

ORDINANCE NO. 2004-__35__

AN ORDINANCE AMENDING CHAPTER 19 OF THE CITY CODE,
REGARDING HOME OCCUPATIONS

The City Council of the City of Bloomington ordains:

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words which are contained in brackets [] and adding those words which are underlined, to read as follows:

CHAPTER 19

ZONING

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

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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:

Accessory building....

~~[Home occupation—See Section 19.27(c)(6) of this Chapter.]~~

Home Enterprises. Shall consist of two classifications which shall be defined as follows:

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)(2) of this Chapter.

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)(3) of this Chapter.

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SEC. 19.27. SINGLE-FAMILY RESIDENTIAL (R1-A, R-1) DISTRICTS

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(c) Permitted accessory uses -

- (1) Private garages subject to the provisions of paragraph (f) of this Section.
- (2) Conservatories for plants and flowers, not including any business, trade or industry.
- (3) Separate living quarters for domestic servants employed on the premises when said premises contain 16,000 square feet or more of lot area.
- (4) The renting of rooms by a resident family for lodging purposes only and for the accommodation of not more than two roomers in a single-family dwelling.
- (5) Off-street parking and off-street loading for uses allowed in this Section.
- (6) Home occupations in accordance with the performance standards set forth in Section 19.63.09(a)(2) of this Chapter.

~~[Home occupations. Any gainful occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes and subject to the following requirements:~~

- ~~(A) No retail business other than that conducted by mail shall be permitted.~~
- ~~(B) No manufacturing business shall be allowed.~~
- ~~(C) No repair shall be allowed.~~
- ~~(D) No stock in trade shall be kept and sold on the premises.~~
- ~~(E) Only members of the family occupying the premises and one person outside the family acting as an aide shall carry on the home occupation.~~
- ~~(F) No mechanical or electrical equipment not customarily found in a home shall be employed, installed, or maintained.~~
- ~~(G) No interior or exterior alterations shall be permitted and no construction features shall be permitted which are not customarily found in a dwelling.~~
- ~~(H) The entrance to the space devoted to such occupation shall be within the dwelling.~~

- ~~(I) — There shall be no exterior display, no exterior sign except as permitted in Article X of this chapter, and no other exterior indication of the home occupation.~~
- ~~(J) — There shall be no exterior storage of equipment or materials used in the occupation.~~
- ~~(K) — The home occupation must be conducted entirely within a building.~~
- ~~(L) — Vehicles used in conjunction with a home occupation shall comply with the parking and storage provisions of Section 19.45 of this Code.~~
- ~~(M) — Offices, clinics, doctors' offices, hospitals, barber shops, beauty parlors, dress shops, millinery shops, tea rooms, restaurants, tourist homes, animal hospitals and kennels, music and dance schools, among others, shall not be deemed home occupations.~~
- ~~(N) — Such occupations as architects, artists, writers, clergymen, lawyers, teachers, dressmaking and millinery and similar domestic crafts shall be permitted.~~
- ~~(O) — No massage or escort business shall be permitted.]~~

- (7) Private swimming pools.
- (8) Fall-out shelters.
- (9) Mortuaries as accessories to cemeteries.
- (10) Accessory buildings in accordance with the requirements of Section 19.50.02.
- (11) Reserved.
- (12) Towers supporting amateur radio antennas. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.

(d) **Conditional uses -**

- (10) [~~Reserved.~~] Home businesses in accordance with the performance standards set forth in Section 19.63.09(b)(3) of this Chapter, and pursuant to the findings set forth in Section 19.22(1)(A),(B),(C),(D),(F),and (G).
- (11) Reserved.
- (12) Transitional use. The lot or lots in a residential zone which are immediately adjacent to a nonresidential use and major or through street or railroad may be used for a medical or dental clinic, office, mortuary, or nonprofit clubs or lodges, assembly and reception halls, and similar uses.
- (13) [~~Beauty shops when incidental to a residential use.~~] Reserved.
- (14) Off-street parking for a contiguous business, industrial use, public use, public or private school, or church.
- (15) Planned development (residential).
- (16) Multiple dwellings, including senior citizen housing and handicapped housing, only when they are a part of a planned development approved pursuant to Section 19.38 of this Chapter.

