

**ORDINANCE NO. 2019 –
AN ORDINANCE THAT INCLUDES MULTIPLE CITY CODE AMENDMENTS:**

PROVIDING AN EXCEPTION TO USE BARBED WIRE FENCING FOR PRESCRIBED GRAZING AND TO CHANGE THE FENCE THICKNESS FROM 11 GAUGE TO 12 GAUGE (14.99, 21.301.08);

CORRECTING A REFERENCE TO MINNESOTA RULES CHAPTER 4717.2450. (14.452);

REMOVING ALL REFERENCES TO THE RO-50 ZONING DISTRICT (CHAPTERS 19 AND 21);

CLARIFYING THE DEFINITION OF PAINTLESS DENT REPAIR (19.03)

REMOVING HX-2 ZONING DISTRICT REFERENCE (19.26);

CLARIFYING STANDARDS RELATED TO REDUCTION OF NON RESIDENTIAL FLOOR AREA RATION (19.38.01);

CORRECTING AN ERROR RELATED TO THE MINIMUM SETBACK FOR FREESTANDING SIGNS (19.113);

UPDATING REFERENCES TO CITY AND STATE CODE FOR RESIDENTIAL CARE FACILITIES (21.209);

AMENDING SOLAR POWER STANDARDS CLARIFYING LOT COVERAGE AND SETBACK REQUIREMENTS (21.301.11);

CLARIFYING WHEN GROWING SEASON EXTENDERS ARE NOT SUBJECT TO ACCESSORY BUILDING STANDARDS (19.03 AND 21.301.19);

CHANGING THE QUALIFICATIONS FOR A TWO-FAMILY DWELLING GROUPING (21.302.04)

CORRECTING AN ERROR TO A CODE REFERENCE (21.501.06);

DELETING REFERENCE TO THE DRIVEWAY PERMIT FEE IN THE CITY CODE (21.502.01).

THEREBY AMENDING CHAPTERS 14, 19, AND 21 OF THE CITY CODE

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

Section 1. That Chapter 14 of the City Code is 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 14: LICENSES AND PERMITS

ARTICLE III: ANIMAL LICENSES

DIVISION B: COMMERCIAL ANIMAL ESTABLISHMENTS

§14.99 HEALTH AND WELFARE REGULATIONS.

(m) *Prescribed grazing must also meet the following requirements.* Prescribed grazing:

(13) Fencing is required and must be designed to prevent escape by goats and access by other animals ~~and cannot be electric or constructed of barbed wire~~. Temporary enclosure fencing must be removed within seven calendar days after the expiration of the license duration or the goats are removed, whichever occurs first.

ARTICLE V. FOOD ESTABLISHMENT, LODGING ESTABLISHMENT AND PUBLIC POOL REGULATIONS

DIVISION B: LICENSING AND INSPECTIONS

* * *

§ 14.452 ADDITIONAL RESTRICTIONS FOR HEALTH AND SAFETY.

* * *

(c) *Public pools.* This Article V specifically adopts the following additional standards for health and safety to Minnesota Rules Chapter 4717.

(1) When the public pool is not open for use, access to the pool shall be prevented.

(2) Depth of the water must be plainly marked at or above the water surface on the vertical pool wall anywhere it is required on the deck in Minnesota Rules Chapter 471[4]7.2450.

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

Section 2. That Chapter 19 of the City Code is 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

GROWING SEASON EXTENDER. Temporary devices such as hoop houses, cold frames, and the like, that are intended to extend a garden's growing season.

PAINTLESS DENT REPAIR/REMOVAL. A branch of auto body repair, dealing with the removal of minor pressure blemishes to metal, through a series of pushes to the backside of the damaged area, which may include the removal of interior panels to gain access to the damaged area ~~[may occur]~~, replacement of minor chrome molding or appliques, or paint application ~~[to]~~ with use of a small brush or sponge tool.

ARTICLE III: ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

§ 19.24 ZONING DISTRICTS AND ZONING DISTRICT ORDINANCES AND MAPS

(a) *Zoning districts.* For the purpose of this code, the city is hereby organized into the following primary zoning districts:

(12) Residential Office District[s]:

Residential Office RO-24 District

~~[Residential Office RO-50 District]~~

§ 19.26 USES.

(d) *Prohibited uses.* These following uses shall be construed to be prohibited in all zoning districts within the city.

(1) *Dealer in motor vehicles.* No building, structure, lot, yard, area or premises within the city shall be kept, used or maintained by a dealer in motor vehicles for the purpose of therein or thereon keeping, storing, handling, buying, selling, leasing, wholesaling, brokering, auctioning or displaying any new, used, secondhand or junked motor vehicle or motor vehicle accessories when of a temporary or transient nature. A dealer in motor vehicles shall only engage in such businesses at a permanent location and in accordance with permitted or conditional zoning district requirements. This provision shall not apply to the occasional sale of a motor vehicle by a private owner upon his or her own property in a residential zone ~~[or to new or used motor vehicle sales in conjunction with an interim use permit in the HX-2 District when such sales exclusively benefit a non-profit charitable organization and the event is limited to not more than 14 days and not more than 200 motor vehicles].~~

§19.38.01 PLANNED DEVELOPMENT (PD) OVERLAY DISTRICTS.

(c) *Flexibility in standards.* Within the Planned Development Overlay District, the City Council may grant flexibility on development standards through the approval of preliminary and final development plans, subject to the following limitations and when such flexibility provides public benefit and meets the intent of the overlay district. Flexibility may not be granted that:

(7) Reduces minimum floor area ratio by more than 20% of the applicable base zoning district provision. This subsection does not apply to minimum non-residential floor area ratio requirements of § 21.302.02 (b); and

ARTICLE IIIA: ADDITIONAL ZONING DISTRICTS

§19.40.02 ESTABLISHMENT OF DISTRICTS

The following zoning districts are hereby established:

(6) Residential Office RO-24 ~~[and RO-50]~~; and

§19.40.08 COMMERCIAL OFFICE DISTRICT CO-1.

(d) *Conditional uses.*

(1) Multiple-family dwellings in the CO-1 District provided they are developed in accordance with the provisions of the C-4 [RO-50] District;

§19.40.09 RESIDENTIAL OFFICE DISTRICT[S] RO-24 AND [RO-50].

(e) *Minimum and maximum gross density.* [~~The minimum density within the RO-50 District shall be 20 dwelling units per acre and the maximum density shall be 50 dwelling units per acre, except as these standards may be modified by the provisions of subsection (h) below.~~] The maximum density within the RO-24 district shall be 24 dwelling units per acre.

(f) *Dimensional requirements.*

Maximum structure floor area ratio	[0.50 for nonresidential uses in the RO-50 District, 0.30 for nonresidential uses in the RO-24 District, except as these standards may be modified by the provisions of subsection (h) below
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(h) *Special provisions.*

(3) [~~In the RO-50 District, the floor area of nonresidential uses shall not exceed 50% of the floor area of residential uses in any development; however, this requirement shall not apply in instances in which the RO-50 District provisions are used to regulate residential development in the CX-2 and CO-1 Districts.~~] Reserved.

(4) [~~Minimum gross density in the RO-50 District may be reduced to ten dwelling units per acre provided that structure lot coverage does not exceed 20% of the lot area and provided that the remaining vacant lot area provides reasonable opportunity for residential development above 20 dwelling units per acre for the entire site.~~] Reserved.

(5) [~~Maximum gross density in the RO-50 District may be increased to 60 dwelling units per acre provided that the lot area in excess of 200,000 square feet, that the property fronts on an arterial street, and that it is contiguous to public open space larger than the site itself.~~] Reserved.

(6) Exterior materials: the exterior materials and finish of all buildings erected on lands within Residential Office RO-24 and [RO-50] Zoning District[s] shall be in conformance with the applicable requirements of § 19.63.08 of this code.

ARTICLE V: PERFORMANCE STANDARDS

§19.63.08 EXTERIOR MATERIALS AND FINISH

(c) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:

Residential Office RO-24 [~~and RO-50~~] District[s]

ARTICLE X: SIGN REGULATIONS

DIVISION C: GENERAL REGULATIONS

§19.108 GENERAL PROVISIONS, INCLUDING BASIC DESIGN ELEMENTS

(h) *Basic design elements for specific signs.*

(5) *Video display sign.* Video display signs must meet the following standards. When attached to walls, video display signs are classified as cabinet signs.

(B) *District limitations.* The sign must not be located in a Residential (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24[, ~~RO-50~~]), Conservation, or Bluff Overlay (BP-1, BP-2) District.

(6) *Electronic graphic display sign.* Electronic graphic display signs must meet the following standards. When attached to walls, electronic graphic display signs are classified as cabinet signs.

(B) *District limitations.* The sign must not be located in a Conservation, Bluff Overlay (BP-1, BP-2) District or Residential District (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24[, ~~RO-50~~]).

(7) *Multi-vision sign.* Multi-vision signs must meet the following standards. When attached to walls, multi-vision signs are classified as cabinet signs.

(B) *District limitations.* The sign must not be located in a Conservation, Bluff Overlay (BP-1, BP-2) District or Residential District (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24[, ~~RO-50~~]).

(8) *Time and temperature sign.* Time and temperature signs must meet the following standards. When attached to walls, time and temperature signs are classified as cabinet signs.

(B) *District limitations.* The sign must not be located in Residential (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24[, ~~RO-50~~]), Conservation or Bluff Overlay (BP-1, BP-2) District.

DIVISION D: DISTRICT PROVISIONS

§19.111 CLASS II SIGN DISTRICTS (R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24[, ~~RO-50~~])

§ 19.113 CLASS IV SIGN DISTRICTS (B-2, C-1, C-4, IP, I-2, I-3, CO-1, CS-0.5, CS-1, FD-1, FD-2).

(a) *Regulations for freestanding identification signs.* All freestanding identification signs shall be located on the site of the use.

(3) [~~Maximum~~] Minimum setbacks, front. The minimum setback for all freestanding identification signs shall be 20 feet from any public street right-of-way line.

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

Section 3. That Chapter 21 of the City Code is 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 21: ZONING AND DEVELOPMENT

ARTICLE II: DISTRICTS AND USES

DIVISION H: USES

§ 21.209 USE TABLES.

(d) *Neighborhood and Freeway Commercial Zoning Districts.*

Use Type	Zoning District								References; See Listed Section
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	
RESIDENTIAL									
Residences									
Multiple-family residence			A		A	A	A	A	21.302.02
Townhouse/rowhouse			A		A	A	A	A	21.302.02
Other Residential									
State licensed residential care facility serving 7 or more persons							CA		<u>21.302.06 , 21.302.23; M.S. 144D, 245A.11, 245D, 462.357</u>

ARTICLE III: DEVELOPMENT STANDARDS

DIVISION A: GENERAL STANDARDS

§21.301.07 EXTERIOR LIGHTING

(c) *Lighting standards.* In addition to the following specific requirements, all exterior lighting must comply with the standards set forth in this section.

(5) *Brightness of signs and unshielded decorative light sources.*

(B) *Dusk to dawn luminance standards.*

(i) All sign and decorative light sources must not exceed the luminance standards below:

Location	All Signs (Except Those Sign Types Listed in the Next Column)	Electronic Graphic Display, Video or Time and Temperature Signs and Decorative Light Sources
Within the residential zoning districts of R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, <u>and RO-24 [and RO-50]</u> or within 500 feet of and visible from protected residential property	125 nits	350 nits

§21.301.08 FENCES

(e) *Materials.* Fences must be constructed of wood, metal, bricks, masonry, plastic or other materials designed for permanent outdoor fencing. Wood fences must be constructed of cedar, redwood or other decay resistant wood. Chain link fencing of less [44] 12 gauge in diameter is prohibited (for example, where [42] 13 gauge is finer and not permitted, and ~~ten~~ 11 gauge is thicker and permitted). Fences must not be constructed from razor wire, snow fencing, plywood or materials originally intended for other purposes. Above ground electric fencing is not permitted, Barbed wire is permitted only on top of fences in nonresidential districts, a minimum of six feet above the natural grade. Electric fencing or barbed wire is permitted for prescribed grazing as set forth in § 14.99(m).

§ 21.301.11 SOLAR POWER

(c) *Ground-mounted solar power panels.* Ground-mounted solar power panels are permitted subject to:

(1) The lesser of either a 30 foot setback or the required setbacks for principal structures in the underlying zoning district;

(3) If over 15 feet in height, ground-mounted solar panels fall under the definition of a “tower” and would be subject to conditional use permit requirements and the tower standards in § 19.63.05; ~~and~~

(4) Issuance of appropriate building/electrical permits[.];

(5) The ground-mounted solar panel does not count toward impervious surface coverage as long as the surface under the panel is not impervious; and

(6) The ground mounted solar panel does not count toward structure coverage limitations.

§ 21.301.19 ACCESSORY BUILDINGS

(b) *Number.*

Zoning District	Number Allowed
Single-Family Districts R-1, R-1A, RS-1	2 detached structures on any lot. In addition, 1 structure not exceeding 50 square feet in area nor five feet in height is permitted solely for pool equipment and up to two temporary growing season extenders not exceeding 50 square feet in area and not exceeding four feet in height are permitted[.] subject to the setback requirements of § 19.42(f).
All other districts	1 detached structure per principal building, plus one guard, dispatch, security or gate house per site or development. Additionally, up to two temporary growing season extenders per acre not exceeding 50 square feet in area and not exceeding four feet in height are permitted[.] subject to the setback requirements of § 19.42(f).

DIVISION B. USE STANDARDS

§21.302.04 TWO-FAMILY DWELLINGS

(b) *Review and approval.* Two family dwellings must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit. Because groupings of two-family dwellings have higher levels of neighborhood impact than stand alone, infill two-family dwellings, approval of groupings of two-family dwellings warrants a higher level of review and discretion. Plans for groupings of two-family dwellings may only be approved when a rezoning to a planned development overlay zoning district has first been approved by the City Council. Two family dwellings qualify as a grouping when the parcel on which a two-family dwelling is proposed within 500 feet of a parcel occupied by an existing or proposed two-family dwelling, measured along existing or proposed public streets ~~without regard to intervening streets, structures or other features.~~

ARTICLE V: ADMINISTRATION AND NONCONFORMITY

DIVISION A: APPROVALS AND PERMITS

§21.501.06 MASTER SIGN PLAN.

(j) *Content.* Master sign plan applications must include the following information:

- (1) An application form signed by the property owner(s) or authorized representative.
- (2) The required application fee (see city code § 21.502.[02]01).

DIVISION B: APPLICATION PROCESSES AND FEES

§ 21.502.01 APPLICATION PROCESSES AND FEES.

(c) *Application processes and fees.*

Application Process	Review and Decision Making Authority					Notice		Fee
	DRC	ST	HE	PC	CC	N	Mail	
Miscellaneous								
Time extension on expiration		DM						\$170
Driveway permit		DM						\$55]

Passed and adopted this _____ day of _____, 2019.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney

ORDINANCE NO. 2019 -

AN ORDINANCE THAT INCLUDES MULTIPLE CITY CODE AMENDMENTS:

CREATING STANDARDS AND AN APPROVAL PROCESS FOR ARTS AND CRAFTS FESTIVALS (14.3 AND 14.700);

CREATING STANDARDS RELATED TO TEMPORARY OUTDOOR SALES (21.302.12);

ADDING TYPE II HOME BUSINESSES TO THE LIST OF CONDITIONAL USE PERMITS REQUIRING ONLY PLANNING COMMISSION APPROVAL (21.302.13).

THEREBY AMENDING CHAPTER 14, 19, 21 OF THE CITY CODE

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

Section 1. That Chapter 14 of the City Code is 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 14
ARTICLE I: GENERAL PROVISIONS

§ 14.03 FEES.

(a) Except as otherwise stated in this Code, the fees for the various licenses and permits shall be as hereinafter stated.

License/Permit	Required by Section	Annual Fee
<u>Arts and Crafts Festival</u>		
<u>Arts and Crafts Festival Permit 4-5 Vendors</u>	<u>14.700</u>	<u>\$50</u>
<u>Arts and Crafts Festival Permit 6-15 Vendors</u>	<u>14.700</u>	<u>\$100</u>
<u>Arts and Crafts Festival Permit 16 or More Vendors</u>	<u>14.700</u>	<u>\$150</u>

ARTICLE X: ARTS AND CRAFTS FESTIVAL

§14.700 PURPOSE.

The purpose of Article X is to establish standards for the regulation of Arts and Crafts Festivals in the City to protect the health, safety, and general welfare of the public.

§14.701 DEFINITION.

ARTS AND CRAFTS FESTIVAL. An association of two or more art vendors or handicraft vendors who assemble at a defined location primarily for the purpose of selling directly to the consumer their arts or crafts.

ART VENDOR. Art, as used in this chapter, are those items which are handmade and sold only by the creator of the item or the creator's designated seller. Art items shall include, but are not limited to: handmade baskets, glassware, jewelry, macramé, needlework, painted clothing, paintings, pottery, rugs, wooden toys or carvings, and other similar items.

FOOD SERVICE VENDOR. A vendor who sells foods prepared for immediate consumption at the festival and who is licensed according to Minnesota law or city ordinance.

HANDICRAFTS. Non-food products that are substantially made or crafted by hand, where any materials used for crafting a product must be significantly altered or enhanced by the handicraft producer and handcrafted components must functionally and/or aesthetically dominate any non-handcrafted (commercial) components.

HANDICRAFT (CRAFT) VENDOR. A vendor who produces handicrafts, who has control over the means and methods of production and who assumes the principal financial and liability risk for the production enterprise.

ISSUING AUTHORITY. The City of Bloomington License Section, Building and Inspection Division, Environmental Services Division or City Fire Marshal.

SECONDHAND GOODS. As defined in § 14.422 of this code.

VENDOR OF SERVICES. A vendor who provides a service intended for immediate consumption including, but not limited to, chair massage and face painting.

§ 14.702 PERMIT REQUIREMENTS.

(a) Permit required. An Arts and Crafts Festival must not be conducted without first obtaining a permit as required in this Article X.

§ 14.703 PERMIT APPLICATION.

(a) Filing. A person seeking a permit required by Article X must file a signed and completed application with the issuing authority on the forms provided. Applications must be filed at least 60 days prior to the Arts and Crafts Festival.

The issuing authority may waive the minimum filing period for good cause shown if, after due consideration of the date, time, place and nature of the Arts and Crafts Festival, the anticipated number of participants, and the city services required in connection with the Arts and Crafts Festival, it is determined that the waiver will not adversely impact the public health, safety or welfare.

(b) Contents. The application for a permit under this Article X must include the following information:

- (1) The name, address, electronic mail address, and telephone number of the applicant;
- (2) The names, addresses, electronic mail addresses, and telephone numbers of the owner of the land upon which the Arts and Crafts Festival is to be conducted and the name of the person within that organization responsible for the Arts and Crafts Festival ;
- (3) A letter of authorization from the property owner, if different from the applicant;

(4) The names, addresses, electronic mail addresses, and telephone numbers of the persons who will act as the Arts and Crafts Festival manager(s) responsible for the Arts and Crafts Festival;

(5) The date and hours when the Arts and Crafts Festival will start and terminate, including set-up and teardown times;

(6) A description of the planned activities, including the approximate number of vendors and the approximate number of customers and guests reasonably anticipated;

(7) A site plan depicting the location of the Arts and Crafts Festival that includes loading or unloading areas, vendor stand locations, parking areas, gathering and seating areas, tents, stages, platforms, temporary structures, tables, booths, first-aid or relief stations, dumpsters, fencing, portable toilets, signs or banners and a parking, pedestrian circulation and traffic plan;

(8) A description of any sound amplification equipment and its positioning, and other mechanical or electronic equipment to be used in connection with the Arts and Crafts Festival and the names, addresses and telephone numbers of any sound technicians for the Arts and Crafts Festival;

(9) A description of any public facilities or equipment to be utilized;

(10) A description of the applicant's plan to clean up and restore the site;

(11) Vendor information. For each Arts and Crafts Festival vendor the following information must be supplied:

(A) Business or vendor name;

(B) Description of goods to be sold;

(C) Vendor type (i.e. Art Vendor, handicraft vendor, cottage food vendor, retail food vendor, food service vendor, plant vendor, vendor of service, etc.);

(D) A description of how vendors who intend to provide food samples or food demonstrations will comply with M.S. § 28A.151; and

(E) Applications for required city licenses related to vendor type; and

(12) Such other information as the issuing authority requires in order to make a fair determination as to whether or not a permit should be issued.

§ 14.704 FEES.

(a) *Permit fees.* Permit fees for Arts and Crafts Festival are listed in § 14.03 of this code, and the permit fee must be submitted with the application. Additional permits and fees may be required if the Arts and Crafts Festival includes public facility rental, tents, retail food vendors, food service vendors, or other attributes subject to separate regulation.

(b) *Contractual police overtime deposit.* A fee for contractual police overtime must be paid at the time the application is submitted if the Chief of Police determines, based upon the festival's size, date, time of day, location, concentration of persons, vehicles, equipment, that additional police services, over and above that which can be provided by regularly scheduled on-duty police personnel, is necessary to protect the public health, safety and welfare. The fee for contractual police overtime shall be based upon the established contractual overtime rates for the patrol and supervisory officers available, which include regular salary, plus regular fringe benefits. In making this determination, the Chief of Police may not reference or consider the content of the expressive activity or views expressed or anticipated to be expressed at any public assembly at the Arts and Crafts Festival or the response it may provoke.

(c) Other city staff overtime deposit. A fee for estimated city staff overtime must be paid at the time the application is submitted if the issuing authority determines, based upon the Arts and Crafts Festival's size, date, time of day, location, concentration of persons, vehicles, or equipment that additional city staffing is necessary to protect the public health, safety and welfare. The fee for city staff overtime shall be based upon the actual overtime rates for the city staff available to serve the Arts and Crafts Festival, which shall include regular salary, plus regular fringe benefits. In making this determination, the issuing authority may not reference or consider the content of the expressive activity or views expressed or anticipated to be expressed at any public assembly at the Arts and Crafts Festival or the response it may provoke.

§ 14.705 PERMIT APPLICATION AND VERIFICATION.

(a) Application consideration. An application for a permit pursuant to this Article X must be submitted to the issuing authority, which will verify the information on the application form. The issuing authority is empowered to conduct any and all investigations to verify the information on the application. The issuing authority may include in its approval such conditions as may be necessary to ensure adequate parking and traffic circulation, to minimize impacts on adjacent property, to ensure compliance with all applicable laws and to otherwise protect the health, safety and welfare of the community. A permit may not be granted unless the issuing authority finds that:

- (1) The conduct of the Arts and Crafts Festival will not impair the safe and orderly movement of pedestrian or vehicular traffic;
- (2) The conduct of the Arts and Crafts Festival will not require the diversion of so great a number of city police resources as to pose an adverse impact on the health, welfare and safety of the public;
- (3) The concentration of vehicles, persons at the Arts and Crafts Festival will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the Arts and Craft Festivals;
- (4) The conduct of the Arts and Crafts Festival is not reasonably likely to cause injury to persons or property;
- (5) Adequate sanitation and other required health facilities are or will be made available in or adjacent to the arts and craft Festivals area;
- (6) There are sufficient parking places near the Arts and Craft Festivals;
- (7) The applicant has paid all fees required under § 14.03;
- (8) The application meets all applicable code requirements; and
- (9) The application is not detrimental to the public health, safety or welfare.

(b) Denial.

(1) Denying an application. The issuing authority may deny an application completely or in part. The issuing authority must explain the reason for denial in a written notice. The issuing authority must mail the notice of denial to the applicant at the street address provided in the application, and may send a copy electronically to the electronic mail address provided in the application. The notice of denial must inform the applicant that he or she has 20 days to request an administrative review, counting from the date the issuing authority mailed the notice of denial.

(2) Request for administrative review. An applicant has a right to request an administrative review of the issuing authority's decision to deny a permit. The applicant must serve the request for review on the issuing authority within 20 days, counting from the date the issuing authority mailed the notice of

denial. The applicant must include with the request all documents and written arguments in support of the applicant's position.

(3) Written decision. If the issuing authority receives a request for administrative review within the 20-day period, the City Manager or the City Manager's designee must review the request and issue a written decision to the applicant within 20 days, counting from the date of receipt of the request. This written decision must be mailed to the applicant at the address on the permit application.

§ 14.706 REQUIREMENTS FOR ARTS AND CRAFT FESTIVAL.

(a) Location. Arts and Craft Festivals are subject to the following location requirements:

(1) Zoning districts. Arts and Craft Festivals are permitted uses in multiple zoning districts as stated in Chapter 19 and 21 of the city code.

(2) Permitted within the right-of-way. Arts and Craft Festivals are permitted within the right-of-way subject to requirements in § 17.68 of this code.

(b) Arts and Craft Festivals vendors.

(1) Primarily Arts and Handicraft Vendors. At least 60% of Arts and Craft Festivals vendors must be Arts and Handicraft Vendors. The other vendors, up to 40%, are limited to the following types:

(A) Retail food vendors;

(B) Cottage food vendors;

(C) Plant vendors; and

(D) Vendors of services.

(2) Minimum Number of Vendors. The Arts and Craft Festival must include at least four vendors.

(c) Hours and frequency.

(1) Arts and Craft Festival vendors are not allowed to begin setting up earlier than 7:00 a.m. if located on or within 250 feet of a residential property. This restriction does not apply to an Arts and Crafts Festival vendor if all residential property within 250 feet of the vendor is situated on the other side of an arterial street.

(2) No Arts and Crafts Festival is allowed to be open for the transaction of business on any day of the week before 7:00 a.m. or after 10:00 p.m.

(3) The Arts and Crafts Festival is permitted up to three occurrences per calendar year with each occurrence limited to no more than four consecutive days in a 30 day period on the same site under one permit.

(4) The Arts and Crafts Festival site must be entirely free of refuse, litter, recyclables, equipment, and vendors two hours after the Arts and Crafts Festival's advertised closing time.

(d) Parking.

(1) An Arts and Crafts Festival must provide two code-compliant parking stalls per Arts and Crafts Festival vendor.

(2) The applicant must demonstrate that display area and Arts and Crafts Festival parking will not negatively impact the parking required on site for non- Arts and Crafts Festival uses during periods when the Arts and Crafts Festival is open.

(e) Tents and canopies. Permits are required for tents subject to requirements stated in § 19.63.06 of this code.

(f) Arts and Crafts Festival goods.

(1) Compliance with local, state, and federal regulations.

(A) All items must be transported, prepared, labeled, displayed, stored, and sold in accordance with local, state and federal regulations and are subject to inspection.

(2) Prohibited vendors and goods. The following types of vendors are prohibited from Arts and Crafts Festival:

(A) Vendors selling secondhand goods.

(g) Signs. Signs for the Arts and Crafts Festival are subject to requirements stated in Chapter 19 Article X of this code.

(h) Permits and licenses. All permits and licenses required by the Minnesota Departments of Health or Agriculture or city are the responsibility of the vendors.

(i) Arts and Crafts Festival manager. All Arts and Crafts Festivals must have a designated Arts and Crafts Festival manager. The festival manager must be present when the Arts and Crafts Festival is open and is responsible for the supervision, management, and control of the Arts and Crafts Festival, including:

(1) Obtaining any required permits for the Arts and Crafts Festival from the City of Bloomington;

(2) Ensuring compliance with Arts and Crafts Festival's policy documents and all the Arts and Crafts Festival requirements listed herein;

(3) Ensuring all Arts and Crafts Festival vendors are in compliance with all required local, state, and federal licenses and regulations prior to vending;

(4) Ensuring a current list of all Arts and Crafts Festival vendors is available to city staff to review at all times during the Arts and Crafts Festival;

(5) Ensuring prompt removal of all refuse, litter, and recyclables from the Arts and Crafts Festival and areas of public right-of-way within 100 feet of the Arts and Crafts Festival; and

(6) Maintaining a record, on site and easily accessible to city staff and other officials, of all festival vendors who qualify for exemption under M.S. Chapter 28A152 Cottage Food Exemption. Each individual vendor record must contain at minimum the following data:

(A) Vendor name, business name, and contact information;

(B) The address of individual preparing and selling the food; and

(C) A list of products sold.

(j) Insurance. Commercial General Liability and Auto insurance for all vendors at a minimum of \$1,000,000 must be obtained to cover any Arts and Crafts Festival on city property. A certificate of insurance must be filed with the city.

Section 2. That Chapter 19 of the City Code is 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 III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

§19.29 HIGH INTENSITY MIXED USE WITH RESIDENTIAL (HX-R) DISTRICT.

(b) *Permitted principal uses.*

- (9) Entertainment and recreation special events; ~~[and]~~
- (10) Farmers market subject to standards set forth in Chapter 14, Article IX[-]; and
- (11) Arts and Crafts Festival subject to standards set forth in Chapter 14, Article X.

§19.31.01 REGIONAL COMMERCIAL (CR-1) DISTRICTS.

(b) *Permitted principal uses.*

- (11) Firearm sales, incidental, subject to standards set forth in § 21.302.11; ~~[and]~~
- (12) Farmers market subject to standards set forth in Chapter 14, Article IX[-]; and
- (13) Arts and Crafts Festival subject to standards set forth in Chapter 14, Article X.

ARTICLE IIIA. ADDITIONAL ZONING DISTRICTS

§19.40.07 COMMERCIAL SERVICES CS-05 AND CS-1.

(b) *Permitted principal uses.*

- (8) Entertainment and recreation special events; ~~[and]~~
- (9) Farmers market subject to standards set forth in Chapter 14, Article IX[-]; and
- (10) Arts and Crafts Festival subject to standards set forth in Chapter 14, Article X.

§19.40.08 COMMERCIAL OFFICE DISTRICT CO-1.

(b) *Permitted principal uses.*

- (5) Entertainment and recreation special events;
- (6) Farmers market subject to standards set forth in Chapter 14, Article IX[-]; and
- (7) Arts and Crafts Festival subject to standards set forth in Chapter 14, Article X.

§19.40.09 RESIDENTIAL OFFICE DISTRICTS RO-24 AND RO-50.

(b) *Permitted principal uses.*

- (5) Entertainment and recreation special events; [~~and~~]
- (6) Farmers market subject to standards set forth in Chapter 14, Article IX[~~-~~]; and
- (7) Arts and Crafts Festival subject to standards set forth in Chapter 14, Article X.

§19.40.10 CONSERVATION DISTRICT SC.

(b) *Permitted principal uses.*

- (5) Entertainment and recreation special events; [~~and~~]
- (6) Farmers market subject to standards set forth in Chapter 14, Article IX[~~-~~]; and
- (7) Arts and Crafts Festival subject to standards set forth in Chapter 14, Article X.

ARTICLE X. SIGN REGULATIONS

DIVISION C: GENERAL REGULATIONS

§19.105 REGULATED SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT.

(c) *Regulated signs exempt from permit requirements.*

(23) *Farmers market and arts and craft festival signs.* Farmers market signs are exempt from obtaining a permit but must meet the following standards:

(B) *Maximum height and minimum setbacks.* Any temporary signs must maintain a minimum setback of five feet from any street right-of-way unless the farmers market or Arts and Crafts Festival itself has approval to locate in the right of way. No temporary sign is allowed to be placed above the highest outside wall of a structure. All temporary signs are subject to the requirements of § 19.108(e)(1), clear view triangle area.

(C) *Time period for signage.* Temporary signs are not allowed to be displayed before 24 hours before the opening of the farmers market or Arts and Crafts Festival or after two hours after closure of the farmers market or Arts and Crafts Festival.

(D) *Location.* Temporary signs are only allowed to be placed in yard areas and on buildings below the roof line and are not allowed to be placed within two feet of public sidewalks, or on sidewalks, parking lots (except for vendor signs), parking lot islands, retaining walls, boulders, planters or any other areas prohibited by the city code. Signs are only allowed to be placed on the site of the farmers market or Arts and Crafts Festival and with property owner authorization.

(H) *Temporary directional signs.* Farmers markets or Arts and Crafts Festivals may display temporary directional signs provided the following criteria are satisfied.

Section 3. That Chapter 21 of the City Code is 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 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	
TEMPORARY/SEASONAL										
Temporary Uses										
<u>Arts and Crafts Festival</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Chapter 14, Article X</u>

(d) *Neighborhood and Freeway Commercial Zoning Districts.*

Use Type	Zoning District								References; See listed section
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	
TEMPORARY/SEASONAL									
<u>Arts and Crafts Festival</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Chapter 14, Article X</u>

(f) *Specialized zoning districts.*

Use Type	Zoning District		References; See listed section
	CX-2	LX	
TEMPORARY/SEASONAL			
Special Events			
<u>Arts and Crafts Festival</u>	<u>P</u>	<u>P</u>	<u>Chapter 14, Article X</u>

ARTICLE III: DEVELOPMENT STANDARDS

Division B: Use Standards

§ 21.302.12 [RESERVED] TEMPORARY OUTDOOR SALES

(a) Approval Process. Temporary outdoor sales require administrative approval as a minor revision to final site and building plans or minor revision to final development plans if the site is a planned development (see § 21.501.01 and 21.501.03).

(b) Standards. Temporary outdoor sales must meet the following standards:

(1) Limitations. Temporary outdoor sales must be organized by a retailer that is regularly open for business, may only occur on the same site of that approved retail use, and may only sell products regularly sold by that retailer.

(2) Duration. Temporary outdoor sales are limited to five days per event and 15 days total per year per retailer except for the sale of seasonal plants and flowers, which is limited to 120 days per calendar year per retailer. For multiple tenant retail sites, no more than four separate temporary outdoor sales events may occur on site per calendar year.

(3) Area. Temporary outdoor sales are limited to an area not to exceed one quarter of the retail floor area of the retailer conducting the sale. Temporary outdoor sales of seasonal plants and flowers that exceed three days per calendar year in duration are limited to 300 sq. ft. in area.

(4) Placement. Temporary outdoor sales may not block fire lanes, needed traffic circulation drives, or clear view triangles.

(5) Parking. Applications for temporary outdoor sales must demonstrate that sufficient parking will be provided both for the sale and for any other activity on the site. Temporary outdoor sales of seasonal plants and flowers that exceed three days per calendar year may not encroach upon City Code required parking spaces.

(6) Tents and Canopies. Tents or Canopies are subject to requirements outlined in 19.63.06

(7) Exception. Sites with existing Planned Developments permitting outdoor sales as of January 1, 2019 are exempt from these requirements.

§ 21.302.13 HOME BUSINESSES.

(c) *Types of home businesses.*

(2) *Type II.* Type II home businesses are businesses of a type that the City Council has historically found to have the potential to adversely affect the health, safety or welfare of other persons residing in the area. Examples of Type II home businesses are listed below. This list is intended to be illustrative not exhaustive.

(E) A Type I home business reclassified as a Type II home business by virtue of a conditional use permit approved by the City Council.

(d) *Standards.*

(5) *Use of accessory buildings or garages.*

(B) As provided in subsection (b) below, the ~~[City Council]~~ Planning Commission may approve Type II home business activities in accessory buildings or garages if it finds that the proposed activities would not alter the residential character of the neighborhood if performed within an accessory building or garage.

(7) *Separate entrances.* The space devoted to or used by the home business must not have its own separate entrance and must be completely contained within the principal residential dwelling unit so as to have no exterior visibility. Any entrance leading to the space devoted to or used by the home business must also lead to the remainder of the home.

(A) *Exception.* Type II home businesses permitted by the ~~[City Council]~~ Planning Commission to operate from an accessory building or garage are exempt from this provision.

(16) *Client visits.*

(B) *Type II home businesses.* As provided in subsection (b) above, the ~~[City Council]~~ Planning Commission may determine the number and intensity of client visits per day and time.

Passed and adopted this _____ day of _____, 2019.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney

**ORDINANCE NO. 2019-
AN ORDINANCE TO DIFFERENTIATE BETWEEN LIMITED AND ACCESSORY USES, THEREBY
AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE**

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

Section 1. That Chapter 19 of the City Code is 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

ARTICLE I: GENERAL PROVISIONS

Division B: Definitions

§19.03 DEFINITIONS.

ACCESSORY USE. A subordinate use ~~[which]~~ that is clearly and customarily incidental to the principal use of a building or premises; is operated for the benefit and convenience of the owner, customers, employees or visitors; that does not constitute more than 10% of the principal use floor area; that does not attract customers independently of the principal use; and that ~~[and which]~~ is located on the same lot as the principal building or use.

~~**CUSTOMARILY INCIDENTAL AND CLEARLY SUBORDINATE USE.** A use which is operated for the benefit and convenience of the owner, customers, employees or visitors; which does not constitute more than 10% of the principal use floor area; which does not attract customers independently of the principal use; and which is located on the same lot as the principal use.]~~

LIMITED USE. A subordinate use that does not constitute more than 25% of the total floor area in a building.

ARTICLE III: ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

§19.26 USES.

(b) *Use is not specifically listed.* When a use is not specifically listed in Chapter 19 or 21 as a permitted, accessory, provisional, interim, limited or conditional use in one of the zoning districts, it shall be assumed that such use is hereby expressly prohibited.

§19. 29 HIGH INTENSITY MIXED USE WITH RESIDENTIAL (HX-R) DISTRICT.

(a) *Intent.* It is the purpose of this district to provide for high intensity employment-oriented, tourist-oriented and residential uses in areas close to frequent transit service. The provisions of this district are intended to:

(10) Provide floor area ratio bonuses to encourage development characteristics that advance citywide and district specific objectives, including accessory and limited retail and service uses, below grade parking, parks or plazas, affordable housing, public art and sustainable design.

~~[(c) *Permitted accessory uses.* The following uses are permitted when accessory to, clearly subordinate to and physically integrated with a permitted principal or conditional principal use. These accessory uses must not exceed 25% of the total floor area for a development or phase thereof:~~

~~(1) Retail uses for the sale of groceries, bakery goods, drugs, sundry items, gifts, books, recorded music, arts and crafts, plants and similar items;~~

~~(2) Personal and business service establishments including dry-cleaners, exercise and health activities, beauty and barber shops, copying services, photo developing, picture framing, licensed therapeutic massage, travel agencies and similar establishments;~~

~~(3) Restaurants without drive-up facilities;~~

~~(4) Financial institutions without drive-up facilities;~~

~~(5) Day care facilities;~~

~~(6) Fuel sales physically integrated within a structured parking facility;~~

~~(7) Other uses customarily incidental and clearly subordinate to a permitted principal or conditional use. Drive through uses are prohibited;~~

~~(8) Type I home businesses pursuant to standards as set forth in § 21.302.13;~~

~~(9) Transient merchant sales in hotel interiors only;~~

~~(10) Beekeeping; and~~

~~(11) Hotel manager dwelling unit.]~~

(c) *Permitted limited and accessory uses.*

(1) *Limited uses.* The following uses are permitted as limited uses:

(A) Retail uses for the sale of groceries, bakery goods, drugs, sundry items, gifts, books, recorded music, arts and crafts, plants and similar items;

(B) Personal and business service establishments including dry-cleaners, exercise and health activities, beauty and barber shops, copying services, photo developing, picture framing, licensed therapeutic massage, travel agencies and similar establishments;

(C) Restaurants without drive-up facilities;

(D) Financial institutions without drive-up facilities;

(E) Day care facilities;

(F) Fuel sales physically integrated within a structured parking facility;

(G) Beekeeping.

(2) *Accessory uses.* The following uses are permitted as accessory uses:

(A) Type I home businesses pursuant to standards as set forth in § 21.302.13;

(B) Hotel manager dwelling unit;

(C) Transient merchant sales in hotel interiors only; and

(D) Other uses customarily incidental and clearly subordinate to a permitted principal or conditional use. Drive through uses are prohibited.

(g) *Floor area ratio.*

(4) The maximum floor area ratio for development within the HX-R Zoning District is 2.0, but may be increased through the following bonus provisions.

(A) *Retail and service use bonus.* Developments including ~~[accessory]~~ limited use retail and service uses are eligible for bonus floor area. Two square feet of additional floor area is allowed per square foot of ~~[accessory]~~ limited use retail and service use floor area. In no case may the retail and service use floor area ratio bonus exceed 0.50.

ARTICLE X: SIGN REGULATIONS

Division D: District Provisions

§ 19.115.01 CLASS VII SIGN DISTRICT (HX-R).

(b) *Regulations for building identification signs.*

(2) *Wall signs.*

(F) Other uses including accessory and limited retail and service uses mixed with residential, hotel or office uses.

§ 19.115.02 CLASS VIII SIGN DISTRICTS (B-4, C-5, LX).

(b) *Regulations for building identification signs.*

(2) *Wall signs.*

(H) Other uses including accessory and limited retail and service uses mixed with residential, hotel or office uses.

Division E: Special Provisions

§ 19.118 TEMPORARY SIGNS FOR SPECIAL EVENTS AT PLACES OF ASSEMBLY FOR WORSHIP, SCHOOLS, PARKS AND PUBLIC BUILDINGS.

(b) *On-site temporary signs.* On-site temporary signs for special events at places of worship, schools, parks, museums and public buildings are allowed subject to the following standards

(5) *Temporary signs in lieu of permanent identification signs.* Temporary signs shall not be used in lieu of permanent identification signs for accessory or limited uses in the building(s).

§ 19.124 SIGNS FOR OFFICE BUILDINGS WITH SEVEN OR MORE STORIES.

(c) *Accessory or limited uses.* All signs for accessory or limited uses shall be located on the site of the accessory or limited use.

(1) Each accessory or limited use shall be permitted one wall mounted sign not to exceed 30 square feet per wall face. The total allowable signage for all accessory or limited uses per face shall not exceed 50 square feet.

(2) If channel construction is used for the accessory or limited use sign, the sign area per accessory use shall not exceed 60 square feet and the total allowable signage for all accessory or limited uses per elevation shall not exceed 100 square feet.

