

ORDINANCE NO. 2019 - 5
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.

(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.

(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 | [A]P | [A]P | [A]P | [A]P | [A]P | [A]P | [A]P | [A]P | [A]P | Chapter 14 Article VIII |

| | | | | | | | | | | | |
|-------------------------|------|------|------|------|------|------|------|------|------|------|-----------|
| Accessory dwelling unit | [A]P | | [A]P | | | | | | | | 21.302.03 |
| Home businesses, Type I | [A]P | [A]P | [A]P | [A]P | [A]P | [A]P | [A]P | [A]P | [A]P | [A]P | 21.302.13 |

| GOVERNMENT, INSTITUTIONAL, OPEN SPACE | | | | | | | | | | |
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| Day Care Facilities and Services | | | | | | | | | | |

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|---|-------|--|--|-------|-------|-------|-------|-------|-------|-------|----------------------|
| Licensed day care facility located within a place of assembly, school, college, or university | C[A]L | | | C[A]L | C[A]L | C[A]L | C[A]L | C[A]L | C[A]L | C[A]L | 21.302.06, 21.302.27 |
|---|-------|--|--|-------|-------|-------|-------|-------|-------|-------|----------------------|

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|---------------------------|--|--|--|--|--|--|--|--|--|--|
| GENERAL | | | | | | | | | | |
| Other General Uses | | | | | | | | | | |

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|-------------|------|------|------|------|------|------|------|------|------|------|----------------------|
| Beekkeeping | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | 12.116, 21.302.05 |
|-------------|------|------|------|------|------|------|------|------|------|------|----------------------|

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|---------|------|------|------|------|------|------|------|------|------|------|----------|
| Antenna | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | 19.63.05 |
|---------|------|------|------|------|------|------|------|------|------|------|----------|

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|-------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| Tower | [GA] CL | [GA] CL | [GA] CL | [GA] CL | [GA] CL | [GA] CL | [GA] CL | [GA] CL | [GA] CL | [GA] CL | 19.63.05(b) |
|-------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|

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| TEMPORARY/SEASONAL | | | | | | | | | | |
| 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 | | | | | | |
|---|------|------|--|--|------|--|--|--|--|--|--|

(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 | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | |
|------------------|------|------|------|------|------|------|------|------|--|

Social and Cultural Facilities

| | | | | | | | | | |
|--------------|------|------|------|------|------|------|------|------|--|
| Conservatory | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [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 | | | |

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| RETAIL/SERVICES |
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|---------------------------|
| Medical Facilities |
|---------------------------|

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|-------------------------------|---|---|---|---|---|--------------|---|--------------|--|
| 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 |
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| 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 |
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|-------------|--|---|---------------|---|---|--------------|--------------|--------------|--|
| 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 | [CA] <u>CL</u> | C | |
|--------------------------------------|--|---|---|---|---|---|----------------|---|--|

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|---------------------------------------|--|----------------|--|--|----------------|--|--|--|--|
| Recreation and entertainment, outdoor | | [CA] <u>CL</u> | | | [CA] <u>CL</u> | | | | |
|---------------------------------------|--|----------------|--|--|----------------|--|--|--|--|

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| Restaurants and Food Service |
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|---|--|---|---|---|---|---------------|---------------|---------------|-----------|
| 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 |
|---|--|---|---|---|---|---------------|---------------|---------------|-----------|

| | | | | | | | | | |
|--|--|---|---|---|---|---------------|---------------|---------------|--|
| 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 |

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| GENERAL | | | | | | | | | |
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| Accessory | | | | | | | | | |
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| Antenna | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [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 | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | [A]L | 12.116, 21.302.05 |
|------------|------|------|------|------|------|------|------|------|-------------------|

(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 | | | |

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|---------|------|------|----------|
| Antenna | [A]L | [A]L | 19.63.05 |
|---------|------|------|----------|

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|-------|--------|--|----------|
| Tower | [GA]CL | | 19.63.05 |
|-------|--------|--|----------|

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| Agriculture | | | |
|--------------------|--|--|--|

| | | | |
|------------|------|------|-------------------|
| Beekeeping | [A]L | [A]L | 12.116, 21.302.05 |
|------------|------|------|-------------------|

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 7th day of January, 2019.

/s/ Gene Winstead
Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson
Secretary to the Council

/s/ Melissa J. Manderschied
City Attorney