

ORDINANCE NO. 2017 - 13

AN ORDINANCE AMENDING ZONING DEFINITIONS, CX-2 MIXED USE DISTRICT PROVISIONS, AND ELIMINATING THE CO-2 COMMERCIAL OFFICE/MIXED USE DISTRICT, THEREBY AMENDING CHAPTERS 14, 19, AND 21 OF THE CITY CODE

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

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 14

LICENSES AND PERMITS

ARTICLE IV: BUSINESS LICENSES AND REGULATIONS

DIVISION E: HAWKERS, PEDDLERS, AND TRANSIENT MERCHANTS

SEC. 14.188 RESTRICTIONS ON HAWKING, PEDDLING, AND TRANSIENT SALES.

(a) Transient merchant restrictions.

(1) *Zoning compliance.* No transient merchant shall display or offer for sale any merchandise at locations prohibited under Chapter 14, 19 or 21 of this code. Subject to code requirements, transient merchant sales are allowed in the following locations:

(A) As permitted accessory uses in parks in the R-1 and SC Districts when incidental and clearly subordinate to a special event;

(B) As permitted accessory uses when interior to hotels or motels in all zoning districts that allow hotels or motels;

(C) As permitted accessory uses when interior to buildings in the SC District; and

(D) As permitted accessory uses in the CX-2 District to permitted principal uses; and

~~[(E) As interim accessory uses in the CO-2 District when incidental and clearly subordinate to a special event.]~~

Section 2. 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 1: GENERAL PROVISIONS:

DIVISION B: DEFINITIONS

SEC. 19.03 DEFINITIONS

CONVENTION CENTER. A structure used or intended to be used primarily for entertainment events, expositions, meetings, conferences, seminars, and other [public] gatherings. Typical components include convention and exhibit halls. Convention center may include accessory uses, including but not limited to meeting rooms, auditoriums, cafeterias, dining rooms, recreational uses, and support services designed to accommodate planned entertainment events, expositions, meetings, conferences, and seminars.

INTEGRATED FUEL SALES AND CAR WASH. Fuel sales and/or car wash physically integrated with and fully within a structured parking facility.

MOTOR VEHICLE SALES ENCLOSED. The sale, brokering or lease of new or used motor vehicles where all vehicles for sale, resale or lease are stored and displayed entirely within a completely enclosed building on the premises of the business, including the storage and display of up to thirty (30) motor vehicles within a parking structure and accessory to an enclosed motor vehicle sales facility. The use may also include minor vehicle repair in up to six (6) service bays fully screened from view of any public street. All component uses require parking in accordance with Section 21.301.06 (d).

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:

- (6) Mixed Use Districts:
 - Mixed Use CX-2 District
 - ~~[Commercial Office/Mixed Use CO-2 District]~~
 - High Intensity Mixed Use With Residential HX-R District
 - Lindau Mixed Use LX District

ARTICLE III.A. ADDITIONAL ZONING DISTRICTS

SEC. 19.40.02. ESTABLISHMENT OF DISTRICTS.

The following zoning districts are hereby established:

- (5) ~~[Commercial Office/Mixed Use CO-2]~~ Reserved;

§ 19.40.08.01 ~~[COMMERCIAL OFFICE/MIXED USE DISTRICT CO-2]~~ Reserved.

~~[(a) *Intent.* The Commercial Office/Mixed Use District is intended to provide for the expansion of the Mall of America development from adjoining property west of 24th Avenue, in a manner consistent with the environmental impact statement for the Mall of America. It is intended that this district blend the mixed use component of the CX-2 District with the business and residential components of the CO-1 District and serve as a transition between the Mall of America site and other adjoining lands zoned CO-1 and RO-50. It is intended that the CO-2 District only be applied to the area bounded by 24th Avenue on the west, 82nd Street on the north, 28th Avenue on the east and Old Shakopee Road on the south.~~

~~(b) *Permitted principal uses:*~~

~~(1) Mixed use center;~~

~~(2) Office uses;~~

~~(3) Public uses;~~

~~(4) The following accessory uses:~~

~~(i) Uses customarily incidental and clearly subordinate to permitted principal uses.~~

~~(ii) Beekeeping.~~

~~(5) Entertainment and recreation special events.~~

~~(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:~~

~~(1) Multiple use structures in excess of 200,000 square feet of floor area containing three or more of the following uses: office, hotel, restaurant, retail stores and service establishments, financial institutions without drive up facilities, theaters and conference centers;~~

~~(2) Full service hotels, which are capable of being expanded, with a minimum of 250 rooms;~~

