

ORDINANCE NO. 2010 -

AN ORDINANCE REVISING HEIGHT STANDARDS, THEREBY AMENDING CHAPTERS 15, 19 AND 21 OF THE CITY CODE

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

Section 1. That Chapter 15 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 15

BUILDINGS AND STRUCTURES

ARTICLE I. BUILDING CODE

SEC. 15.14. CONSTRUCTION AND MAINTENANCE OF ANTENNAE AND SUPPORTING TOWERS.

(d) **Construction Requirements.** All antennae and towers erected, constructed, or located within the City, and all wiring therefor, shall comply with the following requirements:

(8) Antennae and towers shall not be erected [~~in any protected residential parcel~~] on Protected Residential Property as defined in Section [~~49.47~~] 19.03 of this Code in violation of the following restrictions:

(A) Notwithstanding the provisions of Section [~~49.47~~] 21.301.10 of the Zoning Code, the required setback for antenna and tower not [~~rigidly~~] permanently attached to a building, shall be equal to the height of the antenna and tower. Those antennae and towers [~~rigidly~~] permanently attached to a building, and whose base [~~is~~] is on the ground, may exceed this required setback by the amount equal to the distance from the point of attachment to the ground.

(f) **Lights and Other Attachments.** No antenna or tower [~~in any protected residential parcel~~] on Protected Residential Property as defined in Section [~~49.47~~] 19.03 of this Code shall have affixed or attached to it in any way except during time of repair or installation any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency or the Federal Communications Commission, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

(g) **Number of Towers and Antennae.** Only one tower shall exist at any one time on any one parcel of [~~p~~] Protected [~~r~~] Residential Property [~~parcel~~] as defined in Section [~~49.476~~] 19.03 of this Code.

Section 2. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 19

ZONING

ARTICLE I. GENERAL PROVISIONS

Division B. Definitions

SEC. 19.03. DEFINITIONS.

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

Designated Residential Property - Any property within the City that is:

- (A) used residentially or subdivided for residential use;
- (B) zoned residentially; and
- (C) guided residentially by the Comprehensive Plan.

~~**Protected residential property** - Any property within the City that meets the following requirements:~~

- ~~(A) The property is zoned R-1, R-1A, or RS-1 and the property may or may not also have a Planned Development (PD) Overlay classification;~~
- ~~(B) The property is designated on the Comprehensive Plan as Low-Density Residential, Medium-Density Residential, or High-Density Residential; and~~
- ~~(C) The property is used or subdivided for use as residential.]~~

Protected Residential Property - Any property within the City that is:

- (A) used or subdivided for single family, two-family, townhome or rowhome residential uses;
- (B) zoned residentially; and
- (C) guided residentially by the Comprehensive Plan.

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.

Division C. Building and Obstructions

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

- (a) **General.** Except where otherwise regulated by this Code and as established below, all buildings, site features, and equipment shall maintain the setback requirements established for the zoning district in which they are located.

(c) In all zoning districts:

- (7) Antennas and supporting structures, including satellite receiving antennas greater than one (1) meter in diameter in residential districts and greater than two (2) meters in diameter in nonresidential districts, shall not be located within a front yard and shall be located only to the side or rear of the principal structure where side and rear setbacks of no less than ten feet shall be maintained. All antennas and supporting structures, including satellite receiving antennas, shall meet the applicable requirements of Sections 15.14, ~~[19.47 and]~~ 19.63.05 and 21.301.10 of the City Code. There shall be no encroachment into public easements of record without the written approval of the Issuing Authority.

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

SEC. 19.27. SINGLE-FAMILY RESIDENTIAL (R-1A, R-1) DISTRICTS.

(c) **Permitted accessory uses -**

- (12) Towers supporting amateur radio antennas. For related provisions see Sections 15.14, ~~[19.47, and]~~ 19.63.05 and 21.301.10 of this Code.

(d) **Conditional uses -**

- (38) Towers which meet the locational requirements of Section 19.63.05(b). For related provisions see Sections 15.14, ~~[19.47, and]~~ 19.63.05 and 21.301.10 of this Code.

(f) **Special Provisions -**

- (3) Structure height shall be regulated pursuant to Section ~~[19.47]~~ 21.301.10 of this Code.

SEC. 19.27.01. LARGE LOT SINGLE FAMILY RESIDENTIAL DISTRICT RS-1.

(b) **Uses -**

(2) Permitted Accessory Uses -

- I. Towers supporting amateur radio antennas. For related provisions see Sections 15.14, ~~[19.47, and]~~ 19.63.05 and 21.301.10 of this Code.

(3) Conditional Uses -

- P. Towers which meet the locational requirements of Section 19.63.05(b). For related provisions see Sections 15.14, ~~[19.47, and]~~ 19.63.05 and 21.301.10 of this Code.

(d) **Dimensional Requirements –**

(1) Dimensional Requirements: Single Family Dwellings

- D. Maximum structure height: Regulated pursuant to Section ~~[19.47]~~ 21.301.10 of this Code.

(4) Dimensional Requirements: Non-Residential Uses.

- D. Maximum Height: Regulated pursuant to Section ~~[19.47]~~ 21.301.10 of this Code.

SEC. 19.28. MULTIPLE-FAMILY RESIDENTIAL (R-4) DISTRICTS.

- (g) **Structure Height** - Height of structures shall be regulated pursuant to Section ~~[19.47]~~ 21.301.10 of this Code.

SEC. 19.28.01. MULTIPLE-FAMILY RESIDENTIAL (RM-12) DISTRICTS.

(d) **Conditional uses -**

- (8) Towers which meet the locational requirements of Section 19.63.05(b). For related provisions see Sections 15.14, ~~[19.47, and]~~ 19.63.05 and 21.301.10 of this Code.

(f) **Dimensional requirements**

Maximum structure height: ~~[50 feet and as]~~ As regulated by Section ~~[19.47]~~ 21.301.10 of this Code.