- (17) Country clubs.
- (18) Retail shopping uses and personal service uses, when located within a multiple-family dwelling building, or within one of the multiple-family dwelling buildings of a complex when the building or complex is comprised of 100 or more dwelling units.
- (19) Railroad right-of-way and tracks.
- (20) Electric sub-stations and above-ground high voltage transmission lines.
- (21) Public utility buildings and structures.
- (22) Two family or double bungalow type dwellings.
- (23) YMCA facilities.
- (24) [~~Art crafts conducted entirely within a home which may occasionally result in persons coming to the home for instructions.~~] Reserved.
- (25) Racket sports clubs and those other athletic uses commonly associated with such racket sports clubs when part of a planned development exceeding 125 units if membership always remains open to all residents of said planned development and when adjacent to arterial streets.
- (26) Circuses as a temporary use for no longer than 14 days and when located adjacent to arterial streets.
- (27) [~~Pet grooming when incidental to a residential use as a temporary conditional use.~~] Reserved.
- (28) Reserved.
- (29) Reserved.
- (30) Reserved.
- (31) Reserved.
- (32) [~~Watch repair as a temporary conditional use but not to include the sale of new or repaired watches.~~] Reserved.
- (33) Food catering where the food is prepared on-site for consumption off the premises, provided that the ~~primary~~ use is conducted in a church, school building, public governmental, hospital or assembly and reception hall.
- (34) Tennis courts as an accessory use to single family dwellings.
- (35) Neighborhood Unit Developments in accordance with the requirements of Section 19.62.01. When reviewing an application for a conditional use permit for a Neighborhood Unit Development, it is not required that the City Council make the finding under Section 19.22, Subparagraph (1)(E) of this Code.
- (36) [~~Temporary use as a Licensed Therapeutic Massage Enterprise when incidental to a residential use.~~] Reserved.
- (37) Outside storage of recreational vehicles, as temporary uses for a maximum period of three years, which do not meet the minimum requirements of Section 19.50.03 of this Code.
- (38) Towers which meet the locational requirements of Section 19.63.05(b). When reviewing an application for a conditional use permit to erect a tower, it is not required that the City Council make the finding under Section 19.22,

subparagraph (1)(E), of this Code. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.

- (39) Unlicensed family day shelters as defined in Section 19.03 of this Code as temporary uses.

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

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(b) Uses -

- (1) Permitted Principal Uses -
- A. Detached single-family dwellings
 - B. Public governmental uses
 - C. Golf courses, public and private
 - D. Agriculture - except fur farms, kennels, poultry farms and commercial animal farms.
 - E. Public utility installations, except buildings, electric substations, and above-ground high voltage transmission lines.
 - F. Licensed residential facilities serving six or fewer persons and licensed day care facilities serving twelve or fewer persons, in accordance with Minnesota Statutes Section 462.357, Subdivision 7.
- (2) Permitted Accessory Uses -
- A. Private garages, subject to the provisions of paragraph (h) of this section.
 - B. Accessory buildings in accordance with the requirements of Section 19.50.02.
 - C. Reserved.
 - D. Separate living quarters for domestic servants employed on the premises
 - E. The renting of rooms in a single-family detached dwelling by a resident family for lodging purposes only and for the accommodation of not more than two roomers.
 - F. Private swimming pools and tennis courts.
 - G. Reserved.
 - H. Mortuaries accessory to cemeteries.
 - I. Towers supporting amateur radio antennas. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.
 - J. Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).
- (3) Conditional Uses -
- A. Two-family dwellings.
 - B. Reserved.
 - C. Churches.
 - D. Utility uses, including buildings, electric substations, and above-ground high voltage transmission lines.
 - E. Railroad right-of-way and tracks.
 - F. Licensed residential facilities serving seven or more persons.
 - G. Licensed day care facilities serving thirteen or more persons.
 - H. Cemeteries, provided that the site is at least 10 acres in size and is used solely for cemetery and related purposes (such as for mortuarial services or a funeral chapel).

