Planning Commission Item

Originator	Item
Planning	**City Code Amendments - Miscellaneous Issues Ordinance**

Date
3/10/2016

Description

GENERAL INFORMATION

Applicant:	City of Bloomington
Location:	Citywide
Request:	Consider an ordinance to make multiple amendments to Chapters 2, 10, 14, 15, 19, 21, and 22 of the City Code (see Ordinance title for full list of proposed changes)

DEADLINE FOR AGENCY ACTION

The applicant has waived the agency action deadline for this application.

STAFF CONTACT

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Requested Action

RECOMMENDATION

Staff recommends the Planning Commission make the following motion:

In Case PL2016-12, I move to recommend that the City Council approve the Ordinance as attached to the staff report and the two additional amendments listed in the staff report to amend Chapters 2, 10, 14, 15, 19, 21, and 22 of the City Code.

Attachments:

Staff Report
Miscellaneous Issues Ordinance
Draft PC Study Minutes 2-25-16
Publication Verified

GENERAL INFORMATION

Applicant:	City of Bloomington
Request:	Consider an ordinance to make multiple amendments to Chapters 2, 10, 14, 15, 19, 21, and 22 of the City Code (see below for applicable topics)

CHRONOLOGY

Planning Commission Study Action:	02/25/16 – Commission provided policy direction.
Planning Commission Public Hearing:	03/10/16 – Public hearing scheduled.

PROPOSAL

On an annual basis, staff prepares an ordinance to collectively consider multiple minor City Code amendments that relate to land development and zoning. Items included typically do not, on their own, merit the overhead of drafting, reviewing, publishing, and hearing an individual ordinance. The proposed amendments are primarily intended to clarify the existing provisions in more detail, to assist in public understanding and aid in enforcement.

ANALYSIS

This staff report is intended to be read in conjunction with the attached ordinance as it provides commentary on the proposed amendments specific to individual sections of the City Code.

Amendments to Chapter 2

- **SECTION 2.10 – Application to be Heard**
  The amendment clarifies that the hearing examiner may hear variance applications that relate to accessory structure (garages, storage buildings, playhouses, etc.) setbacks. The existing code language states only garage setbacks.

- **SECTION 2.98.01 – Variances**
  Amendments provide a list of required contents for submitting a variance application.

Amendments to Chapter 10

- **SECTION 10.06.04 – Duties of Non-RDU Tenants, Lessees, Owners, and Occupants**
  This amendment corrects the inconsistency between Chapters 10 and 19 on the storage location of refuse, solid waste, trash, recyclable materials, and yard waste containers for

non-residential dwelling unit properties. All containers and storage must be stored within a fully enclosed space, attached to the principal structure, unless meeting exemption standards.

Amendments to Chapter 14

- **SECTION 14.238 – Definitions - Laundromats**
  Amendment changes the Issuing Authority from the Building and Inspections Division to the Environmental Health Division. The Environmental Health Division inspects the Laundromats.

- **SECTION 14.246 – Additional Requirements for Commercial Establishments**
  Amendment corrects the reference of a City Code Section, which was moved from Chapter 19 to 21 previously.

- **SECTION 14.568 – Definitions Rental Housing**
  Amendment creates a definition for transient lodging – the lease, license or other agreement for the occupancy, possession or tenancy of a dwelling unit, or portion thereof, where the actual term of occupancy, possession, or tenancy is less than 30 consecutive calendar days including, but not limited to bed and breakfasts, resorts, vacation homes, crash pads, hostels, and the like.

- **SECTION 14.570 – Applicability and Exceptions**
  Amendment excludes hotel manager dwelling units from the rental housing licensing requirements. Hotels are licensed under the lodging establishment regulations in Section 14.446.

- **SECTION 14.577 – Illegal Rentals, Occupancy Limits and No Subletting**
  Amendments strengthen the rental housing code on prohibiting anybody from leasing, licensing or agreeing to allow the use of a dwelling unit for transient lodging.

Amendments to Chapter 15

- **SECTION 15.162 – Variances**
  Amendment is required to meet State Statute requirements.

Amendments to Chapter 19

- **SECTION 19.03 – Definitions**
  The amendments to this section add a definition for hotel manager dwelling unit for the new use, strengthen the definition of transient lodging facility, and deletes the definition of recyclable materials, which is defined and referenced in Chapter 10.

- **SECTION 19.04.01 – Zoning Lots**
  Amendment adds a provision that all parcels within a zoning lot must have one common tax or property identification number.

- **SECTIONS 19.24 Zoning Districts and Zoning District Ordinances and Maps**
  Amendment deletes section related to the Commercial Service CO-0.5 District. The last CO-0.5 properties were rezoned as part of the Penn American District rezonings in January of 2015.

- **SECTIONS 19.29, 19.31.01, 19.33, 19.34, 19.40.07, 19.40.08.01, – HX-R, CR-1, I-1, I-2, I-3, FD-1, FD-2, CS-0.5, CS-1, and CO-2 Districts**
  Amendments add a dwelling unit for a hotel manager as an accessory use within the districts that permit hotels.

- **SECTIONS 19.40.02 Establishment of Districts and 19.40.08 Commercial Office Districts CO-05 and CO-1**
  Amendment deletes section related to the Commercial Service CO-0.5 District. The last CO-0.5 properties were rezoned as part of the Penn American District rezonings in January of 2015.

- **SECTION 19.41 Minimum District Requirements**
  Amendments add minimum district requirements for the Conservation SC District. These standards were inadvertently deleted from this section by a previous code amendment.

- **SECTION 19.50.03 – Recreational Vehicles**
  Amendments clarify that a recreational vehicle may not park in the required side or rear yard setback adjacent to a public street without a recreational vehicle parking permit.

- **SECTION 19.51 Solid Waste Handling and Storage Facilities**
  Amendments to this section are a result of the previously approved Solid Waste amendments to Chapter 10 adopted on December 21. The proposed amendments make this section consistent with Chapter 10.

- **SECTION 19.63.08 – Exterior Materials and Finish**
  Amendment deletes reference to the Commercial Service CO-0.5 District. The last CO-0.5 properties were rezoned as part of the Penn American District rezonings in January of 2015.

- **SECTION 19.105 – Regulated Signs Exempt from Obtaining a Sign Permit**
  Amendments clarify that window signs are exempt from obtaining a permit (longstanding practice) and real estate signs may be mounted on a building wall, but not above the roofline. Existing language does not clearly state if real estate signs are allowed on building walls.

- **SECTION 19.113 – Class IV Sign Districts**
  Amendment deletes reference to the Commercial Service CO-0.5 District. The last CO-0.5 properties were rezoned as part of the Penn American District rezonings in January of 2015.

- **SECTION 19.121 – Signs for Hotels**
  Existing code only allows signs at hotel entrances if they are located on a porte cochere or canopy. The proposed amendments would allow hotel identification signs, not to exceed 12 square feet, to be mounted on the wall adjacent to the entrance.

<u>Amendments to Chapter 21</u>

- **SECTIONS 21.203.05, 21.203.06, 21.203.07, 21.203.08, AND 21.203.09 – Multiple-Family Residential Districts; R-4, RM-12, RM-24, RM-50, RM-100**
  Amendment corrects the reference of a City Code Section, which was moved from Chapter 19 to 21 previously.

- **SECTION 21.209 – Use Tables**
  Amendments add licensed day care facility within a place of assembly, school, college, or university as a conditional accessory use within the residential zoning districts.

  Amendment adds college or university as a conditional use within the LX zoning district.

  Amendments also add a dwelling unit for a hotel manager as an accessory use within the districts that currently permit hotels.

- **SECTION 21.301.01 – Development Intensity and Site Characteristics**
  In calculating the median site width, City Code is silent on when through lots are included in the median calculation. Staff proposes an amendment to exclude through lots that do not take access from the same street as the lot proposed to be subdivided. In essence, through lots will only be counted in the median width calculation when the front yard (driveway access) is located along the same street as the lot proposed to be subdivided.

- **SECTION 21.301.06 – Parking and Loading**
  Number of off-street parking spaces required
  Amendment adds financial institutions to the same off-street parking category as banks.

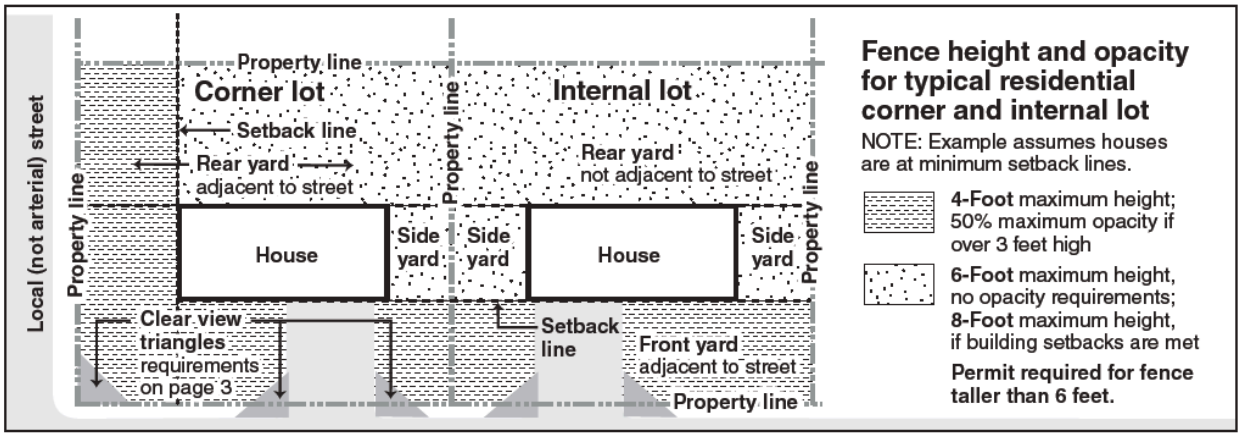
  Single-family and two-family residential driveways and off-street parking
  Existing code is silent on the driveway approach width; however, the driveway handouts and City Staff interpretation is the driveway must not exceed the curb cut width within the right-of-way. Language was added to limit the width of the driveway approach to the same width as the curb cut measured from the inside of the tapers.

Parking and storage of vehicles and trailers in residential zones
Amendment corrects the reference of a City Code subsection.

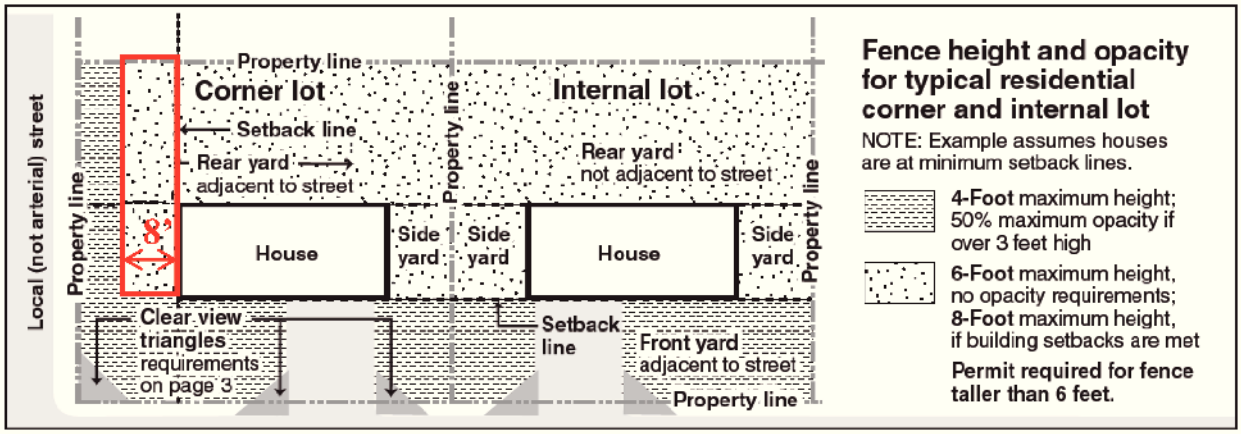
- **SECTION 21.301.07 – Exterior Lighting**
  Amendment increases the maximum illumination (1.0 to 2.0 FC) at the property line when non-residential uses are contiguous to each other and are greater than 300 feet from protected residential uses.

