

**ORDINANCE NO. 2009-**

**AN ORDINANCE THAT INCLUDES CITY CODE AMENDMENTS MODIFYING DEFINITIONS FOR LOT WIDTH, VEHICLE REPAIR, AND TOWER; MODIFYING PERMITTED ENCROACHMENTS FOR ENTRY VESTIBULES INTO REQUIRED YARD AND SETBACK AREAS IN RESIDENTIAL ZONING DISTRICTS; CLARIFYING THE MAXIMUM FLOOR AREA RATIO FORMULA IN COMMERCIAL OFFICE DISTRICTS (CO-0.5 AND CO-1); CLARIFYING ACTIVITIES EXEMPT FROM THE NOISE CODE OPERATING LIMITS; DELETING REQUIREMENTS FOR WHITE ASH TREES IN THE BP-2 OVERLAY DISTRICT; DELETING REFERENCE TO AN EXPIRED COMPLIANCE DATE FOR ABOVE GRADE STORAGE TANKS AT SERVICE STATIONS; DELETING REQUIREMENTS RELATED TO INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS; ADDING DEFINITIONS AND STANDARDS FOR PERMANENT AND TEMPORARY TELECOMMUNICATION TOWERS; AMENDING STANDARDS FOR TOWER COLOR; CLARIFYING CANOPY LIGHTING COMPLIANCE; MODIFYING REQUIREMENTS FOR PARKING LOT PERMITS; ADDING EXISTING MOTOR VEHICLE SALES USES AS CONDITIONAL USES IN THE B-2 GENERAL COMMERCIAL DISTRICT; ADDING EXISTING OFFICE/WAREHOUSE USES AS PERMITTED USES IN THE C-4 FREEWAY OFFICE DISTRICT; RECLASSIFYING EXISTING HEALTH CLUBS AS CONDITIONAL USES IN THE C-4 FREEWAY OFFICE DISTRICT; RECLASSIFYING THE USE STATUS OF AND DEFINITION OF CLUBS, LODGES, PLACES OF ASSEMBLY, MEETING HALLS AND SIMILAR USES IN MULTIPLE ZONING DISTRICTS; AND ADDING REFERENCES TO CHAPTER 21 OF THE CITY CODE; THEREBY AMENDING CHAPTERS 2, 8 14, 10, 19 AND 21 OF THE CITY CODE**

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

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

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**CHAPTER 2**

**ADMINISTRATION**

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**ARTICLE V. CITY BOARDS AND COMMISSIONS**

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**Division C. Planning Commission**

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**SEC. 2.98.01. VARIANCES.**

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- (b) **Powers and Duties.** The Planning Commission shall have all the powers and duties prescribed by law and by this Division, including the following:

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- (3) To prescribe any conditions for granting any variance which it deems to be necessary or desirable. No variance from the strict application of any of the provisions of this Code shall be granted by the Commission unless it finds as follows:

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- (E) Variances in size, placement, and number of signs - no variance may be granted in the size, placement, or number of permanent or temporary signs, or duration of temporary signs as described in Chapter 19 or 21 of this Code, unless the following is found:

- (i) Size -

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- (III) That, because of the topographic and physical conditions of the land, structures, or surrounding built-up area, strict enforcement of Chapter 19 or 21 of this Code would deprive the applicant of the reasonable use of a sign for the purpose of advertising his business to the public.

- (ii) Placement -

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- (III) That strict compliance with the provision of Chapter 19 or 21 of this Code relating to the placement of signs would deprive the applicant of the reasonable use of the sign for such land or building.

- (IV) That, because of the topographic or physical conditions relating to the land, structure, or surrounding built-up areas, strict enforcement of the placement of a sign under Chapter 19 or 21 of this Code would result in depriving the applicant of a reasonable placement of the sign on the land or building consistent with the purpose of the sign.

- (iii) Number - no variance may be granted in the number of signs as set forth in Chapter 19 or 21 of this Code except that additional signs may be used as long as the surface area of the multiple signs does not exceed the surface area for the permitted signs as set forth in Chapter 19 or 21 and those findings as set forth in paragraphs (A) and (B) above, where applicable, are found by the Commission.

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Section 2. That Chapter 8 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:

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**CHAPTER 8**  
**VEHICLES AND TRAFFIC**

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**ARTICLE III. PARKING**

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**Division B. Parking on Registered Private Property**

**SEC. 8.77. PARKING PROHIBITED.**

It shall be unlawful for any person to park, or permit to be parked any motor vehicle upon any lot or area within the City except in conformance with the applicable provisions of ~~Article III of~~ Chapters 19 or 21 and Article IV of Chapter 14 (relating to licensing of open air parking lots) of this Code.

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Section 3. That Chapter 10 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

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**CHAPTER 10**  
**ENVIRONMENTAL CONTROL**

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**ARTICLE IV. NOISE CODE**

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**SEC. 10.29.02. NOISE SOURCE REQUIREMENTS.**

- (a) A noise source (excluding motor vehicles operating on public highways, locomotives and railroad cars, snowmobiles, construction equipment at construction sites, maintenance of utility easements, and snow plowing) within the following zoning districts (as defined in this Code) shall not exceed the L10 noise levels set forth below.
- (1) Industrial or Freeway Development Zoning Districts (which may include but are not necessarily limited to foundries, plastics extrusion, heavy-equipment repair, metal treating, cement handling, concrete products, excavation processes, junk-car disposal, or any other manufacturing concern) - 70 dBA as measured on the property line of the source.
  - (2) Business or Commercial-recreational (which may include but are not necessarily limited to service stations, motels, restaurants, blue printers, lumber yards, drycleaners, experimental laboratories, schools, car washes, and open sales lots) - 65 dBA as measured on the property line of the source.
  - (3) Residential Zoning District (which may include but is not limited to single-family dwellings, private schools, day-care centers, private garages, permitted home

occupations, churches, public stables, marinas, multiple dwellings, and retail shops) - 60 dBA in the daytime (7:00 A.M. to 10:00 P.M.) and 50 dBA in the nighttime (10:00 P.M. to 7:00 A.M.) as measured on the property line of the source.

- (b) In the event that the property on which an industrial, freeway development, business, commercial-recreational, or institutional noise source is located across a street, road or railroad track from, or abuts residentially zoned and residentially use property, the noise source in question shall not exceed an L10 noise level of 60 dBA in the daytime (7:00 A.M. to 10:00 P.M.) and an L10 noise level of 50 dBA in the nighttime (10:00 P.M. to 7:00 A.M.) as measured on the property line of the source.
- (c) Construction equipment, which may include but is not necessarily limited to front loaders, graders, cranes, pumps, saws, and generators, being operated at a construction site shall not exceed an L10 noise level of 85 dBA at a distance of 50 feet. See Section 10.29.07(c) of this Chapter for hours of operation.

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#### **SEC. 10.29.07. OPERATIONAL LIMITS.**

- (c) **Construction Activities.** No person shall engage in, permit, or allow construction activities involving the use of power equipment, including but not limited to any kind of electric-, diesel-, or gas-powered machine, on Sundays or at any time other than between the hours of 7:00 A.M. and 10:00 P.M. on weekdays and 9:00 A.M. and 9:00 P.M. on Saturdays. Construction activities which can meet the requirements outlined in Section 10.29.02 (a) and (b) are exempt from the operating limits of this paragraph.

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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:

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## **CHAPTER 14**

### **LICENSES AND PERMITS**

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#### **ARTICLE I. GENERAL PROVISIONS**

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#### **SEC. 14.08. PERSONS AND LOCATIONS INELIGIBLE FOR LICENSE AND PERMIT.**

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- (b) **Locations Ineligible.** Unless a specific Article or Division of this Chapter provides otherwise, no license or permit in this Code shall be granted to the following locations:

\*\*\*

- (2) **Authorized Use.** No license or permit shall be granted unless the use for which a license or permit is being sought is authorized pursuant to Chapter 19 or 21 of the City Code.

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## ARTICLE II. PUBLIC ENTERTAINMENT LICENSES AND REGULATIONS

### Division A. Amusement Devices

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#### SEC. 14.19. EXCEPTIONS.

No license is required for any juke box, antique amusement device, or amusement device that is contained within the confines of a temporary carnival or fair which has been granted a [~~conditional use~~] permit pursuant to Chapter 19 or 21 of this Code.

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## ARTICLE III. ANIMAL LICENSES AND REGULATIONS

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### Division F. Wild Animals

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#### Subdivision 4. Reserved

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#### SEC. 14.127. EXCEPTIONS; PERMITS AND LICENSES.

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- (e) **Wildlife Rehabilitators.** Persons keeping wild animals as part of a bona fide institutional program to return such animals to the wild are exempt from Section 14.126 of this Code, provided the location of the premises complies with all zoning requirements of Chapter 19 or 21 of this Code.

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## ARTICLE IV. BUSINESS LICENSES AND REGULATIONS

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### Division B. Courtesy Benches and Newspaper Racks

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**SEC. 14.150. LICENSE APPLICATION.**

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- (e) Evidence of the consent of the adjoining property owners or lessors within 100 feet of the proposed location of the courtesy bench if any of the adjoining property within 100 feet of the bench is zoned residential under Chapter 19 or 21 of this Code including but not limited to R-1A, R-1, R-4, RS-1, RM-12, RM-24, and RM-50. This subsection has no applicability to newspaper rack placement.

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**SEC. 14.152. LICENSE APPLICATION VERIFICATION & CONSIDERATION.**

- (a) **Application.** An application for a license pursuant to this Division shall be submitted to the Issuing Authority, which shall verify the information on the application form. The Issuing Authority shall then route the application to the City Traffic Engineer for review and approval. The City Traffic Engineer must approve of each proposed newspaper rack or courtesy bench based upon and consistent with the regulations set forth in this Division, the Zoning Code, Chapter 19 or 21, Chapter 17 of this City Code and applicable county and state laws or regulations relating to the use of the public streets and rights-of-way before the Issuing Authority shall grant the license in accordance with this Division. The Issuing Authority shall either grant or deny the application in accordance with Sections 14.04 through 14.13 of this Chapter of City Code.

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**Division C. Currency Exchange Businesses**

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**SEC. 14.163. STANDARDS FOR WITHHOLDING LOCAL CONCURRENCE OF A STATE CURRENCY EXCHANGE LICENSE.**

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- (e) **Improper Zoning.** Local concurrence may be withheld if the place of business to be operated under the license is located in a zoning use district in Chapter 19 or 21 of this Code in which a currency exchange business is a prohibited use. Local concurrence may also be withheld if a conditional use permit is required and not obtained pursuant to Chapter 19 or 21 of this Code.

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**Division D. Escort Services and Escorts**

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**SEC. 14.174. LOCATIONS INELIGIBLE FOR LICENSE.**

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- (a) **Improper Zoning.** No escort service shall be licensed if such enterprise is located on property in any residential zoning district of the City as indicated in Chapter 19 or 21 of this Code.

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### Division I. Laundromats

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#### SEC. 14.244. LOCATIONS INELIGIBLE FOR LICENSE.

The following locations shall be ineligible for a license under this Division:

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- (b) **Improper Zoning.** No license shall be granted if the property is not properly zoned for self-service laundries, launderettes, and laundromats under Chapter 19 or 21 of this Code unless the business is a legal nonconforming use.

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#### SEC. 14.246. ADDITIONAL REQUIREMENTS FOR COMMERCIAL ESTABLISHMENTS.

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

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

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### Division K. Massage

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#### SEC. 14.268. LOCATIONS INELIGIBLE FOR THERAPEUTIC MASSAGE ENTERPRISE LICENSE.

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- (b) **Improper Zoning.** No therapeutic massage enterprise shall be licensed if the location of such enterprise is not in conformance with Chapter 19 or 21 of this Code unless such enterprise is a legal, nonconforming use.

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### Division M. Pawnbrokers

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**SEC. 14.295. PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.**

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- (d) **Locations Ineligible.** The following locations shall be ineligible for a license under this Division:

\*\*\*

- (2) **Improper Zoning.** No license shall be granted if the property is not properly zoned for pawnshops under Chapter 19 or 21 of this Code, unless the business is a legal, nonconforming use.

**Division N. Commercial Animal Establishments**

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**SEC. 14.304. DEFINITIONS.**

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**Performing Animal Exhibition** - any commercial spectacle, display, act, or event, other than temporary events governed by temporary conditional use regulations under Chapter 19 or 21 of this Code, in which performing animals are used.

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**SEC. 14.309. PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.**

\*\*\*

- (b) **Locations Ineligible.** The following locations shall be ineligible for a license under this Division:

\*\*\*

- (2) **Improper Zoning.** No license shall be granted if the property is not properly zoned for a pet shop under Chapter 19 or 21 of this Code unless the pet shop is a legal, nonconforming use.

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**Division O. Seasonal Sales/Christmas Tree Sales**

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**SEC. 14.318. LICENSE FEES.**

For each seasonal sale for which a license is applied, the license fee shall be as set forth in Section 14.03 of this Code. For Christmas tree sales, the fee as set forth in Section 14.03 of this Code shall be paid unless the applicant has previously secured a conditional use permit and has paid the requisite fee required therefore by Chapter 19 or 21 of this Code.

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**SEC. 14.319. LICENSE APPLICATION EXECUTION AND VERIFICATION.**

- (a) **Christmas Tree Sales.** The application for a license for the business of selling Christmas trees at retail shall be made to the City Fire Marshal on forms provided by the City. The City Fire Marshal shall inspect the premises and approve the location, and issue any orders to achieve compliance with state and local laws. Notwithstanding any provision of Chapter 19 or 21 of this Code to the contrary, the Building and Inspection Division Manager is authorized to grant a conditional use permit without notice and without any action of the Planning Commission or the City Council for the business of selling Christmas trees at retail. However, such conditional use permit shall be granted only in areas zoned industrial or commercial, or upon property owned by a religious, charitable or nonprofit corporation or a political subdivision. No such conditional use permit shall be granted until the City Fire Marshal has approved the location of the Christmas tree sale.

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**Division Q. Sexually-Oriented Businesses**

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**SEC. 14.333. FINDINGS OF THE CITY COUNCIL.**

- (e) A licensing and regulatory scheme as prescribed herein can facilitate the enforcement of the City's "Anti-Blight" Regulations in [~~Article VIII of~~] Chapter 19 or 21 of this Code and can aid in monitoring sexually-oriented businesses for adverse secondary effects on the community.

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**SEC. 14.342. PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.**

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- (6) The sexually-oriented business does not meet all of the zoning requirements prescribed in [~~Article VIII of~~] Chapter 19 or 21 of this Code;

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**SEC. 14.343. LICENSE RESTRICTIONS.**

\*\*\*

- (f) **Adult Car Wash Requirements.** Sexually-oriented businesses that are adult car washes shall meet the requirements of this Division, and the zoning requirements of Article VIII of Chapter 19 or 21 of this Code; and shall not allow employees, agents, independent contractors, or persons to violate Section 12.11.14 of this Code.

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**SEC. 14.348. RENEWAL APPLICATION.**

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- (b) **Verification, Investigation and Consideration of Renewal Application.** Within twenty (20) calendar days

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- (5) The sexually-oriented business does not meet the zoning requirements prescribed in [~~Article VIII of~~] Chapter 19 or 21 of this Code;

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### **Division X. Precious Metal Dealers**

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#### **SEC. 14.442.11. PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE OR REGISTRATION.**

\*\*\*

- (d) **Locations Ineligible.** The following locations shall be ineligible for a license or registration under this Division:

\*\*\*

- (2) **Improper Zoning.** No license or registration shall be granted if the property is not properly zoned for precious metal dealers under Chapter 19 or 21 of this Code, unless the business is a legal, nonconforming use.

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### **Division Y. Sale of Permitted Consumer Fireworks**

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#### **SEC. 14.442.27. PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.**

\*\*\*

- (b) **Locations Ineligible.** The following locations shall be ineligible for a license under this Division:

\*\*\*

- (2) **Improper Zoning.** No license shall be granted if the property is not properly zoned for the activity being licensed under Chapter 19 or 21 of this Code, unless the business is a legal, nonconforming use.

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### **Division Z. Secondhand Goods Dealers**

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**SEC. 14.442.40. PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE OR REGISTRATION.**

\*\*\*

- (2) **Improper Zoning.** No license or registration shall be granted if the property is not properly zoned for this retail business under Chapter 19 or 21 of this Code, unless the business is a legal, nonconforming use.

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**ARTICLE VI. HOUSING LICENSES AND REGULATIONS**

**Division A. Multiple Dwellings**

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**SEC. 14.503. MAINTENANCE STANDARDS.**

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- (2) **Rubbish and garbage disposal facilities** - Every multiple dwelling shall have and maintain in sanitary condition adequate facilities to accommodate the rubbish and garbage needs of the units. Such facilities shall consist of metal cans with tight covers for storage; and the owner, operator, or agent in control of such multiple dwellings shall be responsible for the removal of such garbage or rubbish. Further, the rubbish and garbage disposal facilities shall be properly screened in compliance with Chapter 19 or 21 of this Code.