~~(3) Retail stores and service establishments in minimum aggregations of 250,000 square feet of floor area;~~

~~(4) Multi cinema theater, with a minimum of three cinemas, or theaters offering live entertainment with a minimum aggregate seating capacity of 1,000 seats;~~

~~(5) Conference centers and other public meeting spaces;~~

~~(6) Financial institutions;~~

~~(7) Accessory use customarily incidental and clearly subordinate to provisional uses;~~
and

~~(8) Hotel manager dwelling unit.~~

~~(d) Conditional uses. If the following uses are developed with direct pedestrian access to a mixed use center and if they meet any other conditions which may be attached, they may be permitted in the CO-2 District:~~

~~(1) Multi family dwellings provided they are developed in accordance with the provisions of the RO 50 District except § 19.40.09(h)(3).~~

~~(2) Multiple use structures less than 200,000 square feet in area;~~

~~(3) Full service hotels having fewer than 250 rooms;~~

~~(4) Retail stores and personal service establishments, including licensed therapeutic massage enterprises, as part of mixed use center in aggregations of less than 250,000 square feet;~~

~~(5) Cinema and theaters with aggregate seating capacity of less than 1,000 seats;~~

~~(6) Reserved;~~

~~(7) Hotel airport parking;~~

~~(8) Automotive service facilities as part of a structure primarily devoted to another use;~~

~~(9) Utility uses;~~

~~(10) Research laboratories;~~

~~(11) Athletic and social clubs;~~

~~(12) Commercial recreational facilities;~~

~~(13) Air passenger and transit terminals;~~

~~(14) Other uses which in the determination of the City Council are compatible to the mixed use development concept;~~

~~(15) Uses requiring a maximum floor area ratio above 2.0, subject to the provisions of subsection (i) below; and~~

~~(16) Towers. For related provisions, see §§ 15.14, 19.63.05 and 21.301.10 of this code.~~

~~(e) Interim uses.~~

~~(1) Uses. The following uses are allowed on an interim basis in accordance with the provisions of this section:~~

~~(A) Short term parking of passenger automobiles and recreational vehicles in support of uses in the adjacent CX-2 Zoning District;~~

~~(B) Storage of construction materials, equipment and supplies for projects involving other properties in the CO-2 Zoning District;~~

~~(C) Storage of construction materials, equipment and supplies for public street and highway projects;~~

~~(D) Reserved;~~
~~(E) Farmer's market, provided products are sold directly to consumers by Minnesota growers and producers consistent with the exceptions allowed by M.S. § 329.14, as it may be amended from time to time;~~

~~(F) Reserved; and~~
~~(G) Parking for off-site use or as a primary use.~~

~~(2) Standards. In addition to standards in § 21.501.05, the following standards also apply to interim uses in the Commercial Office/Mixed Use District CO-2.~~

~~(A) Any buildings or other site improvements shall be of nominal value or portable. Temporary buildings shall be allowed only to support the proposed use and must be designed and constructed in a manner assuring safety for occupants and others affected, as determined by the issuing authority.~~

~~(B) Reserved.~~

~~(f) Maximum floor area ratio. The maximum floor area ratio for nonresidential uses within the CO-2 District shall be two square feet of floor area for each one square foot of district area, except as these standards may be modified by the provisions of subsection (i) below. Interpretation of maximum floor area ratio in the CO-2 District shall not be for individual parcels but for the district in total.~~

~~(g) Dimensional requirements.~~

Minimum lot area	None
Minimum lot width	None
Minimum setback from arterial streets	60 feet, except at points where pedestrian connections are made across public streets where a zero setback is permissible for a width of 120 feet
Minimum setback from other public streets	20 feet, except at points where pedestrian connections are made across public streets where a zero setback is permissible for a width of 120 feet
Maximum structure height	As regulated by § 21.301.10 of this code
Maximum structure coverage	40% for the district in total
Maximum structure floor area ratio	2.0

~~(h) Reserved.~~

~~(i) Special provisions.~~

~~(1) All development occurring in the Mixed Use CO-2 District shall occur under the provisions of § 19.38.01, Planned Development Overlay District.~~

~~(A) The preliminary development plan, as required in § 21.501.02 of this code shall include all lands in the adjoining CX-2 Primary Zoning District, as well as in the CO-2 District.~~

~~(B) The preliminary development plan shall include a plan and shall identify units of development of the CO-2 District, which shall require review by the Planning Commission and approval by the City Council.~~

~~(C) A final development plan for each development phase shall be prepared and submitted in accordance with the provisions of § 21.501.03 of this code.~~

~~(D) Unless another specific period is established by the City Council at the time it is approved, a final development plan for a development phase in the CO-2 District shall expire if development has not commenced within two years from the date of approval. Upon written request to the issuing authority, the City Council may extend the plan for a final development plan for a period to be determined by the City Council.~~

~~(2) Any proposal for development within the CO-2 District shall be accompanied by a plan which indicates the relationship of the proposed structure to existing and contemplated future contiguous structures in the CO-2 District. Such a plan shall include, but not be limited to, a site plan outlining the existing and proposed structures, common areas, driveways, parking areas, landscaping and other features; a pedestrian circulation plan for both exterior and interior pedestrian movement; a utility and services plan indicating the provision of services from common utility and receiving areas; and a shadow cast plan indicating solar interference three hours either side of solar noon for January 21.~~

~~(3) All structures within the CO-2 District shall have a principal means of access by a public street or private driveway separate and distinct from any parking area.~~

~~(4) The maximum floor area ratio in the CO-2 District may be increased to three square feet of floor area for each one square foot of district area, and maximum building coverage may be increased to 60% of district area exclusive of area used by parking structures provided that 50% of parking spaces are provided in structures, that 50% of additional floor area above the floor area ratio of 2.0 is in structures of ten or more stories in height, that peak period private vehicle occupancy serving this site is an average of 1.2 persons per vehicle or greater, and that at least 2% of the peak period trips serving the site are made by public transit.~~

~~(5) Exterior materials: the exterior materials and finish of all buildings erected on lands within Commercial Office CO-2 Zoning Districts shall be in conformance with the applicable requirements of § 19.63.08 of this code.~~

~~(j) Sign regulations. Refer to Article X of this chapter.~~

~~(Ord. 89-5, passed 1-23-1989; Ord. 90-42, passed 9-10-1990; Ord. 92-38, passed 7-27-1992; Ord. 95-7, passed 5-15-1995; Ord. 96-25, passed 7-1-1996; Ord. 96-40, passed 8-19-1996; Ord. 96-69, passed 12-16-1996; Ord. 97-37, passed 8-18-1997; Ord. 98-3, passed 1-5-1998; Ord. 98-14, passed 4-6-1998; Ord. 2001-22, passed 7-2-2001; Ord. 2002-16, passed 5-6-2002; Ord. 2002-38, passed 12-2-2002; Ord. 2004-27, passed 5-3-2004; Ord. 2005-11, passed 4-25-2005; Ord. 2006-54, passed 12-18-2006; Ord. 2007-6, passed 2-26-2007; Ord. 2009-1, passed 1-26-2009; Ord. 2010-29, passed 11-1-2010; Ord. 2012-2, passed 1-23-2012; Ord. 2013-29, passed 11-18-2013; Ord. 2014-5, passed 2-3-2014; Ord. 2015-18, passed 6-22-2015; Ord. 2016-3, passed 2-22-2016; Ord. 2016-6, passed 4-18-2016)]~~

ARTICLE V: PERFORMANCE STANDARDS

§ 19.63.06 TENTS AND CANOPIES

(a) *Intent.* The purpose of this section is to establish standards for tents and canopies for special events. The use of tents and canopies for the purpose of housing motor or recreational vehicles or storage is prohibited.

(b) *Where allowed.* Tents and canopies are permitted in all zoning districts with the following exceptions.

(1) Outdoor tents and canopies are allowed within the CX-2 [and the CO-2] Zoning District[s] only when:

§ 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:

- Multiple-Family Residential RM-50 Districts
- Multiple-Family Residential RM-100 Districts
- Neighborhood Office B-1 District
- General Commercial B-2 District
- Neighborhood Commercial Center B-4 District
- Freeway Office and Service C-1 District
- Freeway Commercial C-2 District
- Freeway Commercial Center C-3 District
- Freeway Office C-4 District
- Freeway Mixed Use C-5 District
- Regional Commercial CR-1 District
- Freeway Development FD-1 and FD -2 Districts
- Commercial Service CS-0.5 and CS-1 Districts
- Commercial Office CO-1 and ~~CO-2~~ District[s]
- Residential Office RO-24 and RO-50 Districts
- High Intensity Mixed Use with Residential HX-R District
- Lindau Mixed Use LX District

ARTICLE X: SIGN REGULATIONS

§ 19.115 CLASS VI SIGN DISTRICT[S] (CX-2[, ~~CO-2~~]).

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

(1) ~~CX-2[, CO-2]~~ District[s].

(A) *Site identification sign.*

(i) *Where permitted.*

(aa) *Ground signs.* A ground sign shall be permitted.

(bb) *Monument signs.* A monument sign shall be permitted.

(cc) *Pylon signs.* Pylon signs shall not be permitted.

(ii) *Maximum sign height.*

(aa) *Ground signs.* No part of the sign face or the sign support structure of a ground sign shall be more than eight feet above final grade, subject to the provisions of § 19.108(c).

(bb) *Monument signs.* No part of the sign face or the sign support structure of a monument sign shall be more than 20 feet above final grade, subject to the provisions of § 19.108(c).

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

(iv) *Minimum setbacks, side and rear.* There shall be no required side or rear setbacks.

(v) *Maximum sign area and number of signs.* The maximum sign area of a freestanding site identification sign shall not exceed 650 square feet and there shall be a maximum of one sign for the entire CX-2 District [~~and one sign for the entire CO-2 District~~].

§ 19.127 TEMPORARY SIGNS FOR APPROVED INTERIM USES IN THE CLASS VI SIGN DISTRICT (CX-2[, CO-2]).

Section 3: 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:

CHAPTER 21: ZONING AND LAND DEVELOPMENT

ARTICLE II: DISTRICTS AND USES

DIVISION F: SPECIALIZED ZONING DISTRICTS

§ 21.207.01 MIXED USE (CX-2) DISTRICT.

(a) *Intent.* Within the Mixed-Use District, the most intense utilization of land in the city will take place supported by existing and future investment in public infrastructure. The CX-2 District provisions are intended to:

- (1) Allow a broad range of uses;
- (2) Ensure that new development is of significant size and intensity; and
- (3) Provide a mix of uses that balance the demand on traffic and parking.

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

- (1) *Additional interim uses.*
 - (A) Short-term parking of passenger automobiles and recreational vehicles in support of adjacent uses;
 - (B) Storage of construction materials, equipment and supplies for projects involving other properties in the CX-2 Zoning District;
 - (C) Storage of construction materials, equipment and supplies for public street and highway projects;
 - (D) Reserved;

(E) Farmer's market, provided such products are sold directly to consumers by Minnesota growers and producers consistent with the exceptions allowed by M.S. § 329.14, as it may be amended from time to time; and

(F) New and used motor vehicle sale events of not more than 14 days that exclusively benefit a non-profit charitable organization, and are limited to not more than 200 motor vehicles. No more than one such event shall be allowed in a calendar year.

(G) Parking for an off-site use or as a primary use, not to include remote airport parking.

(2) *Interim use standards.* In addition to standards in § 21.501.05, the following standards also apply to interim uses in the Mixed Use (CX-2) District.

(A) Any buildings or other site improvements associated with the interim use must be of nominal value or portable. Temporary buildings must only support the proposed use. Temporary buildings are exempt from the minimum building floor area requirements of the CX-2 District, but must be designed and constructed in a manner assuring safety for occupants and others affected, as determined by the issuing authority.

(B) Reserved.

(c) *Standards.* Development in the CX-2 District must comply with the following standards.

(1) *Floor area ratio, building floor area, impervious surface area, site width and site area.* See § 21.301.01 for applicable standards.

(2) *Structure placement.* See § 21.301.02 for applicable standards.

(3) *Structure height.* See § 21.301.10 for applicable standards.

(4) *Floor area ratio.* The maximum floor area ratio in the CX-2 District may be increased to 3.0 provided that:

(A) Fifty percent of the ground coverage is supplied in structures of six or more stories in height;

(B) Private vehicle occupancy serving the site is an average of 1.2 persons per vehicle or greater; and

(C) At least 2% of the peak period trips serving the site are made by public transit.

(5) *Integration Standards.* All structures in the CX-2 District must provide enclosed pedestrian access to the Mall of America or a Phase of Mall of America connected to the Mall of America. For phased projects, construction of the enclosed pedestrian access may be deferred through approval of a phasing plan approved as part of the Planned Development process if the City Council finds that the enclosed pedestrian access is either not necessary or not feasible for a particular development phase and provided an enclosed pedestrian access is proposed to be constructed as part of a future development phase and is shown on the approved Preliminary Development Plan for the subject site.

DIVISION H: USES

§ 21.209 USE TABLES.

(f) *Specialized zoning districts.*

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

Social and Cultural Facilities			
Community education or arts center	P	P	
Conservatory	P	P	
Convention center	P [C]	P	
Library	P	P	
Museum	P	P	
Place of assembly	P		19.63
Social service distribution facility	P	P	

Motor Vehicle Services			
Car wash			
Convenience facility with fuel sales			19.61
Integrated fuel sales <u>and/or car wash</u>	A		

Retail Sales and Services			
Artisan shop	P	P	

Technology and Manufacturing			
Low impact, high-technology manufacturing			
Printing and publishing			
Research laboratories	P		
Warehousing			

ARTICLE III: DEVELOPMENT STANDARDS

DIVISION A: GENERAL STANDARDS

SEC. 21.301.01. DEVELOPMENT INTENSITY AND SITE CHARACTERISTICS

(d) *Commercial and Industrial Zoning Districts.*

Zoning District	Floor Area Ratio		Building Floor Area	Impervious Surface Area	Site Width	Site Area
	Minimum	Maximum	Minimum	Maximum	Minimum	Minimum
B-1	NA	0.5	1,000 sq. ft.	80%	100 ft.; 150 ft. for corner sites	25,000 sq. ft.
B-2	NA	0.5	3,000 sq. ft.	90%	100 ft.; 150 ft. for corner sites	25,000 sq. ft.
B-4	0.2	0.5; 2.0 with residential	4,000 sq. ft.	95%	150 ft.; 200 ft. for corner sites	40,000 sq. ft.
C-1	0.4	1.0	20,000 sq. ft.	90%	200 ft.; 250 ft. for corner sites	120,000 sq. ft.
C-2	NA	0.5	20,000 sq. ft.; 10,000 sq. ft. for restaurants and gas stations	90%	200 ft.; 250 ft. for corner sites	80,000 sq. ft.
C-3	0.5	1.0	20,000 sq. ft.	95%	100 ft.	40,000 sq. ft.
C-4	0.4*	2.0	20,000 sq. ft.; 10,000 sq. ft. for restaurants	90%	200 ft.; 250 ft. for corner sites	120,000 sq. ft.
C-5	1.0	1.5	20,000 sq. ft.	95%	200 ft.; 250 ft. for corner sites	80,000 sq. ft.
CX-2	NA	2.0	<u>120,000</u> [200,000] sq. ft. 2,000 sq. ft. for accessory buildings	NA	200 ft.; 250 ft. for corner sites	<u>120,000</u> [150,000] sq. ft.

Zoning District	Floor Area Ratio		Building Floor Area	Impervious Surface Area	Site Width	Site Area
	Minimum	Maximum	Minimum	Maximum	Minimum	Minimum
LX	0.7**	2.0	10,000 sq. ft.	NA	100 ft.	NA

ARTICLE V: ADMINISTRATION AND ENFORCEMENT

DIVISION A: APPROVALS AND PERMITS

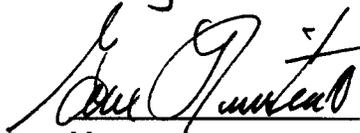
SEC. 21.501.04 CONDITIONAL USE PERMITS

(d) *Review and approval.* Conditional use permit applications must be reviewed and acted upon by the Planning Commission, except for the uses listed in subsection (d)(1) below, 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.

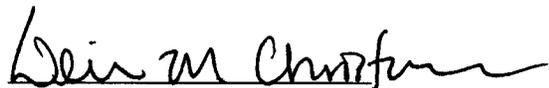
(1) *City Council review.* Because of higher potential to negatively impact surrounding property, the following use types must be reviewed by the Planning Commission and acted upon by the City Council when a conditional use permit is required by the underlying zoning district.

- (A) Clubs and lodges;
- (B) College or university;
- (C) Convention center;
- (D) Hospitals, sanitariums and rest homes;
- (E) Household hazardous waste and recycling collection facilities;
- (F) Junk car disposal businesses;
- (G) Open storage as a primary use;
- (H) Reserved~~[Other uses compatible with the mixed use concept of the CO-2-District];~~
- (I) Pawn shops;
- (J) Places of assembly;
- (K) Planned developments;
- (L) Post secondary educational institutions;
- (M) School (K-12), public or private;
- (N) Solid waste transfer stations;
- (O) Manufactured home parks; and
- (P) Medical marijuana distribution facilities.

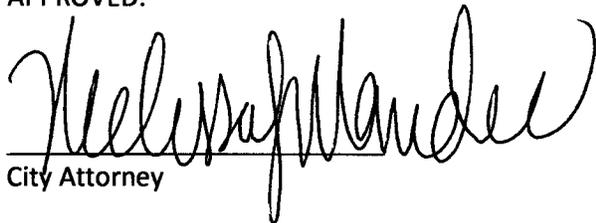
Passed and adopted this 22 day of may, 2017.


Mayor

ATTEST:


Secretary to the Council

APPROVED:


City Attorney