3. That Chapter 21 of the City Code is hereby amended by deleting those words within brackets and [stricken through] and adding those words that are underlined, to read as follows:

CHAPTER 21: ZONING AND LAND DEVELOPMENT

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	
RESIDENTIAL										

[Congregate]Group Living										
<u>Co-living development</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>21.302.24</u>

State licensed residential care facility serving 7 or more persons in single family zones in existence prior to January 26, 2015	C	C	C							21.302.06, 21.302.23
[City licensed congregate living]					[P]	[P]	[P]	[P]	[P]	[21.302.06, 21.302.24]

[Congregate] Group Living								
Co-living development						<u>C</u>	<u>C</u>	<u>21.302.09,</u> <u>21.302.24</u>
State reviewed (licensed, registered, etc.) residential care facility						C	C	21.302.23, M.S. 144G, 245A.11, 245D, 462.357
[City licensed congregate living facility serving five or more persons]						[G]	[G]	[21.302.06, 21.302.24]
Dormitory								21.302.06

(f) *Specialized zoning districts.*

Use Type	Zoning District		References; See Listed Section
	CX-2	LX	
RESIDENTIAL			

Other Residential			
<u>Co-living development</u>	<u>P</u>		<u>21.302.02,</u> <u>21.302.24</u>
Manufactured home park	C		21.302.10, Chapter 14 Article VI and M.S. Ch. 327

ARTICLE III: DEVELOPMENT STANDARDS

DIVISION A: GENERAL STANDARDS

§ 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		

Senior citizen housing, accessibility housing		1.5 spaces per dwelling unit, where 0.5 spaces per unit must be available for general parking.
		Guest parking spaces must be appropriately provided and dispersed throughout the development, subject to approval of the issuing authority
<u>Co-living development</u>		<u>0.5 spaces per co-living unit</u>
Residential care facility	Group home, nursing home, rest home, adult care home	1.5 spaces for each 4 beds
		Guest parking spaces must be appropriately dispersed throughout the development
[Congregate living facility]	[Licensed boarding house lodging or rooming houses]	[1 space per bedroom, where spaces are not stacked in a linear row]

DIVISION B: USE STANDARDS

§ 21.302.24 CO-LIVING UNITS AND CO-LIVING DEVELOPMENTS.~~[CONGREGATE LIVING FACILITIES.~~

~~—(a) *Purpose.* The following standards are intended to accommodate congregate living facilities while protecting the public health, safety, and general welfare of the community.~~

~~—(b) *Review and approval.* Congregate living facilities must receive conditional use permit approval and, if in a new freestanding building, either final site and building plan approval or final development plan approval prior to issuance of a building permit.~~

~~—(1) All necessary permits and licenses must be obtained from state, county and city agencies.~~

~~—(2) If the size, location, or purpose of a facility with a conditional use permit changes, a new or amended conditional use permit may be required.~~

~~—(c) *Where allowed.* See § 21.209 of this code for the classification of congregate living facilities within the zoning districts.~~

~~—(1) The facility cannot be located in a two-family or multiple-family dwelling unless it occupies the entire structure.~~

~~—(d) *Standards.*~~

~~—(1) *Services.* On-site services must be only for the residents of the facility.~~

~~—(2) *Compatibility.* All new construction or additions to existing structures must be compatible with the scale and character of the surrounding neighborhood and existing structures.~~

~~—(3) *Landscape buffer.* A perimeter landscape buffer is required pursuant to screening requirements contained in § 21.301.15(d)(2), where the facility site directly abuts property that is used for single-family residential use that is either zoned or guided for single-family residential use.~~

~~—(4) *Management plan.* A management plan for the facility must be submitted with any conditional use permit application, which includes but is not limited to the following:~~

~~—(A) Program operation;~~

~~—(B) Staffing;~~

~~—(C) Security detail;~~

~~—(D) Access control;~~

~~—(E) Smoking locations; and~~

~~—(F) Floor plans showing sleeping areas, emergency exits, and bathrooms.~~

~~—(5) *Compliance with other sections.* Congregate living facilities must meet applicable standards within city code, including but not limited to:~~

~~—(A) Refuse and recycling (§ 21.301.17);~~

~~—(B) Landscaping (§ 21.301.15);~~

- ~~_____ (C) Exterior storage (§ 21.301.16);~~
- ~~_____ (D) Height (§ 21.301.10);~~
- ~~_____ (E) Parking (§ 21.301.06); and~~
- ~~_____ (F) Lighting (§ 21.301.07).]~~

(a) Purpose. The following standards are applicable to co-living developments and co-living units.