- **SECTION 21.301.08 – Fences**
  Current policy: Six-foot privacy fences are not permitted between the principal structure and the street, unless the street is designated as an arterial street (see image below for a typical residential corner lot example under current policy).

  Issue: Within the last year, City Council approved two variances allowing the construction of six-foot privacy fence in the side and/or rear yard abutting a street for corner lots.



Proposed changes based on Planning Commission's recommendation: Allow six-foot privacy fences in the side and rear yards to be placed 8 feet closer to the property line along a street than the principal structure or garage (see image below for an example under the proposed policy).



- **SECTION 21.301.19 – Accessory Structures**
  Location
  Existing code prohibits detached structures from being located closer to the property line along streets than the house. The regulation prohibits a through lot from having a detached structure within the backyard.

  Proposed amendments continue to prohibit a detached structure from being located between the street and house within the front and side yards; however, when the rear yard is along a street or alley, the detached structure is permitted if it meets the required setback.

  Approvals and permits
  Amendment clarifies that garages need to accommodate a code complying driveway, even if a driveway is not proposed at the time of permit.

- **SECTION 21.302.02 – Residential Uses in Commercial Zoning Districts**
  The proposed amendments adjust the storage space standards for residential uses in commercial zoning districts to match the same storage space standards for residential uses in residential zoning districts.
  As part of the Residential Phase II ordinance update, the required storage space standards for multi-family units within residential zoning districts were amended; however, these same amendments were omitted for residential uses in commercial zoning districts.

- **SECTION 21.302.03 – Accessory Dwelling Units**
  Amendments clarify the accessory dwelling unit site plan requirements and the approval process. Accessory dwelling units must receive administrative final site and building plan approval prior to issuance of a building permit.

- **SECTION 21.501.01, 21.501.04, and 21.501.05 – Final Site and Building Plans, Conditional Use Permits and Interim Use Permits**
  Clarification states that when the Planning Commission action results in a tie vote, the application is automatically sent to the City Council for their review. Existing code was not clear on this procedure.

- **SEC. 21.502.01 – Application Processes and Fees**

  Table Key
  Clarification was added that allows staff to waive the required Development Review Committee meeting for applications. There are a number of applications each year that only affect one or two divisions and do not require a full committee meeting.

  Another clarification was added that if applications do not require recording approval actions, the application fee is $50 less the stated fee in the table. The indicated fee in the table automatically includes the $50 recording fee.

  Driveway permit
  The driveway permit fee is proposed to be increased from $55 to $75 to keep up with the increasing cost of resources being used for inspections. The fee will cover the administrative costs, cost of materials and cost of inspector's time and vehicle resources.

  Sign Application and Fees
  For calculating sign application fees, the proposed amendment clarifies that all incidental, accessory, and directional signs are to count as one permanent sign. These types of signs have a lower time commitment, as there are fewer variables for the review. Currently, all permanent sign application fees are based on the number of signs.

  Another amendment proposes a fee for uniform sign designs,
  - $100 for new uniform sign designs; and
  - $50 for amendments to existing uniform sign designs.

  Currently there is no fee. The intent of the fee is to cover the administrative costs and resources. Staff time to review these documents and work with the owners/sign consultants has become time consuming.

  Background on uniform sign designs - A uniform sign design (USD) is for the owner/property management to develop signage in an imaginative and creative manner for a building, project or development. USD's are required on the following properties:
  - A single tenant building, project or development where there is more than one building;
  - All multiple tenant buildings, projects or developments;
  - Any building, project, or development where there is more than one sign on an elevation;

- Any building, project, or development where there is signage on more than one elevation; and
- Signs on high usage parks, hotels, motor vehicle sales, gasoline service stations, office buildings with seven or more stories, and college campuses.

- **SEC. 21.505 – Moratoria**
  Amendment deletes the Medical Marijuana Facility Moratorium language. Medical marijuana facility standards were adopted by the City Council in October 2015.

Amendments to Chapter 22

- **Chapter 22**

  Tax Parcel Combination or Split
  Hennepin County created a policy that allows property owners to combine or split tax parcels, with approval from the municipalities. The amendment creates an application review and standards section to allow administrative approval of tax parcel combinations or splits.

  Platting Standards
  Amendments add exemptions to the easement and right-of-way dedication sections. Dedications are exempt if they are not proportionate to the proposed development. Recent case law requires there to be a relationship between the dedication and the impact of the proposed developments.

Additional Amendments
After the deadline to the official newspaper for the Planning Commission public hearing notice, staff found two additional amendments (below). These two amendments are not included in the draft ordinance, since they were not properly noticed. If the Planning Commission agrees with the two additional amendments, the Legal Department recommends the Planning Commission include the two amendments as part of the motion.

1) Amendment clarifies that the words and terms defined apply to Chapters 19 and 21.

   SEC 19.03 – Definitions
   The following words and terms when used in [~~this~~]Chapters 19 and 21 shall have the following meanings unless the context clearly indicates otherwise:

2) Amendment defines issuing authority, which is a term used in the proposed tax parcel combination or split standards.

   SEC 22.02 – Definitions
   Issuing Authority – The City Manager or designated representative.

PUBLIC OUTREACH

Notice of the public hearing on the proposed amendments to the City Code was published in the official newspaper (Sun Current). Notice will also be sent via e-mail to 897 people who have registered for the "Zoning Ordinance Updates" e-subscribe group and 1,241 people who have registered for the "Planning Commission" e-subscribe group. In addition, the proposed amendments and supporting information contained in the staff report will be posted on the City website prior to the March 10, 2016 public hearing.

RECOMMENDATION

Staff recommends the Planning Commission make the following motion:

In Case PL2016-12, I move to recommend that the City Council approve the Ordinance as attached to the staff report and the two additional amendments listed in the staff report to amend Chapters 2, 10, 14, 15, 19, 21, and 22 of the City Code.

ORDINANCE NO. 2016-

AN ORDINANCE THAT INCLUDES CITY CODE AMENDMENTS

ADDING ACCESSORY STRUCTURE SETBACK VARIANCES TO THE LIST OF VARIANCE APPLICATIONS THAT ARE TO BE HEARD BY THE HEARING EXAMINER (2.10);

MODIFYING VARIANCE APPLICATION CONTENT STANDARDS (2.98.01);

MODIFYING THE TRASH AND RECYCLABLES STORAGE STANDARDS (10.06.04);

UPDATING THE DEFINITION OF ISSUING AUTHORITY WITH RESPECT TO LAUNDROMATS AND CREATING A DEFINITION FOR TRANSIENT LODGING (14.238, 14.568);

INCLUDING HOTEL MANAGER DWELLING UNITS IN THE LIST OF EXEMPTED HOUSING TYPES FOR RENTAL LICENSING (14.570);

CLARIFYING THE STANDARDS OF ILLEGAL RENTALS, OCCUPANCY LIMITS AND NO SUBLETTING AND SPECIFICALLY PROHIBITING TRANSIENT LODGING (14.577);

MODIFYING THE VARIANCE PROCESS FOR WELLS TO BE CONSISTENT WITH STATE STATUTE (15.162);

CREATING, DELETING OR MODIFYING DEFINITIONS FOR HOTEL MANAGER DWELLING UNIT, RECYCLABLE MATERIALS, TRANSIENT LODGING FACILITY, TAX PARCEL COMBINATION, AND TAX PARCEL SPLIT (19.03, 22.02);

MODIFYING ZONING LOT STANDARDS TO REQUIRE ALL ZONING LOTS TO HAVE ONE TAX OR PROPERTY IDENTIFICATION NUMBER (19.04.01);

DELETING COMMERCIAL OFFICE (CO-0.5) AND REFERENCE THERETO (19.24, 19.40.02, 19.40.08, 19.63.08, 19.113);

ADDING HOTEL MANAGER DWELLING UNITS AS AN ACCESSORY USE TO THE ZONING DISTRICTS THAT PERMIT HOTELS (19.29, 19.31.01, 19.33, 19.34, 19.40.07, 19.40.08.01, 21.209);

ADDING CONSERVATION (SC) MINIMUM DISTRICT REQUIREMENTS (19.41);

CLARIFYING THE PARKING LOCATION OF RECREATIONAL VEHICLES WITHIN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS (19.50.03);

MODIFYING THE REFUSE, SOLID WASTE AND RECYCLABLE MATERIALS HANDLING AND STORAGE FACILITIES STANDARDS (19.51);

CLARIFYING THE WINDOW AND REAL ESTATE SIGN STANDARDS (19.105);

ADDING STANDARDS TO ALLOW HOTEL PEDESTRIAN SIGNS (19.121);

ADDING LICENSED DAY CARE FACILITIES LOCATED WITHIN A PLACE OF ASSEMBLY, SCHOOL, COLLEGE, OR UNIVERSITY AS A CONDITIONAL ACCESSORY USE IN THE R-1, R-3, R-4, RM-12, RM-24, RM-50, AND RM-100 DISTRICTS AND ADDING COLLEGE OR UNIVERSITY AS A CONDITIONAL USE IN THE LX DISTRICT (21.209);

CLARIFYING THE CALCULATION OF MEDIAN SITE WIDTH STANDARDS WITH RESPECT TO THROUGH LOTS (21.301.01);

ADDING THE USE FINANCIAL INSTITUTION WITHIN THE OFF-STREET PARKING REQUIREMENTS (21.301.06);

CLARIFYING THE WIDTH OF THE DRIVEWAY APPROACH BETWEEN THE CURB CUT AND PROPERTY LINE (21.301.06);

ADDING AN EXEMPTION WITH WRITTEN CONSENT TO THE MAXIMUM ILLUMINATION AT THE PROPERTY LINE (21.301.07);

MODIFYING FENCE STANDARDS (21.301.08);

MODIFYING THE SETBACK STANDARDS FOR ACCESSORY STRUCTURES (21.301.19);

ADDING A STANDARD FOR GARAGES TO BE ABLE TO ACCOMMODATE A CODE COMPLYING DRIVEWAY (21.301.19);

MODIFYING THE STORAGE SPACE REQUIREMENTS OF RESIDENTIAL USES IN COMMERCIAL ZONING DISTRICTS (21.302.02);

CLARIFYING THE ACCESSORY DWELLING UNIT STANDARDS (21.302.03);

CLARIFYING THE REVIEW PROCESS WHEN PLANNING COMMISSION ACTION RESULTS IN A TIE VOTE (21.501.01, 21.501.04, 21.501.05);

ADDING A PROVISION TO ALLOW THE ISSUING AUTHORITY THE OPTION TO WAIVE THE DEVELOPMENT REVIEW COMMITTEE MEETING (21.502.01);

INCREASING THE DRIVEWAY PERMIT FEE AND CLARIFYING THE RECORDING FEE (21.502.01);

MODIFYING THE PERMANENT SIGN APPLICATION FEE FOR INCIDENTAL, ACCESSORY AND DIRECTIONAL SIGNS (21.502.01);

ADDING A UNIFORM SIGN DESIGN FEE (21.502.01);

DELETING THE EXPIRED MEDICAL MARIJUANA FACILITY MORATORIUM (21.505);

ADDING TAX PARCEL COMBINATION AND SPLIT DEFINITIONS, REVIEW PROCESS, FEES AND STANDARDS (22.03, 22.08, 22.11.1, 22.08);

ADDING EXEMPTION STANDARDS FOR DEDICATION OF EASEMENTS AND RIGHT-OF-WAY (22.09); AND

CORRECTING CROSS-REFERENCES IN MULTIPLE SECTIONS OF THE CHAPTERS LISTED

THEREBY AMENDING CHAPTERS 2, 10, 14, 15, 19, 21, AND 22 OF THE CITY CODE

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

Section 1. That Chapter 2 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

CHAPTER 2

ADMINISTRATION

***

ARTICLE II. ADMINISTRATIVE CODE

***

§ 2.10. APPLICATIONS TO BE HEARD.