- I. Private schools and colleges.
- J. Private nursing homes, rest homes, and similar uses.
- K. Commercial nurseries and greenhouses.
- L. Reserved.
- M. Reserved.
- N. Neighborhood Unit Developments in accordance with the requirements of Section 19.62.01, Neighborhood Unit Developments.
- O. Outside storage of recreational vehicles, as temporary uses for a maximum period of three years, which do not meet the minimum requirements of Section 19.50.03 of this Code.
- P. Towers which meet the locational requirements of Section 19.63.05(b). When reviewing an application for a conditional use permit to erect a tower, it is not required that the City Council make the finding under Section 19.22, subparagraph (1)(E), of this Code. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.
- Q. Home businesses in accordance with the performance standards set forth in Section 19.63.09(b)(3) of this Chapter, and pursuant to the findings set forth in Section 19.22(1)(A),(B),(C),(D),(F),and (G).

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

(c) **Provisional uses –**

- (1) Day care centers and nurseries integral to residential developments with 40 or more dwelling units.
- (2) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).

(d) **Conditional uses -**

- (1) Churches and related facilities ("related facilities" does not include a cemetery).
- (2) Utility uses.
- (3) State-licensed residential facilities serving seven or more mentally or physically handicapped persons, in accordance with Minnesota Statutes Section 462.357, Subdivision 8.
- (4) Mobile home parks.
- (5) Freestanding day care centers and nurseries.
- (6) Private schools.
- (7) Expansion of existing residential uses which are not in conformity with district use provisions.
- (8) Towers which meet the locational requirements of Section 19.63.05(b). When reviewing an application for a conditional use permit to erect a tower, it is not required that the City Council make the finding under Section 19.22, subparagraph (1)(E), of this Code. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.

(9) Home businesses pursuant to standards as set forth in Section 19.63.09(b)(3).

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

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(c) Provisional uses –

- (1) Day care centers and nurseries integral to residential developments with 40 or more dwelling units.
- (2) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).

(d) Conditional uses -

- (1) Churches and related facilities ("related facilities" does not include a cemetery).
- (2) State-licensed residential facilities serving seven or more mentally or physically handicapped persons, in accordance with Minnesota Statutes Section 462.357, Subdivision 8.
- (3) Freestanding day care centers and nurseries.
- (4) Private schools.
- (5) Utility uses.
- (6) Expansion of existing uses which are not in conformity with district use provisions.
- (7) Towers which meet the locational requirements of Section 19.63.05(b).
When reviewing an application for a conditional use permit to erect a tower, it is not required that the City Council make the finding under Section 19.22, subparagraph (1)(E), of this Code. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.
- (8) Home businesses pursuant to standards as set forth in Section 19.63.09(b)(3).

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

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(c) Provisional uses - The following uses when incorporated into a structure predominately devoted to multiple-family dwellings:

- (1) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, drugs, sundry items, books, newspapers, magazines, and apparel.
- (2) Personal service establishments, including barber and beauty shops, exercise and health activities, dry-cleaning drop-off and pick-up stations, laundering, and similar personal services.
- (3) Nurseries and day care centers.

- (4) Nursing, convalescent and rest homes.
 - (5) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).
- (d) **Conditional uses -**
- (1) Freestanding nurseries and day care centers.
 - (2) Athletic, recreational and health clubs.
 - (3) Utility uses.
 - (4) Expansion of existing uses which are not in conformity with district use provisions.
 - (5) Restaurants, provided their access for customers and service is separate from access for residential uses.
 - (6) Towers which meet the locational requirements of Section 19.63.05(b).
When reviewing an application for a conditional use permit to erect a tower, it is not required that the City Council make the finding under Section 19.22, subparagraph (1)(E), of this Code. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.
 - (7) Home businesses pursuant to standards as set forth in Section 19. 63.09(b).

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

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- (c) **Permitted Accessory Uses.** The following uses are permitted when accessory to, clearly subordinate to and physically integrated with a permitted principal or conditional use. These accessory uses shall not exceed 25 percent of the total floor area for a development or phase thereof.
- (1) Retail uses for the sale of groceries, bakery goods, drugs, sundry items, gifts, books, recorded music, arts and crafts, plants and similar items.
 - (2) Personal and business service establishments including dry-cleaners, exercise and health activities, beauty and barber shops, copying services, photo developing, picture framing, licensed therapeutic massage, travel agencies and similar establishments.
 - (3) Restaurants without drive-up facilities.
 - (4) Financial institutions without drive-up facilities.
 - (5) Day care facilities.
 - (6) Fuel sales physically integrated within a structured parking facility.
 - (7) Other uses customarily incidental and clearly subordinate to a permitted principal or conditional use. Drive-through uses are prohibited.
 - (8) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).
- (d) **Conditional Uses.**
- (1) Utility uses.
 - (2) Home businesses pursuant to standards as set forth in Section 19. 63.09(b).

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Section 19.30. LIMITED BUSINESS (B-1) DISTRICTS.

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- (d) **Conditional uses -**
- (1) Private colleges and institutions.
 - (2) Mortuaries.
 - (3) Clubs and lodges - nonprofit.
 - (4) Temporary uses such as Christmas tree lots.
 - (5) Reserved.
 - (6) Motels, including restaurants accessory thereto.
 - (7) Planned developments (residential or business).
 - (8) Reserved.
 - (9) Commercial parking or parking ramps adjacent to commercial uses or industrial uses.
 - (10) Churches.
 - (11) Railroad lines.
 - (12) Food catering where the food is prepared on-site for consumption off the premises, provided that the primary use is a church, school building, public governmental, hospital, assembly and reception hall or office building.
 - (13) Towers. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.
 - (14) Home businesses pursuant to standards as set forth in Section 19.63.09(b)(3).

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Section 19.31. RETAIL BUSINESS (B-2) DISTRICTS.

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- (c) **Permitted accessory uses including -**
- (1) Reserved.
 - (2) Off-street parking and off-street loading.
 - (3) Class II motor vehicle sales accessory to Class I motor vehicle sales.
 - (4) Repair of motor vehicles accessory to Class I motor vehicle sales.
 - (7) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).
- (d) **Conditional uses -**
- (1) Clubs and lodges nonprofit.
 - (2) Commercial recreation (including bowling alley, pool hall, and similar uses).
 - (3) Fuel and ice sales.
 - (4) Mortuaries.
 - (5) Newspaper and magazine stands (outdoor) and newspaper distribution stations, which may locate as secondary uses on zoning lots. Also, collection stations for charitable organizations.
 - (6) Multiple dwellings two families and over.
 - (7) Outdoor sales of household equipment.
 - (8) Pet services facility.
 - (9) Restaurants when part of a planned development.
 - (10) Reserved.
 - (11) Service stations.
 - (12) Taxi stands.

- (13) Physical culture and health services.
- (14) Repair of household equipment (not including motor vehicles).
- (15) Dwelling for caretaker or watchman.
- (16) Reserved.
- (17) Planned Developments - business - including, but not limited to, shopping centers and any expansion or enlargement or structural change in an existing shopping center.
- (18) Commercial parking lots.
- (19) Reserved.
- (20) Wholesale businesses.
- (21) Drive-in restaurants.
- (22) Take-out restaurants.
- (23) Churches and private schools, including music and dance schools, day-care centers, and nurseries when located within a church.
- (24) Class I motor vehicle sales when part of a planned development pursuant to Section 19.38.01 of this Code.
- (24.5) Class III motor vehicle sales.
- (25) Detached drive-in bank building. When a temporary use, exception may be allowed to the provisions of Paragraph 19.31(e)(1) of this Article.
- (26) Discount stores in excess of 26,000 square feet.
- (27) Photo developing and processing.
- (28) Railroad lines.
- (29) Currency exchange businesses.
- (30) Towers. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.
- (31) Automobile rental agencies with an on-site inventory more than ten (10) but no more than thirty-five (35) rental vehicles, subject to performance standards set forth in Section 19.63.07 of this Code.
- (32) Home businesses pursuant to standards as set forth in Section

19.63.09(b)(3).

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

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(c) Permitted accessory uses -

- (1) Reserved.

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- (11) Repair of motor vehicles accessory to Class I motor vehicle sales.

- (12) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).

(d) Conditional uses -

- (1) Motor freight terminals.

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

- (26) Home businesses pursuant to standards as set forth in Section

19.63.09(b)(3).

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Section 19.40.06. MIXED-USE DISTRICT CX-2.

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- (c) **Provisional Uses.** If the following uses are developed with direct pedestrian access to a mixed-use center, they are permitted in the CX-2 district.

- (1) Office buildings of 12 stories or more in height or in excess of 250,000 square feet of floor area.
- (2) Multiple-use structures in excess of 200,000 square feet of floor area containing three or more of the following uses: office, hotel, restaurant, retail stores and service establishments, and financial institutions without drive-up facilities.
- (3) Full-service hotels, which are capable of being expanded, with a minimum of 500 rooms.
- (4) Retail stores and service establishments in minimum aggregations of 40,000 square feet of floor area.
- (5) Restaurants.
- (6) Multi-cinema theater, with a minimum of three cinemas, or theaters offering live entertainment with a minimum aggregate seating capacity of 1,000 seats.
- (7) Conference centers and other public meeting spaces.
- (8) Financial institutions without drive-up facilities.
- (9) Accessory uses customarily incidental and clearly subordinate to provisional uses.
- (10) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(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 CX-2 district.

- (1) Office buildings under 12 stories in height and less than 250,000 square feet in area.

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- (20) Towers. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.

- (10) Home businesses pursuant to standards as set forth in Section 19.63.09(b)(3).

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Section 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.

- (1) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, drugs, sundry items, books, newspapers, magazines, apparel and similar retail stores.
- (2) Personal-service establishments including licensed therapeutic massage enterprises, barber and beauty shops, exercise and health activities, dry-cleaning drop-off and pick-up stations, laundering, repair services incidental to retail stores, and similar personal services.
- (3) Financial institutions without drive-up facilities.
- (4) Athletic and recreational facilities.
- (5) Automotive service facilities.
- (6) Restaurants, without drive-up facilities, and within a building devoted to a permitted principal use, not to exceed 10% of the building area.
- (7) Class II motor vehicle sales accessory to Class I motor vehicle sales.
- (8) Repair of motor vehicles accessory to Class I motor vehicle sales.

(9) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).

(d) **Conditional Uses.**

- (1) Financial institutions with drive-up facilities.
- (2) Utility uses.
- (3) Expansion of existing uses which are not in conformity with district use provisions.
- (4) Uses requiring a maximum floor area ratio of above 1.0 within the CS-1 District and above 0.5 within the CS-0.5 District, subject to the provisions of Paragraph (h) below.
- (5) Class I motor vehicle sales in the CS-0.5 District, when part of a planned development, pursuant to Section 19.38.01 of this Code.
- (6) Reserved.
- (7) Reserved.
- (8) Transient merchant sales in the CS-1 District.
- (9) Reserved.
- (10) Freestanding restaurants and restaurants within a building devoted to a permitted principal use which exceed 10% of the building area.
- (11) Retail sales of computers when accessory to a computer training facility in the CS-0.5 District.
- (12) Manufacturing and warehousing in the CS-0.5 District.
- (13) Billboards in existence prior to June 1, 1994 subject to the requirements of Section 19.66(c) of this Code.
- (14) Multi-family dwellings in the CS-0.5 District, provided they are developed in accordance with the provisions of the RO-24 District.
- (15) Parking structures as principal uses when included in a planned development.
- (16) Towers. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.
- (17) Post-secondary educational institutions.
- (18) Secondary educational institutions (Grade 6-12).
- (19) Home businesses pursuant to standards as set forth in Section 19.63.09(b)(3).

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Section 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.

- (1) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, drugs, sundry items, books, newspapers, magazines, apparel, and similar retail stores.
- (2) Personal-service establishments including licensed therapeutic massage enterprises, barber and beauty shops, exercise and health activities, dry-cleaning drop-off and pick-up stations, laundering, repair services incidental to retail stores, and similar personal services.
- (3) Financial institutions.
- (4) Athletic and recreation facilities.
- (5) Restaurants.
- (6) Sales and servicing of office equipment.
- (7) Business services including printing and duplicating.
- (8) Product design, development, and testing.

(9) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).

(d) **Conditional Uses.**

- (1) Multi-family dwellings in the CO-1 district provided they are developed in accordance with the provisions of the RO-50 district and in the CO-0.5 district they are developed in accordance with the provisions of the RO-24 district.
- (2) Manufacturing, provided that at least 75 percent of the floor area of structures on the site is devoted to a permitted principal use.
- (3) Research laboratories.
- (4) Automotive service facilities which form an integrated part of a larger development.
- (5) Utility uses.
- (6) Expansion of existing uses which are not in conformity with district use provisions.
- (7) Uses requiring a maximum floor area ratio above 1.0 within the CO-1 district and above 0.5 within the CO-0.5 district, subject to the provisions of paragraph (h) below.
- (8) Air passenger and transit terminals.
- (9) Post-secondary educational institutions.
- (10) Towers. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.
- (11) Non-profit clubs in the CO-1 Zoning District.
- (12) Home businesses pursuant to standards as set forth in Section

19.63.09(b)(3).

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

* * *

(c) **Provisional Uses.** If the following uses are within a building devoted to an allowed 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 allowed in the RO Districts.

- (1) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, drugs, sundry items, books, newspapers, magazines, and apparel.
- (2) Personal-service establishments including barber and beauty shops, exercise and health activities, dry-cleaning drop-off and pick-up stations, laundering, repair services incidental to retail stores, and similar personal services.
- (3) Athletic and recreation facilities, separate from those provided for residents.
- (4) Nurseries, kindergartens, and day-care centers.
- (5) Restaurants without drive-up facilities, provided their access for customers and service is separate from access for residential uses.
- (6) Offices within a multi-family residential building.
- (7) Home occupations pursuant to standards as set forth in Section
19.63.09(a)(2).

(d) **Conditional Uses.**

- (1) Offices within a multi-family residential building, not to exceed 30 percent of the building area of the multi-family residential use.
- (2) Freestanding offices in lieu of a permitted principal use.

- (3) Product design, development, and testing.
- (4) Utility uses.
- (5) Expansion of existing uses which are not in conformity with district use provisions.
- (6) Towers. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.
- (7) Home businesses pursuant to standards as set forth in Section 19.63.09(b)(3).

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Article V. PERFORMANCE STANDARDS

* * *

SEC. 19.63.09. 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, day care, dressmaking, millinery and similar crafts, subject to the performance standard in Section 19.63.09(a)(2).
- (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.
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)(3) 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)(3) 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.

- (B) The entrance to the space devoted to or used by any home occupation must be completely contained within the principal residential dwelling unit so as to have no exterior visibility.
- (C) Exterior display, exterior signage, advertisement or other exterior indication of the home occupation, except as allowed in Article X of this chapter, is prohibited.
- (D) Exterior storage or display of 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 of this Code.
- (H) At least one person associated with 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, 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.
- (M) The total number of client appointments per day upon the premises shall be imperceptible from normal residential activity.
- (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.
- (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 (excluding garage space) utilized for the home occupation. The City Council may approve home business activities in accessory structures 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 entrance to 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, shall be completely contained within the principal residential dwelling unit so as to have no exterior visibility.
 - (C) Exterior display, exterior signage, advertisement or other exterior indication of the home enterprise except as allowed in Article X of this chapter is prohibited.
 - (D) Exterior storage or display of 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 of this Code.
- (H) At least one person associated with 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 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.
- (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.

Passed and adopted this ____ day of _____, 2004

Mayor

Attest:

Approved:

Secretary to the Council

City Attorney