

ORDINANCE NO. 2022-1

AN ORDINANCE AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE TO CREATE A TEMPORARY PANDEMIC, EPIDEMIC, OR EMERGENCY SERVICE FACILITY USE DEFINITION, ADD THE USE AS AN INTERIM USE IN ZONING DISTRICTS THROUGHOUT THE CITY, AND ESTABLISH PERFORMANCE STANDARDS FOR THE USE

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 ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 19: ZONING

ARTICLE I: GENERAL PROVISIONS

DIVISION B: DEFINITIONS

§ 19.03 Definitions.

Temporary Pandemic, Epidemic, or Emergency Service Facility. A temporary facility that provides non-residential services in response to a pandemic, epidemic, or emergency.

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

§ 19.29 High Intensity Mixed Use with Residential (HX-R) District.

(e) Interim Uses.

- (1) Remote airport parking, subject to the provisions of subsection (p) below; and
- (2) Temporary Pandemic, Epidemic, or Emergency Service Facility

§ 19.31.01 Regional Commercial (CR-1) Districts.

(e) ~~[Minimum floor area requirements. The minimum floor area of any building within the CR-1 District must be 6,000 square feet for restaurants and 20,000 square feet for all other uses, except that there shall be no minimum floor area where the proposed use is listed as a provisional use in subsection (c)(2) above.]~~ Interim Uses.

- (1) Temporary Pandemic, Epidemic, or Emergency Service Facility.

(f) [~~Maximum floor area ratio.~~ The maximum floor area ratio within the CR-1 District shall be one square foot of gross floor area for each one square foot of net lot area.] Minimum floor area requirements. The minimum floor area of any building within the CR-1 District must be 6,000 square feet for restaurants and 20,000 square feet for all other uses, except that there shall be no minimum floor area where the proposed use is listed as a provisional use in subsection (c)(2) above.

(g) [~~Dimensional requirements~~] Maximum floor area ratio. The maximum floor area ratio within the CR-1 District shall be one square foot of gross floor area for each one square foot of net lot area.

[Minimum district area	10 acres
Minimum lot size	2 acres
Minimum lot width	120 feet
Setback requirements	
Front yard	65 feet
Side yard	25 feet
Rear yard	25 feet
Side or rear adjacent to a public street	65 feet
Maximum structure lot coverage	30%]

(h) [~~Reserved~~] Dimensional requirements.

<u>Minimum district area</u>	<u>10 acres</u>
<u>Minimum lot size</u>	<u>2 acres</u>
<u>Minimum lot width</u>	<u>120 feet</u>
<u>Setback requirements</u>	
<u>Front yard</u>	<u>65 feet</u>
<u>Side yard</u>	<u>25 feet</u>
<u>Rear yard</u>	<u>25 feet</u>
<u>Side or rear adjacent to a public street</u>	<u>65 feet</u>
<u>Maximum structure lot coverage</u>	<u>30%</u>

ARTICLE IIIA: ADDITIONAL ZONING DISTRICTS

§ 19.40.07 Commercial Service Districts CS-0.5 and CS-1.

(e) *Interim Uses*

(4) [~~Reserved~~] Temporary Pandemic, Epidemic, or Emergency Service Facility; and

§ 19.40.08 Commercial Office District CO-1.

(e) *Interim Uses*

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

(C) ~~[Reserved]~~ Temporary Pandemic, Epidemic, or Emergency Service Facility; and

§ 19.40.09 Residential Office Districts RO-24 and RO-50.

(e) ~~[Minimum and maximum gross density. The maximum density shall be 24 dwelling units per acre]~~ Interim uses.

(1) Temporary Pandemic, Epidemic, or Emergency Service Facility.

(f) ~~[Dimensional requirements]~~ Minimum and maximum gross density. The maximum density shall be 24 dwelling units per acre.

[Minimum lot area	<u>80,000 square feet</u>
Minimum lot width	<u>200 feet</u>
Minimum setback, front	<u>60 feet from arterial or collector streets, 40 feet from local streets</u>
Minimum setback, side	<u>10 feet plus 0.25 foot for each one foot of structure height in excess of 20 feet</u>
Minimum setback, rear:	<u>Same as side setback, but in no instance less than 30 feet</u>
Maximum structure height:	<u>As regulated by § 21.301.10 of this code</u>
Maximum structure lot coverage:	<u>30%</u>
Maximum structure floor area ratio	<u>0.30 for nonresidential uses in the RO-24 District, except as these standards may be modified by the provisions of subsection (h) below</u>
Minimum usable open space for dwelling unit	<u>400 square feet]</u>

(g) ~~[Reserved]~~ Dimensional requirements.

<u>Minimum lot area</u>	<u>80,000 square feet</u>
<u>Minimum lot width</u>	<u>200 feet</u>
<u>Minimum setback, front</u>	<u>60 feet from arterial or collector streets, 40 feet from local streets</u>
<u>Minimum setback, side</u>	<u>10 feet plus 0.25 foot for each one foot of structure height in excess of 20 feet</u>
<u>Minimum setback, rear:</u>	<u>Same as side setback, but in no instance less than 30 feet</u>
<u>Maximum structure height:</u>	<u>As regulated by § 21.301.10 of this code</u>
<u>Maximum structure lot coverage:</u>	<u>30%</u>

<u>Maximum structure floor area ratio</u>	<u>0.30 for nonresidential uses in the RO-24 District, except as these standards may be modified by the provisions of subsection (h) below</u>
<u>Minimum usable open space for dwelling unit</u>	<u>400 square feet</u>

§ 19.40.10 Conservation District SC.

(e) [~~Maximum floor area ratio. Not applicable~~] Interim uses.

(1) Temporary Pandemic, Epidemic, or Emergency Service Facility.

Section 2. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets and [~~stricken through~~] and adding those words that are underlined, to read as follows:

CHAPTER 21: ZONING AND LAND DEVELOPMENT

ARTICLE II: DISTRICTS AND USES

DIVISION H: USES

§ 21.209 USE TABLES.

(c) **Residential Zoning Districts.**

USE TYPE	ZONING DISTRICT									REFERENCES
	R-1	R1A	RS-1	R-3	R-4	RM1 2	RM- 24	RM- 50	RM1 00	See Listed Section
TEMPORARY/SEASONAL										
Temporary Uses										
Arts and craft festival	P	P	P	P	P	P	P	P	P	Chapter 14, Article IX
<u>Temporary Pandemic, Epidemic, or Emergency Service Facility</u>	<u>!</u>	<u>!</u>	<u>!</u>	<u>!</u>	<u>!</u>	<u>!</u>	<u>!</u>	<u>!</u>	<u>!</u>	<u>21.302.34</u>

(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									
Farmers Market	P	P	P	P	P	P	P	P	Chapter 14, Article IX
Temporary Pandemic, Epidemic, or Emergency Service Facility	↓	↓	↓	↓	↓	↓	↓	↓	<u>21.302.34</u>

(e) **Industrial Zoning Districts.**

Use Type	Zoning District						References;
	IT	I-1	I-2	I-3	IP	FD-2	See Listed Section
TEMPORARY/SEASONAL							
Transient merchant sales (interior to hotels)	A		A			A	14.180 to 14.192
Temporary Pandemic, Epidemic, or Emergency Service Facility	↓	↓	↓	↓	↓	↓	<u>21.302.34</u>

(f) **Specialized Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	CX-2	LX							See Listed Section
Temporary Uses									
Transient merchant sales (interior to hotels)	A	A							14.180 to 14.192
Temporary Pandemic, Epidemic, or Emergency Service Facility	↓	↓							<u>21.302.34</u>

ARTICLE III: DEVELOPMENT STANDARDS

DIVISION B: USE STANDARDS

§ 21.302.34 Temporary Pandemic, Epidemic, or Emergency Service Facility.

- (a) *Purpose.* The following standards are intended to accommodate temporary pandemic, epidemic, or emergency service facilities while protecting the public health, safety, and general welfare of the community.
- (b) *Review and approval.* Unless operating under an emergency declaration, temporary pandemic, epidemic, or emergency service facilities require an interim use permit to be approved by the Planning Commission or, if appealed, the City Council.

(c) Standards.

- (1) Deliveries must be made on site and outside of public right-of-way.
- (2) The facility must have sufficient trash storage on site and be located in a manner that reduces potential nuisances but the facility is not subject to refuse, solid waste, and recyclable materials handling requirements in Section 21.301.17.
- (3) For facilities with drive-through operations, sufficient vehicle stacking must be provided to avoid congestion within the public right-of-way, as determined by the City Engineer.
- (4) For nighttime operations, site lighting, as required in Section 21.301.07, must be provided to ensure adequate visibility.
- (5) Temporary structures and tents are permitted. Temporary structures and tents must meet all relevant Building and Fire Code requirements, but are not subject to City Code time limitations for tents or exterior materials requirements.
- (6) When operating within residential zoning districts, the pandemic or emergency service facility must be located on a site that is occupied by a non-residential use.
- (7) The Planning Commission or, if appealed, the City Council may approve flexibility from use standards if it finds that such flexibility is warranted to protect the community's health, safety, and general welfare.

Passed and adopted this 10th day of January, 2022.

/s/ Tim Busse
Mayor

ATTEST:

/s/ Matt Brillhart
Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied
City Attorney