

GENERAL INFORMATION

Applicant: City of Bloomington

Request: Consider an ordinance to make multiple amendments to Chapters 1, 2, 12, 14, 19, and 21 of the City Code addressing residential districts and standards as well as institutional standards

CHRONOLOGY

Planning Commission Action: 12/18/14 – Recommended approval of Residential Phase I zoning ordinance.

City Council Action: 01/26/15 – Adopted Residential Phase I zoning ordinance.

Planning Commission Action: 05/14/15 – Study meeting on Residential Phase II zoning ordinance.

City Council Study Action: 06/8/15 – Study meeting on Residential Phase II zoning ordinance.

Planning Commission Action: 09/3/15 – Recommended approval of Residential Phase II zoning ordinance.

City Council Study Action: 10/12/15 – Overview of the proposed Residential Phase II zoning ordinance.

City Council Agenda: 10/19/15 – Public hearing continued to 11/16/15.

City Council Agenda: 11/16/15 – Public hearing continued.

UPDATE SINCE OCTOBER 12th STUDY MEETING DISCUSSION

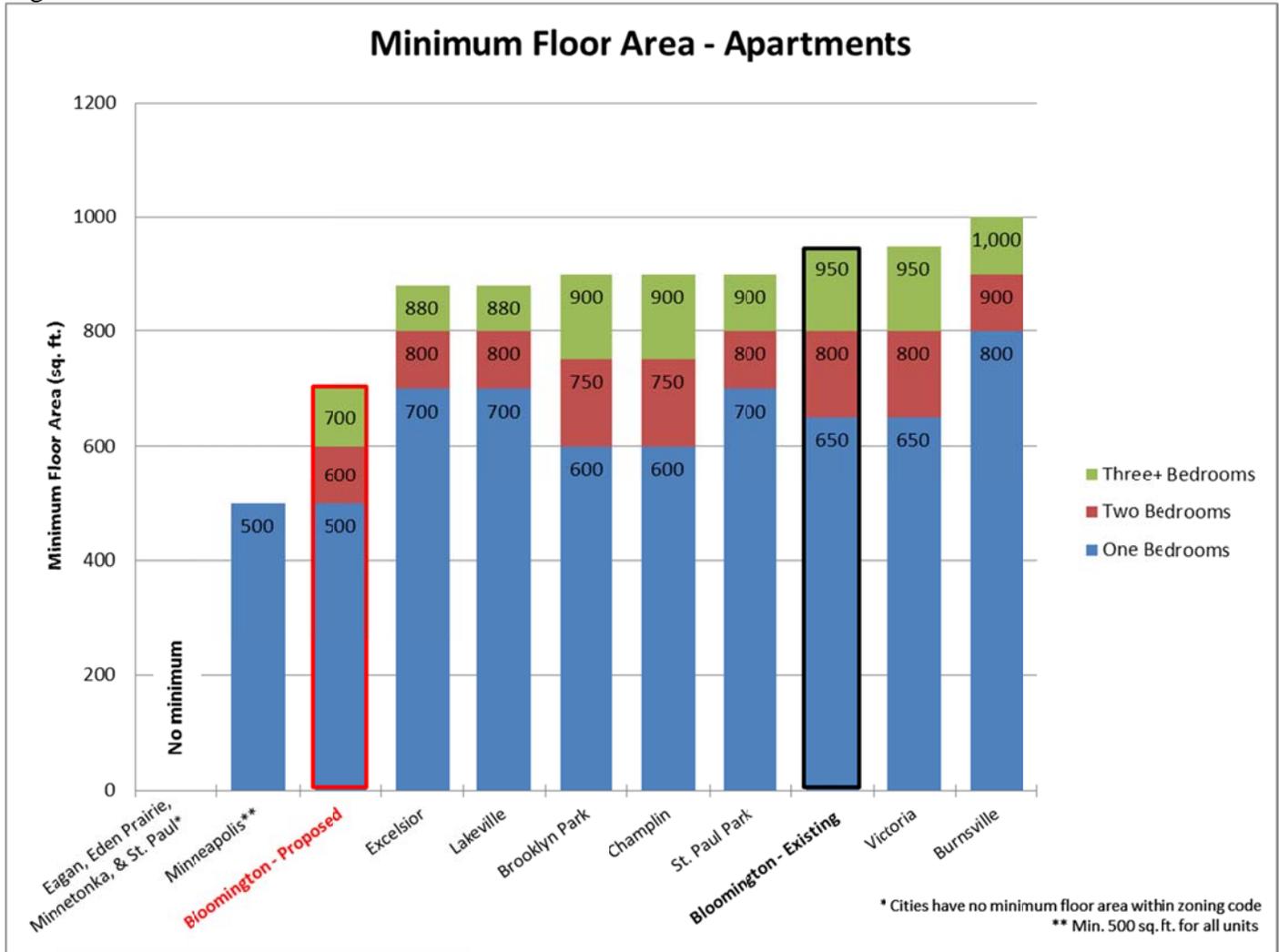
The following modifications have been made to the ordinance initially proposed by staff and reviewed by Planning Commission on September 3, 2015:

State Statute Reference: Based on the City Council feedback from the October 12, 2015 study session, staff amended the proposed ordinance to add additional Minnesota State Statute references for state licensed residential care facilities to Sections 21.209 and 21.302.23. As presented at the study session, State Statute preempts most City control of residential care facilities. The proposed standards codify what the City has authority to control.

Minimum Apartment Floor Area: City Council also asked staff to review minimum floor area standards in other cities and recommend a higher standard than the proposed 500 square foot minimum for both two bedroom and three or more bedroom apartments. The revised ordinance proposes a minimum floor area of 600 and 700 square feet for two and three or more bedroom apartments, respectively. This standard requires an additional 100 square feet per bedroom. Building Code requires a minimum size of 70 square feet per bedroom.

For comparison, Figure 1 illustrates the minimum floor area standards for cities within the metropolitan area that responded to staff’s information request. Across the metropolitan area, the increase in minimum floor area based on number of bedrooms varies from no difference to an increase ranging from 80 square feet, 100 square feet, and 150 square feet for each additional bedroom.

Figure 1



Storage Area Dimensions: Staff proposes one additional amendment, since the September 3, 2015 Planning Commission meeting, to Section 21.302.09, Multiple-Family Dwelling Design and Performance Standards, based on a comment received from a recent MF developer. The amendment changes the minimum vertical dimension of the dedicated storage space from six feet to four feet. This modification allows a storage locker to be placed on the wall in front of a parking space. The proposed overall cubic feet (175 or 96) of storage space remains as initially recommended by City Council; however, the proposed amendment allows the developer to determine the configuration (minimum four-foot horizontal and four-foot vertical dimensions) that works best for their space.

PROPOSAL

The proposed ordinance includes amendments to City Code Chapters 1, 2, 12, 14, 19 and 21 to:

1. Modify, create or delete definitions for nuisance service call, manufactured home park, accessibility housing, cargo truck, cottage food operation, handicapped housing, home business, home enterprises, home occupation, parked vehicle, stored vehicle, trailer bed, and transitway(12.01.01, 14.542, 19.03),
2. Modify home enterprise, occupation, and business standards (12.115, 19.29, 19.34, 19.40.07, 19.40.08, 19.40.09, 19.63.09, 21.209, 21.302.03, 21.302.04, 21.302.13),
3. Modify district regulations for larger lots and prohibited dwellings (19.43, 19.44, 21.301.01, 21.302.26),
4. Modify standards for parking and storage of vehicles and trailers in residential zones (19.45, 21.301.01),
5. Modify multiple-family dwelling design, senior citizen, and handicapped housing performance standards (19.62, 19.63.01, 19.63.02, 21.302.09),
6. Modify multiple-family residential (RM-100) district standards (21.203.09),
7. Modify multi-family dwelling minimum floor area standards (21.301.01),
8. Create manufactured home park standards (21.301.06, 21.302.10, 21.501.04),
9. Create residential care facility standards (21.301.06, 21.302.23),
10. Create congregate living facility standards (21.301.06, 21.302.24),
11. Create school and college standards (21.302.25),
12. Create day care facility standards (21.302.27), and
13. Correct cross-references in multiple sections of the chapters listed and schedule of civil fines for administrative offenses.

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

BACKGROUND

As part of a multi-year project, the City is comprehensively updating the Bloomington Zoning Code. Many of the existing base zoning districts, overlay zoning districts and standards were drafted decades ago and no longer support City objectives.

In recent years, several Residential Code provisions have been revised and adopted, including:

- Accessory dwelling unit standards
- Two-family dwelling standards
- Townhouse standards
- Single-family residential standards
- Fence standards
- Height limits and shadowing
- Driveway standards
- Garage / accessory structure standards
- Prevailing lot width
- Institutional uses in residential districts

The Residential districts zoning update is divided into two phases. Phase I amendments were adopted on January 26, 2015. This report focuses on the Phase II amendments that include creating standards for specific uses in Residential districts (i.e., day care facilities, senior housing).

Comparative Analysis

In developing the amendments, staff reviewed comparative standards in codes from around the Metro and the Country. Staff in the Environmental Health Division, Building and Inspection Division, Fire Prevention Division, and City Attorney's office also provided input on the proposed amendments.

Relationship between Chapters 19 and 21 of the Code

As the City updates zoning standards, provisions are shifting from Chapter 19 to Chapter 21. Until the reorganization is completed, both Chapters 19 and 21 collectively serve as the City's Zoning Ordinance.

OVERVIEW AND ANALYSIS

Individual chapters in the City Code are organized into separate articles and divisions to address specific topics. Amendments are proposed to various chapters, articles and divisions as described below. These are organized in numerical order following the order of amendments proposed in the attached draft ordinance.

Amendments to Chapter 1 – Schedule of Fines

- **Schedule of Fines** - Amendments correct reference to the sections moved from Chapter 19 to 21.

Amendments to Chapter 2

Administration

Article II. Administrative Code

- **Sec. 2.10. Application to be Heard** - This amendment corrects reference to the new standards for parking and storage of vehicles in residential zones under Section 21.301.06(m).

Amendment to Chapter 12

Public Peace and Safety

Article I. General Provision

- **Sec. 12.01.01. Definitions** – Amendments correct reference to the sections moved from Chapter 19 to 21 and changes the term “home occupation” to “home business.”

Article IV. Animal Code

Division D. Chickens, Farm Poultry, Farm Animals, and Bees

- **Sec. 12.115. Chickens** - Amendments correct reference to the home businesses section, moved from Chapter 19 to 21 and changes the term “home enterprises” to “home businesses.”

Amendment to Chapter 14

Licenses and Permits

Article VI. Time-of-Sale Housing Evaluations and Manufactured Home Park Regulations

Division E. Manufactured Home Parks, Recreational Camping Areas and Youth Camps

- **Sec. 14.542. Definitions** – Amendment updates the definition of “manufactured home park” to match the definition within State Statute.
- **Sec. 14.545. Standards for Health, Safety, and Nuisance Prevention** - This amendment corrects reference to the new standards for parking and storage of vehicles in residential zones under Section 21.301.06(m).

Article VIII. Rental Housing Code

Division C. Regulations

- **Sec. 14.580. Additional Regulations for Health, Safety and Maintenance** - This amendment corrects reference to the new standards for parking and storage of vehicles in residential zones under Section 21.301.06(m).

Amendments to Chapter 19

The proposed ordinance amends Chapter 19 to add, delete, and modify definitions related to the residential districts, reference the new Chapter 21 sections, and delete the sections that are being transferred to Chapter 21. Proposed amendments to Chapter 19 are described below:

ARTICLE I. GENERAL DEFINITIONS

- **Sec. 19.03 Definitions** – The amendments to this section include the addition of three new definitions for new uses and names referenced in the residential district standards, the incorporation of four definitions from Section 19.45, which was a supplemental definition section specific to parking and storage of vehicles and trailers standards, and the modification of two existing definitions to incorporate new use terms.

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

- **Sections 19.29, 19.34, 19.40.07, 19.40.08, and 19.40.09** – Amendments correct reference to the home businesses and multiple-family residential standards moved from Chapter 19 to 21 and replace the terms “home occupations” and “home businesses” with “type I home businesses” and “type II home businesses,” respectively.

ARTICLE IV. DISTRICT REGULATIONS

- **Sec. 19.43. When Larger Lots Required** – The larger lots standards are proposed to be deleted from Chapter 19 and moved to Chapter 21, Section 21.301.01(e).

- **Sec. 19.44 Prohibited Dwellings** – The prohibited dwellings section is proposed to be deleted from Chapter 19 and moved to Chapter 21, Section 21.302.26.
- **Sec. 19.45 Parking and Storage of Vehicles and Trailers in Residential Zones** – The parking and storage of vehicles and trailers in residential zone standards are proposed to be deleted from Chapter 19 and moved to Chapter 21, Section 21.301.06(m).

ARTICLE V. PERFORMANCE STANDARDS

- **Sec. 19.50.03. Recreational Vehicles** – Amendments correct reference to the new standards for parking and storage of vehicles in residential zones under Section 21.301.06(m).
- **Sec. 19.62. Multiple- Family Dwelling Design and Performance Standards** – The multiple-family dwelling design and performance standards are proposed to be deleted from Chapter 19 and moved to Chapter 21, Section 21.302.09.
- **Sec. 19.63.01. Senior Citizen Housing Performance Standards** – The senior citizen housing performance standards are proposed to be deleted from Chapter 19 and incorporated into the multiple-family dwelling design and performance standards in Chapter 21, Section 21.302.09.
- **Sec. 19.63.02. Handicapped Housing Performance Standards** – The handicapped housing performance standards are proposed to be deleted from Chapter 19 and incorporated into the multiple-family dwelling design and performance standards in Chapter 21, Section 21.302.09.
- **Sec. 19.63.09. Home Enterprises** – The home enterprise standards are proposed to be deleted from Chapter 19 and moved to Chapter 21, Section 21.302.13. Home enterprises was also renamed “home businesses”.

Amendments to Chapter 21

The proposed ordinance amends Chapter 21 to incorporate standards for home enterprises, larger lots, prohibited dwelling units, parking and storage of vehicles and trailers in residential districts, and multiple-dwellings currently allowed in Chapter 19 and create standards for manufactured home parks, day care facilities, residential care facilities, congregate living facilities, schools and colleges. The amendments also include modifying the RM-100 district standards, minimum floor area standards, and correcting cross-references. Proposed amendments to Chapter 21 are described below.

ARTICLE II. DISTRICTS AND USES

Division B. Residential Zoning Districts

- **Sec. 21.203.09. Multiple-Family Residential (RM-100) District** – Amendment adds a provision that prohibits off-street parking between a building and a public street, with exemption standards for sites with multiple street frontages. These off-street parking standards are the same as those in the high

intensity mixed-use districts (B-4, C-5, and LX). Similar to the high intensity mixed-use districts, the intent of RM-100 is to allow buildings located close to the street with parking to the side, rear or entirely below grade.

Division H. Uses.

- **Sec. 21.209. Use Tables** – Amendments correct reference to the home businesses and multiple-family residential standards moved from Chapter 19 to 21, add reference to the new respective standards sections, replace the terms “home occupations” and “home businesses” with “type I home businesses” and “type II home businesses,” respectively, and add reference to MN State Statutes for residential care facilities. In addition, amendments add manufactured home parks as a conditional use in all zoning districts that allow residential units accommodating two or more families, per MN State Statute.

ARTICLE III. DEVELOPMENT STANDARDS

Division A. General Standards

- **Sec. 21.301.01. Development Intensity and Site Characteristics** – Amendments reduce the minimum floor area requirement for apartments.
 - At a study meeting, the Planning Commission recommended a minimum floor area of 500 square feet for all unit types (single and two-family, apartments, and townhouses), except efficiencies, which they recommended be a minimum of 350 square feet.
 - At a study meeting, the City Council recommended reducing the minimum floor area to 500 square feet only for one-bedroom apartments, 350 square feet for efficiency units and directed staff to create a tiered standard for two and three bedroom units.
 - The proposed code amendments reflect City Council’s recommendation.
 - Efficiency units – 350 square feet
 - One bedroom units- 500 square feet
 - Two bedroom units – 600 square feet
 - Three or more bedroom units – 700 square feet

Another amendment, within this section, carries forward a provision from Chapter 19 when City Council may require larger lots on sites served by private wells or private disposal systems.

- **Sec. 21.301.06. Parking and Loading** – Amendments include adding headings to a number of uses in the parking requirement table, adding parking requirements for manufactured home parks, and categorizing the standards for parking and storage of vehicles and trailers in residential zones carried over from Chapter 19.

Parking and Storage of Vehicles and Trailers in Residential Zones – This section restricts the parking and storage of vehicles and trailers that, due to their size, use, design, type or characteristics adversely affect the public health, safety, and general welfare of the community. These standards were brought forward from Chapter 19. The language was amended for clarity and minor text amendments were made; however, the majority of the standards remain unchanged. Major amendments include:

- Adding buses, flatbed trucks, and skid steers to the list of vehicles prohibited from being parked or stored at a residential property.

- Adding a provision stating that , when facing a public street, trailers must be parked within 8 feet of a dwelling unit or be stored on a legal driveway or off-drive parking area.
- **Sec. 21.301.08. Fences** – Amendment corrects reference to the home businesses section moved from Chapter 19 to 21.

Division B. Use Standards

- **Sec. 21.302.03 and Sec. 21.302.04** - Amendments correct reference to the home businesses section moved from Chapter 19 to 21 and replace the terms “home occupations” and “home businesses” with “type I home businesses” and “type II home businesses,” respectively.
- **Sec. 21.302.06. Institutional Use Standards** – Amendment deletes reference to the senior citizen housing performance standards, which were incorporated into the multiple-family dwelling design and performance standards.
- **Sec. 21.302.08. Townhouse Standards** – Amendments add reference to the home businesses section in Chapter 21 and clarify that type I home businesses are allowed within townhouse dwelling units; however, type II home businesses are not allowed. Type II home businesses are more intense uses that have a greater chance to adversely affect the health, safety or welfare of other persons residing in the area, especially within attached units.
- **Sec. 21.302.09. Multiple-Family Dwelling Design and Performance Standards** – This section is a carryover from Chapter 19 with minor amendments and incorporates the new performance standards for senior citizen and accessibility housing. The majority of the existing senior citizen and accessibility housing performance standards are regulated by the MN State Building Code and were deleted and replaced with a clause stating that building code compliance is required. New and revised standards include:
 - Storage space amendments
 - The Planning Commission recommended reducing the minimum lockable storage space required and creating a two-tiered size regulation dependent on if a dedicated bicycle storage room is provided.
 - No dedicated bicycle storage room – 112 cubic feet (4’ by 4’ by 7’)
 - With dedicated bicycle storage room – 54 cubic feet (3’ by 3’ by 6’)
 - The City Council recommended maintaining a larger lockable storage space and allowing a reduction if a dedicated bicycle storage room is provided.
 - No dedicated bicycle storage room – 175 cubic feet (5’ by 5’ by 7’)
 - With dedicated bicycle storage room – 96 cubic feet (4’ by 4’ by 6’)
 - The proposed code amendments reflect City Council’s recommendation.
 - The amendment also establishes a minimum four-foot horizontal dimension and a four-foot vertical dimension.
 - Odor suppression systems may be required for restaurants on mixed use sites that include residential uses.

- **Sec. 21.302.10. Manufactured Home Park** – This section establishes standards intended to accommodate new manufactured home parks. Major standards include:
 - Manufactured home parks must be at least five acres in size.
 - Manufactured home parks located in R-1 zoning districts but have less than or equal to ten dwelling units per acre.

- **Sec. 21.302.13. Home Businesses** – This section is a carryover from Chapter 19; however the standards are amended to replace the terms “home occupations” and “home businesses” with “type I home businesses” and “type II home businesses,” respectively. Type I home businesses include uses that the City Council has historically found do not adversely affect the health, safety or welfare of other persons residing in the area, whereas Type II home businesses are more intense uses that have a greater chance to adversely affect the health, safety or welfare of the community. Therefore, Type II home businesses require a conditional use permit as home businesses do currently. Other major amendments include:
 - Animal grooming for no more than four animals at any one time and fitness instruction for no more than two students at any one time were added to the illustrative list of Type I home businesses.
 - Fitness schools and cottage food operations were added to the illustrative list of Type II home businesses.
 - The addition of cottage food operations (i.e. an individual who, in a calendar year, sells less than \$18,000 of non-potentially hazardous foods) mirrors recent changes in state law to allow more in-home food production.
 - Animal kenneling (i.e. boarding domestic animals for compensation) was added to the list of prohibited home businesses.

- **Sec. 21.302.23. Residential Care Facilities** – This section establishes standards intended to accommodate residential care facilities. Major standards include:
 - Distance separation requirement of 1,320 square feet, as allowed per State Statute
 - Security system and management plan submittal requirement
 - Limitations on who the facility can accommodate

- **Sec. 21.302.24. Congregate Living Facilities** – This section establishes standards intended to accommodate congregate living facilities. Major standards include:
 - Management plan submittal requirement
 - Restricts on-site services to residents of the facility

- **Sec. 21.302.25. Schools and Colleges** – This section establishes standards intended to accommodate schools and colleges. Major standards include:
 - Allow use of school and college facilities by community, civic, charitable or religious organizations, subject to receipt of all applicable permits.
 - Open and recreation space requirements required by the State
 - Applications must show future phased construction and projected maximum enrollment

- **Sec. 21.302.26. Prohibited Dwellings** – This section lists the types of dwellings that are prohibited within the City to protect the public health, safety, and general welfare of the community. These standards were brought forward from Chapter 19, with minor text amendments.

- **Sec. 21.302.27. Day Care Facilities** – This section establishes standards intended to accommodate day care facilities. Major standards include:
 - Hours of operation (5:00a.m. to 9:00p.m.) for facilities located in residential zoning districts.
 - Pick-up and drop-off may not interfere with movement of traffic on public streets
 - Facilities serving 13 or more persons in residential districts need to be located adjacent to an arterial or collector street
 - Play structures must not be located in front or side yards abutting a street

ARTICLE V. ADMINISTRATION AND NONCONFORMITY

Division A. Approvals and Permits

- **Sec. 21.501.04. Conditional Use Permits** – Amendment adds manufactured home parks to the list of conditional uses that require Planning Commission review and City Council action.

Division B. Application Processes and Fees

- **Sec. 21.502.01. Application Processes and Fees** – Amendment adds the application process and fee for temporary housing in response to a disaster. The fee was previously located within the prohibited dwellings section in Chapter 19.

RECOMMENDATION

Planning Commission and Staff recommend the following motion:

In Case 10000F-15, I move to adopt the Ordinance as attached to the staff report to amend Chapters 1, 2, 12, 14, 19, and 21 of the City Code.

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ORDINANCE NO. 2015-33

AN ORDINANCE THAT INCLUDES CITY CODE AMENDMENTS

MODIFYING, CREATING OR DELETING DEFINITIONS FOR NUISANCE SERVICE CALL, MANUFACTURED HOME PARK, ACCESSIBILITY HOUSING, CARGO TRUCK, COTTAGE FOOD OPERATION, HANDICAPPED HOUSING, HOME BUSINESS, HOME ENTERPRISES, HOME OCCUPATION, PARKED VEHICLE, STORED VEHICLE, TRAILER BED, AND TRANSITWAY(12.01.01, 14.542, 19.03);

MODIFYING HOME ENTERPRISE, OCCUPATION, AND BUSINESS STANDARDS (12.115, 19.29, 19.34, 19.40.07, 19.40.08, 19.40.09, 19.63.09, 21.209, 21.302.03, 21.302.04, 21.302.13);

MODIFYING DISTRICT REGULATIONS FOR LARGER LOTS AND PROHIBITED DWELLINGS (19.43, 19.44, 21.301.01, 21.302.26);

MODIFYING PARKING AND STORAGE OF VEHICLES AND TRAILERS IN RESIDENTIAL ZONE STANDARDS (19.45, 21.301.01);

MODIFYING MULTIPLE-FAMILY DWELLING DESIGN, SENIOR CITIZEN, AND HANDICAPPED HOUSING PERFORMANCE STANDARDS (19.62, 19.63.01, 19.63.02, 21.302.09);

MODIFYING MULTIPLE-FAMILY RESIDENTIAL (RM-100) DISTRICT STANDARDS (21.203.09);

MODIFYING MULTI-FAMILY DWELLING MINIMUM FLOOR AREA STANDARDS (21.301.01);

CREATING MANUFACTURED HOME PARK STANDARDS (21.301.06, 21.302.10, 21.501.04);

CREATING RESIDENTIAL CARE FACILITY STANDARDS (21.301.06, 21.302.23);

CREATING CONGREGATE LIVING FACILITY STANDARDS (21.301.06, 21.302.24);

CREATING SCHOOL AND COLLEGE STANDARDS (21.302.25);

CREATING DAY CARE FACILITY STANDARDS (21.302.27); AND

CORRECTING CROSS-REFERENCES IN MULTIPLE SECTIONS OF THE CHAPTERS LISTED AND SCHEDULE OF CIVIL FINES FOR ADMINISTRATIVE OFFENSES;

THEREBY AMENDING CHAPTERS 1, 2, 12, 14, 19, AND 21 OF THE CITY CODE

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

Section 1. That the Schedule of Civil Fines in Chapter 1 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:

**SCHEDULE OF CIVIL FINES
FOR ADMINISTRATIVE OFFENSES UNDER CHAPTER 1,
ARTICLE II OF THE CITY CODE**

ADMINISTRATIVE OFFENSE

FINE

* * *

Maintenance Violations, International Property

Vehicle Storage Violations:

Parking/Storage of Vehicles on Residential
Property (~~[19.45]~~21.301.06)

\$500.00

Performance Standard Violations (Chapter 19 and 21)

Specific:

Accessory Building (~~[19.50.02]~~21.301.19)

\$500.00

Dwelling Use Prohibited (~~[19.44]~~21.302.26)

\$500.00

Home Enterprise Violations (~~[19.63.09]~~21.302.13)

\$1000.00

Section 2. 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

SEC. 2.10. APPLICATIONS TO BE HEARD.

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

(6) the requested variance has been found by the Director of Community Development to be minor, and where the variance relates to the dimensions of vehicles otherwise prohibited from parking in residentially zoned districts pursuant to Section ~~[19.45]~~21.301.06(m) of this Code.

Section 3. That Chapter 12 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 12 PUBLIC PEACE AND SAFETY

ARTICLE I. GENERAL PROVISIONS

SEC. 12.01.01. DEFINITIONS.

When used in this Chapter, the following words, terms, and phrases shall have the following meanings, unless the context clearly indicates otherwise:

(k) **Nuisance Service Call** -Public Officer response to a verified incident of any activity, conduct or condition occurring on Private Property that is likely to unreasonably interfere with the quiet enjoyment of neighboring properties or the safety, health, morals, welfare, comfort, or repose of the residents therein or misuse City resources, including without limitation:

(28) Illegal parking or storage of vehicles in violation of Section ~~[19.45]~~21.301.06(m) of this City Code.

(31) Illegal home ~~[occupation]~~business in violation of Section~~[s 19.27—.28 or 19.63.09 (a)(2)]~~21.302.13 of this City Code.

ARTICLE IV. ANIMAL CODE

Division D. Chickens, Farm Poultry, Farm Animals, and Bees

SEC. 12.115. CHICKENS.

(k) **Sale of farm poultry or eggs.** Owners cannot advertise the sale of chickens or eggs and must comply with all requirements and performance standards for home ~~[enterprises]~~businesses in Section ~~[19.63.09]~~21.302.13 and all Minnesota Department of Agriculture requirements for the sale of eggs.

Section 4. 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 VI. TIME-OF-SALE HOUSING EVALUATIONS AND MANUFACTURED HOME PARK REGULATIONS

Division E. Manufactured Home Parks, Recreational Camping Areas and Youth Camps

SEC. 14.542. DEFINITIONS.