(b) Review and approval. Co-living units must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit. Co-living developments are allowed as in § 21.209.

(c) Performance standards.

(1) Building Code and Fire Code compliance. All co-living units must comply with the Minnesota State Building Code, the Minnesota State Fire Code, and all applicable property maintenance codes, including but not limited to fire resistance, sound insulation standards, and minimum floor area requirements for sleeping, cooking and bathroom (where applicable), and living spaces.

(2) Co-living within a single- or two-family dwelling. Co-living units in single- or two-family dwellings are akin to room rentals and may only be established when in compliance with the maximum occupancy limit of one family per dwelling, as defined in § 21.601.

(3) Co-living development.

(A) Density calculation and open space requirements. For the purposes of calculating residential density and open space requirements for a co-living development, three co-living units are equal to one dwelling unit with fractions rounded up.

(B) Minimum floor area per unit. Each co-living unit must have a minimum of 70 square feet of private living space.

(C) Kitchen requirements. Co-living units must have access to a kitchen on the same floor as the unit. Kitchens must be in compliance with all federal, state, and local laws and must have approved sink, cooking, and cold storage appliances as listed in § 14.580(e).

(D) Dedicated bicycle parking. Bicycle parking must be provided at a rate of one space per four co-living units, 90 percent of which must be designed for long-term use.

(E) Compliance with other sections. Co-living developments must meet applicable standards within the city code, including but not limited to:

- _____ (i) Sidewalks (§ 21.301.04);
- _____ (ii) Parking (§ 21.301.06);
- _____ (iii) Exterior lighting (§ 21.301.07);

- _____ (iv) Height (§ 21.301.10);
- _____ (v) Landscaping (§ 21.301.15);
- _____ (vi) Exterior storage (§ 21.301.16); and
- _____ (vii) Refuse and recycling (§ 21.301.17).

(4) *Storm water management.* Co-living development sites must meet the requirements of Chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan for storm water management, erosion control, and wetlands.

ARTICLE V: ADMINISTRATION AND NONCONFORMITY

DIVISION A: APPROVALS AND PERMITS

§ 21.501.04 CONDITIONAL USE PERMITS.

(i) *General standards.* In addition to use specific standards for conditional uses listed elsewhere in the city code, the following general standards also apply to conditional uses.

(1) In the R-1, R1-A and RS-1 zoning districts, except for the uses listed below, a conditional use must be located on a site immediately adjacent to a commercial zoning district, an industrial zoning district, the intersection of two streets classified by the Comprehensive Plan as arterial streets or the intersection of a street classified by the Comprehensive Plan as an arterial street and a railroad. Exceptions include:

(B) Licensed ~~[congregate living facilities serving five or more persons and licensed]~~residential care facilities serving seven or more persons;

ARTICLE VI: DEFINITIONS

§ 21.601 DEFINITIONS

BOARD OF ADJUSTMENT. The body established in § XII.A of the 2004 MSP zoning ordinance.

~~[***BOARDING HOUSE.*** A dwelling unit where lodging with or without meals is provided for compensation and occupied by five or more adult individuals. (See ***FAMILY.***)]~~

BODY ART ESTABLISHMENT. A place or premises, whether public or private, temporary or permanent in nature or location, where the practice of body art, whether or not for profit, is performed according to the provisions of § 14.376.

COIN SALES. Sales of stamped metal issued by a governmental authority as money, whether or not currently serving as legal tender. Coins may have a numismatic value or intrinsic value greater than their denominational value and may be made of precious metals, gold, silver or platinum. **COIN SALES** is considered a retail sales use unless the sales are taking place through the mail, telephone or similar method that does not involve over the counter sales, in which case it is considered an office use.

CO-LIVING DEVELOPMENT. A building or portion thereof containing five or more co-living units. This use is not a residential care facility as defined in 21.601, or any other group housing type that requires a State license.

CO-LIVING UNIT. A separate, private living space that has access to a shared kitchen and other communal living space. Each private living space may or may not include a private bathroom, but must not include cooking facilities, specifically a stove or oven. Co-living units are typically leased on an individual basis and collectively do not constitute a dwelling.

COLLEGE or UNIVERSITY. A college, community college or other post secondary educational facility primarily engaged in the education of students, which may include one or more of the following components: teaching and research facilities; educational classroom space; public assembly; child care facilities, student center; food service facilities; laundry services; library; administrative offices; and recreation facilities.

COMPREHENSIVE PLAN. The adopted citywide plan to guide development and infrastructure, set city policy and meet the requirements of the State Metropolitan Land Planning Act.

~~[**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.]~~

CONSERVATORY. A green house or other glazed structure or building containing an array of native and/or exotic species of plants, flowers and vegetation.

EXTERMINATING SHOP. A retail enterprise primarily engaged in the disposal of unwanted pests such as mice, cockroaches and other insects from homes and other

places of business for compensation. Such a business may include incidental storage and handling of toxic and noxious materials, but is not a warehouse enterprise.

FAMILY. Six or fewer adults, or any number of adults who are all related to each other by blood, marriage, guardianship, or domestic partnership, as recognized in Minnesota law, together with minor children in their care, occupying a dwelling unit. [One or more persons related by blood, marriage or adoption, including foster children and domestic partners and civil unions recognized under Minnesota law, or a group of not more than four persons (excluding personal care attendants, in accordance with Minnesota Rules Rule 9505.0335), occupying a dwelling unit.]

FAMILY DAY SHELTER, UNLICENSED. A facility operated on property owned by a place of assembly for worship which provides temporary shelter for a family or families who are being assisted in finding permanent housing and/or employment and is not licensed by a federal, state or local governmental entity.

HOTEL MANAGER DWELLING UNIT. A room within a hotel designed for residential use by the manager of the same hotel that contains cooking, living, sanitary, and sleeping facilities.

HOTEL OR MOTEL. Any building or combination of buildings containing six or more rooms used for sleeping purposes by guests 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]~~residential care facilities, multiple-family dwellings, shelters, temporary pandemic response housing or other uses separately defined.

HOUSEHOLD HAZARDOUS WASTE. Waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under Minnesota Rules Chapter 7045, but does not include waste from commercial activities that is generated, stored or present in a household. ***HOUSEHOLD HAZARDOUS WASTE MATERIALS*** include, but are not limited to, caustics, flammables, oxidizers, poisons, irritants and corrosives.

RESEARCH LABORATORY. An establishment in which scientific research, investigation, testing or experimentation is conducted, but not including facilities for the manufacture of products except as incidental to the research purpose of the laboratory.

RESIDENTIAL CARE FACILITY. A facility that provides ~~[custodial]~~care to persons who~~[, because of physical, mental, or emotional disorders,]~~ are not able to live independently. Occupants may share a common dining room, recreational room, food

service or other facilities, but the use does not include bed and breakfasts, co-living developments, crash pads, hostels, multiple-family dwellings, resorts, vacation homes, or other separately defined uses. A **RESIDENTIAL CARE FACILITY** may be licensed by the State, but a State license is not required in all cases.

RESTAURANT AND CLUB. An establishment engaged in the preparation and on-site retail sale of readily consumable food and beverages, and characterized by sit down table, counter or drive through service to customers. Establishments may include, but are not limited to, a coffee shop, cafeteria, fine dining, bar, fast food, take out, drive-in or sandwich stand serving food, licensed brewpub, and all other eating or drinking establishments.

Passed and adopted this 28th day of April, 2025.

Mayor

ATTEST:

Secretary to the Council City

APPROVED:

Attorney