SEC. 19.28.02. MULTIPLE-FAMILY RESIDENTIAL (RM-24) DISTRICTS.

(d) **Conditional uses -**

- (7) Towers which meet the locational requirements of Section 19.63.05(b). For related provisions see Sections 15.14, ~~[19.47, and]~~ 19.63.05 and 21.301.10 of this Code.

(f) **Dimensional requirements –**

Maximum structure height: ~~[80 feet and as]~~ As regulated by Section ~~[19.47]~~ 21.301.10 of this Code.

SEC. 19.28.03. MULTIPLE-FAMILY RESIDENTIAL (RM-50) DISTRICTS.

(d) **Conditional uses -**

- (6) Towers which meet the locational requirements of Section 19.63.05(b). For related provisions see Sections 15.14, ~~[19.47, and]~~ 19.63.05 and 21.301.10 of this Code.

(h) **Special provisions -**

- (6) Structure height shall be regulated pursuant to Section ~~[49.47]~~ 21.301.10 of this Code.

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

(h) **Dimensional Requirements.**

- (3) Maximum Structure Height. Maximum structure height is set forth in Section ~~[49.47]~~ 21.301.10 of this Code.

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

(d) **Conditional Uses -**

- (6) Towers. For related provisions see Sections 15.14, ~~[49.47, and]~~ 19.63.05 and 21.301.10 of this Code.

(i) **Special Provisions -**

- (10) Structure height shall be regulated pursuant to Section ~~[49.47]~~ 21.301.10 of this Code.

SEC. 19.32. GENERAL BUSINESS (B-3) DISTRICTS.

(d) **Conditional uses -**

- (8) Towers. For related provisions see Sections 15.14, ~~[49.47, and]~~ 19.63.05 and 21.301.10 of this Code.

(e) **Special Provisions -**

- (3) Structure height shall be regulated pursuant to Section [~~19.47~~] 21.301.10 of this Code.

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

(d) **Conditional uses -**

- (28) Towers. For related provisions see Sections 15.14, [~~19.47, and~~] 19.63.05 and 21.301.10 of this Code.

(f) **Special Industrial Park (I-1) District requirements -**

- (8) Structure height shall be regulated pursuant to Section [~~19.47~~] 21.301.10 of this Code.

(g) **Special Limited Industry (I-2) District requirements -**

- (3) Structure height shall be regulated pursuant to Section [~~19.47~~] 21.301.10 of this Code.

(h) **Special General Industry (I-3) District requirements -**

- (3) Structure height shall be regulated pursuant to Section [~~19.47~~] 21.301.10 of this Code.

SEC. 19.33.01. INDUSTRIAL PARK (IP) DISTRICT.

(d) **Conditional Uses.**

- (8) Towers. For related provisions see Sections 15.14, [~~19.47, and~~] 19.63.05 and 21.301.10 of this Code.

(g) **Dimension Requirements.**

Maximum structure height (excluding towers): [~~60 feet and as~~] As regulated by Section [19.47] 21.301.10 of this Code.

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

(d) **Conditional uses -**

- (25) Towers. For related provisions see Sections 15.14, [~~19.47, and~~] 19.63.05 and 21.301.10 of this Code.

(f) **Freeway Development (FD-1) District requirements -**

- (6) Structure height shall be regulated pursuant to Section [~~19.47] 21.301.10~~ of this Code.

(g) **Freeway Development (FD-2) District requirements -**

- (3) Structure height shall be regulated pursuant to Section [~~19.47] 21.301.10~~ of this Code.

SEC. 19.37. CENTRAL BUSINESS (CB) DISTRICT.

(d) **Conditional Uses -**

(14) Towers. For related provisions see Sections 15.14, [~~19.47, and~~] 19.63.05 and 21.301.10 of this Code.

(f) **Performance Standards -**

(5) **Additional design requirements -**

(E) Structure height shall be regulated pursuant to Section [~~19.47~~] 21.301.10 of this Code.

SEC. 19.38.03. AIRPORT RUNWAY OVERLAY DISTRICTS.

(d) **Height** - In addition to the restrictions of Section [~~19.47~~] 21.301.10 of this Code, all structures in the Airport Runway (AR-17) Overlay District and Airport Runway (AR-22) Overlay District shall be subject to the height restrictions imposed by the 2004 MSP Zoning Ordinance.

ARTICLE III.A. ADDITIONAL ZONING DISTRICTS

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

(d) **Conditional Uses.**

(16) Towers. For related provisions see Sections 15.14, [~~19.47, and~~] 19.63.05 and 21.301.10 of this Code.

(g) **Dimensional Requirements**

Maximum structure height: As regulated by Section [~~19.47~~] 21.301.10 of this Code.

SEC. 19.40.07.01. HIGH INTENSITY MIXED USE DISTRICT HX-2.

(c) Accessory Uses.

- (5) Towers. For related provisions see Sections 15.14, [~~19.47, and~~] 19.63.05 and 21.301.10 of this Code.

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

(d) Conditional Uses.

- (10) Towers. For related provisions see Sections 15.14, [~~19.47, and~~] 19.63.05 and 21.301.10 of this Code.

(g) Dimensional Requirements

Maximum structure height: As regulated by Section [~~19.47~~] 21.301.10 of this Code.

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

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

- (16) Towers. For related provisions see Sections 15.14, [~~19.47, and~~] 19.63.05 and 21.301.10 of this Code.

(g) Dimensional Requirements

Maximum structure height: As regulated by Section [~~19.47~~] 21.301.10 of this Code.

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

(d) Conditional Uses.

- (6) Towers. For related provisions see Sections 15.14, ~~[19.47, and]~~ 19.63.05 and 21.301.10 of this Code.

(f) Dimensional Requirements

Maximum structure height RO-50:	As regulated by Section 19.47 of this Code.
Maximum structure height RO-24:	40 feet high and as regulated by Section 19.47 of this Code.]
<u>Maximum structure height:</u>	<u>As regulated by Section 21.301.10 of this Code.</u>

ARTICLE IV. DISTRICT REGULATIONS

SEC. 19.41. MINIMUM DISTRICT REQUIREMENTS.

(b) Multiple-family residences

- (3) Setbacks.
 - (A) Yards:

Along public streets	
Fourplexes	40 feet
Larger buildings	50 feet
Other yards	30 feet

The required setback shall be increased one foot for each foot of height of the structure over 30 feet in height as determined in Section ~~[19.47(b)(3)]~~21.301.10.

ARTICLE IV. DISTRICT REGULATIONS

SEC. 19.47. RESERVED. [HEIGHT.]

(a) ~~**Purpose**—The purpose of Section 19.47 is to regulate the height of structures in order to maintain the character and scale of the predominant single-family residential development in the City of Bloomington.~~

(b) ~~**Definitions—**~~

- (1) ~~**Protected residential property**—any property within the City that meets all of the following requirements:~~
 - (A) ~~The property is zoned R-1, R-1A, or RS-1 and the property may or may not also have a Planned Development (PD) Overlay classification;~~
 - (B) ~~The property is guided by the Comprehensive Plan for Low-Density Residential, Medium-Density Residential, or High-Density Residential; and~~
 - (C) ~~The property is used residentially or subdivided for residential use.~~
- (2) ~~**Designated residential property**—any property within the City that meets all of the following requirements:~~
 - (A) ~~The property is zoned for residential use and the property may or may not also have a Planned Development (PD) Overlay classification;~~
 - (B) ~~The property is guided by the Comprehensive Plan for Low-Density Residential, Medium-Density Residential, or High-Density Residential; and~~
 - (C) ~~The property is used residentially or subdivided for residential use.~~
- (3) ~~**Structure, building and tower height**—the height of structures, buildings and towers shall be determined by measuring the vertical distance from the lowest proposed ground elevation that abuts the structure, building or tower to the highest point on any part of the structure, building or tower, including rooftop equipment, antennas and lightning rods. In the event that the grade has been or is proposed to be increased for the primary purpose of increasing the elevation of the structure, building or tower instead of for normal engineering purposes such as facilitating drainage or achieving gravity flow sewer operation, the height shall be measured from the lowest ground elevation that abuts the proposed structure, building or tower as shown:~~
 - (A) ~~for single family structures, on the grading plan approved in conjunction with the preliminary plat for the lot;~~
 - (B) ~~for other structures, on the grading plan approved in conjunction with the development plans;~~
~~or~~
 - (C) ~~in the event that no approved plan exists, on the datum elevations existing at the time of permit application.~~
- (4) ~~**Building stories**—the number of stories shall be determined by counting the total number of above-ground, habitable floors in the building, not including walk-out basements, attics, or underground parking.~~

(c) ~~**Height Limitations—**~~

- (1) ~~Buildings and Structures Other Than Towers.~~
 - (A) ~~In all single-family residential zoning districts (R-1, R-1A, RS-1), the following height limitations apply:~~
 - (i) ~~buildings must not exceed two stories in height;~~
 - (ii) ~~at the 5 foot side setback line, building height must not exceed 19 feet;~~
 - (iii) ~~for portions of buildings between the 5 foot side setback line and the 20 foot side setback line, building height may increase at a 1:1 ratio to side setback (for example, at 10 feet from the side lot line, building height is limited to 24 feet, see Figure 19.47(f)(1));~~
 - (iv) ~~beyond the 20 foot side setback line, building height must not exceed 40 feet;~~
 - (v) ~~flat roofed buildings must not exceed 30 feet in height at any point on a site; and~~
 - (vi) ~~structures other than buildings must not exceed 30 feet in height.~~
 - (B) ~~In all other zoning districts, the maximum height of any building or structure, excluding towers, shall be as follows:~~

Distance of Building or Structure from the Property Lines of any Protected Residential Property

	0-30 feet	31-300 feet	301-600 feet	over 600 feet
Maximum Height:	2-stories/30 ft.	3-stories/40 ft.	80 ft.	no-limit

(2) ~~Towers.~~

- (A) ~~In all designated residential property the maximum height of any tower, including all antennas and other attachments, shall be 30 feet;~~
- (B) ~~In all residential zoning districts other than designated residential property, the maximum height of any tower, including all antennas and other attachments, shall not exceed one foot for each four feet the tower is setback from designated residential property up to a maximum height of 75 feet.~~
- (C) ~~In all non-residential zoning districts, the maximum height of any tower, including all antennas and other attachments, shall not exceed one foot for each two feet the tower is setback from designated residential property up to a maximum height of 75 feet in non-industrial zoning districts and 100 feet in industrial zoning districts.~~
- (3) ~~In addition to the height limitations noted in 19.47(c)(1) and (2), no new structure shall be constructed or established; no existing structure shall be altered, changed, rebuilt, repaired, or replaced; and no tree shall be allowed to grow or be altered, repaired or replaced, or replanted in anyway so as to project above any Airspace Surface as shown on MSP Zoning Map Airspace Zones-Plate A-19, A-20, A-21, A-22, A-25, A-26, A-27 and A-28 of the 2004 MSP Zoning Ordinance.~~

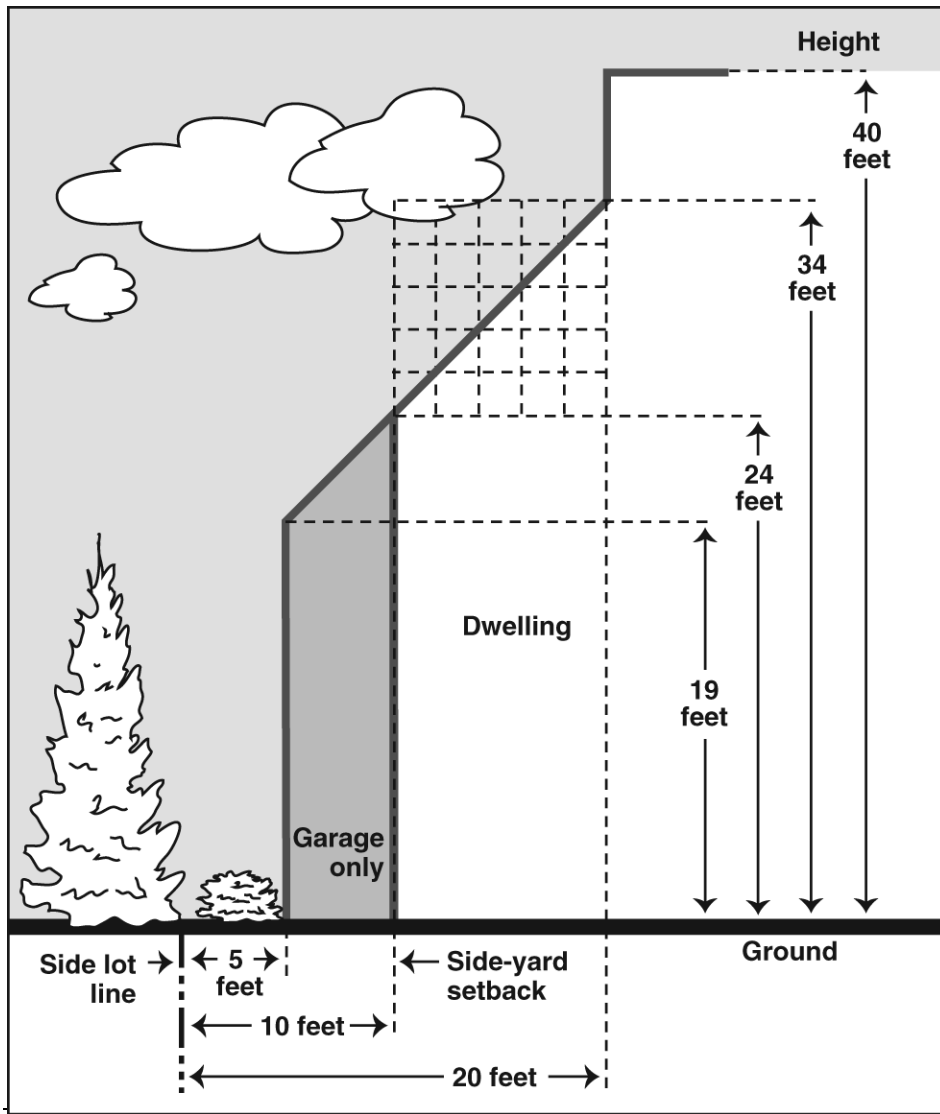
(d) ~~**Applicability-**~~

- (1) ~~In all zoning districts, the maximum height of any structure, building, or portion thereof, other than towers, 600 feet or greater from any protected residential property shall not be governed by Section 19.47 of this Code. The height of antenna mounting structures in the public right-of-way shall be governed by Chapter 17, Article IV of the Code rather than by Section 19.47.~~
- (2) ~~**Exceptions-** The requirements of Section 19.47 of this Code shall apply to all structures and developments otherwise permitted under this Code except:~~
 - (A) ~~planned developments, when approved as part of a preliminary and final development plan pursuant to Section 19.38.01 of this Code.~~
 - (B) ~~public utility structures, including but not limited to water towers, antennas, lights and signals, power and telephone poles, public safety radio towers, and poles supporting emergency warning devices. When a public utility structure is extended or replaced to accommodate the colocation of a commercial wireless telecommunication service facility, such extension shall comply with the requirements of this Section.~~
 - (C) ~~places of assembly for worship, sanctuaries, steeples and bell towers.~~
 - (D) ~~multi-user towers may exceed the height limitations of Section 19.47 by up to 20 feet.~~
 - (E) ~~in accordance with the Federal Communications Commission's preemptive ruling PRB1, towers erected for the primary purpose of supporting amateur radio antennas may exceed 30 feet in height provided that a determination is made by the Planning Manager that the proposed tower height is technically necessary to successfully engage in amateur radio communications.~~
 - (F) ~~Residential chimneys, up to 4 feet in width or depth, may exceed the height limitations of Section 19.47 by up to 2 feet.~~

(e) ~~**Reserved.**~~

(f) **Graphic Illustration.**

(1) **Building Height Limits in the R-1, R-1A, and RS-1 Zoning Districts.**



ARTICLE V. PERFORMANCE STANDARDS

SEC. 19.50.02. ACCESSORY BUILDINGS.

(d) **Maximum Height -**

(1) In Single-Family Residential Zoning Districts:

(A) Garages or any accessory structure intended to or capable of storing vehicles:

See zoning district regulations, Section 19.41 and Section [19.47] 21.301.10.

SEC. 19.63. PLACES OF ASSEMBLY.

(a) **Standards** - Freestanding place of assembly uses and sites must comply with the following standards.

(6) Notwithstanding the provisions of Section [49.47] 21.301.10 of this Code, an additional one foot setback is required for each foot of height of the place of assembly in excess of 35 feet.

SEC. 19.63.05. TOWERS.

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

(5) Towers erected on ~~[any protected residential parcel]~~ Protected Residential Property as defined in Section [49.47] 19.03 of this Code are also subject to the setback provisions of Section 15.14(d)(8) of this Code.

(g) **Tower Height.** All proposed towers shall meet the height restrictions set forth in Section [49.47] 21.301.10 of this Chapter.

Section 3. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 21

ZONING AND LAND DEVELOPMENT

ARTICLE II. DISTRICTS AND USES

Division C. Neighborhood Commercial Zoning Districts

SEC. 21.204.01. NEIGHBORHOOD OFFICE (B-1) DISTRICT.

(c) **Standards.** Development in the B-1 District must comply with the following standards:

- (3) Structure height. [~~In addition to the requirements of Section 19.47, buildings in the B-1 District on sites below 50,000 square feet in total area must not exceed two stories in height and buildings in the B-1 District on sites of 50,000 square feet or greater in total area must not exceed three stories in height as defined in Section 19.47(b)(4).~~] See Section 21.301.10 for applicable standards.

SEC. 21.204.02. GENERAL COMMERCIAL (B-2) DISTRICT.

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

- (3) Structure height. [~~In addition to the requirements of Section 19.47, buildings in the B-2 District must not exceed two stories in height as defined in Section 19.47(b)(3)(A)(i).~~] See Section 21.301.10 for applicable standards.

SEC. 21.204.03. NEIGHBORHOOD COMMERCIAL CENTER (B-4) DISTRICT.

- (c) **Standards.** Development in the B-4 District must comply with the following standards:

- (3) Structure height. [~~In addition to the requirements of Section 19.47, buildings in the B-4 District must not exceed 12 stories in height. Portions of buildings that lie within 200 feet of a public street must not exceed six stories in height.~~] See Section 21.301.10 for applicable standards.

SEC. 21.205.01. FREEWAY OFFICE AND SERVICE (C-1) DISTRICT.

- (c) **Standards.** Development in the C-1 District must comply with the following standards:

- (3) Structure height. See Section [~~19.47~~] 21.301.10 for applicable standards.

SEC. 21.205.02. FREEWAY COMMERCIAL (C-2) DISTRICT.

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

(3) Structure height. See Section ~~[49.47]~~ 21.301.10 for applicable standards.

SEC. 21.205.03. FREEWAY COMMERCIAL CENTER (C-3) DISTRICT.

(c) **Standards.** Development in the C-3 District must comply with the following standards:

(3) Structure height. To promote intensity in the C-3 District, at least 60 percent of building footprint area on a site must rise to at least two stories in height. Structures in the C-3 District must meet the height limitations of Section ~~[49.47]~~ 21.301.10.

SEC. 21.205.04. FREEWAY OFFICE (C-4) DISTRICT.

(c) **Standards.** Development in the C-4 District must comply with the following standards:

(3) Structure height. See Section ~~[49.47]~~ 21.301.10 for applicable standards.

SEC. 21.205.05. FREEWAY MIXED USE (C-5) DISTRICT.

(c) **Standards.** Development in the C-5 District must comply with the following standards:

(4) Structure height. To promote intensity in the C-5 District, at least 60 percent of building footprint area on a site must rise to at least two stories in height. Structures in the C-5 District must meet the height limitations of Section ~~[49.47]~~ 21.301.10.

(6) Residential uses encouraged. To promote the inclusion of residential uses within the C-5 District, the following incentives are available to development that includes residential uses.

(C) Height Bonus. Residential structures in the C-5 District may be constructed above the maximum height allowed in Section ~~[49.47]~~ 21.301.10 of this Code as follows. A height bonus of one foot is allowed per residential dwelling unit up to a maximum height bonus of 45 feet.

Division F. Specialized Zoning Districts

SEC. 21.207.01. MIXED USE (CX-2) DISTRICT.

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

(3) Structure height. See Section 21.301.10 [~~19.47~~] for applicable standards.

ARTICLE III. DEVELOPMENT STANDARDS

Division A. General Standards

SEC. 21.302.04. TWO-FAMILY DWELLINGS.

(c) **Standards.**

(8) Height. Two-family dwelling structure height must meet the height limits of City Code Section [~~19.47~~] 21.301.10.

SEC. 21.301.10. HEIGHT.

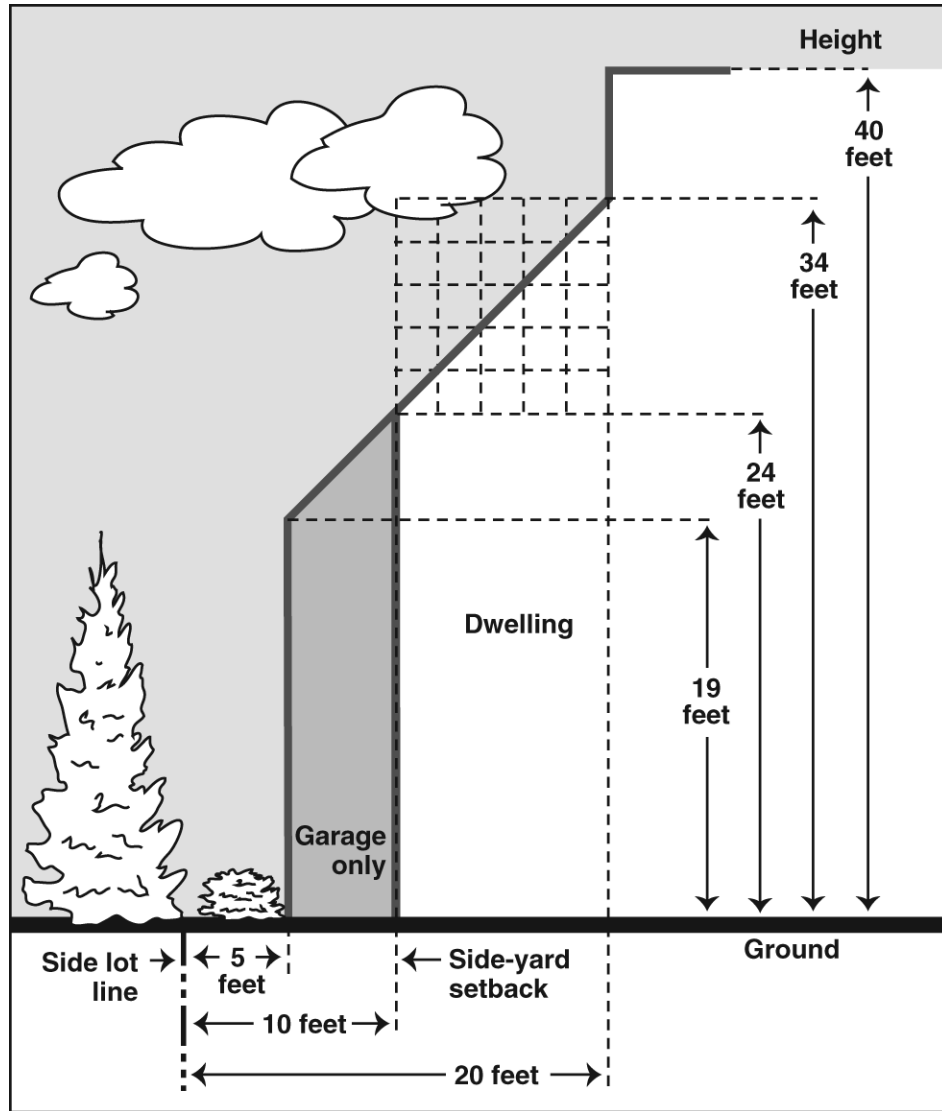
(a) **Purpose and Intent.** The City of Bloomington recognizes the importance of structure height in maintaining and creating neighborhood character, in casting shadows, in fostering economic development and in encouraging redevelopment. The provisions of this Section are intended to:

- (1) Preserve neighborhood character;
- (2) Allow tall buildings in appropriate areas;
- (3) Protect single family, two-family and townhome dwellings from significant shadows;
- (4) Facilitate the provision of telecommunication services while minimizing visual impacts; and
- (5) Minimize the impact of taller buildings on adjacent uses and pedestrians.

(b) **Height Limits.**

- (1) Buildings and structures other than towers.
 - (A) Height limits map. Buildings and structures other than towers may not exceed the maximum height and building stories shown for their location on the official height limits map, which is hereby incorporated by reference as a part of the City Code and is available online and in the Planning Division offices. Any proposed amendments to the height limits map will be considered amendments to the City Code and must follow the same approval procedure. Buildings and structures other than towers are also subject to the use related height limits, airport related height limits, shadow standards and building step back standards discussed below.
 - (B) Single and two-family residential uses. In addition to the height limits map, all sites with single and two-family residential uses must also meet the following additional height limitations:
 - (i) buildings must not exceed two stories in height;
 - (ii) at the 5 foot side setback line, building height must not exceed 19 feet;
 - (iii) for portions of buildings between the 5 foot side setback line and the 20 foot side setback line, building height may increase at no more than a 1:1 ratio to side setback (for example, at 10 feet from the side lot line, building height is limited to 24 feet, see Figure 21.301.10 (b) (1) (B) (vii));

- (iv) beyond the 20 foot side setback line, building height must not exceed 40 feet;
- (v) flat roofed buildings must not exceed 30 feet in height at any point on a site; and
- (vi) structures other than buildings must not exceed 30 feet in height.
- (vii) Graphic illustration. Single and two family residential height limits near side lot lines.



(2) Towers.

- (A) Within all Designated Residential Property the maximum height of any tower, including all antennas and other attachments, must not exceed 30 feet;
- (B) Outside of Designated Residential Property but within residential zoning districts, the maximum height of any tower, including all antennas and other attachments, must not exceed one foot for each four feet the tower is set back from Designated Residential Property up to a maximum height of 75 feet.
- (C) Within all non-residential zoning districts, the maximum height of any tower, including all antennas and other attachments, must not exceed one foot for each two feet the tower is set back from Designated Residential Property up to a maximum height of 75 feet in non-industrial zoning districts and 100 feet in industrial zoning districts.

(c) **Airport Related Height Limits.** In addition to other height limitations noted in this Section, no new building, structure or tower may be constructed or established; no existing building, structure or tower may be altered, changed, rebuilt, repaired, or replaced; and no tree may be allowed to grow or be altered, repaired or replaced, or replanted in anyway so as to project above any Airspace Surface shown in the Minneapolis-St. Paul International Airport Zoning Ordinance.

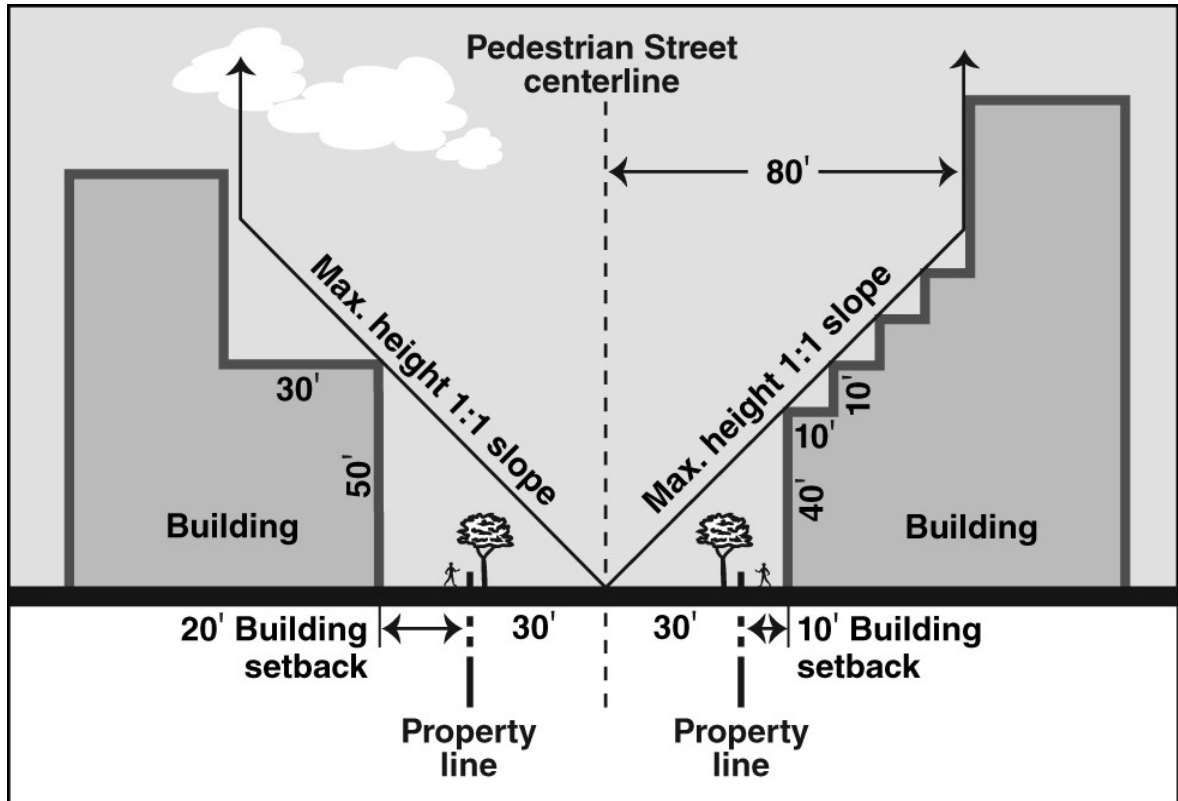
(d) **Shadows.** The following required standards are intended to preserve daylight and solar access for residents of buildings on Protected Residential Property.

- (1) Prohibited shadows. New buildings and structures (or multiple buildings on the same site) must not exceed a height that would cast shadows on existing residentially used buildings on Protected Residential Property at both 10:00 a.m. and 2:00 p.m. Central Standard Time on December 21st.
- (2) Shadow study. Any application for a building or structure (or multiple buildings on the same site) with the potential as determined by the Issuing Authority to cast shadows on existing residentially used buildings on Protected Residential Property must include a shadow study. The shadow study must include an accurate site plan showing the proposed building, surrounding residentially used buildings on Protected Residential Property, and the shadows that would be cast by the proposed building(s) or structure(s) at both 10:00 a.m. and 2:00 p.m. Central Standard Time on December 21st. The shadow study must take into account differences in topography and must assume the following:

<u>Time on December 21st</u>	<u>Solar Azimuth</u>	<u>Shadow Length</u>
<u>10:00 a.m.</u>	<u>148.92 degrees</u>	<u>3.61 x structure height</u>
<u>2:00 p.m.</u>	<u>206.01 degrees</u>	<u>3.19 x structure height</u>

(e) **Pedestrian Street Step Back Standards.** The following required standards are intended to maintain a pedestrian scale and character, minimize the impacts of shadows and minimize the impacts of wind currents along pedestrian oriented streets by limiting building height near the street. The standards apply only to buildings and structures along Pedestrian Street Segments designated on the official height limits map, which is hereby incorporated by reference in the City Code and is available online and in the Planning Division offices. Any proposed amendments to the Pedestrian Street Segments designated on the height limits map will be considered amendments to the City Code.

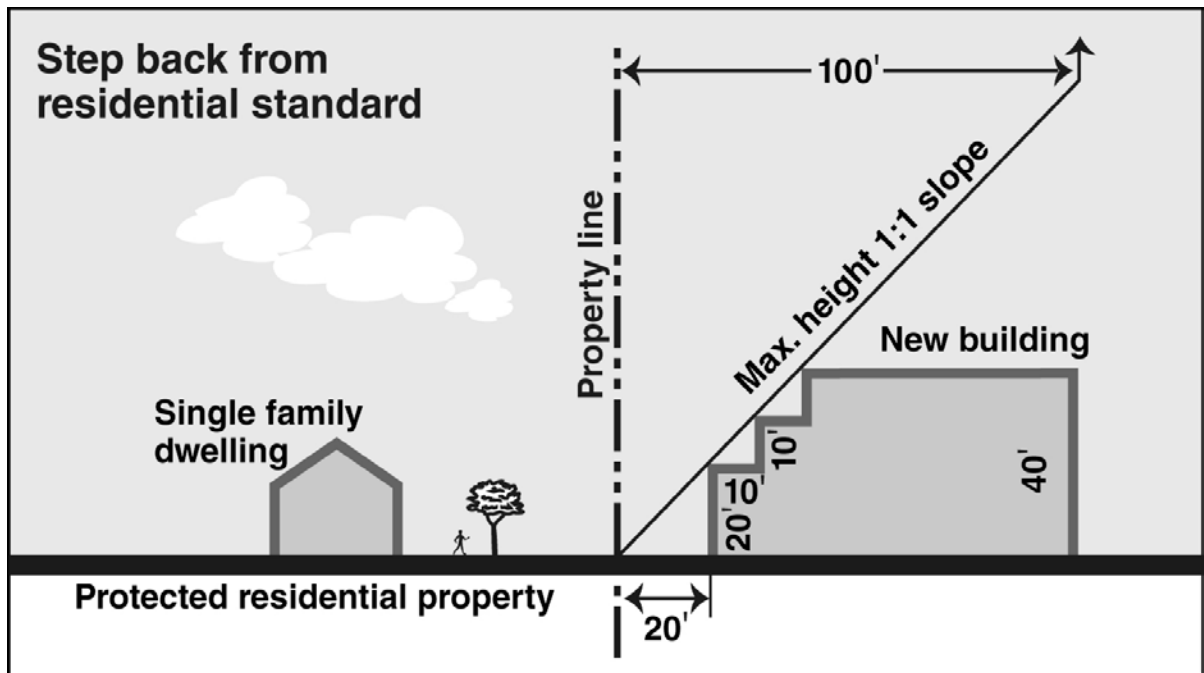
- (1) Pedestrian Street step back standard. The height of any portion of a new building or structure adjacent to a Pedestrian Street Segment may not exceed the horizontal distance of that portion of the structure to the centerline of the adjacent Pedestrian Street Segment, except that portions of buildings or structures more than 80 feet from the centerline of the adjacent Pedestrian Street Segment are exempt from further step back. See Figure 21.301.10 (e) (4) for an illustration of the Pedestrian Street step back standard. For the purposes of Pedestrian Street step back standards, building height is calculated relative to the elevation of the centerline of the street.
- (2) Exceptions.
 - (A) To allow building variation along individual block faces, up to 25 percent of the width of an individual block face may include existing or proposed buildings that exceed the Pedestrian Street Step Back standard. For the purposes of this Section, a block face is one side of a block measured from curb to curb.
 - (B) In situations where one development spans both sides of a Pedestrian Street Segment, the Pedestrian Street Step Back standard is waived if, on the opposite side of a designated Pedestrian Street Segment from a proposed building:
 - (i) no building exists or is proposed; or
 - (ii) an existing or proposed building does not exceed one story.
 - (C) In situations where one development spans both sides of a Pedestrian Street Segment, the Pedestrian Street Step Back standard is waived if the distance between buildings on opposite sides of the street, measured at their closest point, is greater than twice the height of the taller building as measured according to Section 21.301.10 (i) (1).
- (3) Flexibility. Applicants may seek Pedestrian Street step back standard flexibility through the Planned Development process by demonstrating that other means will be used to maintain a quality pedestrian environment that avoids a canyon effect, including but not limited to varying building heights and setbacks, providing sufficient spacing between opposing buildings across streets, and providing interspersed parks and open spaces.
- (4) Graphic illustration. Step back standard along a Pedestrian Street Segment.



(f) **Step Back from Residential Standards.** The following required standards are intended to minimize the impacts of shadows on Protected Residential Property and preserve residential neighborhood character. The standards apply to new buildings and structures within 100 feet of Protected Residential Property, except single family, two-family, townhouse and rowhouse dwellings, and their accessory buildings and structures, which are exempt from residential step back standards.

- (1) Step back from residential standard. The height of any portion of a new building or structure may not exceed the horizontal distance of that portion of the structure to the nearest Protected Residential Property line, except that portions of buildings or structures more than 100 feet from the nearest Protected Residential Property line are exempt from further step back. See Figure 21.301.10 (f) (2) for an illustration of the step back from residential standard. For the purposes of step back from residential standards, building height is calculated relative to the elevation at the Protected Residential Property line.

(2) Graphic illustration. Step back standard near Protected Residential Property.



(g) **Exceptions.** The following exceptions to the standards of Section 21.301.10 apply:

- (1) Public utility structures, including but not limited to water towers, public safety antennas, lights and signals, power and telephone poles, public safety radio towers, and poles supporting emergency warning devices are required to meet airport related height limits but are not required to comply with the other height limits of this Section. When a public utility structure outside the public right-of way is extended or replaced to accommodate the colocation of a commercial wireless telecommunication service facility, such extension must comply with the requirements of this Section.
- (2) Antenna mounting structures in the public right-of-way are required to meet airport related height limits but are not required to comply with the other height limits of this Section. Instead, their height is regulated by Chapter 17, Article IV of the City Code.
- (3) Places of assembly for worship and their related sanctuaries, steeples, spires, bell towers and similar structures are required to meet airport related height limits but are not required to comply with the other height limits of this Section. Instead their height is regulated by City Code Section 19.63.
- (4) Multi-user towers may exceed the height limitations of Section 21.301.10 (b) (2) by up to 20 feet provided they comply with airport related height limits.
- (5) In accordance with the Federal Communications Commission's preemptive ruling PRB1, a tower erected for the primary purpose of supporting amateur radio antennas may exceed 30 feet in height provided that a determination is made by the Planning Manager that the proposed tower height is technically necessary to successfully engage in amateur radio communications and provided it complies with airport related height limits.
- (6) Residential chimneys, up to 4 feet in width or depth, may exceed the height limitations of Section 21.301.10 by up to 2 feet provided they comply with airport related height limits.
- (7) Access doors and garage doors to basements, underground garages and tuckunder garages may exceed the height limitations of Section 21.301.10 by up to 11 feet provided the width of wall area or areas exposed to accommodate the doors does not exceed 50 percent of the width of the elevation through which it provides access and does not exceed 10 percent of the total width of all facades on the building measured in elevation view.

(h) **Flexibility.** Flexibility to the requirements of this Section may be granted by the City Council through the planned development approval process discussed in City Code Section 19.38.01 and through the variance process discussed in City Code Section 2.98.01.

(i) **Measurement.**

- (1) Height. The height of structures, buildings and towers is determined by measuring the vertical distance from the lowest proposed ground elevation that abuts the structure, building or tower to the

highest point on any part of the structure, building or tower, including rooftop equipment, antennas and lightning rods. In the event a tower is mounted on top of another structure or building, the tower height is determined by measuring the vertical distance from the lowest proposed ground elevation that abuts the structure or building on which the tower is mounted to the highest point on any part of the tower, including antennas and lightning rods.

In the event that the grade has been or is proposed to be increased for the primary purpose of increasing the elevation of the structure, building or tower instead of for normal engineering purposes such as facilitating drainage or achieving gravity flow sewer operation, the height is measured from the lowest elevation required for normal engineering purposes that abuts the structure, building or tower.

(2) Building stories. The number of stories is determined by counting the total number of above-ground, habitable floors in the building, not including walk-out basements, attics, or underground parking.

Passed and adopted this _____ day of _____, 2010.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney