

ORDINANCE NO. 2013 -

**AN ORDINANCE ESTABLISHING THE IT INNOVATION AND TECHNOLOGY ZONING DISTRICT AND
MODIFYING MULTIPLE CITY CODE SECTIONS TO REFERENCE THE IT ZONING DISTRICT THEREBY
AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE**

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

Section 1. 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 III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

SEC. 19.24. ZONING DISTRICTS AND ZONING DISTRICT ORDINANCES AND MAPS.

(a) **Zoning Districts.** For the purpose of this Code, the City is hereby organized into the following primary zoning districts:

- (5) **Industrial Districts -**
 - Industrial Park I-1 District
 - Limited Industry I-2 District
 - General Industry I-3 District
 - Industrial Park IP District
 - Innovation and Technology IT District

ARTICLE IV. DISTRICT REGULATIONS

SEC. 19.42. EXCEPTIONS AND ADDITIONS TO SETBACK AND LOT WIDTH REQUIREMENTS.

- (b)
 - (1) When an industrial, freeway development or general business faces a residential district across the street or is adjacent to a residential district along a side lot line, the front-yard setback of the industrial, freeway development or general business district along that street shall be no less than 100 feet. Any other setback in the industrial, freeway development, general business districts shall be not less than 100 feet from a residential district. When a conditional use permit is approved for a residential use in a General Industry (I-3) or Freeway Development (FD) zoning district, the City Council may waive the additional setback requirements of this Section. The provisions of Subsection 19.42(b)(1) do not apply to the LX, IT, B-1, B-2, B-4, C-1, C-2, C-3, C-4 or C-5 zoning districts.

ARTICLE V. PERFORMANCE STANDARDS

SEC. 19.50.02. ACCESSORY BUILDINGS.

(a) **Purpose.** The purpose of this Section is to regulate the number, size, location and appearance of all buildings accessory to and detached from principal buildings on lots within the City. These regulations shall apply to all detached structures, including but not limited to detached garages, detached carports, storage buildings, gazebos, screen houses, playhouses, guard houses, dispatch houses, security houses, gate houses and similar structures.

(b) **Number.**

(3) Industrial Districts IP, I-1, I-2 [and] I-3, and IT: One per principal building plus one guard, dispatch, security or gate house per site or development.

SEC. 19.63.08. EXTERIOR MATERIALS AND FINISH.

(c) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:

- Multiple-family Residential RM-50 Districts
- Neighborhood Office B-1 District
- General Commercial B-2 District
- General Business B-3 District
- Neighborhood Commercial Center B-4 District
- Freeway Office and Service C-1 District
- Freeway Commercial C-2 District
- Freeway Commercial Center C-3 District
- Freeway Office C-4 District
- Freeway Mixed Use C-5 District
- Regional Commercial CR-1 District
- Freeway Development FD-1 and FD -2 Districts
- Commercial Service CS-0.5 and CS-1 Districts
- Commercial Office CO-0.5, CO-1 and CO-2 Districts
- Residential Office RO-24 and RO-50 Districts
- High Intensity Mixed Use With Residential HX-R District
- Lindau Mixed Use LX District
- Innovation and Technology IT District

ARTICLE X. SIGN REGULATIONS

SEC. 19.113. CLASS IV SIGN DISTRICTS (B-2, B-3, C-1, C-4, IP, I-2, I-3, CO-0.5, CO-1, CS-0.5, CS-1, FD-1, FD-2, IT).

(a) **Regulations for Freestanding Identification Signs.** All freestanding identification signs shall be located on the site of the use.

(1) **Where Permitted.**

- (A) **Ground Signs.** Ground signs shall be permitted.
- (B) **Monument Signs.** Monument signs shall be permitted.
Exception: There shall be no monument signs in the I-2 and IP Zoning District.
- (C) **Pylon Signs.** Pylon signs shall be permitted.
Exception: There shall be no pylon signs in the I-2 [~~and~~] IP, and IT Zoning District.

(c) **Other Signs.** All other signs shall be located on the site of the use unless specified otherwise.

(6) **Temporary Signs.**

- (A) **Temporary Signs for Places of Worship, Schools, Parks, and Public Buildings.** See Section 19.118.
- (B) **Temporary Signs for Commercial Promotions.** See Section 19.119.
- (C) **Temporary Signs for Approved Interim Uses in the IT Zoning District.** See Section 19.127.

Section 2. 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 F. Specialized Zoning Districts

SEC. 21.207. SPECIALIZED ZONING DISTRICTS.

- (a) **Purpose.** It is the purpose of the Specialized Zoning Districts to set standards in areas that have unique characteristics due to location, proximity to transit, natural features or other factors.

SEC. 21.207.03. INNOVATION AND TECHNOLOGY (IT) DISTRICT.

- (a) **Intent.** The Innovation and Technology (IT) District, is designed to encourage a flexible mix of regionally oriented low-impact, high technology manufacturing and office uses in locations with excellent access to regional roadways, high-frequency transit and other amenities. The IT District provisions are intended to:
 - (1) Foster a flexible mix of high technology manufacturing, research and development, and pure office uses;
 - (2) Allow integration of commercial and hospitality uses;
 - (3) Promote an attractive streetscape through building placement and design;
 - (4) Encourage sustainable best practices in building, site, and infrastructure design;
 - (5) Reduce the visual impact of parked vehicles by requiring the placement of vehicle parking areas to the side or rear of buildings; and
 - (6) Maximize utilization of the small supply of land in Bloomington that lies within one-half mile of high frequency mass transit service.
- (b) **Uses.** Uses allowed in the IT District as permitted, accessory, conditional, or interim uses are listed in Table 21.209 (f) as well as the following additional interim uses:
 - (1) Additional Interim Uses.
 - (A) Short-term parking of passenger automobiles and recreational vehicles in support of adjacent uses.
 - (B) Storage of construction materials, equipment and supplies for projects involving other properties in the IT Zoning District.
 - (C) Storage of construction materials, equipment and supplies for public street and highway projects.
 - (D) Entertainment events open to the public of less than 45 days in duration. Transient merchant sales are specifically prohibited, except that temporary transient merchant sales accessory and clearly subordinate to entertainment events are permitted. Individual events must comply with the criteria in Sec. 21.207.03(b)(2)(B).
 - (E) Special event series. The City Council may issue a comprehensive Interim Use Permit for a series of special events for promotional, charitable, or entertainment purposes that are open to

the public and are permitted interim uses under this Section, provided the criteria in Section 21.207.03(b)(2)(B) are satisfied.

- (F) Farmer's market, provided such products are sold directly to consumers by Minnesota growers and producers consistent with the exceptions allowed by Minnesota Statutes Section 329.08.
- (G) New and used motor vehicle sale events of not more than 14 days that exclusively benefit a non-profit charitable organization, and are limited to not more than 200 motor vehicles. No more than one such event shall be allowed in a calendar year.

(2) Interim Use Standards.

- (A) Any buildings or other site improvements associated with the interim use must be of nominal value or portable. Temporary buildings must only support the proposed use. Temporary buildings are exempt from the minimum building floor area requirements of the IT District, but must be designed and constructed in a manner assuring safety for occupants and others affected, as determined by the Issuing Authority.
- (B) Special Events Series. The following criteria must be satisfied for each individual event approved in a special event series:
 - (i) Individual events in the series must be less than 45 days in duration per event. Events open to the public longer than 45 days may be allowed if specifically approved by the City Council;
 - (ii) A schedule for the event or event series describing each event, including date(s) and duration must be submitted with an application for an Interim Use Permit;
 - (iii) At least 20 days prior to event set up, a set of plans for each individual event must be submitted to the Planning Manager or designee. Required plans must include as applicable:
 - (a) An event site layout plan including adequate fire and emergency vehicle access, subject to approval by the Fire Marshal;
 - (b) A Parking, Pedestrian Circulation and Traffic Directional Plan subject to approval by the Bloomington Police Department and the City's Engineering Division that demonstrates adequate parking, safe pedestrian and traffic circulation is provided for the event;
 - (c) A Security Plan, subject to approval by the Bloomington Police Department that demonstrates adequate security is provided for the event;
 - (d) A Waste Management and Recycling or Waste Reduction Plan; and
 - (e) A Sign Plan, subject to approval by the Planning Manager.
 - (iv) Handicapped parking access and accessible toilet facilities are provided consistent with the State Building Code;
 - (v) The Fire Marshal and Manager of Building and Inspections shall review the installation of tents and temporary structures, and permits shall be obtained as necessary for each event;
 - (vi) Food service is provided in accordance with the permits and requirements of the Environmental Services Division;
 - (vii) Adequate measures will be taken to ensure that there will not be a violation of the City's noise ordinance;
 - (viii) All alcoholic beverage licenses and permits are obtained and are provided in accordance with the City's Code and State law;
 - (ix) Site restoration and surrounding site(s) cleanup must be completed within 36 hours of the conclusion of each event, unless a longer period is approved by the City Council;
 - (x) If deemed necessary by the Planning Manager after review of plans, notice shall be provided to all property owners within 500 feet at least ten days prior to an event;
 - (xi) Adequate insurance for the event has been provided, as determined necessary by the City's Risk manager;
 - (xii) Application and payment for all necessary State and local licenses for the event has been made prior to commencement of any event activities; and
 - (xiii) Transient merchant sales are specifically prohibited except that temporary transient merchant sales accessory and subordinate to individual events are permitted.

(c) Standards. Development in the IT District must comply with the following standards:

- (1) Floor area ratio, building floor area, impervious surface area, site width and site area must comply with the applicable requirements of Section 21.301.01.

- (2) Structure and parking placement. Structures and parking in the IT District are subject to the following requirements.
- (A) Structure placement. See Section 21.301.02 for applicable standards unless:
- (i) the site has received an exemption for sites with multiple street frontages in accordance with Section 21.207.03(c)(2)(E).
- (B) Skyways, tunnels, and similar pedestrian connection structures up to 120 feet in width have no setback requirements from property lines.
- (C) Parking placement. On sites located north of East Old Shakopee Road and west of 28th Avenue, off-street parking must not be located closer to a street than the principal building on the site unless:
- (i) the parking is located entirely below grade; or
 - (ii) the site has received an exemption for sites with multiple street frontages in accordance with Section 21.207.03(c)(2)(E).
- Off-street parking may be located on the rooftops of buildings. Examples of permitted parking configurations are illustrated in Section 21.205.05(d)(1).
- (D) Drive-throughs. In addition to requirements of Section 21.301.05, drive-through windows and stacking lanes in the IT District must meet the following standards:
- (i) Drive-through windows and stacking lanes must not be located closer to a street than the principal building on the site;
 - (ii) Drive-through stacking lanes must be located in a manner that does not require or encourage pedestrians to cross stacking lanes; and
 - (iii) Depending on the visibility and location of drive-through windows and stacking lanes, screening may be required through condition of approval.
- (E) Exemptions for sites with multiple street frontages. While it is the intent the portion of the IT District located north of East Old Shakopee Road and west of 28th Avenue have buildings close to the street with parking to the side or rear or entirely below grade, that arrangement may not be possible for each street frontage on sites which front on two or more public streets in either a corner or through-lot configuration. When a site fronts on multiple public streets in a corner or through-lot configuration, the City Council may exempt through the planned development process all but one of the street frontages from complying with the IT District building or parking placement requirements provided the City Council determines that:
- (i) the site cannot reasonably comply with the IT structure and parking placement requirements for all street frontages;
 - (ii) the proposed structure and parking configuration will meet the purpose and intent of the IT District;
 - (iii) the proposed structure and parking configuration will complement the character of existing or planned development in the area;
 - (iv) the proposed structure and parking configuration will facilitate pedestrian and bicycle access;
 - (v) the proposed structure and parking configuration will place vehicle access points in optimal locations; and
 - (vi) the proposed structure and parking configuration will be compatible with natural features, surrounding development, redevelopment plans, and traffic volumes.
- (3) Structure height. Structures in the IT District must meet the height limitations of Sections 21.301.10 and 19.38.03.
- (4) Additional building design standards. In addition to the requirements of Section 21.301.03(a), buildings in the IT District must comply with the following:
- (A) Exterior materials. The exterior materials and finish of all buildings and structures in the IT District must comply with the applicable requirements of Section 19.63.08 of this Code.
- (B) Parking Structures. Parking structures must comply with the requirements in Section 21.301.06(h) of this Code.
- (5) Signs. Signs in the IT District must comply with the requirements of the Class IV Sign District as described in Section 19.113.
- (6) Landscaping. Sites in the IT District must comply with the landscape requirements in Section 19.52.
- (7) Retail uses within a mixed use center. Retail uses within a mixed use center must be integrated with an existing mixed use center of 2,000,000 square feet or larger, both architecturally, and physically via skyway connection.

Division H. Uses

SEC. 21.209. USE TABLES.

- (a) **Purpose.** The use tables in this Section depict the classification of land uses within zoning districts.
- (b) **Table Key.** The following labeling conventions apply to each table in this Section.
 - (1) **Uses.** Uses are often defined in Section 19.03. Uses not defined are subject to standard dictionary definitions.
 - (2) **Permitted uses.** Uses identified in the zoning district column with the letter “P” are allowed as permitted uses, primary or accessory, in the respective zoning district.
 - (3) **Conditional uses.** Uses identified in the zoning district column with the letter “C” are allowed as conditional uses, primary or accessory, in the respective zoning district. Conditional uses must obtain a Conditional Use Permit prior to commencing.
 - (4) **Interim uses.** Uses identified in the zoning district column with the letter “I” are allowed as interim uses, primary or accessory, in the respective zoning district. Interim uses must obtain an Interim Use Permit prior to commencing.
 - (5) **Accessory uses.** Uses identified in the zoning district column with the letter “A” are allowed as accessory uses in the respective zoning district. Except for accessory residential uses, which are governed by the standards in Section 21.302.02, accessory uses must not occupy more than 25 percent of the total floor area on a site.
 - (6) **Conditional accessory uses.** Uses identified in the zoning district column with the letter “CA” are allowed as conditional accessory uses in the respective zoning district. Conditional accessory uses must obtain a Conditional Use Permit before commencing and are subject to the floor area limitations of accessory uses discussed in Section 21.209(b)(5).
 - (7) **Prohibited uses.** Uses not associated with a letter in the zoning district column are prohibited uses in the respective zoning district. Uses not listed are prohibited.
 - (8) **Standards.** For ease of reference, uses for which specific standards apply include a table reference to the applicable Code Section.

- (e) **Reserved.**
- (f) **Specialized Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	CX-2	LX	IT						
RESIDENTIAL									
Residences									
Multiple-family residence	C								21.302.02
GOVERNMENT, INSTITUTIONAL, OPEN SPACE									
Educational Facilities									
Child care center	P	C	<u>A</u>						
College or university	P								
Instructional center	P								
School (K-12), private or charter	P								
School (K-12), public	P								
Sports training facility	P								
Parks and Open Space									
Community garden	P	P	P						
Parks	P	P	P						
Public Services and Utilities									
Government facility, general	P	P	<u>P</u>						
Government facility, limited			<u>C</u>						
Public utility facility, general	P	P	<u>P</u>						

USE TYPE	ZONING DISTRICT								REFERENCES
	CX-2	LX	IT						See Listed Section
Public utility facility, limited	C		<u>C</u>						
Social and Cultural Facilities									
Community education or arts center	P	P	<u>P</u>						
Conservatory	P	P	<u>P</u>						
Convention center	C	P	<u>P</u>						
Library	P	P	<u>P</u>						
Museum	P	P	<u>P</u>						
Place of assembly	P								19.63
Social service distribution facility	P	P	P						
OFFICE AND RETAIL/SERVICES									
OFFICE									
Home occupation	P								19.63.09 (a)
Home business	CA								19.63.09 (b)
Office, general	P	P	<u>P</u>						
RETAIL/SERVICES									
Accommodations									
Hotel/motel	P	P	<u>P</u>						
Medical Facilities									
Laboratory, medical or dental	P	P	<u>P</u>						
Office, medical or dental	P	P	<u>P</u>						
Hospital	P								
Motor Vehicle Services									
Car wash									
Convenience facility with fuel sales									19.61
Integrated fuel sales	A								
Motor vehicle sales, Class I									21.302.01
Motor vehicle sales, Class II									21.302.01
Motor vehicle sales, Class III									
Motor vehicle sales, Class IV	P	P	<u>P</u>						
Motor vehicle sales, enclosed	P	P	<u>A</u>						21.302.01
Motor vehicle storage lot									
Remote airport parking									
Towing service									
Vehicle repair, major									
Vehicle repair, minor									
Vehicle rental facility	C								19.63.07
Recreation and Entertainment									
Health club	P	P	<u>P</u>						
Recreation and entertainment, indoor	P	P	<u>P</u>						19.38.03
Recreation and entertainment, outdoor	C		<u>C</u>						
Studio, audio or video	P	P	<u>P</u>						
Restaurants and Food Service									
Private food service	A	A	<u>A</u>						

USE TYPE	ZONING DISTRICT								REFERENCES
	CX-2	LX	IT						See Listed Section
Restaurant, with drive-through (including drive-in)									21.301.05
Restaurant, without drive-through (including take-out)	P	P	<u>CA</u>						
Retail Sales and Services									
Artisan shop		P	<u>A</u>						
Bank or financial institution	P	P	<u>P</u>						
Body art establishment	P	A	<u>A</u>						14.376 to 14.390.01
Currency exchange	P	A	<u>A</u>						14.159 to 14.165
Exterminating shop									
Firearms dealer									
Funeral homes, mortuaries, crematories	C								
Pawn shops									14.287 to 14.295.08
Pet services facility	C	CA	<u>CA</u>						
Retail uses within a mixed use center	<u>P</u>		<u>C</u>						21.207.03(c)(7)
Retail sales and services	P	P	<u>A</u>						
Therapeutic massage enterprise	P	P	<u>A</u>						14.259 to 14.275
Technology and Manufacturing									
Low impact, high-technology manufacturing			<u>P</u>						
Printing & publishing			<u>P</u>						
Research laboratories			<u>P</u>						
Warehousing			<u>A</u>						
GENERAL									
Accessory									
Accessory building	A	A	<u>A</u>						19.50.02
Antenna	A	A	<u>A</u>						19.63.05
Fuel pump, private									
Helistop	CA								
Hotel airport parking	CA	CA	<u>CA</u>						
Tower	CA								19.63.05
Agriculture									
Agriculture									
TEMPORARY/SEASONAL									
Seasonal Uses									
Seasonal sales, outdoor	I	<u>I</u>	<u>I</u>						14.314 to 14.323
Special Events									
Entertainment and recreation special events	I	A	<u>I</u>						19.38.03
Temporary Uses									
Transient merchant sales (interior to hotels)	A	A	<u>A</u>						14.180 to 14.192

ARTICLE III. DEVELOPMENT STANDARDS

Division A. General Standards

SEC. 21.301.01. DEVELOPMENT INTENSITY AND SITE CHARACTERISTICS.

(d) **Commercial and Industrial Zoning Districts.**

Zoning District	Floor Area Ratio		Building Floor Area	Impervious Surface Area	Site Width	Site Area
	Minimum	Maximum	Minimum	Maximum	Minimum	Minimum
B-1	NA	0.5	1,000 sq. ft.	80%	100 ft. 150 ft. for corner sites	25,000 sq. ft.
B-2	NA	0.5	3,000 sq. ft.	90%	100 ft. 150 ft. for corner sites	25,000 sq. ft.
B-4	0.2	0.5 2.0 with residential	4,000 sq. ft.	95%	150 ft. 200 ft. for corner sites	40,000 sq. ft.
C-1	0.4	1.0	20,000 sq. ft.	90%	200 ft. 250 ft. for corner sites	120,000 sq. ft.
C-2	NA	0.5	20,000 sq. ft. 10,000 sq. ft. for restaurants and gas stations	90%	200 ft. 250 ft. for corner sites	80,000 sq. ft.
C-3	0.5	1.0	50,000 sq. ft.	95%	200 ft. 250 ft. for corner sites	200,000 sq. ft.
C-4	0.4	2.0	20,000 sq. ft. 10,000 sq. ft. for restaurants	90%	200 ft. 250 ft. for corner sites	120,000 sq. ft.
C-5	1.0	1.5	20,000 sq. ft.	95%	200 ft. 250 ft. for corner sites	80,000 sq. ft.
CX-2	NA	2.0	200,000 sq. ft. 2,000 sq. ft. for accessory buildings	NA	200 ft. 250 ft. for corner sites	150,000 sq. ft.
LX	0.7*	2.0	10,000 sq. ft.	NA	100 ft.	NA
<u>IT</u>	<u>0.4</u>	<u>1.5</u>	<u>20,000 sq. ft.</u> <u>10,000 sq. ft. for restaurants</u>	<u>90%</u>	<u>200 ft.</u> <u>250 ft. for corner sites</u>	<u>80,000 sq. ft.</u>

Notes:

*FAR reductions may be allowed subject to the criteria in Section 21.201.02(c)(1)(A)

SEC. 21.301.02. STRUCTURE PLACEMENT.

(e) Commercial and Industrial Zoning District Setbacks.

Zoning District	Along Public Street		Rear	Side	Abutting Residential
	Minimum	Maximum	Minimum	Minimum	Minimum
B-1	35 ft.	NA	15 ft.	10 ft.	50 ft.
B-2	35 ft.	NA	15 ft.	10 ft.	50 ft.
B-4	20 ft.	40 ft.	15 ft. 30 ft. for buildings over 4 stories in height	10 ft. 20 ft. for buildings over 4 stories in height	50 ft.
C-1	35 ft.	NA	30 ft. 40 ft. for buildings over 4 stories in height	20 ft. 30 ft. for buildings over 4 stories in height	50 ft.
C-2	35 ft.	NA	30 ft. 40 ft. for buildings over 4 stories in height	20 ft. 30 ft. for buildings over 4 stories in height	50 ft.
C-3	35 ft.	NA	30 ft. 40 ft. for buildings over 4 stories in height	20 ft. 30 ft. for buildings over 4 stories in height	50 ft.
C-4	35 ft.	NA	30 ft. 40 ft. for buildings over 4 stories in height	20 ft. 30 ft. for buildings over 4 stories in height	50 ft.
C-5	20 ft.	20 ft.	30 ft. 40 ft. for buildings over 4 stories in height	20 ft. 30 ft. for buildings over 4 stories in height	50 ft.
CX-2	20 ft	NA	20 ft	20 ft	NA
LX	10 ft. (or width of required public easement)	20 ft.	10 ft.	10 ft.	NA
<u>IT</u>	<u>20 ft.</u>	<u>NA</u>	<u>10 ft</u>	<u>10 ft.</u>	<u>50 ft.</u>

Passed and adopted this _____ day of _____, 2013.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney