

Item 4

GENERAL INFORMATION

Applicant: City of Bloomington

Location: Citywide

Request: City Code Amendments - Reclassification of Temporary Conditional Uses

PROPOSAL

As part of the comprehensive Zoning Ordinance Update Project, the City has been converting the land use status for uses classified by the City Code as temporary conditional uses. The primary purpose of this item is to consider amendments proposed to the City Code to reclassify multiple temporary conditional uses. The draft ordinance containing the proposed amendments is attached.

ANALYSIS

Minnesota statutes do not specifically list “temporary conditional uses”, and their status is unclear. As part of its comprehensive Zoning Ordinance Update, the City has been converting the land use status for uses classified by the City Code as temporary conditional uses to interim uses, permitted uses, permitted accessory uses, or conditional uses. Staff representatives from the Planning Division, Licensing, and Legal reviewed the remaining existing temporary conditional uses to determine recommended amendments to convert their use status. A summary of the remaining temporary conditional uses, the recommended amendments, and rationale for the amendments to the City Code contained in this proposal is as follows.

**Remaining Temporary Conditional Uses In Bloomington
and Recommended Amendments**

Zoning District	Code Section	Land Use	Recommended Amendments and Rationale
Single-Family Residential (R-1A and R-1)	19.27(d)(9)	Christmas tree lots	Delete in R-1 and R-1A as temporary conditional uses; Rationale: Regulated through Licensing rather than Zoning.
	19.27(d)(26)	Circuses	Delete in R-1 and R-1A as temporary conditional uses; Rationale: Regulated as other special events.
	19.27(d)(37)	Outside storage of RVs	No change this proposal, will be addressed in separate ordinance.
	19.27(d)(39)	Unlicensed family day shelters	Modify from temporary conditional use to conditional use; Rationale: Intent was for periodic review rather than truly temporary use.

Large Lot Single-Family Residential (RS-1)	19.27.01(b)(3)(O)	Outside storage of RVs	No change this proposal, will be addressed in separate ordinance.
Industrial (I-1, I-2, and I-3)	19.33(d)(18)	Physical exercise facilities	Modify from temporary conditional use to conditional use; Rationale: Intent was for periodic review rather than truly temporary use.
	19.33(d)(21)	Transient merchant sales	Modify from temporary conditional use to permitted use with restrictions; Rationale: Regulated through Licensing rather than Zoning.
	19.33(d)(23)	Churches in I-1 and I-2	Modify from temporary conditional use to interim use; Rationale: Intent was to be truly temporary, and not a good fit for long term use in the Industrial Districts.
Freeway Development (FD-1 and FD-2)	19.34(d)(17)	Tanning salons in office buildings	Modify from temporary conditional use to permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.
	19.34(d)(18)	Transient merchant sales	Modify from temporary conditional use to permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.
	19.34(d)(19)	Retail sales as temporary uses	Modify from temporary conditional use to interim use with restrictions; Rationale: Intent was to be truly temporary.
	19.34(d)(21)	Churches	Modify from temporary conditional use to interim use; Rationale: Intent was to be truly temporary.
Mixed Use (CX-2)	19.40.06(d)(17)	Transient merchant sales	Modify from temporary conditional use to permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.
Commercial Service (CS-0.5 and CS-1)	19.40.07(d)(8)	Transient merchant sales	Modify from temporary conditional use in CS-1 to permitted accessory use with restrictions in CS-0.5 and CS-1; Rationale: Regulated through Licensing rather than Zoning.
Conservation (SC)	19.40.10(d)(7)	Transient merchant sales (temporary use findings are listed in Section 19.22(5)(A))	Modify from temporary conditional use to permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.

General Commercial (B-2)	21.204.02(b)	Transient merchant sales	Modify as permitted accessory use to permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.
Freeway Commercial (C-2)	21.205.02 (b)	Transient merchant sales	Modify as permitted accessory use to permitted accessory use w/restrictions; Rationale: Regulated through Licensing rather than Zoning.

Proposed Added Land Use Amendments

Zoning District	Code Section	Land Use	Recommended Amendments
Single-Family Residential (R-1)	19.27(c)(14)	Transient merchant sales in parks only, where incidental and subordinate to a special event	Add as permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.
High Intensity Mixed-Use (HX-R)	19.29(c)(9)	Transient merchant sales in hotel interiors only	Add as permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.
Regional Commercial (CR-1)	19.31.01(b)(9)	Transient merchant sales in hotel interiors only	Add as permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.
Industrial (I-1, I-3)	19.33(c)(10)	Transient merchant sales in hotel interiors only	Add as permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.
	19.33(e)(5)	Churches	Add in I-3 Districts as interim uses to match I-1 and I-2 Districts; Rationale: Intent was to be truly temporary, and not a good fit for long term use in the Industrial Districts.
Freeway Office and Service (C-1)	21.205.01(b)	Transient merchant sales interior to hotels	Add as permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.
Freeway Commercial Center (C-3)	21.205.03(b)	Transient merchant sales interior to hotels	Add as permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.

Freeway Office (C-4)	21.205.04(b)	Transient merchant sales interior to hotels	Add as permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.
Freeway Mixed Use (C-5)	21.205.05(b)	Transient merchant sales interior to hotels	Add as permitted accessory use with restrictions; Rationale: Regulated through Licensing rather than Zoning.

In addition to the above recommended amendments, staff is proposing amendments to Chapter 14 provisions regarding transient merchant sales. The proposed amendments in City Code Sections 14.183 and 14.188 clarify that while persons who may sell or peddle the products of the farm or garden occupied and cultivated by themselves are exempt from licensing fees, they are not exempt from zoning restrictions for transient merchant sales locations. Under the proposed amendments, transient merchant sales would be permitted in the following locations:

- As permitted accessory uses in parks in the Single-Family Residential (R-1) and Conservation (SC) Districts when incidental and clearly subordinate to a special event;
- As permitted accessory uses when interior to hotels or motels in all Zoning Districts that allow hotels or motels;
- As permitted accessory uses when interior to buildings in the Conservation (SC) District;
- As permitted accessory uses in the Mixed-Use (CX-2) District when incidental and clearly subordinate to permitted principal uses; and
- As interim accessory uses in the High Intensity Mixed Use (HX-2) and Commercial-Office/Mixed-Use (CO-2) Districts when incidental and clearly subordinate to a special event.

RECOMMENDATION

In Case 10000P-09, staff recommends approval of the proposed amendments to the City Code that would:

- modify the use status of churches in FD-1, FD-2, I-1, and I-2 Districts, and retail uses as temporary uses in FD-1 and FD-2 districts from temporary conditional uses to interim uses; of tanning salons in office buildings in FD-1 and FD-2 Districts from temporary conditional uses to permitted accessory uses; of transient merchant sales in I-2, FD-1, FD-2, CX-2, CS-1, and SC Districts from temporary conditional uses to permitted accessory uses with restrictions; of transient merchant sales in B-2 and C-2 Districts from permitted accessory uses to permitted accessory uses with restrictions; of unlicensed family day care centers in R-1 and R1-A Districts from Temporary conditional uses to conditional uses; and of physical exercise facilities in I-1, I-2, and I-3 Districts from temporary conditional uses to conditional uses;
- add churches in I-3 Districts as interim uses; and transient merchant sales in R-1, HX-R, I-1, I-3, CR-1, C-1, C-3, C-4 and C-5 Districts as permitted accessory uses with restrictions;
- delete christmas tree lots and circuses in R-1 and R-1A Districts as temporary conditional uses; and
- clarify Chapter 14 provisions exempting farm and garden products.