(a) The hearing examiner shall hear variance applications, except as provided under (b) of this section, where:

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(2) the variance requested relates to driveway setbacks, garage <u>setbacks, accessory structure</u> setbacks or side or rear yard swimming pool setbacks; or

ARTICLE V: CITY BOARDS AND COMMISSIONS

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DIVISION C: PLANNING COMMISSION

***

§ 2.98.01 VARIANCES.

***

(d) **Application.** [~~Application made to the Commission shall be in writing on forms prescribed by the Commission. Each application shall refer to the specific provisions of the Zoning Code involved and shall set forth the exact interpretation that is claimed by the applicant, the details of the variance requested, and the grounds on which it is claimed that the variance should be granted.~~]<u>Variance applications must include the following information, unless exempted by the Planning Manager:</u>

<u>(1) An application form signed by the property owner(s) or authorized representative.</u>

<u>(2) The required application fee (see City Code Section 21.502.02).</u>

<u>(3) Written documentation that includes:</u>

<u>(A) A complete project description;</u>

<u>(B) Specific provisions of the Zoning Code involved and the variance request details; and</u>

<u>(C) Why and how the request meets each of the variance findings in § 2.98.01(b)(2).</u>

<u>(4) Scaled floor plan, site plan, and building elevations (where applicable).</u>

<u>(5) Certified survey showing the existing conditions on the property (if setback related).</u>

***

Section 2. That Chapter 10 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

CHAPTER 10

ENVIRONMENTAL CONTROL

***

ARTICLE II. SOLID WASTE AND REFUSE

***

SEC. 10.06.04. DUTIES OF NON-RDU TENANTS, LESSEES, OWNERS AND OCCUPANTS.

It shall be the joint and several responsibility of every tenant, lessee, owner and occupant of a non-RDU property to:

(1) Arrange for the collection of Trash and Recyclables by a Licensed Solid Waste Hauler pursuant to an individual, private contract that provides for at least weekly collection of the same in an approved disposal facility that has been approved by the City and Hennepin County.

(2) Follow the City's guidelines and instructions for storing and setting out Refuse, Solid Waste, Trash Recyclable Materials and Yard Waste, including placement of thereof in the suitable and sufficient Carts or receptacles with tight fitting covers and with the lid fully closed. [~~The storage of~~]Refuse, Solid Waste, Trash, Recyclable Materials and Yard Waste containers must be stored as required in Section 19.51(c). ~~setback 30 feet from any four season living area of an adjacent residence and must not be stored more than 5 feet in front of the principal building along any public right-of-way.~~]

(3) Place the containers at Curbside on no more than 12 hours before, but no later than, the onset of the Collection Hours, the assigned collection day and remove the containers no more than 12 hours after the scheduled collection day unless the property has applied for and received Door Step Collection approval from the City.

(4) Make certain that containers for Recyclable Materials placed out for collection do not contain Trash.

(5) Make certain that no Unacceptable Materials are placed out for collection.

***

Section 3. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

CHAPTER 14

LICENSES AND PERMITS

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ARTICLE IV. BUSINESS LICENSES AND REGULATIONS

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Division I. Laundromats

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SEC. 14.238. DEFINITIONS.

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

Issuing Authority - the City of Bloomington [~~Building and Inspections~~]Environmental Health Division.

***

SEC. 14.246. ADDITIONAL REQUIREMENTS FOR COMMERCIAL ESTABLISHMENTS.

In addition to the above requirements, all commercial establishments shall comply with the following:

***

(g) **Parking** - Minimum number of automobile parking spaces shall be provided on the premises as required by Chapter 19 or 21 of this Code. Parking areas must meet the performance standards set out in Section [~~19.54~~]21.301.07 of this Code.

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ARTICLE VIII. RENTAL HOUSING CODE

***

Division A. General Provisions

***

SEC. 14.568. DEFINITIONS.

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise. Terms not defined in this Article which are defined in codes adopted by reference in Section 14.567 and 15.01, have the meanings ascribed to them as stated in those codes.

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Transient Lodging – the lease, license or other agreement for the occupancy, possession or tenancy of a dwelling unit, or portion thereof, where the actual term of occupancy, possession, or tenancy is less than 30 consecutive calendar days including, but not limited to bed and breakfasts, resorts, vacation homes, crash pads, hostels, and the like.

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Division B. Rental Housing Licensing

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SEC. 14.570. APPLICABILITY AND EXCEPTIONS.

(a) The provisions of this Article apply to all rented multiple-family dwelling units, housing with services dwelling units, two-family dwelling units, single dwelling units or an accessory dwelling unit within owner-occupied dwellings, as well as to rented condominiums, townhouses and leasehold cooperative dwelling units, as those terms are defined in Minnesota Statutes, Section 273.124, Subd. 6; Minnesota Statutes, Chapter 515A and 515B; Minnesota Law; and this Article.

(b) The provisions of this Article do not apply to:

***

(5) Lodging establishments such as hotels, motels, boarding houses, kindergarten through grade 12 student dormitories, housing with services rooms or beds, and bed and breakfasts licensed under Section 14.446 of this Code. This exemption also applies to hotel manager dwelling units defined in Section 19.03.

***

SEC. 14.577. ILLEGAL RENTALS, OCCUPANCY LIMITS AND NO SUBLETTING.

An owner may adopt standards that reduce the maximum allowed occupancy of a dwelling unit from the standards set forth herein. The maximum permissible occupancy of any licensed rental dwelling unit is determined according to the 2012 International Property Maintenance Code and as follows:

(a) Not more than one family, except for temporary guests, will occupy a licensed rental dwelling unit.

(b) No one will lease, license or agree to allow the occupancy, possession or tenancy of a licensed rental dwelling unit to more than four unrelated persons.

(c) Tenants of a licensed rental dwelling unit must not lease or sublet the dwelling unit to another without the prior approval of the property owner.

(d) No one will lease, license or agree to allow the use of a dwelling unit, or portion thereof, for transient lodging.

***

Section 4. That Chapter 15 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

CHAPTER 15

BUILDINGS AND STRUCTURES

* * *

ARTICLE VIII. PLUMBING

* * *

Division D. Wells

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* * *

SEC. 15.162. VARIANCES.

Variances to the requirements of state regulations may be granted by the Commissioner of the Minnesota Department of Health in accordance with the provisions of Minnesota Rules 4725.0410 and 4717.7000 - .7050. [~~Application for a variance shall be made through the City, which shall forward the applicant's request and requisite fee to the commissioner for determination. The City will notify the applicant of the decision of the commissioner after its issuance.~~]

***

Section 5. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

CHAPTER 19

ZONING

ARTICLE I. GENERAL PROVISIONS

***

Division B. Definitions

SEC. 19.03. DEFINITIONS.

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

***

Hotel manager dwelling unit – a room within a hotel designed for residential use by the manager of the same hotel that contains cooking, living, sanitary, and sleeping facilities.

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[~~**Recyclable materials** – materials that are separated from refuse for the purpose of recycling and includes aluminum recyclables, can recyclables, corrugated cardboard, glass recyclables, paper recyclables and plastic recyclables.~~]

***

Transient lodging facility – A dwelling of one or more units, or portion thereof, in which [~~guests pay to stay for periods of 30 days or less~~]a person or persons pay rent for occupancy, possession or tenancy of the property and where the actual term of occupancy, possession or tenancy of the property pursuant to that lease, license or other agreement is less than 30 consecutive calendar days, including, but not limited to bed and breakfasts, resorts, [~~and~~]vacation homes, crash pads, hostels and the like.

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Division C. Lots, Building and Obstructions

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SEC. 19.04.01. ZONING LOTS.

For zoning purposes including but not limited to determining structure setbacks, accessory structure limitations, and impervious surface coverage, a "lot" may be composed of multiple adjacent properties under common ownership or control that are used together as one site. To qualify as a zoning lot, all properties therein must have one common tax or property identification number, see Section 22.11.1.

***

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

SEC. 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:

***

(10) **Commercial Office Districts** -
[~~Commercial Office CO-0.5 District~~]

***

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

***

(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 percent of the total floor area for a development or phase thereof.

***

(11) Hotel manager dwelling unit.

***

SEC. 19.31.01. REGIONAL COMMERCIAL (CR-1) DISTRICTS.

***

(c) **Provisional Uses** - The uses described below are permitted uses, provided that:

***

(8) Hotel manager dwelling unit which is customarily incidental and clearly subordinate to the permitted principal use of a hotel.

***

SEC. 19.33. INDUSTRIAL (I-1, I-2, AND I-3) DISTRICTS.

***

(c) **Permitted accessory uses** -

***

(12) Hotel manager dwelling unit.

***

SEC. 19.34. FREEWAY DEVELOPMENT (FD-1 AND FD-2) DISTRICTS.

***

(c) **Permitted accessory uses** -

***

(16) Hotel manager dwelling unit.

***

ARTICLE III.A. ADDITIONAL ZONING DISTRICTS

***

SEC. 19.40.02. ESTABLISHMENT OF DISTRICTS.

The following zoning districts are hereby established:

***

(4) Commercial Office [~~CO-0.5 &~~]CO-1

***

SEC. 19.40.07. COMMERCIAL SERVICE DISTRICTS CS-0.5 AND CS-1.

***

(c) **Provisional Uses.** If the following uses are developed as a related element to a development primarily devoted to a principal use, they are permitted within the CS Districts.

***

(10) Hotel manager dwelling unit.

***

SEC. 19.40.08. COMMERCIAL OFFICE DISTRICT[~~S CO-0.5 AND~~] CO-1.

(a) **Intent.** The Commercial Office District[~~s are~~]is intended to provide areas where offices, compatible office-like businesses, and high-density residential uses may be developed with the assurance that commercial uses with incompatible characteristics will not impede or disrupt the establishment of an attractive and cohesive grouping of mixed yet interrelated uses. [~~These~~]This district[~~s are~~] is to be applied only in areas adjacent to arterial or collector streets. Residential uses within [~~these~~]this district[~~s~~] are appropriate provided they are subsidiary to office uses on the site.

***

(c) **Provisional Uses.** If the following uses are within a building primarily devoted to a permitted principal use, and if they have common indoor access to permitted principal uses, they are permitted within the CO district[~~s~~].

***

(d) **Conditional Uses.**

(1) Multi-family dwellings in the CO-1 district provided they are developed in accordance with the provisions of the RO-50 district[~~ and in the CO-0.5 district they are developed in accordance with the provisions of the RO-24 district~~].

***

(7) Uses requiring a maximum floor area ratio above 1.0 within the CO-1 district[~~ and above 0.5 within the CO-0.5 district~~], subject to the provisions of paragraph (h) below.

***

(e) **Interim Uses.**

***

(2) **Standards.** In addition to standards in Section 21.501.05, the following standards also apply to interim uses in the Commercial Office District[~~s CO-0.5 and~~] CO-1.

***

(f) **Maximum Floor Area Ratio.** The maximum floor area ratio for nonresidential uses within the CO-1 district shall be one square foot of floor area for each one square foot of lot area[~~and the maximum floor area ratio within the CO-0.5 district shall be one-half square foot of floor area for each one square foot of lot area~~].

(g) **Dimensional Requirements.**

Minimum lot area:	120,000 square feet
Minimum lot width:	200 feet
Minimum setback, front:	60 feet
Minimum setback, side:	20 feet plus .25 foot for each one foot of structure height in excess of 60 feet.
Minimum setback, rear:	Same as side setback, but in no instance less than 30 feet.
Maximum structure height:	As regulated by Section 21.301.10 of this Code.
Maximum structure lot coverage:	30 percent
Maximum structure floor area ratio:	CO-1=1.0 FAR[~~and CO-0.5=0.5 FAR~~]for nonresidential uses.

(h) **Reserved.**

(i) **Special Provisions.**

***

(2) In the CO district[~~s~~], the floor area of residential uses shall not exceed 50 percent of the floor area of nonresidential uses in a particular development.

(3) The maximum floor area ratio in the CO-1 district may be increased to 1.5 square feet of floor area[~~and in the CO-0.5 district to 0.75 square feet of floor area for each one square foot of lot area~~] and maximum building coverage may be increased to 40 percent of lot area provided that peak period project trip generation is equal or less than trip generation from the same type of use with a 1.0 floor area ratio in the CO-1 district[~~and 0.5 floor area ratio in the CO-0.5 district~~]. A Tier I TDM Program in accordance with the requirements of City Code Section 21.301.09 and a development agreement is required for all uses exceeding the maximum floor area ratio in (f) above.

***

(5) Exterior Materials. The exterior materials and finish of all buildings erected on lands within Commercial Office [~~CO-0.5 and~~]CO-1 Zoning District[~~s~~] shall be in conformance with the applicable requirements of Section 19.63.08 of this Code.

***

SEC. 19.40.08.01 COMMERCIAL-OFFICE/MIXED-USE DISTRICT CO-2.

(c) **Provisional Uses.** If the following uses are developed with enclosed pedestrian access to a mixed-use center, they are permitted in the CO-2 district.

***

(8) Hotel manager dwelling unit.

***

ARTICLE IV. DISTRICT REGULATIONS

SEC. 19.41. MINIMUM DISTRICT REQUIREMENTS.

***

(c) **Nonresidential development** -

	General Industry (I-3)	**Freeway Dvlpmt (FD-2)**	**Limited Industry (I-2)**	**Ind. Park (I-1), Frwy. Dev. (FD-1)**	**SC District**
Lot width	100 feet	---	---	---	100 feet
Lot area	---	1 Acre	2 Acres	3 Acres	---
Floor area of principal building (sq. ft.)	---	10,000	10,000	20,000	---
Front-yard setback	35 feet	35 feet	35 feet	60 feet	50 feet
Side-yard setback	10 feet	25 feet	25 feet	60 feet	20 feet*
Rear-yard setback	25 feet	25 feet	25 feet	25 feet	30 feet
Side or rear-yard adjoining street	35 feet	35 feet	35 feet	60 feet	50 feet

* The side-yard in no event may be less than the height of the structure.

***

SEC. 19.50.03. RECREATIONAL VEHICLES.

***

(d) **In Single-Family Residential (R-1A, R-1, RS-1) Districts** -

***

(3) Location. Recreational vehicles may be parked or stored on a lot or parcel which contains a permitted principal use in a residential zoning district, subject to the following regulations:

***

(F) Side or rear yard adjacent to a public street. No parking or storage of a recreational vehicle shall be permitted in the required [~~in a~~] side or rear yard setback area adjacent to a public street without a recreational vehicle permit.

***

SEC. 19.51. REFUSE, SOLID WASTE, AND RECYLABLE MATERIALS HANDLING AND STORAGE FACILITIES.

(a) **Purpose and Intent.** The City Council finds the generation of waste is a normal and unavoidable part of business and residential activities. Proper refuse, solid waste, and recyclable materials handling is a function that, to avoid nuisances impacting neighboring properties and the general public, must be included in the design and construction of buildings. This Section establishes minimum standards for storage and handling of refuse, [~~and~~]solid waste, recyclable materials, yard waste, organics, and construction debris. This list is intended to be illustrative not exhaustive. Properly designed storage and handling facilities decrease illegal disposal, enhance employee safety, enhance property aesthetics and decrease the potential for vandalism and unsanitary conditions. Refuse,[~~ and~~] solid waste, trash, recyclable materials, yard waste, organics, and construction debris are defined in Section 10.04 of this Code.

(b) **Applicability.** Upon submittal of a development application or when compliance with this Section is required in subsection (f), plans for refuse, solid waste, and recyclable materials handling facilities shall be provided for review. Plans shall be based on accurate final site and building plans, at an appropriate scale. The plans shall illustrate the location and describe the operation of refuse, solid waste, and recyclable storage activities, including, but not limited to, the capacity of [~~refuse and recycling~~]appropriate containers for each type of waste.

(c) **Storage Location.**

(1) For single-family and multiple-family dwelling units with individual dwelling unit [~~refuse~~]trash and recyclables[~~ing~~] storage and pick-up, [~~refuse~~]all residential solid waste materials must be stored within approved containers appropriate for each type of waste that prevent health and nuisance problems[~~ in compliance with Section 10.05 and Chapter 10, Article VII of this Code~~]. All [~~refuse, recycling, compost, twigs and brush~~]solid waste, trash, recyclable materials, yard waste, organics and construction debris shall be placed at the assigned collection location no more than 12 hours before and the containers be removed no more than 12 hours after the scheduled collection day. The storage of [~~refuse and recycling~~] residential solid waste containers for single family detached homes shall be setback thirty (30) feet from any four season living area other than the owner's. [~~Refuse and recycling~~]Residential solid waste containers shall not be stored more than 5 feet in front of the principal building along any public right-of-way.

(2) For multiple family residential units other than those identified in subsection (c)(1) [~~refuse~~]residential solid waste containers must be stored within a fully enclosed space, which shall be attached to the principal structure.

(3) All commercial and office uses shall have [~~refuse~~]storage facilities for [~~refuse and recyclable~~]solid waste and recyclable materials in accordance with one of the following requirements:

(A) Within a fully enclosed space designated for the [~~processing and~~]storage of [~~refuse~~]-solid waste and recyclable materials. All required [~~refuse~~]solid waste and recyclable materials enclosures must be accessible from within the principal building. The Issuing Authority may waive the interior access requirement for multiple tenant buildings when:

(i) The proposed [~~refuse~~]solid waste and recyclable materials storage facility is not in conflict with the stated purpose in Section 19.51 of this Code;

(ii) The proposed [~~refuse~~]solid waste and recyclable materials storage facility is accessed by separated walkway to the facility which is illuminated in accordance with Section 21.301.07 of the City Code;

(iii) The proposed [~~refuse~~]solid waste and recyclable materials storage facility will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and

(iv) The proposed location is attached to the principal structure and does not create a hazard for vehicular or pedestrian traffic.

(B) Power-operated [~~refuse or recyclable~~]solid waste and recyclable materials processing equipment when loaded from within the principal structure shall be screened from all sides except where access is approved by the Issuing Authority. Screening shall be constructed using building materials consistent in style, color and composition within the materials on the principal building approved by the Issuing Authority.

(4) All industrial zoning districts (I-1, I-2, I-3, and IP) shall have storage facilities for [~~refuse~~]solid waste and recyclable materials in accordance with one of the following requirements:

(A) For industrial uses where the [~~refuse and recycling~~]solid waste and recyclable materials facilities that are not food preparation or food service uses and are located within 300 feet from a property meeting two of the three following criteria: (1) residential use including multiple family; (2) residential designation on the Comprehensive Land Use Plan; or (3) Zoned R-1, R-1A or RS-1, [~~refuse~~]solid waste and recyclable materials must be within a fully enclosed space designated for the processing and storage of [~~refuse and recyclable materials~~]solid waste and recyclable materials. All required [~~refuse~~]solid waste and recyclable materials enclosures must be accessible from within the principal building. The Issuing Authority may waive the interior access requirement when:

(i) The proposed [~~refuse~~]solid waste and recyclable materials storage facility is not in conflict with the stated purpose in Section 19.51 of this Code;

(ii) The proposed [~~refuse~~]solid waste and recyclable materials storage facility is accessed by separated walkway to the facility which is illuminated in accordance with Section 21.301.07 of the City Code;

(iii) The proposed [~~refuse~~]solid waste and recyclable materials storage facility will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and

(iv) The proposed location is attached to the principal structure and does not create a hazard for vehicular or pedestrian traffic.

(B) For industrial uses where the [~~refuse and recycling~~]solid waste and recyclable materials facilities that are not food preparation or food service uses and are located greater than 300 feet from a property meeting two of the three following criteria: (1) residential use; (2) residential designation on the Comprehensive Land Use Plan; or (3) Zoned R-1, R-1A or RS-1, [~~refuse~~]solid waste and recyclable materials may be stored outside a building. [~~Refuse and recycling~~]Trash, recyclables, and other solid waste storage must be in an approved container and fully screened from adjoining properties and public streets. Screening shall be constructed using building materials consistent in style, color and composition with the principal building; or

(C) [~~Refuse~~]solid waste and recyclable materials collection and storage may be outside the building as part of power-operated [~~refuse~~]solid waste or recyclable processing equipment. The equipment shall be screened from all sides except where access is approved by the Issuing Authority. Screening shall be constructed using building materials consistent in style, color and composition with the principal building and approved by the Issuing Authority.

(d) **Minimum Design Standards.** [~~Refuse~~]Solid waste and recyclable materials storage and handling facilities, other than those identified in Section 19.51(c)(1), shall have an exterior design using building materials consistent with the primary structure. The interior shall comply with the following minimum requirements:

(1) For all uses other than grocery stores, restaurants or other food service facilities:

(A) Doors shall be designed to function properly during periods of ice and snow.

(B) Bump rails or bollards are required to prevent penetration of the walls by the dumpster or roll-off box.

(2) For grocery stores and food service facilities:

(A) Floors shall be covered with quarry tile or equivalent with integral sanitary cove base tile.

(B) Interior walls shall have a smooth non-absorbent material sealed or finished to withstand frequent cleaning.

(C) Bump rails or bollards are required to prevent penetration of the walls by the dumpster or roll-off box.

(D) Doors shall be designed to function properly during periods of ice and snow.

(E) Hose bib with back flow prevention shall be provided for cleaning the facility.

(F) Floor drains shall be connected to the sanitary sewer system.

(G) Ventilation (UMC) and heat source to maintain a temperature above a minimum of 55 degrees Fahrenheit.

(e) **Minimum Storage Area Requirements.**

(1) Required [~~refuse~~]solid waste storage and handling facilities shall provide minimum [~~refuse~~]solid waste storage and handling capacity in accordance with the requirements identified in Table 19.51-1. Additional area shall be provided for recyclable material storage facilities in accordance with the minimum space requirements identified in the adopted Uniform Building Code[~~Section 1300.4700 of the Uniform Building Code, Minnesota Rules 1998 as amended~~]. Any uses not identified will be based on similar uses described in the adopted Uniform Building Code[~~Table 3-A of the Uniform Building Code~~]. The minimum solid waste storage area identified in Table 19.51-1 may be reduced up to 60 percent by incorporating a [~~refuse~~]solid waste compacting device or a waste management plan as approved by the Issuing Authority.

(2) Other uses in [~~refuse~~]solid waste and recyclable storage rooms unrelated to [~~refuse~~]solid waste and recyclable handling may be located in the vicinity of space allocated for [~~refuse~~]solid waste and recyclables[~~ing~~], if the additional space, equal to that used by unrelated materials and equipment, is provided to satisfy the requirements of this Section. Additional storage and equipment may include but is not limited to the following items:

(1) Sprinkler system assembly

(2) Bulk CO2 containers

(3) Grease collection barrels

(4) Recyclables[~~ing~~] containers for glass, metal, plastic, aluminum, corrugated cardboard and paper

(5) Ships Ladder (roof access)

(6) Water heater

(7) Clean up and wash down facilities

(8) Dry goods storage

(9) Heating equipment

(10) Organics

TABLE 19.51.1: Minimum Loose [~~Refuse~~]Solid Waste Volumes by Use (based on once per week pick-up and no compaction)

Use	Minimum [~~refuse~~]solid waste storage area per 1,000 square feet of gross floor area for the first 15,000 square feet (Minimum size - 120 Square Feet)	Minimum [~~refuse~~]solid waste storage area for each 1,000 square feet of gross floor area over 15,000 square feet
Office/Retail Sales	5 Square Feet	2 Square Feet
Warehouse	2 Square Feet	1 Square Feet
Manufacturing	4 Square Feet	2 Square Feet
Restaurants	12 Square Feet	5 Square Feet
Grocery Markets	18 Square Feet	8 Square Feet
Hotels/Motels	3 Square Feet	1.5 Square Feet
Conference Rooms	2 Square Feet	1 Square Foot
Multiple Family Residential	4 Square Feet	2 Square Feet
Motor Vehicle Service Facility[1]	5 Square Feet	2 Square Feet

Uses not covered in this table	Space as required for the most similar listed use or as determined by the Issuing Authority

NOTE: Additional space is required for recyclable materials as required in the adopted Uniform Building Code[~~Uniform Building Code Section 1300.4700~~]

[1] An additional 250 cubic feet per service bay required if tire replacement is part of the service.

(f) Existing [~~trash~~]solid waste and recyclables[~~ing~~] storage facilities that conform to zoning approvals granted prior to [~~the effective date of this ordinance~~]February 5, 2001 and which do not comply with the requirements of this Section shall be considered legally nonconforming and may remain, subject to the following provisions:

(1) [~~Refuse~~]Solid waste and recyclables[~~ing~~] storage facilities in compliance with this Section shall be required for any proposal which expands its floor area more than twenty-five (25) percent, cumulatively, after the effective date of this Ordinance.

(2) Screening of all [~~refuse and recycling~~]solid waste facilities with a fence, wall, landscaping or comparable materials as approved by the Issuing Authority shall be installed when:

(A) Final site and building plans are approved for expansion where the gross floor area of the addition is less than 25 percent of a building;

(B) Final site and building plans are approved for expansion of a parking lot; or

(C) Final site and building plans are approved for alteration of the exterior building materials.

(3) When the occupancy group of a site is changed the [~~refuse~~]solid waste and recyclable storage shall be modified, as necessary, to comply with the requirements of this Section. The occupancy groups of the Uniform Building Code shall be used to determine occupancy classification for the purposes of this Section. In multiple tenant buildings, this provision shall apply only to tenant spaces where a change is proposed.

(4) When a nonconforming use ceases for a continuous period of one year, the [~~refuse~~]solid waste and recyclable storage facilities shall comply with this Section before any use of the site occurs.

(5) Nothing in this Section shall relieve any property of any [~~refuse~~]solid waste and recyclable storage requirements mandated as a condition of approval for any plan or permit by the City Council before the effective date of this Ordinance. The owner of such property may apply to the City Council for removal of the condition and, if the application is approved, comply with the provisions of this Section.

(6) Additional requirements for nonconformities are set forth in Section 21.504 of this Code.

***

SEC. 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:

***

Commercial Office [~~CO-0.5,~~]CO-1 and CO-2 Districts

***

ARTICLE X. SIGN REGULATIONS

***

Division C. General Regulations

Added by Ord. No. 96-40, 8-19-96

SEC. 19.105. REGULATED SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT.

***

(c) **Regulated Signs Exempt From Permit Requirements.**

***

(9) Interior signs and window signs are exempt from obtaining a permit.

***

(15) Real estate signs are exempt from obtaining a permit, provided:

***

(B) Real Estate Signs for All Other Uses.

***

(ii) **For real estate signs adjacent to I-35W, I-494 and TH-77.** The site may elect one (1) of the following options, subject to the provisions of the clear view triangle area as defined in Section 19.108(e) and subject to the provisions of Section 19.108(c), "Sign Characteristics - Grade Mounding".

***

(bb) One real estate sign, not exceeding thirty-two (32) square feet, shall be permitted per street frontage up to a maximum of two (2) signs per site. Freestanding real estate signs are subject to a [~~The~~]maximum height [~~shall be~~]of eight (8) feet, and the sign setback [~~shall~~]must be a minimum of twenty (20) feet from any public street right-of-way line. Real estate signs mounted on a building wall must not extend above the roofline.

(iii) **For signs on other street frontages.** The site may elect one (1) of the following options, subject to provisions of the clear view triangle area as defined in Section 19.108(e) and subject to the provisions of Section 19.108(c), "Sign Characteristics - Grade Mounding".

***

(bb) One real estate sign, not exceeding sixteen (16) square feet, shall be permitted per street frontage up to a maximum of two (2) signs per site. Freestanding real estate signs are subject to a [~~The~~]maximum height [~~shall be~~]of six (6) feet, and the sign setback shall be a minimum of ten (10) feet from any public street right-of-way line. Real estate signs mounted on a building wall must not extend above the roofline.

***

Division D. District Provisions

***

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

***

Division E. Special Provisions

***

SEC. 19.121. SIGNS FOR HOTELS.

***

(b) **Identification Signs.** Identification signs shall be located on the site of the use and shall comply with the following standards:

***

(5) **Other Building Identification Signs.**

***

(C) For each entrance not covered by a porte cochere or canopy, a hotel is permitted one wall sign not to exceed 12 square feet. The sign shall be adjacent to the entrance.

(i) Illumination is permitted. See Section 19.108(d) and Section 21.301.07(c)(5) for additional provisions on illumination and luminance.

***

Section 6. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

ARTICLE II. DISTRICTS AND USES

Added by Ord. No. 2006-35, 9-11-2006

Division A. Reserved

***

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

***

(c) **Standards.** Development in the R-4 District must comply with the standards in Section 21.203(b) and the following:

(1) Multiple-Dwelling design and performance standards. See Section [~~19.62~~]21.302.09 for applicable standards.

***

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

***

(c) **Standards.** Development in the RM-12 District must comply with the standards in Section 21.203(b) and the following:

***

(2) Multiple-Dwelling design and performance standards. See Section [~~19.62~~]21.302.09 for applicable standards.

***

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

***

(c) **Standards.** Development in the RM-24 District must comply with the standards in Section 21.203(b) and the following:

***

(2) Multiple-Dwelling design and performance standards. See Section [~~19.62~~]21.302.09 for applicable standards.

***

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

***

(c) **Standards.** Development in the RM-50 District must comply with the standards in Section 21.203(b) and the following:

***

(3) Multiple-Dwelling design and performance standards. See Section [~~19.62~~]21.302.09 for applicable standards.

***

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

***

(c) **Standards.** Development in the RM-100 District must comply with the standards in Section 21.203(b) and the following:

***

(3) Multiple-Dwelling design and performance standards. See Section [~~19.62~~]21.302.09 for applicable standards.

***

Division B. Residential Zoning Districts

ARTICLE II. DISTRICTS AND USES

***

Division H. Uses

SEC. 21.209. USE TABLES.

***

(c) **Residential Zoning Districts.**

USE TYPE	ZONING DISTRICT									REFERENCES
	R-1	R-1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50	RM-100	See Listed Section

***

GOVERNMENT, INSTITUTIONAL, OPEN SPACE										
Day Care Facilities and Services										
Licensed Day Care Facility Serving 12 or fewer persons	P	P	P	C	C	C	C	C	C	MN Statute 462.357 Subd. 7

Serving 13 to 50 persons Serving 13 or more persons in single family zones in existence prior to 01/26/2015	C	C	C	C	C	C	C	C	C	MN Statute 462.357 Subd. 8 21.302.06 21.302.27
Licensed Day Care Facility located within a place of assembly, school, college, or university	CA			CA	CA	CA	CA	CA	CA	21.302.06 21.302.27
Licensed Group Family Day Care Facility serving 14 or fewer children	P	P	P	C	C	C	C	C	C	MN Statute 462.357 Subd. 7
Unlicensed family day shelters	C									21.302.21

***

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

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section

***

GENERAL

***

Accessory									
Accessory building	A	A	A	A	A	A	A	A	21.301.19
Antenna	A	A	A	A	A	A	A	A	19.63.05
Fuel pump, private		A		A	A				
Helistop				CA	CA	CA	CA	CA	
Hotel airport parking		CA		CA	CA	CA	CA	CA	
Hotel manager dwelling unit		A		A	A	A	A	A	
Tower	CA	CA		CA	CA		CA		19.63.05
Vehicle rental accessory to Class I Motor Vehicle Sales				CA					19.63.07(e)

***

(f) **Specialized Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	CX-2	LX							See Listed Section

***

GOVERNMENT, INSTITUTIONAL, OPEN SPACE

Educational Facilities									
Day care facility	P	C							21.302.27
College or university	P	C							21.302.25
Instructional center	P								
School (K-12)	P								21.302.25
Sports training facility	P								

***

GENERAL									
Accessory									
Accessory building	A	A							21.301.19
Antenna	A	A							19.63.05
Fuel pump, private									
Helistop	CA								
Hotel airport parking	CA	CA							
Hotel manager dwelling unit	A	A							
Tower	CA								19.63.05

ARTICLE III. DEVELOPMENT STANDARDS

Division A. General Standards

***

SEC. 21.301.01. DEVELOPMENT INTENSITY AND SITE CHARACTERISTICS.

***

(c) **Residential Zoning Districts.**

(1) Residential site standards.

***

(B) Median Site Width. Site width for all single and two-family residential lots in the R-1, RS-1 and R-1A zoning districts approved or modified by the City after August 31, 2006 must meet or exceed 80 percent of the median site width of existing lots wholly or partially located within 500 feet of the perimeter of the proposed subdivision measured along existing or proposed public streets. In calculating the median site width, the following sites are excluded:

(i) sites that are not single or two-family residential sites;

(ii) sites within the proposed subdivision;

(iii) corner sites;

(iv) flag sites;

(v) sites approved through the Neighborhood Unit Development (NUD) process;

(vi) through lots that do not take access from the same street;

([~~vi~~]vii) for the purposes of calculating single-family residential site width, two-family sites are excluded. In no event is site width for single and two-family residential sites required to exceed 120 feet; and

([~~vii~~]viii) for the purposes of calculating two-family residential site width, in cases where horizontally attached two-family residential structures occupy two adjoining lots, site width is determined by adding together the width of each lot.

Notwithstanding the requirements of City Code Section 21.301.01(c)(1)(A), legally created two-family residential sites may be subdivided in accordance with Section 21.302.04(c)(16).

***

SEC. 21.301.06. PARKING AND LOADING.

***

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

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

If the number of off-street parking spaces results in a fraction, each fraction of one-half or more will constitute another space required. A lesser number of constructed off-street parking spaces may be allowed through flexibility measures (see Section 21.301.06(e) of this Code, parking reduction flexibility measures). The requirements for off-street surface parking space dimensions are set forth in Bloomington Code Section 21.301.06(c).

MINIMUM OFF-STREET PARKING REQUIREMENTS

***

NON-RESIDENTIAL

***

Bank <u>or Financial Institution</u>	
With or Without Drive-Through	One space per 240 square feet of gross floor area; additional six queuing spaces per lane

***

(i) **Single-Family and Two-Family Residential Driveways and Off-Street Parking**.

***

(2) **Driveway approach dimensions.** Driveway approach dimensions must comply with the applicable City construction detail for driveway approaches and Section 17.13 of this Code.

(A) **Maximum driveway approach width**. The width of the driveway approach at the property line for a single or two-family residential site must not exceed the width of the driveway it connects to<u> or the width of the curb cut measured from the inside of the tapers</u>. Turning tapers may be added to the driveway approach between the property line and the street that add up to six additional feet to the width of the driveway approach at its intersection with the street provided that the driveway approach at no point exceeds a maximum width of 30 feet.

***

(m) **Parking and storage of vehicles and trailers in residential zones**.

***

(2) **Vehicles.**

***

(C) **Standards**.

***

(ii) **Type III Motor Vehicles**. Type III vehicles must not be parked or stored in a residential district or in the public right-of-way immediately abutting any residential district, except as provided under Subdivision (m)([4]<u>3</u>) of this section.

(iii) **Non-residential motor vehicles**. Non-residential vehicles must not be parked or stored in a residential district or in the public right-of-way immediately abutting any residential district, except as provided under Subdivision (m)([4]3) of this section.

***

SEC. 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 Section 21.301.07.

***

(12) **Lighting standards.** All exterior lighting must comply with the following standards, which vary by use. In the event more than one use is present, the highest regulatory standards apply. Single-family and two-family dwellings and residential parking lots with fewer than twelve parking spaces are exempt from the minimum light levels required but shall comply with the lights source and height requirements for any lighting installed. Maintained lighting levels shall be calculated at a Light Loss Factor of 0.81 or the actual tested Light Loss Factor for the source, whichever is less.

	Residential zones or uses	**Non-residential uses within 300 feet of protected residential uses**	**Office / Industrial uses**	**Retail and service oriented uses**

***

Maximum illumination at property line (No limit along public street)	0.5 FC	[~~1.0~~]2.0 FC

(13) **Lighting for special uses.** All exterior lighting must comply with the following standards, which vary by use type. In the event more than one use is present within a development, the more restrictive requirements apply.

	Parking structures	**Service stations and automobile dealers**	**Exterior storage**

***

Maximum illumination at property line (No limit along Public Street)	[~~1.0~~]2.0 FC	0.5 FC

***

SEC. 21.301.08. FENCES.

***

(c) **Height.** Except where otherwise required by this Code, the following regulations apply to fence height. For the purposes of fence height requirements, alleys are not considered a street.

***

(2) **Exceptions and interpretation**. The following exceptions and guidance on interpretation apply to fence height limitations:

(A) A residential fence in a yard abutting an arterial street as designated by the Comprehensive Plan may rise to a maximum height of six feet;

(B) Any residential fence that meets the required setback from a specific property line for a principal structure in the applicable zoning district may rise to a height of eight feet;

(C) A residential fence in the side or rear yard of a corner lot may rise to a height of six feet provided the fence encroaches no more than eight feet closer to a property line along a street than the principal structure or garage is setback from the same street;[~~meets the minimum setback from the street for a principal structure in the applicable zoning district or provided the fence is no closer to a street than an existing principal structure or garage;~~]

(D) A residential fence in the rear yard of a through lot when abutting lots are also through lots may rise to a height of six feet,

(E) A residential fence abutting a nonresidential use may rise to the height of eight feet;

(F) Screening fences required by the City Code (see Section 21.301.08(g)(4) references); and

(G) Screening fences required by a condition of approval for a development application.

(H) Public chain link fences for public safety and/or public research purposes such as along public trails and/or at public parks.

***

(d) **Opacity** (the degree of openness to which light or views are blocked measured perpendicular to the fence for each fence section between supports). The following opacity limitations are meant to maintain an open feeling along public streets and to prevent crime.

(1) **Limitations**. Where the body of a fence in a yard adjacent to a street is over three feet in height and does not meet the required setback for a principal structure from a street in the applicable zoning district, the amount of fence opacity is limited to 50 percent. For the purposes of fence opacity limitations, an alley is not considered a street.

(2) **Exceptions**. The following fences are exempt from opacity limitations:

(A) Fences in a yard adjacent to an arterial street as designated by the Bloomington Comprehensive Plan provided a 15 foot clear view triangle is maintained between the intersection of any driveway with a sidewalk or bikeway;

(B) Screening fences required by the City Code (see Section 21.301.08 (g)(4) references);

(C) Screening fences required by a condition of approval for a development application;

(D) Fences in the rear yard of a through lot when adjacent lots are also through lots;

(E) Fences in the side or rear yard of a corner lot when the fence encroaches no more than eight feet closer to a property line along a street than the principal structure or garage is setback from the same street; and [~~is no closer to the street than an existing principal structure or garage; and~~]

(F) Vegetation growing adjacent to or on a fence will not be considered in determining compliance with the opacity requirements for fences.

***

(f) **Restrictions**. The following restrictions on fences apply to protect the public health, safety and welfare.

***

(4) **Adjacent to existing and future sidewalks**. Fences adjacent to existing and future public sidewalks must be set back a minimum of two feet from the nearest edge of sidewalk.

***

SEC. 21.301.19. ACCESSORY STRUCTURES.

***

(c) **Location.**

Zoning District	Minimum Setback in Front and Side Yards Along Streets	Minimum Setback in Rear Yards Along Streets	Minimum Rear Setback Not Along Streets	Minimum Rear Setback Along Alleys	Minimum Side Setback Not Along Streets
Single-family Districts R-1, R-1A, RS-1	Same as principal structures in the zoning district; however, detached structures are not permitted to be located closer to the property line along a street than the principal structure.	Same as principal structures in the zoning district.	5 feet 10 feet if connected to water or sanitary sewer service	5 feet	5 feet 10 feet if connected to water or sanitary sewer service
All Other Districts	Same as principal structures in the zoning district; however, detached structures are not permitted to be located closer to the property line along a public street than the principal structure.	Same as principal structures in the zoning district.	Same as principal structures in the zoning district	Same as principal structures in the zoning district	10 feet
Guard, dispatch, security or gate houses in all but R-1, R-1A, RS-1 and R-3 Districts	Same as principal structures in the zoning district.	Same as principal structures in the zoning district.	10 feet	Same as principal structures in the zoning district	10 feet

***

(g) **Approvals and Permits.**

***

(3) All garages must be located to accommodate a code complying driveway (setbacks, impervious surface coverage, etc.) even if a driveway is not proposed at the time of permit.

***

Division B. Use Standards

***

SEC. 21.302.02. RESIDENTIAL USES IN COMMERCIAL ZONING DISTRICTS.

***

(6) Storage space. [~~A fully enclosed, lockable storage space of at least 175 cubic feet and 25 horizontal square feet must be provided for each dwelling unit in addition to storage provided within each dwelling unit. When individually enclosed, lockable garages are provided, required~~

~~storage space may be incorporated within a garage.~~]A fully enclosed, lockable storage space, located outside the unit (excluding accessibility and senior citizen housing), must be provided for each dwelling unit.

(A) No dedicated bicycle storage. If the storage space is used to meet the long-term bicycle parking requirements of Section 21.301.06, the storage space must have a minimum of a four foot horizontal dimension and a minimum of a four foot vertical dimension and be at least 175 cubic feet.

(B) Dedicated bicycle storage. If long-term bicycle parking requirements of Section 21.301.06 are being met outside of the storage space, the storage space must have a minimum of a three foot horizontal dimension and a minimum of a four foot vertical dimension and be at least 96 cubic feet.

(C) Accessibility and senior citizen housing. A designated storage space must be located within each dwelling unit and must have a minimum of a four foot horizontal dimension and a minimum of a four foot vertical dimension and be at least 96 cubic feet.

***

SEC. 21.302.03. ACCESSORY DWELLING UNITS.

***

(c) **Site plan requirements.** Any application for an Accessory Dwelling Unit must be accompanied by:

***

(6) a written description and/or plans depicting how the Accessory Dwelling Unit may convert back to single-family residential space in the future.

***

(d) **Approval process**. [~~All~~]Accessory Dwelling Units must receive administrative final site and building plan approval prior to issuance of a building permit.[~~ applications must be approved by the Planning Manager.~~]

***

ARTICLE IV. RESERVED

ARTICLE V. ADMINISTRATION AND NONCONFORMITY

Division A. Approvals and Permits

***

SEC. 21.501.01. FINAL SITE AND BUILDING PLANS.

***

(c) **Review and Approval**.

***

(2) The Planning Commission will review and act upon all other types of final site and building plan applications except as discussed in Section 21.501.01 (c) (3) below. The applicant or a member of the public may appeal the decision of the Planning Commission to the City Council by submitting an appeals request with supporting materials within three business days of the decision. If the Planning Commission action results in a tie vote, the final site and building plan application is automatically sent to the City Council for final action.

***

(4) The City Council will review and act upon any tie vote by the Planning Commission or appeal of a decision by the Planning Manager or Planning Commission of a final site and building plan application. The appellant will be given the opportunity to present their case in front of the City Council.

***

SEC. 21.501.04. CONDITIONAL USE PERMITS.

***

(d) **Review and Approval**. Conditional use permit applications must be reviewed and acted upon by the Planning Commission, except for the uses listed in Section 21.501.04 (d) (1), which must be reviewed by the Planning Commission and acted upon by the City Council. If the Planning Commission action results in a tie vote, the conditional use permit application is automatically sent to the City Council for their final action.

***

SEC. 21.501.05. INTERIM USE PERMITS.

***

(d) **Review and Approval**. Interim use permit applications must be reviewed and acted upon by the Planning Commission, except for the uses listed in Section 21.501.05 (d) (1), which must be reviewed by the Planning Commission and acted upon by the City Council. If the Planning Commission action results in a tie vote, the interim use permit application is automatically sent to the City Council for their final action.

***

Division B. Application Processes and Fees

SEC. 21.502.01. APPLICATION PROCESSES AND FEES.

(a) **Purpose**. This section outlines various application processes and fees.

(b) **Table Key**. The following labeling conventions apply to the table in this Section:

(1) DRC means Development Review Committee. The Issuing Authority may waive review.

(2) ST means staff.

(3) HE means Hearing Examiner.

(4) PC means Planning Commission.

(5) CC means City Council.

(6) N means that a public notice is required to be published in the official newspaper.

(7) R means review is required by the noted group.

(8) PH means that a public hearing is required by the noted group.

(9) DM means that the noted group has final decision making authority.

(10) Any number listed in the Mail column represents the number of feet out from the applicant's site to which direct mail notice is required to be sent for that particular application.

(11) Any * under the Fee column indicates that $50 of the fee is intended for recording approval actions with Hennepin County and will be refunded if the City Council or Planning Commission denies the application or the application is withdrawn. If the application does not require recording approval actions, the application fee is $50 less the stated fee.

(c) **Application Processes and Fees**.

Application Process	Review and Decision Making Authority					Notice		Fee
	DRC	ST	HE	PC	CC	N	Mail	

Miscellaneous								
***								
Driveway Permit		DM						$[~~55~~]75
***								

(d) **Sign Applications and Fees**. Signs requiring permits must be reviewed and approved by staff prior to installation. Review of permanent signs include separate sign application fees and sign permit fees for permanent signs.

(1) Permanent Sign Application Fees. The following sign application fees apply to permanent signs on a per site basis and are due at the time of application[~~:~~]. For the purpose of calculating sign application fees, all incidental, accessory and directional signs will be counted as one permanent sign.

(A) One Sign $50
(B) Two to Five Signs $100
(C) Six or More Signs $160

(2) Permanent Sign Permit Fees. The following sign permit fees apply to permanent signs on a per sign basis and are due prior to installation:

(A) Wall Sign $110
(B) Freestanding Sign $110
(C) Awning or Canopy Sign $50
(D) Incidental or Accessory Sign $20
(E) Directional Sign $20

(3) Temporary Sign Combined Application and Permit Fees. Temporary signs require one combined application and permit fee of $30 per occasion per site due at the time of application, and prior to installation. Alternatively, if an application lists the same temporary signage for succeeding occasions occurring within one year for the same site, a one time permit with fee of $30 applies.

(A) Exemptions. Temporary signs exempted from permit requirements and fees are detailed in Section 19.105 of this Code.

(4) Uniform Sign Design Fees. The following uniform sign design fees apply and are due at the time of submittal:

(A) Uniform sign design – new $100
(B) Uniform sign design – amendment $50

***

Division E. Moratoria

SEC. 21.505. MORATORIA.

***

(c) **Reserved.**[~~**Medical Marijuana Facility Moratorium**. A moratorium is hereby adopted City-wide, as follows:~~

~~(1) Findings and Purpose. The City Council finds that it is necessary to temporarily preserve the status quo regarding the City's regulation of land uses through its official controls following the passage of 2014 Minnesota Session Laws, Chapter 311, §§ 1-22, the Medical Cannabis Therapeutic Research Act of 2014 (the "Act"), Minnesota's first law authorizing and regulating the use, manufacturing and distribution of medical marijuana, pending completion of a planning study to determine the need for additions or amendments to the City's zoning controls. The City Council finds that medical marijuana distribution facilities represent a new land use not presently addressed in the City's official controls and never previously studied by City staff that should be studied for the purpose of determining whether amendments or additions to the City's official controls may be necessary to protect the public health, safety and welfare.~~

- ~~The Act requires that approved manufacturers operate a total of eight distribution facilities, dispersed throughout the state. The Act further prohibits dispensaries near schools and co-location with healthcare practitioners, but does not preclude the City from placing additional location limitations or regulatory requirements on medical marijuana distribution facilities.~~
- ~~The City has received an inquiry about potential medical marijuana distribution facilities in the City evidencing the immediate need for the City carefully study and consider the adequacy and effectiveness of its existing official controls. During the course of such a study and amendment process it is critical that the City's planning process be protected.~~
- ~~Medical marijuana dispensaries appear to have significantly different operating characteristics from typical retail uses including, without limitation, that at the current time: (1) medical marijuana dispensaries must be stand-alone uses; (2) federal banking regulations do not clearly authorize banks to provide services to marijuana related businesses and hence several major credit cards prohibit use for a medical marijuana transaction forcing the retail sales to be cash transactions; (3) the national average price for medical marijuana is between $500 and $600 per ounce; (4) most of the qualifying customer patients suffer from debilitating illness and are more vulnerable than typical retail customers; and (5) marijuana remains a controlled substance for which there is a black market. This creates a heightened security risk for both dispensaries and their customers.~~

~~(2) Effect of Moratorium. For the duration stated herein and until the City has completed a study of the need for amendments or additions to the City's official controls to protect the public health, safety and welfare, the City shall not accept, issue or process any application for use of real property anywhere in the City for the purpose of a medical marijuana distribution center. This moratorium shall apply, without limitation, to comprehensive land use plan amendments, requests for rezoning, subdivisions, variances, conditional use permits, site plan review and building permits for the construction, conversion or operation of medical marijuana distribution facilities. Any development or land use applications accepted but not acted upon by the City prior to the effective date of this Section within the City will not be approved by the Planning Commission or City Council.~~

~~(3) Study. During the period of this moratorium, City staff will conduct a study of the official controls, including appropriate permitting, licensing, land use controls and development standards that may need to be adopted or revised to protect the public health, safety and welfare.~~

~~(4) Duration. The Medical Cannabis Distribution Facilities moratorium shall expire, without further action of the City Council, one year from its effective date. In the alternative, it may be repealed earlier if the Council determines that the requisite studies have been completed and that appropriate evaluation and action, including any necessary revisions to the City Code, official controls and/or Comprehensive Plan, have been finalized, adopted by the City Council and made effective by publication. The duration of any moratorium established under this Section may be extended by adoption of an amendment hereto for a total time not to exceed the limits set forth in Minnesota Statutes Section 462.355, subd. 4, as amended from time to time.~~

~~(5) Moratorium Declaration and Applicability. The City Council specifically finds and declares that the findings, intent and purpose of this Section of City Code applies City-wide and it hereby imposes on any parcel of land, lot or part thereof within the boundaries of the City a prohibition on the construction or operation of any medical marijuana distribution facility as defined in the Act for the duration of the moratorium. City staff is directed for the duration of this moratorium to carefully study and consider the adequacy and effectiveness of the existing licensing, zoning and Comprehensive Plan regulations necessary to protect the public health, safety and welfare, as well as to study and consider amendments to those regulations. The City Council further finds that it is critical to the protection of the public health, safety and welfare that the study process be protected by a moratorium.~~

~~(6) Effective Date. In order for this Section to be effective, it must apply to any and all development or land use applications between the time of its adoption and its publication, the ordinance must be effective immediately upon adoption. Therefore, the City Council designates this Ordinance as an Emergency Ordinance pursuant to Section 3.06 of the City Charter to protect the integrity of the moratorium and to preserve the health, welfare and safety of the public.~~

~~(d) **Hardship.** In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this Section may apply to the City Council for a waiver of all or a portion of the applicable restrictions. A waiver may be granted when the City Council finds substantial hardship~~

~~caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which this Section was enacted.~~

~~(e) **Severability.** If any section, subsection, sentence, clause or phrase of this Section is for any reason held to be invalid or any action taken hereunder be held invalid, it shall not affect any other section, subsection, sentence, clause or phrase herein. Every section, subsection, sentence, clause and phrase herein is declared severable from every other section, subsection, sentence, clause or phrase.~~

~~(f) **Enforcement.** The City may enforce this ordinance by mandamus, injunction or other appropriate civil remedy in any court of competent jurisdiction.~~]

***

Section 7. That Chapter 22 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

Division. A. Purpose and Definitions

Added by Ord. No. 2011-6, 2-28-2011

***

SEC. 22.02. DEFINITIONS.

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

***

Tax Parcel Combination – Where two or more parcels with separate tax or property identification numbers are combined under one tax or property identification number for the purpose of receiving a single-tax statement.

Tax Parcel Split – Where two or more parcels that were previously combined under one tax or property identification number for the purpose of receiving a single-tax statement are assigned new tax or property identification numbers for two or more of the parcels.

***

Division B. Requirements

SEC. 22.03. WHERE REQUIRED.

(a) **Where Platting is Required.**

***

(5) **Tax Parcel Combination.** Platting is not required for the combination of tax parcels, subject to the Section 22.11.1.

***

Division B. Requirements

***

SEC. 22.08. APPLICATION PROCESSES AND FEES.

***

(c) **Application Processes and Fees.**

Application Process	Review and Decision Making Authority				Notice		Fee
	DRC	ST	PC	CC	N	Mail	

***

Tax Parcel Combination or Split		DM					$130

***

Division D. Standards

SEC. 22.09. PLATTING STANDARDS.

***

(b) **Easements.**

***

(6) Exemption. To the extent easement dedication is not proportionate to the proposed development as determined by the Issuing Authority, the plat is exempt from easement dedication requirements.

(c) **Streets.**

***

(9) Exemption. To the extent right-of-way dedication is not proportionate to the proposed development as determined by the Issuing Authority, the plat is exempt from right-of-way dedications requirements.

***

SEC. 22.11.1 TAX PARCEL COMBINATION OR SPLIT.

(a) **Purpose.** The purpose of the tax parcel combination or split application process is:

(1) to ensure property owners understand a tax parcel combination or split is for tax billing purposes only and does not constitute an actual change in legal property boundaries;

(2) to set forward appropriate standards; and

(3) to provide a review process prior to City staff sign-off on Hennepin County's required form for tax parcel combinations and splits.

(b) **Review and Approval.** Tax parcel combinations or splits must be reviewed and approved by the Planning Manager, City Engineer and City Assessor prior to finalization.

(c) **Content.** Tax parcel combination or split requests must include the following items:

(1) An application form signed by the property owner(s) or authorized representative;

(2) The required application fee (see City Code Section 22.08(c));

(3) Written documentation from the property owner:

(A) explaining the proposed tax parcel combination or split;

(B) acknowledging that the tax parcel combination or split is for tax purposes only and that the legal property boundaries will remain as is unless modified through other means; and

(C) in the case of tax parcel combinations, acknowledging that the City of Bloomington will not approve a future tax parcel split unless the split tax parcels each meet all applicable requirements of the City Code for individual parcels (including but not limited to lot size, lot width, building setbacks, impervious surface coverage, street adjacency and the like);

(4) Plans showing the parcels to be included in the tax parcel combination or split; and

(5) A completed copy of the Hennepin County form required for tax parcel combinations or splits.

(d) **Standards.**

(1) A tax parcel split must not be approved unless the resulting tax parcels are each platted lots and each meet all applicable requirements of the City Code for individual parcels (including but not limited to lot size, lot width, building setbacks, impervious surface coverage, street adjacency and the like).

(2) All parcels within a tax parcel combination or split must be contiguous.

(3) All parcels must have identical ownership.

(4) All parcels must be within the same unique taxing jurisdiction (city, school district, watershed district and the like).

(5) All parties with property interest, including mortgage companies, must consent to the combination or split.

Passed and adopted this _____ day of _____, 2016.

_____
Mayor

ATTEST:

_____
Secretary to the Council

APPROVED:

_____
City Attorney

CITY OF
BLOOMINGTON
MINNESOTA

PLANNING COMMISSION SYNOPSIS

Thursday, February 25, 2016

CALL TO ORDER	Chairperson Nordstrom called the Planning Commission meeting to order at 6:00 PM in the City Council Chambers of the Bloomington Civic Plaza.

COMMISSIONERS PRESENT: Nordstrom, Willette, Batterson, Fischer, Goodrum
COMMISSIONERS ABSENT: Spiess, Bennett
STAFF PRESENT: Markegard, Schmidt, O'Day

****

ITEM 2	**CASE:**	NA
6:07 p.m.		(study item)
	APPLICANT:	City of Bloomington
	LOCATION:	N/A
	REQUEST:	Discuss 2016 Miscellaneous Issues Ordinance

PUBLIC HEARING DISCUSSION:

Schmidt presented the proposed 2016 Miscellaneous Issues Ordinance. He noted the item is scheduled to move to Planning Commission as a public hearing on March 10, 2016 and to City Council on April 4, 2016.

The first policy question was regarding fences. In 2015, City Council approved two variances for a 6 foot privacy fence in a side and/or rear yard abutting a street. Staff is looking for direction on whether the Code should be amended to allow six foot privacy fences by right in side and/or rear yards abutting a street.

Markegard gave a brief history of the fence ordinance prior to 2008. Prior to 2008, a six foot privacy fence could be placed anywhere on a lot outside clear view triangles. Based on Planning Commission and City Council concerns about changing neighborhood character due to fences, fence standards were amended to limit height and opacity in front yards and side/rear yards adjacent to a street. Markegard displayed graphics showing where six foot tall privacy and four foot tall open fences are currently allowed and showing photo examples of each type of fence style.

Markegard said that the primary concerns regarding the new fence standards heard by staff relate to the side and rear yards along streets for corner lots. He displayed graphics depicting two fence variances approved in 2015 in side or rear yards adjacent to a street. One approved fence variance was located on 82nd Street and Pillsbury Avenue. Staff and Planning Commission recommended approval and City Council approved the variance. The other

variance was located on 108th Street and Xerxes Avenue. Staff and Planning Commission recommended denial but the City Council approved the variance.

He provided three options for amending the fence standards to address the location of a 6 foot tall privacy fence in side and rear yards adjacent to streets. A first option is to allow a six foot tall privacy fence in a side and rear yard adjacent to street. The option moves away from providing an open character for the neighborhood and walls off interior lots. It also limits the crime prevention aspects of having more eyes on the street by blocking the side windows of the house from the street. A second option is to allow a six foot tall privacy fence in only the rear yard adjacent to a street. The advantage is there are more eyes on the street while still allowing flexibility to have a larger yard area with more privacy. Markegard noted Minneapolis uses the second option. A third option is to keep the fence standards as they are now. It's important to note there is an exception that allows a six foot privacy fences along arterial streets. Local and collector streets may only have four foot tall open style fences in yards adjacent to streets.

Goodrum asked about the City Council approval for the 108th Street and Xerxes Avenue variance.

Markegard stated the neighbor provided an affidavit of consent that likely played a role in the City Council's decision.

Goodrum noted there were special circumstances with this variance. He suggested the a six foot privacy fence be allowed adjacent to a street if it met the setback requirement for a structure.

Markegard said a 6 foot tall fence is currently allowed in a yard adjacent to a street provided it meets the setback requirements of a principal structure.

Nordstrom stated people want to make the best use of their property. He understands the need for privacy from traffic and noise along busier streets.

Nordstrom supports option one because it allows privacy.

Batterson supports the current fence standards because it allows for an open front yard and residential character. He provided an example where it is difficult to see around the corner due to a 6 foot tall fence in the front yard. He suggested a 6 foot fence could come out 8 to 10 feet out from the house in a side or rear yard adjacent to a street but an open yard should be maintained along the street.

Fischer liked giving people flexibility on fences but understands the importance of sight lines. With the 8 to 10 foot beyond the structure idea, there is concern about open yard areas.

Markegard asked Fischer as a law enforcement officer for his thoughts on maintaining eyes on the street.

Fischer stated a privacy fence can be a good thing in some cases and provide a buffer between feuding neighbors. At the same time, a 6 foot tall fence can pose an issue with security and sight lines.

Willette noted there are many corners in Bloomington that have large plantings that block the sight line.

Goodrum stated the variance process gives a good opportunity to evaluate each circumstance.

Nordstrom noted a fence should not be placed in an easement.

Markegard said, on new lots, there is typically a 10 foot drainage and utility easement beyond the typical12 feet of right-of-way adjacent to a street. If an easement occupied by public utilities exists, an encroachment agreement is required to place a fence within it.

Batterson said a 6 foot tall fence in the front yard of an adjacent lot can devalue a property.

Goodrum said it is important to be cautious about corner lots.

Markegard asked the Commission for their thoughts on the proposed 8 to 10 foot approach from the home in a side and rear yard adjacent to a street.

Fischer discussed the space constraints with an 8 to 10 foot approach.

Willette asked if a gate is required to be the same material as a fence.

Markegard said it is not.

Schmidt noted there are encroachment standards for porches, decks, etc. within yards along street. He suggested using encroachment standards with fences.

The Commission discussed a particular example of a tall fence in a front yard.

Goodrum asked what the main resident concerns are.

Markegard noted the majority of the concerns come from corner properties. Most often, people are not aware of the 2008 ordinance change and construct the fence without discussing it with staff because they have seen other similar legally nonconforming fences that predate the 2008 changes.

Schmidt asked the Commission about a potential minimum distance between the property line and the fence.

Goodrum recommended a 12 foot right-of-way plus a 10 foot easement which leads to a minimum 22 feet of green space.

Batterson suggested 15 feet clear beyond the right-of-way.

The consensus is to allow 6 foot tall privacy fences to be placed 8 feet closer to the street than the principal structure or garage.

Schmidt discussed the current clear view triangle standards. At intersections, it is measured 15 feet from the property line in both directions. For driveways, the clear view triangle is measured 15 feet from the curb. The issue is that the driveway measurement does not provide adequate visibility for pedestrians and bicyclists on sidewalks. The proposed change is to adjust where the clear view triangle is measured.

Nordstrom noted an instance where a driveway is close to the property line and a neighboring fence impacts the clear view triangle.

Markegard stated nonconformity law would allow a legally nonconforming fence to be rebuilt.

Goodrum stated he thought the clear view triangle would have little impact if an 8 to 10 foot approach for fences were adopted as fences would not be allowed in the clear view triangle except along arterials, where most lots do not have driveways to the arterial anyway.

Markegard stated if the fence code doesn't change or changes as the Planning Commission proposes, clear view triangle violations would be a rare issue.

Batterson provided an example where one neighbor has an existing nonconforming six foot tall fence along the property line and the next door neighbor builds a new detached garage with a new driveway and a neighboring fence that blocks the clear view triangle for the new driveway. He predicts it will negatively impact the ability to add new driveways and cause an issue for residents and staff.

Fischer provided an example of his lot and asked about the plantings in the corner.

Markegard said it would have to remain open on the corner for the clear view triangle.

Schmidt added shrubs cannot be greater than 4 feet in height.

Schmidt stated sometimes clear view triangles for driveways encroach into neighboring properties. He was unsure if staff reviews clear view triangle with driveway permits.

The consensus is to keep the clear view triangle ordinance as it is now.

Schmidt discussed other amendments to the Miscellaneous Issues Ordinance. Transient lodging is currently prohibited within the city. The proposed amendment enhances the definition of transient lodging and strengthens the rental code.

Nordstrom asked about post-secondary education housing.

Markegard stated if they stayed in the house for at least 30 days, it would not be considered transient lodging. It must include no more than four unrelated guests.

Batterson supported the strict requirements of transient lodging. He strongly suggested strict enforcement with these standards.

Markegard stated that Bloomington is one city that both prohibits transient lodging and follows up with enforcement.

Schmidt noted changes in the Use Table which include the addition of licensed day care facilities within places of assembly, schools, colleges and universities as a conditional accessory use, addition of colleges and universities as a conditional use in the Lindau Mixed-Use Zoning District, and addition of a dwelling unit for a hotel manager as an accessory use.

Batterson asked if student housing is included in the City Code.

Markegard confirmed and gave Bethany College as an example.

Schmidt noted a proposed change with the location of accessory structures. Currently, the Code limits an accessory structure between the home and the street on through lots. The proposed change will permit accessory structures in the rear yard of through lots if the accessory structure meets the required setback for principal structures.

Batterson asked if there is enforcement of exterior materials of accessory structures. He is concerned about temporary structures. Does it have to be screened?

Markegard stated the accessory structure must match or complement the principal dwelling.

Schmidt discussed the proposed changes to detached garages. The location of a detached garage must accommodate a code complying driveway in the future even if a driveway is not proposed.

Since the agenda packet was distributed, there have been changes to the draft ordinance. Staff is proposing to delete the change regarding irrevocable letters of credit and maintain them as allowed forms of sureties in the Zoning Ordinance. Also, staff added three additional standards for tax parcel combinations and splits including identical ownership, lying within the same jurisdiction and requiring the approval of a mortgage holder.

Fischer asked if there has been an issue with people building and then abandoning a project because of insufficient funding.

Markegard stated the City has been lucky over the last 22 years and in that timeframe has not had to cash in the money. Staff collects sureties primarily for landscaping and erosion control.

Goodrum asked if there are changes to the storage of boats and trailers.

Markegard stated there are no changes proposed and that the recreational vehicle can come 8 feet in front of the house. If the boat goes further than 8 feet in front of the house, a recreational vehicle permit is required.

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

Charlene Vold being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SC Bloomington

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 02/25/2016 and the last insertion being on 02/25/2016.

MORTGAGE FORECLOSURE NOTICES
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Charlene Vold
Designated Agent

Subscribed and sworn to or affirmed before me on 02/25/2016 by Charlene Vold.

Darlene M MacPherson
Notary Public

DARLENE MARIE MACPHERSON
Notary Public-Minnesota
My Commission Expires Jan 31, 2019

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City of Bloomington

(Official Publication)
NOTICE OF PUBLIC HEARING
By the Planning Commission
CASE FILE NUMBER: PL2016-12
APPLICANT: City of Bloomington
PROPOSAL: An ordinance that includes City Code amendments:

- Adding accessory structure setback variances to the list of variance applications that are to be heard by the hearing examiner (2.10);
- Modifying variance application content (2.98.01);
- Modifying the trash and recyclables storage standards (10.06.04);
- Updating the definition of issuing authority with respect to laundromats and creating a definition for transient lodging (14.238, 14.568);
- Including hotel manager dwelling units in the list of exempted housing types for rental licensing (14.570);
- Clarifying the standards of illegal rentals, occupancy limits and no subletting and specifically prohibiting transient lodging (14.577);
- Modifying the variance process for wells to be consistent with state statute (15.162);
- Creating, deleting or modifying definitions for hotel manager dwelling unit, recyclable materials, transient lodging facility, tax parcel combination, and tax parcel split (19.03, 22.02);
- Modifying zoning lots standards to require all zoning lots to have one tax or property identification number (19.04.01);
- Deleting Commercial Office (CO-0.5) and reference thereto (19.24, 19.40.02, 19.40.08, 19.63.08, 19.113);
- Adding hotel manager dwelling units as an accessory use to the zoning districts that permit hotels (19.29, 19.31.01, 19.33, 19.34, 19.40.07, 19.40.08.01, 21.209);
- Deleting and modifying irrevocable letter of credit as a form of performance security allowed (19.29, 19.52, 19.53, 21.301.09, 21.302.04, 21.302.08);
- Adding conservation (SC) minimum district requirements (19.41);
- Clarifying the parking location of recreational vehicles within the single-family residential districts (19.50.03);
- Modifying the refuse, solid waste and recyclable materials handling and storage facilities standards (19.51);
- Clarifying the window and real estate sign standards (19.105);
- Adding standards to allow hotel pedestrian signs (19.121);
- Adding licensed day care facilities located within a place of assembly, school, college, or university as a conditional accessory use in the R-1, R-3, R-4, RM-12, RM-24, RM-50, and RM-100 districts and adding college or university as a conditional use in the LX district (21.209);
- Clarifying the calculation of median site width standards with respect to through lots (21.301.01);
- Adding the use financial institution within the off-street parking requirements (21.301.06);
- Clarifying the width of the driveway approach between the curb cut and property line (21.301.06);
- Adding an exemption with written consent to the maximum illumination at the property line (21.301.07);
- Modifying fence standards (21.301.08);
- Modifying the setback standards for accessory structures (21.301.19);
- Adding a standard for garages to be able to accommodate a code complying driveway (21.301.19);
- Modifying the storage space requirements of residential uses in commercial zoning districts (21.302.02);
- Clarifying the accessory dwelling unit standards (21.302.03);
- Clarifying the review process when planning commission action results in a tie vote (21.501.01, 21.501.04, 21.501.05);
- Adding a provision to allow the issuing authority the option to waive the development review committee meeting (21.502.01);
- Increasing the driveway permit fee (21.502.01);
- Modifying the permanent sign application fee for incidental, accessory and directional signs (21.502.01);
- Adding a uniform sign design fee (21.502.01);
- Deleting the expired medical marijuana facility moratorium (21.505);
- Adding tax parcel combination and split definitions, process, fees and standards (22.03, 22.08, 22.11.1, 22.08);
- Adding exemption standards for dedication of easements and right-of-way (22.09); and
- Correcting cross-references in multiple sections of the chapters listed

Thereby amending Chapters 2, 10, 14, 15, 19, 21, and 22 of the City Code

DATE, LOCATION, AND TIME OF HEARING: Planning Commission, Thursday, March 10, 2016 at 6:00 p.m., City Council Chambers - Bloomington City Hall, 1800 West Old Shakopee Road

HOW YOU CAN PARTICIPATE: Please include Case File number above when corresponding.

1. Review supplemental information online at www.blm.mn/updates or in the Community Development Department at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, MN 55431-3027
2. Submit a letter to the address below expressing your views;
3. Attend the hearing and give testimony about the proposal; and/or
4. Contact the Planning Division using the information below.

FURTHER INFORMATION:
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(952) 563-8922
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jschmidt@BloomingtonMN.gov

2/25/16, 3SC3, PHN City Code Ord Amendments, 512020