(3) Signs for accessory or limited uses shall only be on walls which face a street frontage that has a freestanding sign(s). The accessory use signs shall be located adjacent to the building's pedestrian entrance for the accessory or limited use.

Section 2. That Chapter 21 of the City Code is 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 21

ARTICLE II: DISTRICTS AND USES

DIVISION B: RESIDENTIAL ZONING DISTRICTS

§ 21.203.01 SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT.

(b) *Uses.* Uses allowed in the R-1 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(c).

§ 21.203.02 LARGE LOT SINGE-FAMILY RESIDENTIAL (RS-1) DISTRICT.

(b) *Uses.* Uses allowed in the RS-1 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(c).

§ 21.203.03 RESTRICTED LARGE LOT SINGLE-FAMILY RESIDENTIAL (R-1A) DISTRICT.

(b) *Uses.* Uses allowed in the R-1A District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(c).

§ 21.203.04 TOWNHOUSE RESIDENTIAL (R-3) DISTRICT.

(b) *Uses.* Uses allowed in the R-3 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(c).

§ 21.203.05 MULTIPLE-FAMILY RESIDENTIAL (R-4) DISTRICT.

(b) *Uses.* Uses allowed in the R-4 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(c).

§ 21.203.06 MULTIPLE-FAMILY RESIDENTIAL (RM-12) DISTRICT.

(b) *Uses.* Uses allowed in the RM-12 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(c).

§ 21.203.07 MULTIPLE-FAMILY RESIDENTIAL (RM-24) DISTRICT.

(b) *Uses.* Uses allowed in the RM-24 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(c).

§ 21.203.08 MULTIPLE-FAMILY RESIDENTIAL (RM-50) DISTRICT.

(b) *Uses.* Uses allowed in the RM-50 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(c).

§ 21.203.09 MULTIPLE-FAMILY RESIDENTIAL (RM-100) DISTRICT.

(b) *Uses.* Uses allowed in the RM-100 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(c).

DIVISION C: NEIGHBORHOOD COMMERCIAL ZONING DISTRICT

§ 21.204.01 NEIGHBORHOOD OFFICE (B-1) DISTRICT.

(b) *Uses.* Uses allowed in the B-1 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(d).

§ 21.204.02 GENERAL COMMERCIAL (B-2) DISTRICT.

(b) *Uses.* Uses allowed in the B-2 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(d).

§ 21.204.03 NEIGHBORHOOD COMMERCIAL CENTER (B-4) DISTRICT.

(b) *Uses.* Uses allowed in the B-4 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(d).

DIVISION D: FREEWAY COMMERCIAL ZONING DISTRICTS

§ 21.205.01 FREEWAY OFFICE AND SERVICE (C-1) DISTRICT.

(b) *Uses.* Uses allowed in the C-1 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(d).

§ 21.205.02 FREEWAY COMMERCIAL (C-2) DISTRICT.

(b) *Uses.* Uses allowed in the C-2 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(d).

§ 21.205.03 FREEWAY COMMERCIAL CENTER (C-3) DISTRICT.

(b) *Uses.* Uses allowed in the C-3 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(d).

§ 21.205.04 FREEWAY OFFICE (C-4) DISTRICT.

(b) *Uses.* Uses allowed in the C-4 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(d).

§ 21.205.05 FREEWAY MIXED USE (C-5) DISTRICT.

(b) *Uses.* Uses allowed in the C-5 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(d).

DIVISION F: SPECIALIZED ZONING DISTRICTS

§ 21.207.01 MIXED USE (CX-2) DISTRICT.

(b) *Uses.* Uses allowed in the CX-2 District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(f) as well as the following additional interim uses.

§ 21.207.02 LINDAU MIXED USE (LX) DISTRICT.

(b) *Uses.* Uses allowed in the LX District as permitted, accessory, conditional, limited, or interim uses are listed in Table 21.209(f) as well as the following additional interim uses.

DIVISION H: USES

§ 21.209 USE TABLES.

(b) Table key. The following labeling conventions apply to each table in this section.

(5) *Accessory uses.* Uses identified in the zoning district column with the letter "A" are allowed as accessory uses in the respective zoning district as defined in §19.03. ~~[Except for accessory residential uses, which are governed by the standards in § 21.302.02, accessory uses must not occupy more than 25% of the total floor area on a site.]~~

(7) Limited uses. Uses identified in the zoning district column with the letter “L” are allowed as limited uses in the respective zoning district as defined in §19.03.

(8) Conditional Limited Uses. Uses identified in the zoning district column with the letter “CL” are allowed as limited uses in the respective zoning district as defined in §19.03 provided a conditional use permit is issued before the use commences.

([7]9) Prohibited uses. Uses not associated with a letter in the zoning district column are prohibited uses in the respective zoning district. Uses not listed are prohibited in the neighborhood and freeway commercial zoning districts.

([8]10) Standards. For ease of reference, uses for which specific standards apply include a table reference to the applicable code section.

(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										

Other Residential											
Room or dwelling rental - 30 days or greater	[A]P	Chapter 14 Article VIII									

Accessory dwelling unit	[A]P		[A]P								<u>21.302.03</u>
Home businesses, Type I	[A]P	21.302.13									

GOVERNMENT, INSTITUTIONAL, OPEN SPACE										
Day Care Facilities and Services										

Licensed day care facility located within a place of assembly, school, college, or university	C[A]L			C[A] L	21.302.06, 21.302.27						
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GENERAL										
Other General Uses										

Beekkeeping	[A]L	12.116, 21.302.05									
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Antenna	[A]L	19.63.05									
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Tower	[CA] CL	19.63.05(b)									
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TEMPORARY/SEASONAL										
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Temporary Uses										
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Transient merchant sales (in parks only, where incidental and subordinate to a special event)	[A]L	[A]L			[A]L						
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(d) *Neighborhood and Freeway Commercial Zoning Districts.*

Use Type	Zoning District									References; See Listed Section
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5		
RESIDENTIAL										
Residences										
Multiple-family residence			[A]P		[A]P	[A]P	[A]P	[A]P	[A]P	21.302.02
Townhouse/rowhouse			[A]P		[A]P	[A]P	[A]P	[A]P	[A]P	21.302.02
Other Residential										

Use Type	Zoning District								References; See Listed Section
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	
Nursing home/adult care home			[A]P		P	P	[GA] P	[A]P	21.302.23
Manufactured home park			C[A]		C[A]	C[A]	C[A]	C[A]	21.302.10, Chapter 14 Article VI and M.S. Ch. 327

GOVERNMENT, INSTITUTIONAL, OPEN SPACE

Educational Facilities

Day care facility	C	C	C	[A]L	[A]L	[A]L	[A]L	[A]L	21.302.27
College or university				C[A] L	C[A] L	C[A] L	C	C[A] L	21.302.25
Instructional center	C	C	C	C[A] L	C[A] L	C[A] L	C[A] L	C[A] L	
School (K-12)				C[A] L	C[A] L	C[A] L	C	C[A] L	21.302.25
Sports training facility				C[A] L	C[A] L	C[A] L	C	C[A] L	

Parks and Open Space

Community garden	[A]L								
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Social and Cultural Facilities

Conservatory	[A]L								
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Place of assembly		C	C[A] L				C[A] L	C[A] L	19.63
Social service distribution facility		P		P	P	[A]L			

RETAIL/SERVICES

Medical Facilities

Laboratory, medical or dental	P	P	P	P	P	[A] <u>L</u>	P	[A] <u>L</u>	
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Motor Vehicle Services

Motor vehicle sales, enclosed		P		P	P	P	[A] <u>L</u>	P	21.302.01
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Vehicle rental facility		C				C[A] <u>L</u>			19.63.07
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Recreation and Entertainment

Health club		C	C[A] <u>L</u>	P	P	[A] <u>L</u>	[A] <u>L</u>	[A] <u>L</u>	
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Recreation and entertainment, indoor		C	C	C	C	C	[GA] <u>CL</u>	C	
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Recreation and entertainment, outdoor		[GA] <u>CL</u>			[GA] <u>CL</u>				
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Restaurants and Food Service

Restaurant, with drive through (including drive-in)		C	C	C	C	C[A] <u>L</u>	C[A] <u>L</u>	C[A] <u>L</u>	21.301.05
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Restaurant, without drive through (including take-out)		C	C	C	C	C[A] <u>L</u>	C[A] <u>L</u>	C[A] <u>L</u>	
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Retail Sales and Services									
Bank or financial institution		P	P	P	P	[A]L	[A]L	[A]L	

Currency exchange		P			[A]L				14.159 to 14.165
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Firearm sales, primary		C			C[A]L	C[A]L			21.302.11
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Retail sales and services	[A]L	P	P	[A]L	P	P	[A]L	P	
Therapeutic massage enterprise	P	P	P	P	P	[A]L	[A]L	[A]L	14.259 to 14.275

GENERAL									
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Accessory									
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Antenna	[A]L	19.63.05							
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Tower	[CA]CL	[CA]CL		[CA]CL	[CA]CL		[CA]CL		19.63.05
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Agriculture									
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Beekeeping	[A]L	12.116, 21.302.05							
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(f) *Specialized zoning districts.*

Use Type	Zoning District		References See Listed Section
	CX-2	LX	
Retail Sales and Services			

Body art establishment	P	[A]L	14.376 to 14.390.01
Currency exchange	P	[A]L	14.159 to 14.165

Pet services facility	C	C[A]L	
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GENERAL			
Accessory			

Antenna	[A]L	[A]L	19.63.05
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Tower	[CA]CL		19.63.05
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Agriculture			
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Beekeeping	[A]L	[A]L	12.116, 21.302.05
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ARTICLE III: DEVELOPMENT STANDARDS

Division B: Use Standards

§ 21.302.02 RESIDENTIAL USES IN COMMERCIAL ZONING DISTRICTS.