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

Manufactured home park - any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

SEC. 14.545. STANDARDS FOR HEALTH, SAFETY AND NUISANCE PREVENTION.

(r) **Prohibited Uses and Structures.** The Licensee must not allow or permit any illegal activity on the Licensed Premises, including without limitation the following:

(2) the parking or storage of any Type II or Type III vehicles as defined by Section ~~[49-45(b)]~~21.301.06(m) or the storage of recreational vehicles as defined by Section 19.50.03;

ARTICLE VIII. RENTAL HOUSING CODE

Division C. Regulations

SEC. 14.580. ADDITIONAL REGULATIONS FOR HEALTH, SAFETY AND MAINTENANCE.

This Division specifically adopts the following additional requirements for health, safety and maintenance to the 2012 International Property Maintenance Code. Where differences occur between provisions of this Division and the referenced standards, the provisions of this Division apply.

(k) **Motor Vehicles** – The City will use the requirements and procedures set forth in Section ~~[49-45]~~21.301.06(m) of this Code for the regulation of motor vehicles at rental properties.

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

SEC. 19.03. DEFINITIONS

Accessibility housing - Housing designed for occupancy by physically disabled or handicapped persons or physically disabled or handicapped families, in accordance with any of the following:

- (A) Disabled by any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following bodily systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin and endocrine;
- (B) Handicapped or disabled within the meaning of Title 12 United States Code Section 1701q(d)(4) as one who has a physical impairment which:
 - (i) is expected to be of long, continued, and indefinite duration;
 - (ii) substantially impedes his or her ability to live independently; and
 - (iii) is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
- (C) Disabled within the meaning of Title 42 United States Code Section 423(d)(1)(A), which provides that a disabled person is one who has an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which can be expected to last for a continuous period of not less than 12 months.

Cargo truck - A truck whose design characteristics include a storage area in the form of an open, walled, or fenced bed, or of an enclosed box-like storage compartment, designed for the carrying of equipment or materials. The term is intended to include vehicles commonly referred to as flatbed trucks, stake trucks, box trucks, and straight trucks, but is not intended to include pickup trucks or vans.

Cottage food operation – An individual person who prepares, at the person’s residence, non-potentially hazardous food subject to requirements in Minnesota Statutes § 28A.152.

[Handicapped housing]—Housing designed for occupancy by physically disabled or handicapped persons or physically disabled or handicapped families, in accordance with any of the following:

- (A) Disabled by any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following bodily systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin and endocrine;
- (B) Handicapped or disabled within the meaning of Title 12 United States Code Section 1701q(d)(4) as one who has a physical impairment which:
 - (i) is expected to be of long, continued, and indefinite duration;
 - (ii) substantially impedes his ability to live independently;
 - (iii) is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
- (C) Disabled within the meaning of Title 42 United States Code Section 423(d)(1)(A), which provides that a disabled person is one who has an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which can be expected to last for a continuous period of not less than 12 months.]

Home Business - Any gainful occupation or profession compensated in monetary payment or in kind, conducted within a dwelling unit on the premises by an occupant of the dwelling unit as a use that is clearly incidental to the use of the primary dwelling unit for residential purposes.

[Home enterprises]— Shall consist of two classifications which shall be defined as follows:

- (1) **Home business.** Any gainful occupation or profession compensated in monetary payment or in kind, engaged in within a dwelling unit on the premises by an occupant of the dwelling unit as a use that is clearly incidental to the use of the primary dwelling unit for residential purposes, and which is of a type that the City Council has historically found by its nature, scale, generation of vehicular traffic, use of mechanical or electrical equipment, use of outdoor space or accessory buildings, to have the potential of endangering the health, safety or welfare of other persons residing in the area by reason of blight, noise, smoke, dust, odor, glare, vibration, increased vehicular traffic, unsanitary or unsightly conditions, fire hazard or similar conditions that have a reasonable likelihood of disturbing the peace, comfort, repose or quiet enjoyment of the indoor and outdoor spaces of neighboring residential properties. Home businesses, where allowed in the applicable zoning district, may be allowed as a conditional use subject to the performance standards set forth in Section 19.63.09(b)(4) of this Chapter.
- (2) **Home occupation.** Any gainful occupation or profession compensated in monetary payment or in kind, engaged in within a dwelling unit on the premises by an occupant of the dwelling unit as a use that is clearly incidental to the principal use of the dwelling unit for residential purposes that does not change the residential character of the lot or the structures thereon and which is of a type that the City Council has historically found not to endanger the health, safety or welfare of other persons residing in the area by reason of blight, noise, smoke, dust, odor, glare, vibration, increased vehicular traffic, unsanitary or unsightly conditions, fire hazard or similar conditions that have a reasonable likelihood of disturbing the peace, comfort, repose or quiet enjoyment of the indoor and outdoor spaces of neighboring residential properties. Home occupations, where allowed in the applicable zoning district may be allowed as an accessory or provisional use subject to the performance standards set forth in Section 19.63.09(a)(4) of this Chapter.]

Manufactured home park - Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

Parked vehicle - Unattended vehicle stopped without its engine running not actively engaged in the receipt or discharge of passengers or goods.

Stored vehicle - a parked vehicle that has remained in place at the same location for 48 consecutive hours or more.

Trailer bed - That portion of a trailer that is designed to make contact with and bear the weight of the load to be carried.

Transitway – High-demand travel corridors that offer improved transit service that includes bus rapid transit, light rail, or commuter rail.

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

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.

(8) Type I home businesses [Home occupations] pursuant to standards as set forth in Section [19.63.09(a)(2)] 21.302.13.

(d) **Conditional Uses.**

(2) Type II [H]home businesses pursuant to standards as set forth in Section [19.63.09(a)(2)] 21.302.13.

(4) Manufactured home parks pursuant to standards as set forth in Section 21.302.10.

(f) **Residential Uses Required.**

(3) The multiple-family residence requirements of Code Section [19.41 (b) and 19.62]21.302.09 do not apply within the HX-R zoning district.

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

(c) **Permitted accessory uses -**

(12) Type I home businesses [~~Home occupations~~] pursuant to standards as set forth in Section [~~19.63.09(a)(2)~~21.302.13.

(d) **Conditional uses -**

(26) Type II [~~H~~]home businesses pursuant to standards as set forth in Section [~~19.63.09(a)(2)~~21.302.13.

(27) Manufactured home parks pursuant to standards as set forth in Section 21.302.10.

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.

(9) Type I home businesses [~~Home occupations~~] pursuant to standards as set forth in Section [~~19.63.09(a)(2)~~21.302.13.

(d) **Conditional Uses.**

(19) Type II [~~H~~]home businesses pursuant to standards as set forth in Section [~~19.63.09(b)(3)~~21.302.13.

(20) Manufactured home parks pursuant to standards as set forth in Section 21.302.10.

SEC. 19.40.08. COMMERCIAL OFFICE DISTRICTS CO-0.5 AND CO-1.

(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 districts.

(9) Type I home businesses [~~Home occupations~~] pursuant to standards as set forth in Section [~~19.63.09(a)(2)~~21.302.13.

(d) **Conditional Uses.**

(12) Type II [~~H~~]home businesses pursuant to standards as set forth in Section [~~19.63.09(b)(3)~~21.302.13.

(14) Manufactured home parks pursuant to standards as set forth in Section 21.302.10.

SEC. 19.40.09. RESIDENTIAL OFFICE DISTRICT RO-24 AND RO-50.

(c) **Provisional Uses.** If the following uses are within a building devoted to a permitted principal or conditional use and if the total area of all provisional uses does not exceed 10% of the building area of the principal or conditional use, they are permitted in the RO Districts.

(7) Type I home businesses [~~Home occupations~~] pursuant to standards as set forth in Section [~~19.63.09(a)(2)~~21.302.13.

(d) **Conditional Uses.**

- (7) ~~Type II [H]home businesses pursuant to standards as set forth in Section [19.63.09(b)(3)]21.302.13.~~
- (8) ~~Manufactured home parks pursuant to standards as set forth in Section 21.302.10.~~

ARTICLE IV. DISTRICT REGULATIONS

SEC. 19.43. ~~RESERVED. [WHEN LARGER LOTS REQUIRED.]~~

~~In areas served by private wells or private sewage disposal system, the Council may require larger lots than required in Section 19.41 and 21.301.01 of this Code if soil tests indicate that a larger size is necessary to ensure the sanitary functioning of such systems.]~~

SEC. 19.44. ~~RESERVED. [PROHIBITED DWELLINGS.]~~

- (a) ~~No basement or cellar without a habitable story above grade, garage, tent, trailer except in a duly licensed trailer park, or accessory building (except as provided in Article III of this Chapter) shall at any time be used as a residence or dwelling, temporarily or permanently.~~
- (b) ~~Notwithstanding any other provisions of this Code, after obtaining a permit therefor, a manufactured home may be temporarily placed on a lot which contained a single family residential dwelling which has been destroyed, damaged, or made uninhabitable by wind, rain, fire, or other acts of God pursuant to the following conditions:~~
 - (1) ~~**Term.** Under no circumstance shall a manufactured home be allowed to be placed on such a lot for longer than 90 days.~~
 - (2) ~~**Permit.**~~
 - (A) ~~A permit to temporarily place a manufactured home on a residential lot can be granted by the Issuing Authority upon a finding that the applicant's home has been damaged to such a degree that it is uninhabitable and that placement of such temporary dwelling would not cause a hazard or be a nuisance to the neighborhood.~~
 - (B) ~~If an application to temporarily place a manufactured home on a residential lot is denied by the Issuing Authority, the applicant shall be allowed to place his request on the next available City Council agenda. The City Council may grant the permit if it finds that the applicant's home has been damaged to such a degree that it is uninhabitable and that placement of such temporary dwelling would not cause a hazard or be a nuisance to the neighborhood.~~
 - (3) ~~**Fee.** The fee for such a permit shall be \$50.00]~~

SEC. 19.45. ~~RESERVED. [PARKING AND STORAGE OF VEHICLES AND TRAILERS IN RESIDENTIAL ZONES.]~~

(a) ~~Findings and Purpose~~

- (1) ~~The Council finds that the presence in residential neighborhoods of excessively large motor vehicles and of certain motor vehicles that, by virtue of their design, type, or characteristics, are not customary and incidental to the use or occupancy of residential property, has a detrimental and blighting impact upon the residential quality and character of such neighborhoods and that more than one such vehicle upon a lot compounds the blighting impact. The Council finds that these vehicles intrude upon the aesthetics and visual peace and quiet of a residential neighborhood, that they can impair the free flow of traffic on residential streets and by their size are detrimental to residential traffic safety, that they often create excessive noise for such surroundings, that their presence tends to encourage and effectuate the expansion of uses that are inconsistent with or inappropriate to residential areas, and that their presence therefore is likely to have a negative impact upon residential property values. For similar reasons, the Council finds that the parking and storage of large trailers also has a detrimental and blighting impact upon residential areas.~~
- (2) ~~The purpose of this ordinance, therefore, is to prohibit or restrict (with some exceptions), in residential districts, the parking or storage of vehicles and trailers that, by virtue of their excessive size, or by virtue of their design, type, or characteristics, are incompatible with such districts, and to thereby reduce the blighting and negative impacts of such vehicles and trailers in those districts.~~

(b) ~~Definitions~~

~~For the purposes of this Section, the following words and phrases shall have the ascribed meanings:~~

- (1) **"cargo truck"** a truck whose design characteristics include a storage area in the form of an open, walled, or fenced bed, or of an enclosed, box-like storage compartment, designed for the carrying of equipment or materials; the term is intended to include vehicles commonly referred to as flatbed trucks, stake trucks, box trucks, and straight trucks, but is not intended to include pickup trucks or vans.
- (2) **"limousine"** a passenger automobile whose chassis has been extended.
- (3) **"motor vehicle" or "vehicle"** any motorized, self-propelled vehicle of a type that may be used to convey persons or materials or to perform a task, other than home maintenance equipment (such as riding lawn mowers or snowblowers) and mobile construction equipment not licensable for public street use.
- (4) **"non-residential vehicle"** the following motor vehicles that, by virtue of their design, type, or characteristics, are not customary and incidental to the use or occupancy of residential properties such as, but not limited to loaders, forklifts, dump trucks, cargo trucks, step vans, tow trucks, semi trailer tractors, tank trucks, boom trucks, tractors, fire trucks, farm implements (except when used in an agricultural use authorized under this Code), and hearses.
- (5) **"residentially zoned lot"** a parcel of land, whether platted or not, that is zoned either R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, and RM-100 under this Code.
- (6) **"trailer bed"** that portion of a trailer that is designed to make contact with and bear the weight of the load to be carried.
- (7) **"Type I Vehicle"** a motor vehicle that is not greater than seven feet six inches (7'6") in height and not greater than twenty two feet (22') in length, and that is not a "non-residential vehicle" or a "recreational vehicle" as defined in Section 19.50.03 of this Code.
- (8) **"Type II Vehicle"**
 - (i) A motor vehicle that would, without roof attachments, qualify as a Type I Vehicle and does not exceed eight feet (8') in height with the roof attachments; or
 - (ii) Any vehicle with an attached plow that is less than 22 feet in length without the plow; or
 - (iii) Taxis or limousines that do not exceed the Type III Vehicle size thresholds.
- (9) **"Type III Vehicle"** a motor vehicle that is (i) a "non-residential vehicle" or (ii) either greater than seven feet six inches (7'6") in height or greater than twenty two feet (22') in length, and that is not a Type II Vehicle, or a "recreational vehicle" as defined in Section 19.50.03 of this Code.
- (10) **"parked vehicle"** unattended vehicle stopped without its engine running not actively engaged in the receipt or discharge of passengers or goods.
- (11) **"stored vehicle"** a parked vehicle that has remained at the same location for seven (7) consecutive days or more.

