

ORDINANCE NO. 2016-3

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY CODE TO LIMIT PUBLIC ASSEMBLIES TO 45 DAYS, AMENDING CHAPTERS 19 AND 21 TO REMOVE THE STANDARDS REQUIRING AN INTERIM USE PERMIT FOR SPECIAL EVENTS IN THE CO-2 AND CX-2 ZONING DISTRICTS, AND AMENDING CHAPTERS 19 AND 21 TO CLARIFY THAT SPECIAL EVENTS ARE ALLOWED IN ALL ZONING DISTRICTS.**

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

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

**CHAPTER 14**

**LICENSES AND PERMITS**

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**ARTICLE II. PUBLIC ENTERTAINMENT LICENSES AND REGULATIONS**

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**Division E. Public Assemblies**

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**SEC. 14.65. PERMIT APPLICATION VERIFICATION AND CONSIDERATION.**

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- (a) **Application Consideration.** An application for a permit pursuant to this Division shall be submitted to the Issuing Authority, which shall verify the information on the application form. The Issuing Authority is empowered to conduct any and all investigations to verify the information on the application. The Issuing Authority shall then route the application to the Chief of Police, Director of Community Development, Fire Marshal, Parks and Recreation Manager and City Traffic Engineer for review and consideration based upon the applicable laws or regulations relating to the proposed event and an assessment of the event's likely impact on the public health, safety and welfare. The Issuing Authority shall grant the permit as provided herein with such conditions as may be necessary to ensure adequate parking and traffic circulation, to minimize impacts on adjacent property, to ensure compliance with all applicable laws and to otherwise protect the health, safety and welfare of the community. A permit shall be granted when it is found by the Issuing Authority that:

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(11) The event will not be longer than 45 days in duration. Events longer than 45 days may be allowed if specifically approved by the City Council.

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**CHAPTER 19**

**ZONING**

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

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

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- (b) **Permitted Principal Uses.**

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(9) Entertainment and recreation special events.

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

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**(b) Permitted Principal Uses -**

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(10) Entertainment and recreation special events.

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

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**(b) Permitted uses -**

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(12) Entertainment and recreation special events.

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**SEC. 19.33.01. INDUSTRIAL PARK (IP) DISTRICT.**

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**(b) Permitted Principal Uses.**

\*\*\*

(9) Entertainment and recreation special events.

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

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**(b) Permitted uses -**

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(9) Entertainment and recreation special events.

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**ARTICLE III.A ADDITIONAL ZONING DISTRICTS**

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

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**(b) Permitted Principal Uses -**

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(8) Entertainment and recreation special events.

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

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**(b) Permitted Principal Uses -**

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(5) Entertainment and recreation special events.

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

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### (b) Permitted Principal Uses.

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(5) Entertainment and recreation special events.

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### (e) Interim Uses.

(1) **Uses.** The following uses are allowed on an interim basis in accordance with the provisions of this Section.

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(D) Reserved. ~~[Entertainment and Recreation Special Events or Special Events Series consisting of a series of individual events for promotional, charitable or entertainment purposes held outside of a permanent structure.]~~

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(2) **Standards.** In addition to standards in Section 21.501.05, the following standards also apply to interim uses in the Commercial Office/Mixed Use District CO-2.

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- (B) Reserved. ~~[Entertainment Events and Special Events Series must comply with the following criteria:~~
- ~~(i) Individual events must not be more than 45 days in duration. Events 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:
    - ~~(I) An event site layout plan including adequate fire and emergency vehicle access, subject to approval by the Fire Marshal;~~
    - ~~(II) 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;~~
    - ~~(III) A Security Plan, subject to approval by the Bloomington Police Department that demonstrates adequate security is provided for the event;~~
    - ~~(IV) A Waste Management and Recycling or Waste Reduction Plan; and~~
    - ~~(V) 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) ~~Retail sales are specifically prohibited except that temporary transient merchant sales accessory and subordinate to individual events are permitted.]~~

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

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##### **(b) Permitted Principal Uses.**

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(5) Entertainment and recreation special events.

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#### **SEC. 19.40.10. CONSERVATION DISTRICT SC.**

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##### **(b) Permitted Principal Uses.**

\*\*\*

(5) Entertainment and recreation special events.

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Section 3. 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 21**

### **ZONING**

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#### **ARTICLE II. DISTRICTS AND USES**

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#### **Division F. Specialized Zoning District**

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

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- (b) **Uses.** Uses allowed in the CX-2 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 CX-2 Zoning District.

- (C) Storage of construction materials, equipment and supplies for public street and highway projects.
  - (D) Reserved. [~~Entertainment and Recreation Special Events or Special Events Series consisting of a series of individual events for promotional, charitable, or entertainment purposes held outside of a permanent structure.~~]
  - (E) 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.
  - (F) 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. In addition to standards in Section 21.501.05, the following standards also apply to interim uses in the Mixed Use (CX-2) District.
- (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 CX-2 District, but must be designed and constructed in a manner assuring safety for occupants and others affected, as determined by the Issuing Authority.
  - (B) Reserved. [~~Entertainment Events and Special Events Series must comply with the following criteria:~~
    - (i) ~~Individual events in the series must not be longer than 45 days in duration. Events 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:~~
      - (I) ~~An event site layout plan including adequate fire and emergency vehicle access, subject to approval by the Fire Marshal;~~
      - (II) ~~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;~~
      - (III) ~~A Security Plan, subject to approval by the Bloomington Police Department that demonstrates adequate security is provided for the event;~~
      - (IV) ~~A Waste Management and Recycling or Waste Reduction Plan; and~~
      - (V) ~~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) ~~Retail sales are specifically prohibited except that temporary transient merchant sales accessory and subordinate to individual events are permitted.]~~

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## Division H. Uses

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### SEC. 21.209. USE TABLES.

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#### (c) Residential Zoning Districts.

USE TYPE	ZONING DISTRICT									REFERENCES
	R-1	R-1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50	RM-100	See Listed Section

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TEMPORARY/SEASONAL										
Temporary Uses										
Entertainment and recreation special events	P	P	P	P	P	P	P	P	P	14.61

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#### (d) Neighborhood and Freeway Commercial Zoning Districts.

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section
TEMPORARY/SEASONAL									
[Seasonal Uses]									
Seasonal sales, outdoor		A	A		A	A		A	14.314 to 14.323
[Special Events]									
Entertainment and recreation special events	P	P-[A]	P-[A]	P-[A]	P-[A]	P-[A]	P-[A]	P-[A]	14.61

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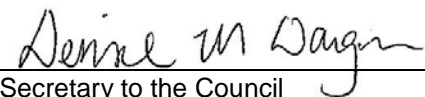
(f) **Specialized Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	CX-2	LX							See Listed Section
<b>TEMPORARY/SEASONAL</b>									
<b>Special Events</b>									
Entertainment and recreation special events [ <del>outside of permanent structures</del> ]	[H] P	P-[A]							14.61 [Sec. 21.207.01(b) (2)(B)]
[Entertainment and recreation special events, indoors]	[A]	[A]							

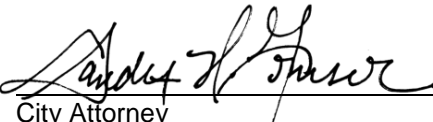
Passed and adopted this 22<sup>nd</sup> day of February, 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED:

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