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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**

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**ARTICLE I. GENERAL PROVISIONS**

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**Division B. Definitions**

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**SEC. 19.03. DEFINITIONS.**

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

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**Lot or site width** - The distance between the side lot or site lines of a lot or site measured, unless otherwise specified, along the shortest straight line that both a) touches the minimum required front setback line and b) at no point is closer to the front line than the minimum required front setback line.

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**Office, general** - An establishment providing executive, management, administrative or professional services, but not involving office/warehouse use, medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, government, design, engineering, accounting and similar office uses.

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**Tower** - Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, wind turbine, solar panel or similar apparatus above grade.

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**Vehicle rebuilding and body work** – The rebuilding or reconditioning of motor vehicles; body, frame or fender straightening; painting; rust-proofing; or other similar activity.

**Vehicle repair, major** - An establishment engaged in performing major repairs and service to passenger automobiles, trucks, vans and motorcycles. Major repair may include all activities of repair or servicing allowed in a minor automobile repair establishment as well as major engine and transmission repair and replacement. The rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, painting, rust-proofing, or other similar activity is not considered major vehicle repair and is defined separately.

**Vehicle repair, minor** - An establishment engaged in performing minor repairs and service to passenger automobiles, trucks, vans and motorcycles. Minor repair may include muffler replacement, oil and fluid changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, suspension repair, minor engine and transmission repair, flushing of radiators, servicing of air conditioners, any minor maintenance, repair, or replacement of motor vehicle components such as audio system installation, window tinting, wheel rim upgrades, engine tune-ups, vehicle diagnostic analysis and other vehicle inspections, lubrications, remote car starters, engine or exhaust add-ons and other after market parts, and similar minor repairs and service.

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### **Division C. Building and Obstructions**

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#### **SEC. 19.08. PERMITTED ENCROACHMENTS INTO REQUIRED YARDS AND SETBACK AREAS.**

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(d) **In residential zoning districts (R-1A, R-1, RS-1, R-4, RM-12, RM-24 and RM-50):**

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- (13) Entry vestibules ~~ten [less than eight]~~ feet or less in width may encroach six feet into any required front and rear setback, provided that front and rear setbacks of not less than 24 feet shall be maintained. The overhanging eaves of the entry vestibule may encroach up to an additional three feet into the required front, side or rear setback provided that the entry vestibule eaves do not exceed the prevailing dimension of overhanging eaves on the elevation of the house to which the entry vestibule is attached. No encroachment shall be allowed into a required side setback, except for an overhanging eave as described above. Such features shall not encroach into public easements of record.

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**ARTICLE II. ADMINISTRATION AND PROCEDURE**

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

\*\*\*

(b) **Permitted uses –**

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- (10) Reserved [~~Clubs and lodges – nonprofit except in Industrial Park (I-1) Districts.~~]

\*\*\*

(d) **Conditional uses -**

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- (13) Clubs and lodges, nonprofit [~~in the Industrial Park (I-1) District.~~]

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- (23) Places of assembly [~~uses in the Industrial Park (I-1) and Limited Industry (I-2) Zoning Districts.~~]

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**SEC. 19.37. CENTRAL BUSINESS (CB) DISTRICT.**

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(b) **Permitted Uses –**

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- (13) Reserved [~~Meeting halls.~~]

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- (18) Reserved [~~Nonprofit clubs and lodges~~].

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- (d) **Conditional Uses -**

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- (15) Nonprofit clubs and lodges.

- (16) Places of assembly

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

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#### **SEC. 19.38.12. BLUFF DEVELOPMENT (BP-2) OVERLAY DISTRICTS.**

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- (f) **Development Regulations** - In addition to the provisions of the primary zoning district, the following provisions shall further regulate all development within the Bluff Development Overlay District:

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- (4) For the open space area of a site within the Bluff Development Overlay District at least 20 trees per acre are required for each of three of the following ~~seven~~ six species:
- (A) Sugar Maple, Acer Saccharum
  - (B) Basswood, Tilia americana
  - (C) Northern Red Oak, Quercus rubra
  - (D) Hackberry, Celtis occidentalis
  - (E) Black Walnut, Juglans nigra
  - (F) Black Cherry, prunus serotina
  - ~~[(G) White Ash, Fraxinus Americana]~~

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### **ARTICLE III.A. ADDITIONAL ZONING DISTRICTS**

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#### **SEC. 19.40.06. MIXED-USE DISTRICT CX-2.**

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

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- (12) Athletic and social clubs.

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- (22) Places of assembly.

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

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- (d) **Conditional Uses.**

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- (11) Non-profit clubs in the CO-1 Zoning District.

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- (13) Places of assembly in the CO-1 Zoning District.

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- (f) **Maximum Floor Area Ratio.** The maximum floor area ratio for nonresidential uses within the CO-1 district shall be one square foot of floor area for each one square foot of lot area and the maximum floor area ratio within the CO-0.5 district shall be one-half square foot of floor area for each one square foot of lot area [~~except as these standards may be modified by the provisions of paragraph (h) below~~].

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- (h) **Reserved.**

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**ARTICLE V. PERFORMANCE STANDARDS**

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**SEC. 19.61. SERVICE STATION PERFORMANCE STANDARDS.**

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- (b) **Setbacks and lot requirements.**

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- (4) ~~Reserved. [All above-grade storage tanks in the City shall comply with this regulation by May 1, 1999.]~~

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**SEC. 19.63.05. TOWERS.**

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- (e) **Tower and Antenna Design Requirements.** Proposed or modified towers and antennas shall meet the following design requirements.

- (1) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration. The use of color or design features to attract attention to the tower is prohibited.

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- (f) **Tower Setbacks.** Towers shall conform with each of the following minimum setback requirements:

\*\*\*

- (3) Towers shall not be located between a principal structure and a public street, with the following exceptions:
- (a) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
  - (b) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
  - (c) Temporary towers erected to support special events and news truck towers may be placed between a principal structure and a public street subject to the time limits of City Code Section 19.63.05 (s).

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- (i) **Signs and Advertising.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited. Towers must not be colored or designed in a manner meant to draw attention.

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- (m) ~~Reserved. **Interference with Public Safety Telecommunications.** No new or existing telecommunications service shall interfere with public safety telecommunications. Applications for the erection of telecommunication antennas shall include a statement from a professional engineer licensed by the State of Minnesota that the antennas will not interfere with public safety telecommunications. Applications for the erection of telecommunication antennas that will use a frequency band with the highest potential to interfere with public safety telecommunications (150-174 MHz or 806-870 MHz) shall be accompanied by an intermodulation study when the antennas are proposed within one half mile of a public safety antenna site. Applications for the erection of telecommunication antennas that will use frequency bands with lower potential to interfere with public safety telecommunications shall be accompanied by an intermodulation study when the antennas are proposed within 100 horizontal feet of an existing public safety antenna site.~~

~~Intermodulation studies shall provide a technical evaluation of existing and proposed transmissions and indicate all potential interference problems. The intermodulation study shall include all provided public safety frequencies, all registered frequencies within one mile of the site, and shall reference the latitude and longitude coordinates of the site. If the intermodulation study reveals the potential for interference or if interference materializes after antenna installation, the City may require special filtering. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the City at least ten calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.]~~

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(s) **Temporary Towers.** The following standards apply to structures that meet the definition of "tower" that are not intended to be permanent structures.

- (1) **Emergencies.** Temporary towers erected in response to emergencies may be approved for up to three months by the Planning Manager. Emergency temporary towers must meet all City Code requirements applicable to permanent towers.
- (2) **News Truck Towers.** Towers temporarily erected from vehicles for no more than 24 hours do not require prior approval. News truck towers must meet parking requirements.
- (3) **Special Events.** Temporary towers erected to support special events may be approved for up to seven days by the Planning Manager. Temporary towers erected to support special events must meet all City Code requirements applicable to permanent towers.
- (4) **Other Temporary Towers.** All other temporary towers must meet all City Code requirements and follow the approval process applicable to permanent towers.

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#### **SEC. 19.63.09. HOME ENTERPRISES.**

**(a) Home Occupations.**

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- (4) Performance Standards.** Home occupations must comply with the following performance standards:

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- (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.

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**(b) Home Businesses.**

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- (4) Performance Standards.** Home businesses must comply with the following performance standards:

\*\*\*

- (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.

\*\*\*

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:

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## CHAPTER 21

### ZONING AND LAND DEVELOPMENT

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#### ARTICLE II. DISTRICTS AND USES

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#### Division H. Uses

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#### SEC. 21.209. USE TABLES.

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USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	
									See Listed Section
*** <b>OFFICE and RETAIL/SERVICES</b>									
<b>OFFICE</b>									
Home occupation			P		P	P	P	P	19.63.09 (a)
Home business			CA		CA	CA	CA	CA	19.63.09 (b)
Office, general	P	P	P	P	P	P	P	P	
<u>Office/warehouse in existence prior to 1/1/2010</u>							<u>P</u>		
*** <b>Motor Vehicle Services</b>									
Car wash		C		CA	CA				
Convenience facility with fuel sales		P			P				19.61
Integrated fuel sales		A		A	A		A		

Motor vehicle sales, Class I				P					21.302.01
Motor vehicle sales, Class II				A					21.302.01
Motor vehicle sales, Class III		C		C	C				
Motor vehicle sales, Class IV	P	P	P	P	P	P	P	P	
Motor vehicle sales, enclosed		P		P	P	P		P	21.302.01
Motor vehicle sales in existence in the B-2 District prior to 1/1/2010		<u>P</u>							<u>21.302.01</u>

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Recreation and Entertainment									
Health club		C	CA	P	P	A	A	A	
Health club in existence in the C-4 District prior to 1/1/2010							<u>P</u>		

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### ARTICLE III. DEVELOPMENT STANDARDS

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#### Division A. General Standards

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#### SEC. 21.301.06. PARKING AND LOADING.

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- (g) **Permit.** A parking lot permit is required prior to constructing or enlarging a parking area, or removing parking lot surface material down to the aggregate base and replacing it [or resurfacing a parking area or changing the parking space or drive aisle dimensions of a parking area, except that patching of up to 20 percent of a parking surface does not require a parking lot permit. All patching within a two year period is considered one project for the purposes of determining compliance with the 20 percent limit]. The proposed parking lot will be reviewed for compliance with city, state and federal requirements including but not limited to stormwater management, wetlands protection (see City Code Section 16.58), accessibility to the physically disabled, parking space and drive aisle dimensions and lighting. Modifications to any parking space and drive aisle dimensions may require[s] approval by the City Engineer. Modification in the public right of way requires a separate right of way permit. Removal or replacement of less than 50 percent of the parking lot surface on a site within a two year period requires that portion of the parking area to be brought into compliance with lighting standards (see City Code Section 21.301.07). Removal or replacement of 50 percent or more of the parking lot surface on a site within a two year period requires all parking lot surfaces on the site to be brought into compliance with lighting standards. ~~[Removing parking lot surface material down to the stone base constitutes removal.]~~ All new striping, restriping, accessibility elements, and signage shall meet the requirements of the Bloomington City Code and the Minnesota State Building Code.

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**SEC. 21.301.07. EXTERIOR LIGHTING.**

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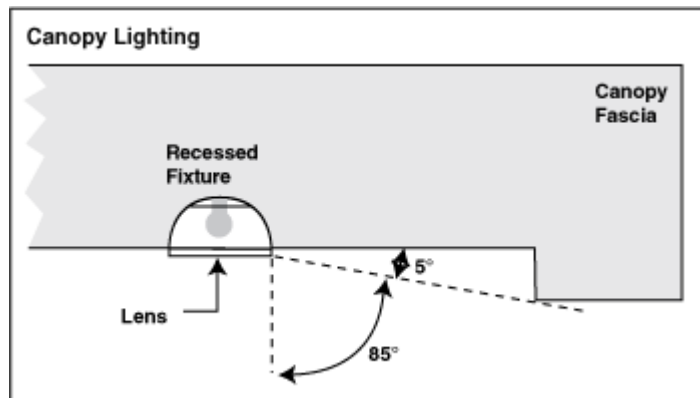
**(c) Lighting standards.**

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**(6) Canopy lighting.**

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(A) Example of complying recessed canopy light:



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Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Secretary to the Council

APPROVED:

\_\_\_\_\_  
City Attorney

