

ORDINANCE NO. 2016-6

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);

CLARIFYING THE DEFINITIONS APPLY TO CHAPTERS 19 AND 21 (19.03);

CREATING, DELETING OR MODIFYING DEFINITIONS FOR HOTEL MANAGER DWELLING UNIT, RECYCLABLE MATERIALS, SPORTS TRAINING FACILITY, TRANSIENT LODGING FACILITY, ISSUING AUTHORITY, 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 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:

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

ARTICLE V: CITY BOARDS AND COMMISSIONS

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.~~] Variance applications must include the following information, unless exempted by the Planning Manager:

- (1) An application form signed by the property owner(s) or authorized representative.
- (2) The required application fee (see City Code Section 21.502.02).
- (3) Written documentation that includes:
 - (A) A complete project description;
 - (B) Specific provisions of the Zoning Code involved and the variance request details; and
 - (C) Why and how the request meets each of the variance findings in § 2.98.01(b)(2).
- (4) Scaled floor plan, site plan, and building elevations (where applicable).
- (5) Certified survey showing the existing conditions on the property (if setback related).

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. 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

ARTICLE IV. BUSINESS LICENSES AND REGULATIONS

Division I. Laundromats

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.

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.

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.

Division B. Rental Housing Licensing

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

*
* * *

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]~~ Chapters 19 and 21 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.

~~[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.]~~

~~Sports training facility – [A multi-use facility primarily designed to provide for the training, lodging, and competition of team sports.]~~ A facility primarily designed to provide for sports training, which with sufficient parking may include competition as a subordinate activity.

~~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.

Division C. Lots, Building and Obstructions

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)	<u>SC District</u>
Lot width	100 feet	---	---	---	<u>100 feet</u>
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	<u>50 feet</u>
Side-yard setback	10 feet	25 feet	25 feet	60 feet	<u>20 feet*</u>
Rear-yard setback	25 feet	25 feet	25 feet	25 feet	<u>30 feet</u>
Side or rear-yard adjoining street	35 feet	35 feet	35 feet	60 feet	<u>50 feet</u>

* 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 RECYCLABLE 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 4300.4700 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 <u>refuse</u> <u>solid waste</u> storage area per 1,000 square feet of gross floor area for the first 15,000 square feet (Minimum size - 120 Square Feet)	Minimum <u>refuse</u> <u>solid waste</u> 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 [49.62]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 [49.62]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 [49.62]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										MN Statute 462.357 Subd. 7
Serving 12 or fewer persons	P	P	P	C	C	C	C	C	C	

Serving 13 to 50 persons				C	C	C	C	C	C	MN Statute 462.357 Subd. 8
Serving 13 or more persons in single family zones in existence prior to 01/26/2015	C	C	C							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;

(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

(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 or Financial Institution

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 or the width of the curb cut measured from the inside of the tapers. 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) 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] <u>2.0</u> 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] <u>2.0</u> FC	0.5 FC
--	----------------------------------	--------

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.	<u>Same as principal structures in the zoning district.</u>	5 feet 10 feet if connected to water or sanitary sewer service	<u>5 feet</u>	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.	<u>Same as principal structures in the zoning district.</u>	Same as principal structures in the zoning district	<u>Same as principal structures in the zoning district</u>	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.	<u>Same as principal structures in the zoning district.</u>	10 feet	<u>Same as principal structures in the zoning district</u>	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) <u>Uniform sign design – new</u> | <u>\$100</u> |
| (B) <u>Uniform sign design – amendment</u> | <u>\$50</u> |

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:

Issuing Authority – The City Manager or designated representative.

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

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 18th day of April, 2016.



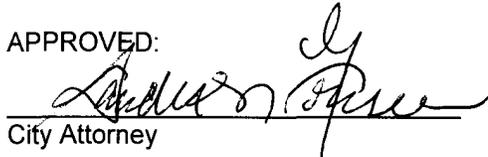
Mayor

ATTEST:



Secretary to the Council

APPROVED:



City Attorney