(c) **Vehicle Parking and Storage Limitations and Requirements**

- (1) **Certain Vehicles Prohibited and Permitted**
 - (A) Type III Vehicles shall not be parked or stored on a residentially zoned lot or in the public right-of-way or street immediately abutting any residentially zoned lot, except as provided under Subdivision (c)(6) below, and subject to any other applicable provisions of this Section and of this Code.
 - (B) Type I and II Vehicles shall be permitted to be parked or stored on a residentially zoned lot or in the public right-of-way or street immediately abutting any residentially zoned lot, subject to the provisions of this Section and any other applicable provisions of this Code. However, a vehicle that is a Type II Vehicle by reason of the attachment of a snowplow blade may be parked or stored with blade attached only between November 1st and April 30th of a winter season.
- (2) **Measurement.** For purposes of the measurement of vehicle dimensions under this Section, the "height" of a vehicle shall be the vertical distance between the lowest part of the tires of the measured vehicle to the top of the highest part of the vehicle, and the "length" of a vehicle shall be the horizontal distance between the front edge of the vehicle to the rear edge of the vehicle. For purposes of these measurements, accessories, attachments, and materials fixed or carried upon such vehicle shall be considered part of the vehicle (with the exception of aerial antennas and attached trailers).
- (3) **Limitations On Numbers of Vehicles for Single Family and Two Family Residential Sites in Single Family Residential Districts (R-1, R-1A, and RS-1)** are specified in Section 12.03(29) of this Code.
- (4) **Parking Location Requirements in Single Family Residential Districts (R-1, R-1A, and RS-1).** The parking of vehicles on lots in Single Family Residential District (R-1, R-1A, and RS-1) is prohibited on all portions of such lots except (a) within a garage, (b) upon those areas that have been legally improved for driveway or off-drive parking area purposes with an approved paving surface, or (c) upon legally nonconforming unpaved driveway areas. In no case, however, shall vehicle parking

occur within the setback areas established in Section 21.301.06(i) of this Code, unless a variance has been granted for a paved surface in that area or unless the driveway is legally noncomplying. These restrictions shall not apply to recreational vehicles, which shall comply with the parking requirements of Section 19.50.03 of this Code.

- (5) ~~Ownership. No Type II Vehicle shall be parked or stored at a premises unless that vehicle is owned or leased or regularly used by a person physically residing on that premises.~~
- (6) ~~Exceptions. The parking and storage limitations and requirements of this Subdivision (c) are subject to the following exceptions and limitations:~~
 - (A) ~~Vehicles otherwise restricted by these Subdivisions may be temporarily parked on or in front of a residentially zoned lot while being loaded or unloaded or while rendering a service at that location.~~
 - (B) ~~Vehicles otherwise restricted by these Subdivisions may be parked on a residentially zoned lot when the lawful principal use of the lot under the Zoning Code is other than residential and the vehicle is directly related to that lawful use.~~
 - (C) ~~A Type I or Type II vehicle designed for the purpose of accommodating the needs of disabled occupants of the site and exceeding the height limitations of this Section shall not be prohibited under this Section, provided that the vehicle displays a handicapped license plate or handicapped parking sticker issued by the state.~~
 - (D) ~~"Recreational vehicles", as defined in Section 19.50.03 of this Code, shall not be subject to the regulations of this Section unless otherwise provided herein.~~
 - (E) ~~Vehicles otherwise prohibited from being parked or stored under this Section may be temporarily parked on weekdays between 11:00 a.m. and 1:00 p.m. Such parking must occur off the public right of way and on the premises owned or occupied by the driver of the vehicle.~~
 - (F) ~~Compliance Date for Certain Vehicles. The parking and storage prohibitions of this Section shall not be applicable, until September 1, 1996, to vehicles that had been permitted to be parked or stored in residential areas under Section 19.45 prior to its amendment on May 20, 1996. The provisions of this Section relating to numerical limits, parking location, and ownership, however, shall be immediately applicable to all vehicles.~~

(d) ~~Certain Trailers Prohibited; Exceptions~~

- (1) ~~Trailers that have a trailer bed of greater than eight feet six inches (8'6") in length or are greater than six feet (6') in height shall not be parked or stored on a residentially zoned lot or in the public right of way or street immediately abutting said lot, subject to the following exceptions and limitations:~~
 - (A) ~~Trailers otherwise restricted by this Section which are recreational vehicles within the meaning of Section 19.50.03 of this Code may be parked or stored on a site if properly parked or stored in accordance with said Section 19.50.03.~~
 - (B) ~~Trailers otherwise restricted by this Section may be temporarily parked at a site while being loaded or unloaded or used in connection with the rendering of a service at the site.~~
 - (C) ~~Trailers otherwise restricted by this Section may be parked or stored on a site when housed within a garage.~~
 - (D) ~~Trailers otherwise restricted by this Section may be parked on a residentially zoned lot when the lawful principal use of the lot under the Zoning Code is other than residential and the vehicle is directly related to that lawful use.~~
- (2) ~~For purposes of the measurement of trailer dimensions under Subsection (d)(1), the "height" of a trailer shall be the vertical distance between the lowest part of the tires of the measured trailer to the top of the highest part of the trailer, and accessories, attachments, and materials carried upon such trailer shall be considered part of the trailer. The "length" of a trailer bed shall be the horizontal distance between the front and rear edges of the trailer bed, as that term is defined herein.~~
- (3) ~~Only one trailer of a size permitted under this ordinance shall be parked or stored on a residentially zoned lot outside of a garage. Trailers loaded with recreational vehicles in accordance with Section 19.50.03 of this Code shall not be counted for purposes of this limitation.~~

(e) ~~Variations~~

~~Variations from the dimensional limitations of this Section may be permitted in accordance with Sections 2.98.01 and 2.10 of this Code.~~

(f) ~~Relation to Other Ordinances and Laws~~

~~Nothing in this Section is intended to limit or be in derogation of the provisions and requirements of other sections of the City Code or state law relating to the parking or storage of vehicles on lots or in the streets and right of way of the City.~~

(g) ~~Severability~~

~~If any section, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section.]~~

ARTICLE V. PERFORMANCE STANDARDS

SEC. 19.50.03. RECREATIONAL VEHICLES.

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

- (1) Number. The number of recreational vehicles permitted to be parked or stored on a premises in Single-Family Residential Districts (R-1A, R-1, RS-1) shall be governed by the following provisions:
 - (A) Class I RVs, and Class II "hobby vehicle" RVs that are parked or stored within a building, shall not be counted toward the total number of vehicles allowed by Section ~~[49.45(c)(3)(A)(i)]~~21.301.06(m) of this Code. Class II "hobby vehicles" RVs parked or stored outside of a building and other Class II RVs shall be counted.
 - (C) The following alternative numerical limits are applicable to Class I RVs and Class II "hobby vehicle" RVs, when either is located outside of a building, and to other Class II RVs, irrespective of whether they are located inside or outside of a building:
 - (i) Two Class I RVs and no Class II "hobby vehicle" RVs, other Class II RVs, or Type II Vehicles (as defined in Section ~~[49.45]~~21.301.06(m) of this Code), OR
 - (ii) One or fewer Class I RVs and a total of one Class II "hobby vehicle" RV, other Class II RV, or Type II Vehicle (as defined in Section ~~[49.45]~~21.301.06(m) of this Code).

SEC. 19.62. RESERVED. ~~[MULTIPLE FAMILY DWELLING DESIGN AND PERFORMANCE STANDARDS.~~

- ~~(a) **Architectural control**—The building plan, including the site plan, for a multiple dwelling shall be certified by an architect registered in the State of Minnesota stating that he has personally viewed the site and has designed the building to fit the site as planned and to be harmonious with the neighboring buildings, topography and natural surroundings and in accordance with the purposes and objectives of the Zoning Code. This requirement shall not prohibit the preparation of the site plan by a professional site planner. No building permit or conditional use permit for a multiple family dwelling shall be issued until the certificate is provided.~~
- ~~(b) **Site plan**—At the time of an application for a building permit or conditional use permit, the applicant shall file three copies of a site plan for the multiple family dwelling in accordance with the following provisions:
 - (1) A plot plan which shall show the following: parking area and spaces; garage locations; driveways; loading area; landscaping and screening including location, spacing, species and size of trees and shrubs; buildings; dimensions of lot, building, parking areas; setbacks and distances between major elements of the use.
 - (2) Each multiple family dwelling development containing more than four dwelling units shall include a play area, part of which shall be a paved surface.
 - (3) Any blighting or deteriorating aspects of the multiple family dwelling development shall be placed upon or absorbed by the site itself rather than by neighboring residential uses. This provision particularly applies to the location on parking areas.
 - (4) The design shall make use of all land contained in the site. All of the site shall be related to the multiple family use, either parking, circulation, recreation, landscaping, screening, building, storage, etc., so that no portion remains undeveloped. In addition to the requirements of Section 21.301.01 of this Code, the setback from the street shall be proportional to the bulk of the building and its elevation and shall be fixed with consideration of the setback of neighboring buildings and areas.~~

- (5) ~~The building shall be so planned that it shall have the equivalent of a front on each exterior vertical surface. If garages are not included in the construction proposed, a location for them shall be planned so that they may be added at such time in the future as may be desired.~~
- (6) ~~If a site abuts more than one street or planned future street, each street shall be treated as a frontage. The site plan shall include final contours at two-foot vertical intervals.~~
- (7) ~~The drainage of storm waters shall be provided for either on the site or in a public storm sewer.~~
- (8) ~~Parking areas shall have interior concrete curbs defining the perimeter.~~
- (9) ~~Garages shall have the same construction or appearance as the main building.~~
- (10) ~~Sidewalks shall be provided from parking areas, loading zones and recreation areas to the entrance to the building.~~
- (11) ~~Row house developments shall provide a 300 square foot private yard for each row house dwelling unit. Each yard shall be sufficiently screened by solid masonry walls, or walls constructed of architectural concrete masonry units processed on all exposed surfaces, at least six feet high on the two sides extending out from the party walls to provide privacy.~~
- (12) ~~A preliminary plat for subdivision shall be presented with each row house proposal. The subdivision need not be finalized unless and until the owner decides to sell off separate units.~~

~~(c) **Performance Standards Pertaining to Buildings**~~

- (1) ~~Unless architecturally treated and designed to appear as an integral part of a wall, no air conditioner shall protrude from an exterior wall.~~
- (3) ~~Room relationships, hallway designs, door and window placements, and plumbing and ventilating installations shall be such that they assist in the control and reduction of sound transmission from unit to unit. Plumbing must be within the dwelling units and separated from other dwelling units by a room, closet, corridor, or sound barrier.~~
- (4) ~~Party partitions and floor systems shall be of a type rated by a nationally recognized testing laboratory as capable of accomplishing a loss in sound transmission of not less than fifty decibels determined by averaging the loss at frequencies 125, 250, 350, 500, 700, 1000, 2000, and 4000. Corridor partitions shall be of a type capable of accomplishing a loss in sound transmission of not less than 45 decibels similarly determined.~~
- (5) ~~Storage space 25 square feet of floor area per dwelling unit for storage shall be provided within the multiple family dwelling, exclusive of storage space within each unit. Notwithstanding the provisions of Section 19.50 of this Chapter, there shall be no exterior, open air storage of laundry drying or gardening equipment.~~

~~(d) **Trash incinerators and garbage** Except with row houses and multiple family dwellings of four or less units, and notwithstanding the provisions of Sections 19.50 and 19.51 of this Chapter, no exterior trash or garbage disposal or storage shall be permitted. In the case of row housing and multiple family dwellings of four units or less, there shall be no exterior incineration and all storage shall be completely enclosed by walls and roof.~~

~~(e) If it is intended that individual buildings of a multiple family dwelling complex be sold separately, provision shall be made so that each such building to be sold abuts upon a public street in accordance with the provisions of Chapter 16 of this Code.~~

~~(f) **Applicability** The provisions of Section 19.62 do not apply to residential uses in the B-4, C-2, C-3, C-4 and C-5 commercial zoning districts. See Section 21.302.02 for applicable standards for residential uses in the B-4, C-2, C-3, C-4 and C-5 commercial zoning districts]~~

~~**SEC. 19.63.01. RESERVED.[SENIOR CITIZEN HOUSING PERFORMANCE STANDARDS.**~~

~~Notwithstanding any other provisions of this Code, the following required items and minimum performance standards shall apply to senior citizen housing project applications.~~

- (1) ~~**Architectural Control.** A building plan, including a site plan, shall be certified by an architect registered in the State of Minnesota stating that he has personally viewed the site and has designed the building to fit the site as planned and to be harmonious with the neighboring buildings, topography and natural surroundings in accordance with the purposes and objectives of the Zoning Code. This requirement shall not prohibit the preparation of a site plan by a professional site planner.~~
- (2) ~~**Narrative Report.** A written narrative report shall be submitted which clearly and adequately describes the project, the site plans, the construction team, the proposed ownership, method of financing, status of the application if pending before any state or federal agencies, proposed management plan, and proposed social services program.~~

- (3) ~~**Off-site Analysis Report.** A written report shall be submitted which clearly and adequately describes and analyzes distance, directions and all available modes of travel to shopping, health care facilities, churches, entertainment and governmental agencies.~~
- (4) ~~**Site Plan.** A site plan shall be submitted indicating the location, with accurate dimensions, of the following existing and proposed:~~
- (A) ~~Topography and final contours.~~
 - (B) ~~Drainage plan.~~
 - (C) ~~Utility plan.~~
 - (D) ~~Exterior lighting plan as required in Section 21.301.07.~~
 - (E) ~~Landscaping and screening plan.~~
 - (F) ~~Buildings.~~
 - (G) ~~Parking areas and spaces.~~
 - (H) ~~Garages.~~
 - (I) ~~Driveways.~~
 - (J) ~~Walkways and sidewalks (including materials).~~
 - (K) ~~Transit areas.~~
 - (L) ~~Emergency vehicle access.~~
 - (M) ~~Service areas and access.~~
 - (N) ~~Loading area and access.~~
 - (O) ~~Recreation areas and facilities.~~
 - (P) ~~Garden areas.~~
- (5) ~~**Preliminary Building Plan.** A preliminary building plan shall be submitted which indicates, at a minimum, typical floor plans with dimensions, elevations, building materials and equipment.~~
- (6) ~~**Final Site Plans and Building Plans.** Final site plans and building plans when required shall contain refinements of paragraphs 4 and 5 of this Section.~~
- (7) ~~**Building Design.** In addition to all applicable building codes, the following are specifically required:~~
- (A) ~~**Storage.** 25 square feet of floor area for storage shall be located within each dwelling unit. No horizontal dimensions within the storage area shall be less than 3 1/2 feet and no vertical dimensions less than six feet.~~
 - (B) ~~**Handicapped Units.** Ten percent of the total number of units shall be designed and constructed to readily allow conversion to a specific type of handicapped dwelling unit.~~
 - (C) ~~**Doors.** All entrance doors to the building and to each unit shall be no less than 36 inches wide.~~
 - (D) ~~**Stud Supports.** Stud supports for grab bars are required in each dwelling unit.~~
- (8) ~~**Other Performance Standards.** The following area, density, yard and off-street parking requirements apply to senior citizen housing:~~
- (A) ~~**Floor Area.** The following minimum floor areas are required:~~

Efficiency apartments	400 square feet
One-bedroom units	525 square feet
Two-bedroom units	700 square feet
 - (B) ~~**Units Per Acre.** Up to fifty units per acre based on the height of the building as follows:~~

Stories	Units/Acre
1	10
2	15
3	20
4	25
5	29
6	33
7	37
8	41
9	45
10 and above	50
 - (C) ~~**Yards.** The following yard regulations shall apply:~~
 - (i) ~~**Front Yard.** 30 feet setback plus one foot for each additional foot of building height over thirty feet, up to a maximum of 100 feet.~~

(ii) ~~Side and Rear Yards.~~ Varies from ten to 65 feet, based on the number of stories, as follows:

Stories	Side Yards (2)	Rear Yard
1	10 feet	25 feet
2	15 feet	25 feet
3 and above	15 feet plus one foot for each additional foot of building height over 35 feet to a maximum of 65 feet	25 feet plus one foot for each additional foot of building height over 35 feet to a maximum of 65 feet

(D) ~~Off-street parking.~~ See Section 21.301.06 of this Code.]

SEC. 19.63.02. RESERVED] ~~HANDICAPPED HOUSING PERFORMANCE STANDARDS.~~

(a) ~~Purpose.~~ The purpose of this section is to promote the establishment of housing for physically handicapped persons with the following objectives:

- (1) ~~To create environments which enable physically disabled persons to live independently;~~
- (2) ~~To allow physically disabled persons who choose to live in Bloomington the opportunity to participate fully in community activities by carefully locating handicapped housing near transportation and community facilities;~~
- (3) ~~To allow flexibility in the design of sites, buildings and dwelling units to accommodate a wide range of physical disabilities;~~
- (4) ~~To promote the design of sites, buildings and dwelling units in a manner which maximizes accessibility to handicapped persons.~~

Notwithstanding any other provisions of this Code, the following required items and minimum performance standards shall apply to project applications for housing for physically disabled or impaired persons, excluding group homes:

- (b) ~~Architectural Control.~~ A building plan, including a site plan, shall be certified by an architect registered in the State of Minnesota stating that he has personally viewed the site and has designed the building to fit the site as planned and to be harmonious with the neighboring buildings, topography, and natural surroundings in accordance with the purposes and objectives of this Code. This requirement shall not prohibit the preparation of a site plan by a professional site planner. The building shall be designed to address the specific needs of the physically disabled population for whom the project is intended.
- (c) ~~Narrative Report.~~ A written narrative report shall be submitted which clearly and adequately describes the project, the disabilities of its intended residents, and the specific design features of the site and building which address those disabilities.
- (d) ~~Off-site Analysis Report.~~ A written report shall be submitted which clearly and adequately describes the availability of public transportation, private transportation, distances to health care facilities, shopping, churches and other community facilities. The report shall specify which, if any, special community facilities and services are of particular importance to the intended residents.
- (e) ~~Site Plan.~~ A site plan prepared in conformance with the requirements of Section 19.63.01(4) shall be submitted.
- (f) ~~Site Design.~~
 - (1) ~~In addition to the requirements of other applicable Codes and Laws, the design of the site shall include the following items:~~
 - (A) ~~All walks on multiple family housing sites shall be portland cement concrete not less than 5 feet in width.~~
 - (B) ~~All public areas on the site shall be accessible by walks or permanent ramps.~~
 - (C) ~~All walks terminating at parking areas or public streets shall be provided with curb cuts or ramps.~~
 - (D) ~~All grade level entrances to the building shall be accessible.~~
 - (E) ~~Emergency vehicle access shall be provided to at least one side of each residentially used portion of the building.~~
 - (F) ~~Tactile warning at curbs, curb ramps, and building entrances.~~
 - (G) ~~Handrails at locations specified by the Manager of the Building and Inspection Division.~~
 - (2) ~~Based upon the needs and disabilities of the intended residents, the City Council may further require that the following items be included:~~
 - (A) ~~Sheltered transit loading areas.~~
 - (B) ~~Covering or enclosing of specified walkways.~~

- (g) **Building plans.** A building plan shall be submitted, which shall indicate, at a minimum, the following items:
 - (1) Floor plans and elevations of all structures.
 - (2) Exterior building materials.
 - (3) Typical unit floor plans and dimensions.
 - (4) Kitchen and bathroom floor plans and elevations.
 - (5) Building cross-section drawings.

- (h) **Building Design.**
 - (1) In addition to the requirements of other applicable Codes and Laws, the design of the building shall include the following items:
 - (A) Stud supports for grab bars shall be installed in each dwelling unit.
 - (B) Twenty five square feet of floor area for storage shall be located in each dwelling unit. At least four feet clear horizontal dimension shall be provided in each required storage area, and no vertical dimension shall be less than six feet.
 - (C) Automatic doors, when installed, shall provide time delayed action. No door shall have a net opening force requirement of more than 8 pounds measured at the door opener.
 - (D) Lever action door knobs shall be provided on all doors to areas intended for use by the residents.
 - (E) Electrical wall switches and other controls, such as thermostats, security intercoms, and emergency signal devices shall be located not more than 48 inches above the floor. Switches shall be of the large rocker type. No control or electrical outlet shall be located less than 24 inches above the floor.
 - (F) Handrails in locations specified by the Manager of the Building and Inspection Division.
 - (G) Tactile warnings as required by the Manager of the Building and Inspection Division.
 - (H) Life safety systems as approved by the Manager of the Building and Inspection Division.
 - (2) Based upon the needs and disabilities of the intended residents, and the design of the building, the City Council may require that the following items be installed:
 - (A) Automatic door openers at building entrances or entrances to public areas.
 - (B) Emergency call or intercom systems.
 - (C) Adjustable height shelving or counters in kitchen areas.
 - (D) Audio information systems (Tones) in elevators.
 - (E) Visual and audio emergency alarm systems.
 - (F) Security alarm systems.

(i) **Units Per Acre:** up to 37 units per acre based on the height of the building as follows:

Stories	Units/Acre
3 or fewer	18
4	25
5	29
6	33
7 or more	37

(j) **Floor area requirements:** The following minimum floor areas shall be required:

- (1) Efficiency units 400 square feet
- (2) One bedroom 525 square feet
- (3) Two or more bedrooms 700 square feet

(k) **Yards.** The following yard regulations shall apply:

- (1) **Front Yards**—30 feet plus one foot for each additional foot of building height over 30 feet, up to a maximum of 65 feet.
- (2) **Side Yards**—
 - (A) 1 story 10 feet
 - (B) 2 story 15 feet
 - (C) 3 or more stories 15 feet, plus one foot for each additional foot of building height over 35 feet to a maximum of 65 feet.
- (3) **Rear Yards**—25 feet plus one foot for each additional foot of building height over 35 feet to a maximum of 65 feet.

- (4) ~~Attached or detached garages or accessory buildings may be placed 5 feet from any side or rear lot line.]~~

SEC. 19.63.09. RESERVED. [~~HOME ENTERPRISES.~~

(a) ~~Home Occupations.~~

- (1) ~~**Where Allowed.** Home occupations, as defined in Section 19.03, where allowed in the primary applicable zoning district shall be allowed as an accessory or provisional use, subject to the performance standards as set forth in this Section.~~
- (2) ~~**Permitted Uses.** Permitted home occupations may include such uses as professional home offices, home studios, home beauty shops, architect, artist, and writer uses, clergymen, lawyers, teachers, music and dance instruction for no more than two students at any one time, licensed therapeutic massage, watch repair, dressmaking, millinery and similar crafts, subject to the performance standard in Section 19.63.09(a)(4).~~
- (3) ~~**Prohibited Uses.** The following home occupations are prohibited: motor vehicle or boat repair; small engine and major household appliance repair, motor vehicle or boat service; painting or repair of motor vehicles or boats, the sale, lease, or trade of firearms or ammunition, manufacturing, taxidermy shops, unlicensed massage or escort businesses, and body art establishments.~~
- ~~Music and dance schools with three or more students at any one time, repair shops not expressly prohibited in this section, catering, photography studios, home medical offices, and the like, shall not be allowed as a home occupation but may make application for a Conditional Use Permit pursuant to the standards outlined in Section 19.63.09(b)(4) of the City Code. All other home enterprises not meeting the standards of this Section, and which are not expressly prohibited, may also make application for a Conditional Use Permit pursuant to the standards outlined in Section 19.63.09(b)(4) of the City Code.~~
- (4) ~~**Performance Standards.** Home occupations must comply with the following performance standards:~~
- (A) ~~All business activity associated with the home occupation must be conducted entirely within the principal residential dwelling unit with no more than 25% of the total gross floor area (GFA) of the principal residential dwelling unit (excluding garage space) utilized for the home occupation. The garage or other accessory structures must not be used for any business activity including storage.~~
- (B) ~~The space devoted to or used by any home occupation must not have its own separate entrance. Any entrance leading to the space devoted to or used by the home occupation must also lead to the remainder of the home.~~
- (C) ~~Exterior display, exterior signage, advertisement or other exterior indication of the home occupation is limited to one non-illuminated sign not to exceed one and one-half square feet in area as per Article X of this Chapter.~~
- (D) ~~Exterior storage or display of trailers, equipment, materials, tools, supplies, products or by-products used or produced in conjunction with the home occupation is prohibited.~~
- (E) ~~Vehicles used in conjunction with a home occupation shall comply with the parking and storage provisions of Section 19.45 of this Code.~~
- (F) ~~Activity which produces light, glare, noise, odor, dust, smoke or vibration perceptible beyond the boundaries of the premises and distinguishable from neighboring residential uses is prohibited.~~
- (G) ~~All rubbish and garbage disposal facilities shall be properly screened in compliance with Chapter 19 or 21 of this Code and no single container may exceed the 96-gallon container size used for single family residential property.~~
- (H) ~~The owner of the home occupation must use the dwelling unit as the person's primary residence, as evidenced by the person's driver's license, vehicle registration, voter registration or other clear and convincing evidence.~~
- (I) ~~No more than one person having their primary residence elsewhere, as evidenced by the person's driver's license, vehicle registration, voter registration or other clear and convincing evidence, shall be employed on the premises at any one time.~~
- (J) ~~No stock in trade shall be displayed or kept for sale on the premises and no on-premises sales shall be conducted except as expressly allowed herein.~~
- (K) ~~No retail or wholesale sales activity shall be conducted on the premises other than by telephone, mail, Internet or other electronic medium.~~

- (L) ~~Deliveries and Pick ups: Truck deliveries or pick ups of supplies or products, and customer appointments associated with the home occupation shall be imperceptible from normal residential activity. Vehicles used for delivery and pick up are limited to those normally servicing residential neighborhoods. Deliveries and pick ups must not exceed a total of two per day.~~
- (M) ~~The total number of client appointments per day upon the premises shall be imperceptible from normal residential activity and must not exceed two clients at any one time or six customers per day.~~
- (N) ~~No interior or exterior alterations of the property or the structures thereon shall be allowed that would provide indicia of business activities being conducted on the premises and no construction features shall be allowed which are not customarily found in a primary residential dwelling unit or which are inconsistent with the residential character of the lot and structures thereon.~~
- (5) ~~**Hazardous materials.** Toxic, explosive, flammable, radioactive or other restricted materials used, sold, or stored on the site in conjunction with the home occupation must conform to the Bloomington City Code and the Uniform Fire Code.~~
- (6) ~~**Nonconforming Uses.** Legal home occupations made nonconforming by the adoption of this Section may continue to remain as a nonconforming use, pursuant to Section 19.10.~~
- (7) ~~**Penalty.** Violation of the performance standards of this Section shall, in addition to any civil fines, penalties or assessments, be punishable as a misdemeanor under Minnesota law.~~
- (b) ~~**Home Businesses.**~~
 - (1) ~~**Where Allowed.** Home businesses, as defined in Section 19.03, when allowed in the primary applicable zoning district as a conditional use are subject to the performance standards as set forth in this Section.~~
 - (2) ~~**Conditional Uses.** Examples of home businesses eligible upon proper application for issuance of a conditional use permit include: music and dance schools, repair shops not expressly prohibited by the City Code, catering, photography studio, and similar uses.~~
 - (3) ~~**Prohibited Uses.** The following home businesses are prohibited without limitation: motor vehicle or boat repair; small engine and major household appliance repair, motor vehicle or boat service; painting or repair of motor vehicles or boats, the sale, lease, or trade of firearms or ammunition, manufacturing, taxidermy shops, unlicensed massage or escort businesses, and body art establishments.~~
 - (4) ~~**Performance Standards.** Home businesses must comply with the following performance standards:~~
 - (A) ~~All business activity associated with the home business must be conducted entirely within the principal residential dwelling unit with no more than 25% of the total gross floor area (GFA) of the principal residential dwelling unit utilized for the home occupation. The City Council may approve home business activities in accessory structures or garages if it finds that typical residential activities in the neighborhood are not adversely impacted or that the home business operation in an accessory structure would not alter the residential character of the neighborhood.~~
 - (B) ~~The space devoted to or used by the home business, accepting those home businesses operating from an accessory structure as expressly permitted by City Council, must not have its own separate entrance and shall be completely contained within the principal residential dwelling unit so as to have no exterior visibility. Any entrance leading to the space devoted to or used by the home business must also lead to the remainder of the home.~~
 - (C) ~~Exterior display, exterior signage, advertisement or other exterior indication of the home enterprise is limited to one non-illuminated sign not to exceed one and one-half square feet in area as per Article X of this Chapter.~~
 - (D) ~~Exterior storage or display of trailer, equipment or materials, tools, supplies, stock in trade, products or by-products used or produced in conjunction with the home business is prohibited.~~
 - (E) ~~Vehicles used in conjunction with a home business shall comply with the parking and storage provisions of Section 19.45 of this Code.~~
 - (F) ~~Activity which produces light, glare, noise, odor, dust, smoke or vibration perceptible beyond the boundaries of the premises and distinguishable from neighboring residential uses is prohibited.~~
 - (G) ~~All rubbish and garbage disposal facilities shall be properly screened in compliance with Chapter 19 or 21 of this Code and no single container may exceed the 96-gallon container size used for single-family residential property.~~

- ~~(H) The owner of the home business must use the dwelling unit as the person's primary residence, as evidenced by the person's driver's license, vehicle registration, voter registration or other clear and convincing evidence.~~
- ~~(I) No more than two persons having their primary residence elsewhere, as evidenced by the person's driver's license, vehicle registration, voter registration or other clear and convincing evidence, shall be employed on the premises at any one time.~~
- ~~(J) No stock in trade shall be displayed or kept for sale on the premises and no on-premises sales shall be conducted except as expressly allowed herein.~~
- ~~(K) No retail or wholesale sales activity shall be conducted on the premises other than by telephone, mail, Internet or other electronic medium.~~
- ~~(L) Deliveries and Pick ups: Truck deliveries or pick ups of supplies or products, and customer appointments associated with the home occupation shall be imperceptible from normal residential activity. Vehicles used for delivery and pick up are limited to those normally servicing residential neighborhoods. Deliveries and pick-ups must not exceed a total of two per day.~~
- ~~(M) The total number of client appointments per day upon the premises shall be imperceptible from normal residential activity and may be determined by the City Council.~~

~~(5) **Permit Required.** A Conditional Use Permit shall be required for all home businesses.~~

~~(6) **Hazardous materials.** Toxic, explosive, flammable, radioactive or other restricted materials used, sold, or stored on the site in connection with the home enterprise must conform to the City Code and Uniform Fire Code for residential uses.]~~

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:

CHAPTER 21

ZONING AND LAND DEVELOPMENT

ARTICLE II. DISTRICTS AND USES

Division B. Residential Zoning Districts

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:

(4) Parking lot (RM-100). Off-street parking for multiple-family developments in the RM-100 zoning district must not be located between a building and a public street unless:

(A) parking is located entirely below grade; or

(B) the site received an exemption for sites with multiple street frontages in accordance with Section 21.203.09(d)

(d) Exemptions for sites with multiple street frontages. While it is the intent of the multiple-family zoning district RM-100 to have buildings close to the street with parking to the side, rear, or entirely below grade, that arrangement may not be possible for each street frontage on sites which front on two or more public streets, or along a transitway. When a site fronts on multiple public streets in a corner or through-lot configuration, the City Council may exempt through the planned development process all but one of the

street frontages from complying with the RM-100 building or parking requirements provided the City Council determines that:

- (A) the site cannot reasonably comply with the zoning district structure and parking placement requirements for all street frontages;
- (B) the proposed structure and parking configuration will meet the purpose and intent of the zoning district;
- (C) the proposed structure and parking configuration will complement the character of existing or planned development in area;
- (D) the proposed structure and parking configuration will facilitate pedestrian and bicycle access;
- (E) the proposed structure and parking configuration will place vehicle access points in optimal locations; and
- (F) the proposed structure and parking configuration will be compatible with natural features, surrounding development, redevelopment plans, and traffic volumes.

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
RESIDENTIAL											
Dwellings											

Multiple-family dwelling					P	P	P	P	P		[19.62 19.63.01 19.63.02 21.302.09
Multiple-family dwelling in single family zones in existence prior to 01/26/2015	C										[19.62 19.63.01 19.63.02 21.302.09
Congregate Living											
State Licensed Residential Care Facility serving six or fewer persons	P	P	P	P	P	P	P	P	P		MN Statutes 245A.11, 245D, 462.357 [Subd. 7] 21.302.23
State Licensed Residential Care Facility serving seven or more persons					C	C	C	C	C		21.302.06 21.302.23 MN Statutes 245A.11, 245D, 462.357 [Subd. 8]
State Licensed Residential Care Facility serving seven or more	C	C	C								21.302.06 21.302.23

persons in single family zones in existence prior to 01/26/2015										
City Licensed Congregate Living Facility serving five or more persons				C	C	C	C	C		21.302.06 <u>21.302.24</u>
Congregate Living Facility serving five or more persons (e.g. boarding houses, lodging houses, convents) in single family zones in existence prior to 01/26/2015	C	C	C							21.302.06 <u>21.302.24</u>

Other Residential

Manufactured home park	C			C	C	C	C	C	C	21.302.10 Chapter 14 Article VI and MN Statute Chapter 327
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Home businesses, Type I [occupations]	A	A	A	A	A	A	A	A	A	[19.63.09] <u>21.302.13</u>
Home businesses, Type II	C	C	C	[C]	C	[C]	[C]	[C]	[C]	[19.63.09] <u>21.302.13</u>

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 <u>21.302.27</u>

Educational Facilities

Schools (K-12),	C			C	C	C	C	C	C	21.302.06 <u>21.302.25</u>
College or university	C			C	C	C	C	C	C	21.302.06 <u>21.302.25</u>

(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

Other Residential									
Nursing home/adult care home			A					A	[49.63.04] 21.302.23
Manufactured home park			CA		CA	CA	CA	CA	21.302.10 Chapter 14 Article VI and MN Statute Chapter 327

GOVERNMENT, INSTITUTIONAL, OPEN SPACE

Educational Facilities									
Day care facility	C	C	C	A	A	A	A	A	21.302.27
College or university				CA	CA	CA	C	CA	21.302.25

School (K-12)				CA	CA	CA	C	CA	21.302.25
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OFFICE

Home businesses, Type I [occupations]			P		P	P	P	P	[49.63.09] 21.302.13
Home businesses, Type II			[CA]		[CA]	[CA]	[CA]	[CA]	[49.63.09] 21.302.13

(f) Specialized Zoning Districts.

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

Other Residential									
Manufactured home park	C								21.302.10 Chapter 14 Article VI and MN Statute Chapter 327

GOVERNMENT, INSTITUTIONAL, OPEN SPACE

Educational Facilities									
Day care facility	P	C							21.302.27
College or university	P								21.302.25

School (K-12)	P								21.302.25
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OFFICE

Home businesses, Type I [occupations]	P								[49.63.09] 21.302.13
Home businesses, Type II	[CA]								[49.63.09]

ARTICLE III. DEVELOPMENT STANDARDS

Division A. General Standards

SEC. 21.301.01. DEVELOPMENT INTENSITY AND SITE CHARACTERISTICS.

(c) Residential Zoning Districts.

(3) Building floor area minimum.

Unit	Floor Area Minimum*
Single-family (except R-1A)	1,040 sq. ft.
Single-family (R-1A)	1,700 sq. ft.
Two-family	960 sq. ft. per unit (Section 21.302.04)
Apartments and Condominiums	
Efficiency Units	400 sq. ft.
One bedroom	650 sq. ft.
Two bedrooms	800 sq. ft.
Three or more bedrooms	950 sq. ft.
Accessibility and Senior Citizen Housing	
Efficiency Units	400 sq. ft.
One bedroom	525 sq. ft.
Two or more bedrooms	700 sq. ft.
Row Houses, Townhouses and other attached dwelling units of a similar nature	
One bedroom	750 sq. ft.
Two bedrooms	900 sq. ft.
Three bedrooms	1,040 sq. ft.

Note:

* Garages, breezeway, and porch floor area ~~may~~ do not count towards the required floor area.

(e) **When larger lots are required.** In areas served by private wells or private sewage disposal system, the Council may require larger lots than required in Section 21.301.01 of this Code if soil tests indicate that a larger size is necessary to ensure the sanitary functioning of such systems.

SEC. 21.301.06. PARKING AND LOADING.

(a) **Purpose and intent** - The City of Bloomington recognizes the health, safety, welfare, and aesthetic value of providing parking standards in the community. The provisions of this Section are intended to:

(11) Restrict the parking or storage of vehicles and trailers that, due to their size, use, design, type, or characteristics, adversely affects the health, safety or welfare of the community in residentially zoned

and used lots. The Council finds that these vehicles intrude upon the aesthetics and visual peace and quiet of a residential neighborhood, that they can impair the free flow of traffic on residential streets and by their size are detrimental to residential traffic safety, that they often create excessive noise for such surroundings, that their presence tends to encourage and effectuate the expansion of uses that are inconsistent with or inappropriate to residential areas, and that their presence therefore is likely to have a negative impact upon residential property values.

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

MINIMUM OFF-STREET PARKING REQUIREMENTS	
RESIDENTIAL	

Senior Citizen Housing Accessibility Housing	1.5 spaces per dwelling unit, where 0.5 spaces per unit must be available for general parking. Where party room space is provided, an additional one space per 100 square feet of party room is required. Guest parking spaces must be appropriately provided and dispersed throughout the development, subject to approval of the Issuing Authority.
Residential Care Facility Group Home, Nursing Home, Rest Home, Adult Care Home	1.5 spaces for each four beds Guest parking spaces must be appropriately dispersed throughout the development.
Congregate Living Facility Licensed Boarding House Lodging or Rooming Houses	One space per bedroom, where spaces are not stacked in a linear row
Manufactured home parks	Two spaces per manufactured home. Guest parking must be appropriately provided and dispersed throughout the development, subject to approval by the Issuing Authority.
NON-RESIDENTIAL	

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

(1) **Recreational Vehicles.** This section does not regulate recreational vehicles. Recreational vehicles are defined and regulated in Section 19.50.03.

(2) **Vehicles.**

(A) **Types of Vehicles.**

(i) **Type I Motor Vehicle.** A vehicle that is:

(aa) Less than or equal to eight feet in height, and

(bb) Less than or equal to 22 feet in length,

(cc) Not a recreational vehicle, and

(dd) Not a non-residential vehicle.

(iii) **Type II Motor Vehicle.** A vehicle that is:

(aa) A taxi that meets the Type I Motor Vehicle requirements, or

(bb) A limousine that meets the Type I Motor Vehicle requirements, or

(cc) A Type I vehicle with a snow plow attachment.

(iii) **Type III Motor Vehicle.** A vehicle that is:

(aa) Greater than eight feet in height, or

(bb) Greater than 22 feet in length.

(iv) **Non-Residential Vehicle.** Motor vehicles that, by virtue of their use, design, type, or characteristics, are not customary and incidental to the use or occupancy of residential properties. These include, but are not limited to:

- (aa) Boom trucks
- (bb) Buses
- (cc) Cargo trucks
- (dd) Dump trucks
- (ee) Farm implements (except when used in an agricultural use authorized under this Code)
- (ff) Fire trucks
- (gg) Flatbed trucks
- (hh) Forklifts
- (ii) Hearses
- (jj) Loaders
- (kk) Semi-trailer tractors
- (ll) Skid steers
- (mm) Step vans
- (nn) Tank trucks
- (oo) Tow trucks
- (pp) Tractors
- (qq) Riding lawnmowers or snowblowers, and recreational vehicles are not considered non-residential vehicles.

(B) Measurements.

- (i) Height. The height of a motor vehicle is measured as the vertical distance between the lowest part of the tires to the top of the highest part of the vehicle.
- (ii) Length. The length of a motor vehicle is measured as the horizontal distance between the front edge of the vehicle to the rear edge of the vehicle.
- (iii) For purposes of measurement, accessories, attachments, and materials fixed or carried upon a vehicle will be considered part of the vehicle (with the exception of aerial antennas and attached trailers).

(C) Standards.

- (i) **Type I and II Motor Vehicles.** Type I and II Motor Vehicles are permitted to be parked or stored in a residential district or in the public right-of-way immediately abutting any residential district, subject to the requirements of this section and any other applicable sections of this code.
 - (aa) A vehicle that is a Type II vehicle by reason of the attachment of a snowplow blade may only be parked or stored with blade attached between November 1st and April 30th.
 - (bb) No Type II Vehicle may be parked or stored at a residentially zoned lot unless that vehicle is owned or leased or regularly used by a person physically residing on that premises.
- (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.
- (iv) **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) of this section.
- (v) **Limitations on quantity.**
 - (aa) No more than four vehicles per unit may be parked or stored at single-family and two-family dwelling units outside a garage or on a street.
 - (bb) Only one Type II vehicle may be parked or stored per single-family or two-family dwelling unit.
 - (cc) Vehicles temporarily parked at a residence for visitation or business service reasons, Class I recreational vehicles (as defined in Section 19.50.03 of this Code), or any vehicle parked or stored within a garage will not be counted for the purposes of these numerical limitations.
 - (dd) All other vehicles, whether screened or not, including abandoned vehicles, junk vehicles, or inoperable vehicles, as defined in Section 8.04 of this Code, will be

counted as vehicles for purposes of determining the number of vehicles parked or stored outside of a garage or on the street.

- (vi) **Location Requirements.** The location of parked and stored vehicles on residentially zoned lots must adhere to the requirements of Section 21.301.06(i)(4).

(2) **Trailers.**

(A) **Standards.**

- (i) **Limitations on size.** The following size trailers are prohibited from being parked or stored in a residential district or in the public right-of-way immediately abutting any residential district:
- (aa) Trailers with a trailer bed greater than eight feet six inches in length or,
 - (bb) Trailers greater than six feet in height.
 - (cc) The length of a trailer bed is measured as the horizontal distance between the front and rear edges of the trailer bed.
 - (dd) The height of a trailer is measured as the vertical distance between the lowest part of the tires to the top of the highest part of the trailer. Accessories, attachments, and materials carried upon a trailer and/or trailer bed are considered part of the trailer and will be included in the height measurement.
- (ii) **Parking Location Requirements.**
- (aa) Trailers may not be parked or stored more than eight feet in front of a dwelling unit wall plane that faces a public street unless parked or stored on a legal driveway or off-drive parking area.
 - (bb) Trailers must be setback at least five feet from any lot line.
- (iii) **Limitations on quantity.** Only one trailer may be parked or stored on a residentially zoned lot outside of a garage.

- (3) **Exceptions.** The parking and storage limitations and requirements of this Section are subject to the following exceptions:

- (A) Vehicles and trailers otherwise prohibited from being parked or stored under this Section may be temporarily parked on or in front of a residential lot while being loaded or unloaded or while rendering a service at that location.
- (B) Vehicles and trailers otherwise restricted by this Section may be parked on a residential lot when the lawful principal use of the lot under the Zoning Code is other than residential and the vehicle and/or trailer is directly related to that lawful use.
- (C) Vehicles designed for accommodating the needs of a person with disabilities are allowed to exceed the Type I or Type II height limits set in this Section, provided that the vehicle displays a disability license plate or disability parking sticker issued by the State.
- (D) Vehicles and trailers otherwise prohibited from being parked or stored under this Section may be temporarily parked on weekdays between 11:00 a.m. and 1:00 p.m. Such parking must occur off the public right-of-way and on the premises owned or occupied by the driver of the vehicle.
- (E) Trailers that are recreational vehicles as defined by Section 19.50.03 may be parked or stored on a site if properly parked or stored in accordance with said Section 19.50.03.

- (4) **Variances.** Variances from the dimensional limitations of this Section may be granted in accordance with Sections 2.98.01 and 2.10 of this Code.

SEC. 21.301.08. FENCES.

- (g) **Where fences are required.** At times this Code requires fences to protect the public health, safety and welfare.

- (4) **Screening.** See Sections 8.16, 10.05, 10.29.05, 10.38, 14.503, 19.31.01, 19.33.01, 19.37, 19.49, 19.50, 19.50.01, 19.50.03, 19.51, 19.52, 19.61.01, 19.62.01, 19.63, 19.63.04, 19.63.07, ~~19.63.09,~~ 21.301.05, 21.301.06, 21.302.01, ~~and~~ 21.302.02, and 21.302.13 for specifications on required screening standards, to include fences as a method of screening.

Division B. Use Standards

SEC. 21.302.03. ACCESSORY DWELLING UNITS.

(b) **Standards.**

- (7) Home ~~[Occupations] Businesses.~~ [Home-occupations] Type I home businesses are allowed within an Accessory Dwelling Unit, subject to existing performance standards, provided the combined impacts of home occupations in the Accessory Dwelling Unit and associated single family dwelling unit do not exceed the performance standards for one single family dwelling unit, including but not limited to the number of employees, signs, deliveries, pick-ups, and client appointments per site. Type II [H]home businesses are not allowed within Accessory Dwelling Units.

SEC. 21.302.04. TWO-FAMILY DWELLINGS.

(c) **Standards.**

- (14) Home ~~[Enterprises] Businesses.~~ Type I home businesses [Home-occupations] are allowed within two-family dwelling units subject to the standards of City Code Section ~~[49-63-09] 21.302.13.~~ However, Type II [H]home businesses as defined in Section ~~[49-03] 21.302.13~~ are not allowed within two-family dwelling units.

SEC. 21.302.06. INSTITUTIONAL USE STANDARDS.

(b) **Standards.**

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

	Maximum Floor Area Ratio	
	When Adjacent to Arterial or Collector Street	When not Adjacent to Arterial or Collector Street
Single-family Districts R-1, R-1A, RS-1	0.35	0.20
Multi-family Districts R-3, R-4, RM-12, RM-24	0.50	0.35
Multi-family District RM-50, RM-100	1.00	0.50
Other Districts Without District Based Standards B-3, I-1, I-2, I-3, FD-1, FD-2, SC	0.50	0.50
All Other Districts	See District Requirements	See District Requirements

- (A) Exception. The density of assisted living facilities with fully functional and separated living units including Code complying kitchens, bathrooms and living space is regulated by the ~~more restrictive of either the Senior Citizen Housing Performance Standards in City Code Section~~

19.63.01 or the] units per acre standards in the underlying zoning district rather than the floor area ratio standards listed above.

SEC. 21.302.08. TOWNHOUSE STANDARDS.

(c) **Standards.**

- (21) Home Businesses. Type I home businesses are allowed within townhouse dwelling units subject to the standards of City Code Section 21.302.13. However, Type II home businesses as defined in Section 21.302.13 are not allowed within townhouse dwelling units.

SEC. 21.302.09. MULTIPLE-FAMILY DWELLING DESIGN AND PERFORMANCE STANDARDS.

- (a) **Purpose.** The following standards are intended to accommodate multiple-family dwellings located in residential zoning districts while protecting the public health, safety, and general welfare of the community.
- (b) **Review and Approval.** Multiple-family dwellings must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit.
- (c) **Applicability.** The provisions of this Section do not apply to multiple-family residential uses in the B-4, C-2, C-3, C-4, and C-5 commercial zoning districts. See Section 21.302.02 for applicable standards for residential uses in the B-4, C2, C-3, C-4, and C-5 commercial zoning districts.
- (d) **Performance Standards**
- (1) Site size. Multiple-family development sites must meet the minimum land area requirements of City Code Section 21.301.01(c)(1), which vary by zoning district.
- (2) Building setbacks. See City Code Section 21.301.02 for setback requirements, which vary by zoning district.
- (3) Floor Area. Multiple-family units must meet the floor area requirements of City Code Section 21.301.01(c)(3).
- (4) Blank facades. Blank building facades or walls must not exceed 20 feet in length when the building or wall faces a public street or transitway station. A building façade or wall is considered to be blank if it is uninterrupted by windows, doors, ornamentation, decoration, articulation or other architectural detailing.
- (5) Multiple buildings on a site. Multiple buildings on a site must be compatible in design, color scheme, and palette of materials.
- (6) Air conditioners. Air conditioners protruding from an exterior wall must be designed to appear as an integral part of a wall.
- (7) Storage space. 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 at least four feet horizontal dimensions and 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 at least three feet horizontal dimensions and 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 at least four feet horizontal dimensions and a four foot vertical dimension and be at least 96 cubic feet.
- (8) Mixed use. In the event residential uses are integrated with non-residential uses on the same site, the following standards apply:
- (A) Land use conflicts. Sites must be designed to minimize the impact of non-residential uses on residential uses through screening, separation, design or alternative techniques. Features that may create impacts and need to be addressed include but are not limited to headlights, lighted signs, loading areas, delivery areas, trash pick-up areas, and high traffic access drives.
- (B) Odor suppression. The nuisance impacts of uses that generate odors including but not limited to restaurants, are magnified by proximity to residential uses. Therefore, the Issuing Authority may require through condition of approval odor generating uses on sites containing residential uses to install and utilize odor suppression systems.

- (9) Building code compliance. Multiple-family developments must meet current Minnesota State Building Code provisions, including but not limited to fire resistance and sound insulation standards between units.
- (10) Stormwater management. Site must meet the requirements of Chapter 16 of the City Code and the City's Comprehensive Surface Water Management Plan for stormwater management, erosion control, and wetlands.
- (11) Compliance with other sections. Multiple-family developments must meet applicable standards within City Code, including but not limited to:
 - (A) Refuse and recycling (19.51),
 - (B) Landscaping (19.52),
 - (C) Exterior storage (19.50),
 - (D) Height (21.301.10),
 - (E) Parking (21.301.06), and
 - (F) Lighting (21.301.07).
- (e) **Subdivision.** If it is intended that individual buildings of a multiple-family dwelling complex be sold separately, provision must be made so that each such building parcel abuts a public street in accordance with the provisions of Chapter 22 of this Code.

SEC. 21.302.10. MANUFACTURED HOME PARK

- (a) **Purpose.** To accommodate manufactured home parks while ensuring they do not adversely affect the health, safety or welfare of the community.
- (b) **State regulation.** Manufactured home parks are regulated by the State of Minnesota. Manufactured home parks must meet the requirements listed in:
 - (1) Minnesota Rules 4630.0200 - .1700 and 4630.2210 - .4700; and
 - (2) Minnesota Statutes, Sections 327.14, 327.20 and 327.205 - .28 as amended from time to time.
- (c) **Standards.**
 - (1) Licensing. Manufactured home parks must receive all required licenses prior to operation and must maintain required licenses at all times.
 - (2) Maintenance. Pursuant to State rules, a responsible attendant or caretaker must be in charge of every manufactured home park at all times and the duty of said attendant or caretaker must be to maintain the park, its facilities, and equipment in a clean, orderly, and sanitary condition.
 - (3) Site size. Manufactured home parks must be at least five acres in size.
 - (4) Density. Manufactured home parks must meet the minimum and maximum density requirements of City Code Section 21.301.01(c)(1), which vary by zoning district.
 - (A) Densities for districts not addressed in Section 21.301.01. Manufactured home parks located in R-1 zoning districts must have less than or equal to ten dwelling units per acre.
 - (5) Setbacks. Buildings within a manufactured home park must meet the setback requirements of City Code Section 21.301.01(c)(1) from all exterior property lines, which vary by zoning district. Buildings within the manufactured home park must be separated from one another as required under State law.
 - (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 manufactured dwelling unit in addition to storage provided within each manufactured dwelling unit. When individually enclosed, lockable garages are provided, required storage space may be incorporated within a garage.
 - (7) Landscape buffer. Where the manufactured home park directly abuts property that is used for single-family residential uses or is either zoned or guided for single-family residential uses a perimeter landscape buffer is required pursuant to screening requirements in City Code Section 19.52(d)(2),
 - (8) Fencing.
 - (A) Perimeter fencing.
 - (i) With the exception of when a fence is required for screening, all fences located around the perimeter of a manufactured home park must meet the requirements listed in Section 21.301.05.
 - (ii) Perimeter fencing must comply with Minnesota State Fire Code emergency access requirements.
 - (B) Fences within manufactured home parks. With the exception of fences required for screening, all fences located within manufactured home parks must meet the following requirements:
 - (i) Fences running parallel with any manufactured home including its attachments must be setback at least ten feet from a manufactured home, including its attachments.

- (ii) Non-perimeter fencing within a manufactured home parks may be a maximum of four feet in height. Fence height is measured as described in Section 21.301.08(c)(3).
- (iii) The amount of fence opacity for non-perimeter fencing within a manufactured home park is limited to 50 percent. See Section 21.301.08(d)(3) for an illustration of fence opacity.
- (9) Accessory structures. Each manufactured home owner is allowed to install one detached accessory structure, subject to the following requirements:
 - (A) There must be a separation of at least ten feet between an accessory structure and the nearest manufactured home not occupied by the user of the accessory structure, including its attachments.
 - (B) No portion of an accessory structure may be closer to an internal manufactured home park street or general parking lot than the associated manufactured home.
 - (C) No portion of an accessory structure may be closer to a public street than the associated manufactured home.
- (10) Compliance with other sections. Multiple-family developments must meet applicable standards within City Code, including but not limited to:
 - (A) Refuse and recycling (19.51),
 - (B) Landscaping (19.52),
 - (C) Exterior storage (19.50)
 - (D) Height (21.301.10)
 - (E) Lighting (21.301.07), and
 - (F) Parking (21.301.06).

SEC. 21.302.13. HOME BUSINESSES.

- (a) **Purpose.** To accommodate residents who desire to start a home business while ensuring that said businesses:
 - (1) Are imperceptible from normal residential activity and do not adversely impact the character of the surrounding residential area.
 - (2) Are secondary and incidental to the residential use of the dwelling unit, and;
 - (3) Do not adversely affect the health, safety or welfare of other persons residing in the area.
- (b) **Review and Approval.**
 - (1) A conditional use permit is required for Type II home businesses. See Section 21.501.04 for conditional use permit requirements.
- (c) **Types of Home Businesses.**
 - (1) Type I. Type I home businesses are of a type that the City Council has historically found do not adversely affect the health, safety or welfare of other persons residing in the area. Examples of Type I home businesses are listed below. This list is intended to be illustrative not exhaustive.
 - (A) Professional home offices or studios
 - (B) Home beauty shops
 - (C) Tutoring, music, fitness, or dance instruction for no more than two students at any one time
 - (D) Licensed therapeutic massage
 - (E) Watch repair, dressmaking, tailoring and similar crafts.
 - (F) Animal grooming for no more than four animals at any one time
 - (2) Type II. Type II home businesses are businesses of a type that the City Council has historically found to have the potential to adversely affect the health, safety or welfare of other persons residing in the area. Examples of Type II home businesses are listed below. This list is intended to be illustrative not exhaustive.
 - (A) Music, dance, or fitness schools
 - (B) Repair shops not expressly prohibited by the City Code
 - (C) Cottage food operations, subject to the requirements in Minnesota Statutes § 28A.152.
 - (D) Photography studios and similar uses
 - (E) A Type I home business reclassified as a Type II home business by virtue of a conditional use permit approved by the City Council.
 - (3) Prohibited home businesses: The following home businesses are prohibited without limitation:

- (A) Motor vehicle or boat repair, service or painting
- (B) Small engine and major household appliance repair
- (C) The sale, lease, or trade of firearms or ammunition
- (D) Manufacturing
- (E) Taxidermy shops
- (F) Unlicensed massage
- (G) Escort businesses
- (H) Body art establishments
- (I) Animal kenneling

(d) **Standards**

- (1) Health, safety and welfare.
 - (A) Home businesses must not endanger the health, safety or welfare of the community by reason of blight, noise, smoke, dust, odor, glare, vibration, fire hazard, increased vehicular traffic including deliveries, unsanitary or unsightly conditions, or similar conditions that have a reasonable likelihood of disturbing the peace, comfort, repose or quiet enjoyment of the indoor and outdoor spaces of neighboring residential properties.
- (2) Where allowed. See Section 21.209 of this Code for the classification of home businesses within the zoning districts.
 - (A) Type II home businesses are not permitted in accessory dwelling units, two-family dwellings, townhomes, or in multi-family dwellings.
- (3) Prohibited activities. Activity that produces light, glare, noise, odor, dust, smoke or vibration perceptible beyond the boundaries of the premises and distinguishable from neighboring residential uses is prohibited.
- (4) Gross floor area (GFA). Home businesses may occupy no more than 25 percent of the total gross floor area (GFA) of the principal residential dwelling unit.
- (5) Use of accessory structures or garages.
 - (A) Type I home businesses may not use or be located in accessory structures or garages.
 - (B) As provided in Section 21.302.13(b), the City Council may approve Type II home business activities in accessory structures or garages if it finds that the proposed activities would not alter the residential character of the neighborhood if performed within an accessory structure or garage.
- (6) Alterations. No interior or exterior alterations may be made to dwelling units to accommodate a home business that would be:
 - (A) Inconsistent with the residential character of the surrounding area, or
 - (B) Not customarily found in a primary residential dwelling.
- (7) Separate entrances. The space devoted to or used by the home business must not have its own separate entrance and must be completely contained within the principal residential dwelling unit so as to have no exterior visibility. Any entrance leading to the space devoted to or used by the home business must also lead to the remainder of the home.
 - (A) Exception. Type II home businesses permitted by the City Council to operate from an accessory structure or garage are exempt from this provision.
- (8) Exterior displays and signage. Exterior display, exterior signage, advertisement or other exterior indication of a home business is limited to one non-illuminated sign not to exceed one and one-half square feet in area as per Article X of this Chapter 19.
- (9) Exterior storage. Exterior storage or display of trailer, equipment or materials, tools, supplies, stock-in-trade, products or by-products used or produced in conjunction with a home business is prohibited.
- (10) Vehicle parking and storage. Vehicles used in conjunction with a home business must comply with the parking and storage provisions of Section 21.301.06 of this Code.
- (11) Garbage disposal. All rubbish and garbage disposal facilities must be properly screened in compliance with Chapter 19 or 21 of this Code and no single container may exceed the 96-gallon container size used for single-family residential property.
- (12) Primary residence requirement. The owner of the home business must use the dwelling unit as the person's primary residence, as evidenced by the person's driver's license, vehicle registration, voter registration or other clear and convincing evidence.
- (13) Employees.

- (A) Type I Home Businesses. No more than one person having their primary residence elsewhere, as evidenced by the person's driver's license, vehicle registration, voter registration or other clear and convincing evidence, may work on the premises at any time.
- (B) Type II Home Businesses. No more than two persons having their primary residence elsewhere, as evidenced by the person's driver's license, vehicle registration, voter registration or other clear and convincing evidence, may work on the premises at any time.
- (14) On site sales. No retail, wholesale or other sales activity may be conducted on site other than by telephone, mail, internet or other electronic medium. Also no items may be displayed for sale on the premises.
- (15) Deliveries and pick-ups. Type I and II home businesses may receive up to four deliveries and pick-ups per day.
- (16) Client visits.
 - (A) Type I Home Businesses. The total number of clients upon the premises must not exceed six customers per day and must not exceed two clients at any one time.
 - (B) Type II Home Businesses. As provided in Section 21.302.13(b), the City Council may determine the number and intensity of client visits per day and time.
- (17) Hazardous materials. Toxic, explosive, flammable, radioactive or other restricted materials used, sold, or stored on the site in connection with the home enterprise must conform to the City Code and Uniform Fire Code for residential uses.
- (e) **Enforcement.** The City will enforce the standards of this Section based on verified, on-going violations.
- (f) **Penalty.** Violation of the standards set forth in this Section shall be enforceable in all of the following manners, without limitation: civil injunctive action; the assessment of civil administrative fines and penalties that are assessable against the property; as well as criminal misdemeanor prosecution.

SEC. 21.302.23. RESIDENTIAL CARE FACILITIES.

- (a) **Purpose.** The following standards are intended to accommodate residential care facilities while protecting the public health, safety, and general welfare of the community.
- (b) **Review and Approval.** New freestanding residential care facilities must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit. Residential care facilities of certain sizes in certain zoning districts (see the use tables in Section 21.209) require a conditional use permit.
 - (1) All necessary permits and licenses must be obtained from state, county and city agencies.
 - (2) If the size, location, licensing, or purpose of a facility with a conditional use permit changes, a new or amended conditional use permit may be required.
- (c) **Where Allowed.** See Section 21.209 of this Code for the classification of residential care facilities within the zoning districts.
 - (1) Except where exempt in Minnesota Statutes § 245A.11, as may be amended from time to time, no residential care facility may be located within 1,320 feet of another existing or approved residential care facility, as measured without regard to intervening structures or objects from the closest point of the residential care facility's site boundaries to the closest point of an existing residential care facility's site boundaries.
 - (2) The facility may not be located in a two-family or multiple-family dwelling unless it occupies the entire structure.
- (d) **Standards.**
 - (1) All facilities.
 - (A) Services. On-site services must only be for residents of the facility.
 - (B) Compliance with other sections. Residential care facilities must meet applicable standards within City Code, including but not limited to:
 - (i) Refuse and recycling (19.51),
 - (ii) Landscaping (19.52),
 - (iii) Exterior storage (19.50),
 - (iv) Height (21.301.10),
 - (v) Parking (21.301.06), and
 - (vi) Lighting (21.301.07).
 - (C) Prohibited facilities. The following facilities are prohibited in single-family zoning districts (R-1, R-1A, and RS-1).

- (i) Facilities where the primary purpose of the facility is to treat juveniles who have violated criminal statutes relating to sex offenses or who have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses.
 - (ii) Facilities that provide accommodations to treat persons whose tenancy would constitute a direct threat to the health and safety of other individuals.
 - (iii) Facilities that accept court ordered referrals for treatment in lieu of incarceration without adequate security.
- (3) Facilities serving seven or more persons.
- (A) Compatibility. All new construction or additions to existing structures must be compatible with the scale and character of the surrounding neighborhood and existing structures.
 - (B) Landscape buffer. A perimeter landscape buffer is required pursuant to screening requirements contained in Section 19.52(d)(2), where the facility site directly abuts property that is either zoned or guided for single-family residential use.
 - (C) Management plan. A management plan for the facility must be submitted with any conditional use permit application, which includes but is not limited to the following:
 - (i) Program operation,
 - (ii) Staffing,
 - (iii) Security detail,
 - (iv) Access control,
 - (v) Smoking locations, and
 - (vi) Floor plans showing sleeping areas, emergency exits, and bathrooms.
 - (D) Staffing. The facility must be staffed on a 24-hour, seven day a week basis with a minimum staffing component identified in the management plan.
 - (E) Security system. A building security system must be approved by the Bloomington Police Department and maintained during the use of the residence.

SEC. 21.302.24. CONGREGATE LIVING FACILITIES.

- (a) **Purpose.** The following standards are intended to accommodate congregate living facilities while protecting the public health, safety, and general welfare of the community.
- (b) **Review and Approval.** Congregate living facilities must receive conditional use permit approval and, if in a new freestanding building, either final site and building plan approval or final development plan approval prior to issuance of a building permit.
 - (1) All necessary permits and licenses must be obtained from state, county and city agencies.
 - (2) If the size, location, or purpose of a facility with a conditional use permit changes, a new or amended conditional use permit may be required.
- (c) **Where Allowed.** See Section 21.209 of this Code for the classification of congregate living facilities within the zoning districts.
 - (1) The facility cannot be located in a two-family or multiple-family dwelling unless it occupies the entire structure.
- (d) **Standards.**
 - (1) Services. On-site services must be only for the residents of the facility.
 - (2) Compatibility. All new construction or additions to existing structures must be compatible with the scale and character of the surrounding neighborhood and existing structures.
 - (3) Landscape buffer. A perimeter landscape buffer is required pursuant to screening requirements contained in Section 19.52(d)(2), where the facility site directly abuts property that is used for single-family residential use that is either zoned or guided for single-family residential use.
 - (4) Management plan. A management plan for the facility must be submitted with any conditional use permit application, which includes but is not limited to the following:
 - (A) Program operation,
 - (B) Staffing,
 - (C) Security detail,
 - (D) Access control,
 - (E) Smoking locations, and
 - (F) Floor plans showing sleeping areas, emergency exits, and bathrooms.
 - (5) Compliance with other sections. Congregate living facilities must meet applicable standards within City Code, including but not limited to:

- (A) Refuse and recycling (19.51),
- (B) Landscaping (19.52),
- (C) Exterior storage (19.50),
- (D) Height (21.301.10),
- (E) Parking (21.301.06), and
- (F) Lighting (21.301.07).

SEC. 21.302.25. SCHOOLS AND COLLEGES.

- (a) **Purpose.** The following standards are intended to accommodate schools and colleges while protecting the public health, safety, and general welfare of the community.
- (b) **Review and Approval.** Schools and colleges must receive conditional use permit approval and either final site and building plan approval or final development plan approval prior to issuance of a building permit.
 - (1) Schools and colleges may permit use of their facilities by community, civic, charitable or religious organizations outside of normal school instructional hours, subject to necessary permits from state, county and city agencies.
- (c) **Where Allowed.** See Section 21.209 of this Code for the classification of schools or colleges within the zoning districts.
- (d) **Performance Standards.**
 - (1) Compatibility. All new construction or additions to existing structures must be compatible with the scale and character of the surrounding neighborhood and existing structures.
 - (2) Landscape buffer. A perimeter landscape buffer is required pursuant to screening requirements contained in Section 19.52(d)(2), where the facility site directly abuts property that is used for single family residential and either zoned or guided for single-family residential use.
 - (3) Open and recreation space. All schools must conform to the minimum State guidelines for open space and recreational space.
 - (4) Phased development. Applications must include information on future construction and projected maximum enrollment.
 - (5) Additional institutional use standards. See Section 21.302.06 for applicable standards.
 - (6) Compliance with other sections. Schools and colleges must meet applicable standards within City Code, including but not limited to:
 - (A) Refuse and recycling (19.51),
 - (B) Landscaping (19.52),
 - (C) Exterior storage (19.50),
 - (D) Height (21.301.10),
 - (E) Parking (21.301.06), and
 - (F) Lighting (21.301.07).

SEC. 21.302.26. PROHIBITED DWELLINGS.

- (a) **Purpose.** The following standards are intended to protect the public health, safety, and general welfare of the community by prohibiting types of dwellings.
- (b) **Applicability.** The following may not be used as a residence or dwelling whether temporary or permanent: a basement or cellar without a habitable story above grade, garage, tent, recreational vehicle, except in a duly licensed manufactured home park, or accessory building.
- (c) **Temporary housing in response to a disaster.** Notwithstanding any other provisions of this Code, a manufactured home may be temporarily placed on a lot that contained a single-family or two-family residential dwelling that has been destroyed, damaged, or made uninhabitable by wind, rain, fire, or other natural or manmade disaster pursuant to the following conditions:
 - (1) Term. Under no circumstance may a manufactured home be allowed to be placed on such a lot for longer than 90 days.
 - (2) Permit.
 - (A) A permit to temporarily place a manufactured home on a residential lot may be granted by the Issuing Authority upon a finding that the applicant's home has been damaged to such a degree that it is uninhabitable and that placement of such temporary dwelling would not cause a hazard or be a nuisance to the neighborhood.
 - (B) If an application to temporarily place a manufactured home on a residential lot is denied by the Issuing Authority, the applicant may place the request on the next practical City Council

agenda. The City Council may grant the permit if it finds that the applicant's home has been damaged to such a degree that it is uninhabitable and that placement of such temporary dwelling would not cause a hazard or be a nuisance to the neighborhood.

SEC. 21.302.27. DAY CARE FACILITIES.

- (a) **Purpose.** The following standards are intended to accommodate day care facilities while protecting the public health, safety, and general welfare of the community.
- (b) **Review and Approval.** New freestanding day care facilities must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit. Day care facilities of certain sizes and in certain zoning districts (see the use tables in Section 21.209) require a conditional use permit.
- (c) **Standards.**
 - (1) Licenses. All day care facilities must maintain all required local, county, and state licenses at all times.
 - (2) Pick-up and drop-off. Day care pick-up and drop-off activity must not interfere with the movement of traffic on public streets.
 - (3) Day care facilities in residential districts.
 - (A) Day care activities must not be conducted before 5:00 a.m. or after 9:00 p.m. in residential zoning districts.
 - (B) Structured area for active play or play structures must not be located in front or side yards abutting streets in residential zoning districts.
 - (4) Day care facilities serving 13 or more persons.
 - (A) Day care facilities serving 13 or more persons are considered institutional uses and must comply with the standards stated in Section 21.302.06.
 - (B) Day care facilities serving 13 or more persons located in residential zoning districts must be located adjacent to an arterial or collector street.
 - (C) Landscape buffer. Day care facilities serving 13 or more persons located adjacent to a single family residential district or a single family residential use must have a perimeter landscape buffer pursuant to screening requirements in City Code Section 19.52(d)(2).
 - (5) Day care facilities in industrial districts.
 - (A) No exterior signage is allowed for day care facilities in industrial districts.
 - (6) Compliance with other sections. Day care facilities must meet applicable standards within City Code, including but not limited to:
 - (A) Refuse and recycling (19.51),
 - (B) Landscaping (19.52),
 - (C) Exterior storage (19.50),
 - (D) Height (21.301.10),
 - (E) Parking (21.301.06), and
 - (F) Lighting (21.301.07).

ARTICLE V. ADMINISTRATION AND NONCONFORMITY

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 Section 21.501.04(d)(1), which must be reviewed by the Planning Commission and acted upon by the City Council.
- (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) 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.

Division B. Application Processes and Fees

SEC. 21.502.01. APPLICATION PROCESSES AND FEES.

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

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

Miscellaneous

Permit for temporary housing in response to a disaster	R	DM						\$50
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Passed and adopted this 16th day of November, 2015.

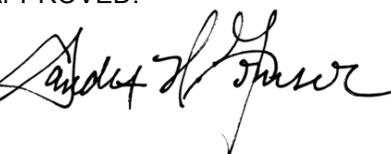


 Mayor

ATTEST:



APPROVED:

35 

Secretary to the Council

City Attorney