(b) *Nonresidential uses required.* While the B-4, C-2, C-3, C-4 and C-5 Zoning Districts allow residential uses [as an accessory use] when they do not stand alone, a primary purpose of these zoning districts is to provide convenient community access to commercial goods and services. To ensure that nonresidential uses are included within these commercial zoning districts, development sites must include nonresidential floor area as follows:

Passed and adopted this _____ day of _____, 2019.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney

DRAFT

ORDINANCE NO. 2019 –

AN ORDINANCE THAT INCLUDES MULTIPLE CITY CODE AMENDMENTS:

DELETING THE EXEMPTION OF MULTI-FAMILY RESIDENCE REQUIREMENTS IN THE HX-R ZONING DISTRICT (19.29);

REDEFINING HIGH INTENSITY OFFICE AND UPDATING RELATED PARKING REQUIREMENTS (21.301.06);

INCREASING ALLOWED FLOOR AREA RATIO FOR INSTITUTIONAL USES IN RM-50 AND RM-100 ZONING DISTRICTS (21.302.06).

THEREBY AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE.

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

Section 1. That Chapter 19 of the City Code is 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.

OFFICE, HIGH INTENSITY/CALL CENTERS AND TELEMARKETING. An establishment principally engaged in the sale of merchandise or services by phone office use with a high level of employment per square foot of floor area, characterized by eight or more employees per 1,000 square feet of gross floor area.

ARTICLE III: ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

§19.29 HIGH INTENSITY MIXED USE WITH RESIDENTIAL (HX-R) DISTRICT.

(f) *Residential uses required.*

~~[(3) Multiple family residence requirements. The multiple family residence requirements of § 21.302.09 do not apply within the HX-R Zoning District.]~~

Section 2. That Chapter 21 of the City Code is 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 21: ZONING AND LAND DEVELOPMENT

ARTICLE III: DEVELOPMENT STANDARDS

Division A: Use Standards

§ 21.301.06 PARKING AND LOADING.

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

<i>Minimum Off-Street Parking Requirements</i>		
Office	General, medical or dental and medical marijuana distribution facilities	1 space per 285 square feet of gross floor area
	High intensity/call centers and telemarketing	[A range from] 1 space per 165 square feet [to 4 space per 100 square feet] of gross floor area [as determined by the issuing authority]

Division B: Use Standards

§ 21.302.06 INSTITUTIONAL USE STANDARDS.

(b) *Standards.*

(2) *Maximum floor area ratio.* All institutional uses must not exceed the following floor area ratio standards, which vary by zoning district and street adjacency.

<i>Maximum Floor Area Ratio</i>		
	<i>When Adjacent to Arterial or Collector Street</i>	<i>When Not Adjacent to Arterial or Collector Street</i>
Single-Family Districts R-1, R-1A, RS-1	0.35	0.20
Multi-Family Districts R-3, R-4, RM-12, RM-24	0.50	0.35
Multi-Family District RM-50, RM-100	<u>2.0</u> [1.00]	<u>1.0</u> [0.50]
Other districts without district based standards I-1, I-2, I-3, FD-1, FD-2, SC	0.50	0.50
All other districts	See district requirements	See district requirements

§ 21.302.09 MULTIPLE-FAMILY DWELLING DESIGN AND PERFORMANCE STANDARDS.

(d) *Performance standards.*

(1) *Site size.* Multiple-family development sites must meet the minimum land area requirements of city code § 21.301.01(c)(1) or §§19.29(f) - 19.29(h), which vary by zoning district.

(2) *Building setbacks.* See city code § 21.301.02 or §19.29(h)(1) for setback requirements, which vary by zoning district.

Passed and adopted this _____ day of _____, 2019.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney

DRAFT

ORDINANCE NO. 2019-

AN ORDINANCE TO CREATE PROCEDURE TO EXEMPT PERIMETER SCREENING FOR INSTITUTIONAL USES WITH NEIGHBOR CONSENT, THEREBY AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE

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

Section 1. That Chapter 19 of the City Code is 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

ARTICLE V: PERFORMANCE STANDARDS

§ 19.52 LANDSCAPING AND SCREENING

(d) *Screening Standards*

(1) *Perimeter screening designed to buffer incompatible uses.* Perimeter screening designed to buffer incompatible uses is required:

(F) On institutional use sites, along any property line that directly abuts a site that is used for single-family residential uses and either zoned or guided for single-family residential use~~[-]~~, except that the approving body may waive the perimeter screening requirement where all property owners along the abutting property line or lines sign an affidavit agreeing to exempt the property from the perimeter screening requirement.

Section 2. That Chapter 21 of the City Code is 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 21

ARTICLE III: DEVELOPMENT STANDARDS

DIVISION B: USE STANDARDS

§ 21.302.06 INSTITUTIONAL USE STANDARDS.

(b) *Standards*

(4) *Screening/buffering.* A perimeter landscape buffer is required pursuant to screening requirements contained in city code § 19.52(d)(2), where the institutional site directly abuts property that is used for single-family residential uses and either zoned or guided for single-family residential uses[-], unless a waiver is obtained pursuant to standards in § 19.52(d)(1)(F).

§ 21.302.25 SCHOOLS AND COLLEGES.

(d) *Performance Standards*

(2) *Landscape buffer.* A perimeter landscape buffer is required pursuant to screening requirements contained in § 19.52(d)(2), where the facility site directly abuts property that is used for single family residential and either zoned or guided for single-family residential use[-], unless a waiver is obtained pursuant to standards in § 19.52(d)(1)(F).

§ 21.302.27 DAY CARE FACILITIES.

(c) *Standards.*

(4) *Day care facilities serving 13 or more persons.*

(C) *Landscape buffer.* Day care facilities serving 13 or more persons located adjacent to a single family residential district or a single family residential use must have a perimeter landscape buffer pursuant to screening requirements in city code § 19.52(d)(2) [-], unless a waiver is obtained pursuant to standards in § 19.52(d)(1)(F).

Passed and adopted this _____ day of _____, 2019.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney

DRAFT

ORDINANCE NO. 2019-

AN ORDINANCE TO PROVIDE AN ADDITIONAL SUBMITTAL REQUIREMENT FOR WIRELESS ANTENNA APPLICATIONS, THEREBY AMENDING CHAPTER 19 OF THE CITY CODE

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

Section 1. That Chapter 19 of the City Code is 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 V: PERFORMANCE STANDARDS

§19.63.05 TOWERS.

(n) *Additional submittal requirements.* In addition to the information required elsewhere in this code, development applications for towers shall include the following supplemental information:

(4) A design plan and/or route for backhaul facilities, signed by a qualified and licensed professional engineer.

Passed and adopted this _____ day of _____, 2019.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney

ORDINANCE NO. 2019-
AN ORDINANCE TO CLARIFY THE DEFINITION OF ARCHITECTURAL CONCRETE, THEREBY
AMENDING CHAPTER 19 OF THE CITY CODE

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

Section 1. That Chapter 19 of the City Code is 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

ARTICLE V: PERFORMANCE STANDARDS

§19.63.08 EXTERIOR MATERIALS AND FINISH.

(c) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:

(1) *Exterior wall finish.* Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, shall be faced with glass, exterior cement plaster (stucco), natural stone, brick, architectural concrete (excluding tilt-up panel construction unless faced with code compliant material), metal in accordance with adopted policies and procedures set forth in the adopted resolution, or an equivalent or better. Except for glass or metal, all color shall be integral to the exterior wall finish material unless a colored and opaque coating for all or some part of the exterior wall finish material is specifically approved by the City Council as part of a development approval process and where the application has included:

(A) Certification by the coating manufacturer that the coating is appropriate for the intended purpose and will not damage the exterior wall finish material to which it is to be applied; and

(B) Certification by the exterior wall finish material manufacturer that the coating to be applied is one that is appropriate for the exterior wall finish material and that its use will not reduce or void the exterior wall finish material warranty.

Passed and adopted this _____ day of _____, 2019.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney

ORDINANCE NO. 2019 –

AN ORDINANCE THAT INCLUDES MULTIPLE CITY CODE AMENDMENTS:

MODIFYING THE DEFINITION OF INTERIOR SIGNS (19.104 AND 19.125.02);

ESTABLISHING STANDARDS RELATED TO SIGNS NOT VISIBLE TO THE RIGHT OF WAY IN CLASS I SIGN DISTRICTS (19.105 AND 19.110);

REMOVING CONFLICTING REQUIREMENTS FOR CANOPY SIGNS IN CLASS IV SIGN DISTRICTS (19.113);

ESTABLISHING A TIME PERIOD LIMIT OF 60 DAYS PER TENANT, A MAXIMUM TIME PERIOD LIMIT OF 120 DAYS PER SITE AND A REDUCTION OF MAXIMUM ALLOWABLE TEMPORARY SIGN SIZE FOR TEMPORARY SIGNAGE FOR COMMERCIAL PROMOTIONS

THEREBY AMENDING CHAPTER 19 OF THE CITY CODE

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

Section 1. That Chapter 19 of the City Code is 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 X: SIGN REGULATIONS

DIVISION B: CONSTRUCTION OF LANGUAGE AND DEFINITIONS

§19.104 DEFINITIONS.

INTERIOR SIGN. A sign which is located more than six feet from a window or door (including a garage door) within the interior of any building, or within an enclosed lobby or court of any building, or within a parking ramp not visible from any existing or planned public or private street ~~and~~ or a sign for and located within the inner or outer body, court or entrance of any theater. **INTERIOR SIGNS** differ from window signs in that their placement within the structure does not appear calculated to be visible from the exterior of a building.

DIVISION C: GENERAL REGULATIONS

§19.105 REGULATED SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT.

(c) *Regulated signs exempt from permit requirements.*

(24) Signs not visible from the public right of way. Signs located in Class I Sign Districts are exempt from obtaining a permit, provided:

(A) The sign is not visible from the public right of way.

(B) The sign meets the provisions of § 19.108.

(C) Illumination is permitted subject to §§ 19.108(d) and 21.301.07(c)(5).

DIVISION D: DISTRICT PROVISIONS

§ 19.110 CLASS I SIGN DISTRICTS (R-1, R-1A, RS-1, SC).

(c) *Other signs.* All other signs shall be located on the site of the use unless specified otherwise.

(3) *Other regulated signs exempt from sign permits.*

(S) Signs not visible from the public right-of-way. See § 19.105(c)(24)

§ 19.113 CLASS IV SIGN DISTRICTS (B-2, C-1, C-4, IP, I-2, I-3, CO-1, CS-0.5, FD-1, FD-2).

(b) *Regulations for building identification signs.*

(7) *Canopy signs.* No canopy shall be installed without approval of or revision to the final site and building plans or final development plans. Any elevation approved for a canopy shall be permitted canopy signage. ~~[Canopy signs are counted as wall signs for the computation of allowed signage on a primary or secondary elevation.]~~

DIVISION E: SPECIAL PROVISIONS

§19.119 Temporary Signage For Commercial Promotions.

(b) *On-site temporary signs.*

(1) *Maximum size and number.* One temporary sign shall be allowed per street frontage. The maximum size per temporary sign is ~~[400]~~ 75 square feet.

(4) *Time period for signage.* At single-tenant site temporary signs are limited to a maximum of 60 days per year, not to exceed 12 occasions per year. ~~[At a]~~ A multi-tenant site ~~[each tenant]~~ is limited to temporary signs on a maximum of ~~[60]~~ 120 days per year, not to exceed 12 occasions per year for all tenants and a limit of 60 days per individual tenant per calendar year.

§19.125.02 SIGNS FOR COLLEGE CAMPUSES AND SCHOOLS (K-12)

(c) *Other signs.*

(4) Other regulated signs exempt from sign permits.

(L) Traffic control signs. See § 19.105(c)(18).

(M) A sign not visible from any existing or planned public or private street and is more than 150 feet from any property line. Landscaping does not count toward screening of the sign. The maximum sign size is 50 square feet.

Passed and adopted this _____ day of _____, 2019.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney

DRAFT

ORDINANCE NO. 2019-

AN ORDINANCE RESTRICTING USE OF A SIDEWALK AS A DRIVEWAY, OFF-DRIVE PARKING AREA OR VEHICLE TURNAROUND AREA, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

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

Section 1. That Chapter 21 of the City Code is 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 21

ARTICLE III: DEVELOPMENT STANDARDS

DIVISION A: GENERAL STANDARDS

§21.301.06 PARKING AND LOADING.

(i) *Single-family and two-family residential driveways and off-street parking.*

(8) *Driveway and off-drive parking area surface.*

(A) Driveways and off-drive parking and turnaround areas, not to include driveway approaches, must be paved for the entire length and width of the surface with Portland cement concrete, plant bituminous surface (i.e., asphalt), brick, stone or concrete driveway pavers that are placed with gaps not exceeding one quarter inch, or equivalent material as approved by the issuing authority. Gravel is not permitted. A patio or sidewalk cannot be used as a driveway, off-drive parking area or vehicle turnaround area. In the event a patio or sidewalk abuts [is adjacent to] an off-drive parking area, driveway or vehicle turnaround area for a distance of more than six feet, a barrier is required between the patio or sidewalk and the off-drive parking area, driveway or vehicle turnaround area preventing motor vehicle access.

Passed and adopted this _____ day of _____, 2019.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney

ORDINANCE NO. 2019-

AN ORDINANCE THAT INCLUDES MULTIPLE CITY CODE AMENDMENTS:

CODIFYING WHEN SIGNATURES ARE REQUIRED FROM MULTIPLE PROPERTY OWNERS WITHIN A PLANNED DEVELOPMENT (21.501.02);

CLARIFYING EXPIRATION OF FINAL DEVELOPMENT PLAN APPROVAL FOR MULTIPHASE DEVELOPMENTS (21.501.03);

THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

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

Section 1. That Chapter 21 of the City Code is 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 21

ARTICLE V: ADMINISTRATION AND NONCONFORMITY

DIVISION A: APPROVALS AND PERMITS

§21.501.02 PRELIMINARY DEVELOPMENT PLANS.

(f) *Content.* Preliminary development plan applications must include the following information, unless exempted by the Planning Manager:

(1) An application form signed by the property owner(s) or authorized representative~~[-]~~ of the parcel on which development is proposed. For planned developments, the application form must be signed by property owners or authorized representatives of parcels within the planned development that:

(A) Will be physically changed by proposed construction activity, unless the change is allowed under an existing easement or agreement; or

(B) Will lose an access point that the parcel uses.

§ 21.501.03 FINAL DEVELOPMENT PLANS.

(f) *Expiration.* Final development plans for the first phase of development expire two years after approval if no building permit (or other applicable permit if no building permit is required) is issued for the approved development within that timeframe. This expiration standard applies to all final development plans approved on or after December 1, 2009. For multiple phase developments, each subsequent phase expires after the later of:

(1) Two years after approval of the final development plan for that phase of development if no building permit (or other applicable permit if no building permit is required) is issued for the phase of development within that timeframe or;

(2) Two years after the first temporary or permanent certificate of occupancy is issued for the preceding phase. A land owner may apply to the Director of Community Development for no more than one time extension of up to one year on each phase. The Director of Community Development may issue the extension upon a finding that the applicant is making a good faith effort to make progress on the final development plans.

(g) *Content.* Final development plan applications must include the following information, unless exempted by the Planning Manager:

(1) An application form signed by the property owner(s) or authorized representative[;] of the parcel on which development is proposed. For planned developments, the application form must be signed by property owners or authorized representatives of parcels within the planned development that:

(A) Will be physically changed by proposed construction activity, unless the change is allowed under an existing easement or agreement; or

(B) Will lose an access point that the parcel uses.

Passed and adopted this _____ day of _____, 2019.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney