

## GENERAL INFORMATION

Applicant: City of Bloomington

Location: Citywide

Request: Consider an ordinance amending standards and approval processes for the storage of recreational vehicles, thereby amending Chapters 2, 19 and 21 of the City Code

## CHRONOLOGY

City Council Regular Meeting:	2/12/2018 – Adopted the 2018 Planning Commission Work Plan, which included RV Amendments
City Council Study Meeting:	2/26/2018 - Discussed potential amendments to RV standards
Planning Commission Study Meeting:	3/22/2018 - Discussed potential amendments to RV standards
City Council Study Meeting:	3/27/2018 - Discussed potential amendments to RV standards
City Council Study Meeting:	4/16/2018 - Discussed potential amendments to RV standards
Planning Commission Public Hearing:	9/13/2018 – Held hearing and recommended approval (Case 2018-274)
City Council Study Meeting:	1/14/2019 - Discussed ordinance and requested changes
Planning Commission Public Hearing:	2/28/2019 – Recommended denial (Case 2019-16)
City Council Public Hearing:	4/1/2019 – Hearing scheduled

## **DEADLINE FOR AGENCY ACTION**

The applicant has waived the agency action deadline.

## **STAFF CONTACT**

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## **PROPOSAL**

The attached ordinance amends standards and approval processes for the storage of recreational vehicles. Specifically, the ordinance eliminates the RV Permit approval process and prohibits storage more than eight feet in front of a dwelling.

## **BACKGROUND**

During review of multiple RV Permits in 2017, the City Council requested to review and discuss RV storage standards and approval processes. The review was included in the 2018 Planning Commission Work Plan. In February-April of 2018, one study session was held with the Planning Commission and three study sessions were held with the City Council. Based on direction received, staff then compiled an ordinance for public input.

A public hearing before the Planning Commission was held on a previous draft of the ordinance which would have allowed RV storage more than eight feet in front of a dwelling subject to various standards. Between the Planning Commission and City Council public hearings, the City Council requested that the ordinance be further discussed at a study session. The ordinance was withdrawn and Council discussion took place at the next available Council study session on January 14, 2019. The Council requested that the ordinance be revised to remove RV storage more than eight feet in front of a dwelling. The ordinance has since been revised based on City Council direction and scheduled for public hearing.

### **Current City Code Provisions for RV Storage**

Section 19.50.03 of the City Code establishes performance standards related to the storage of recreational vehicles on residential properties. The ordinance is intended to allow for the reasonable storage of and access to recreational vehicles while respecting the rights of neighboring residents. The regulations are established as a means to balance the interest of the owners of recreational vehicles, adjacent residents and the public. Key Code provisions include:

1. **Recreational Vehicle Type** - The ordinance defines two types of recreational vehicles – Class I and Class II. Class I vehicles are less than 20 feet in length and less than six feet in height. Class II vehicles are longer than 20 feet in length

- and/or taller than six feet in height. No vehicles longer than 40 feet are permitted in single-family residential lots (zoned R-1, R-1A and RS-1).
2. **Maximum Number** – A single-family residential lot may have two Class I recreational vehicles, one Class II recreational vehicle, or a combination of one Class I and one Class II vehicle. There is no limit on the number of Class I recreational vehicles or Class II hobby vehicles stored within a building.
  3. **Storage Locations** – Recreational vehicles must observe the following storage location requirements:
    1. *Front Yard Setback* – The vehicle must not be stored/parked more than eight feet in front of the plane of the front wall of the dwelling. In no case may the vehicle be closer than 12 feet from the curb of any public street.
    2. *Side Yard Setback* – Recreational vehicles must maintain a setback of five feet to side property lines.
    3. *Rear Yard Setback* – Class I vehicles must have a setback of five feet to rear property lines. Class II vehicles must have a setback of 30 feet to rear property lines.
  4. **Screening** – Visual screening in the form of a fence or live evergreen plantings must be provided for recreational vehicles that are readily visible from abutting properties. Recreational vehicles are considered readily visible when more than 50% of the horizontal length can be viewed.
  5. **Loading and Unloading** – Recreational vehicles may be parked in the driveway of a single-family dwelling for the purposes of loading and unloading up to 48 hours within a consecutive seven-day period.
  6. **Recreational Vehicle (RV) Permit** – The owner of a recreational vehicle that desires to store their vehicle in a manner that does not conform to the performance standards within Section 19.50.03 of the City Code may apply for a recreational vehicle permit. The most common type of RV permit is to store an RV on the driveway in front of a dwelling. A recreational vehicle permit, valid for a period of three years, may be issued to allow for the following non-conformities:
    1. *Number of Vehicles* – To allow for an increase in the number of recreational vehicles allowed.
    2. *Storage Location* – To allow for the storage of a vehicle according to the following circumstances: 1) Less than five feet from a side lot line, 2) Less than five or 30 feet from a rear lot line for a Class I or Class II vehicle respectively, 3) More than eight feet in front of the plane of the front wall of the dwelling, or 4) Less than 30 feet from a public street adjacent to a side or rear yard.
    3. *Waiver of Screening Requirement* – The required screening of a vehicle readily visible to an abutting property may be waived.
  7. **RV Permit Process** – The procedures for an administrative RV permit are outlined in Section 2.14 of the City Code. The City's Hearing Examiner is authorized to hear and take action on administrative RV permits. In order for an RV permit application to be processed administratively by the Hearing Examiner,

the applicant must submit written consent from all adjacent and affected landowners. Adjacent and affected landowners are interpreted to be abutting properties and properties within 100 feet of the subject property from which the vehicle is visible. If the applicant is unable to submit written consent from adjacent and affected property owners, the application must be reviewed and acted upon by the Planning Commission and City Council respectively. Regardless of whether the public hearing for the RV permit is held by the Hearing Examiner or the Planning Commission, a public notice is mailed to all properties within 200 feet of the subject property.

### **RV Permits**

The City has issued an average of nine RV Permits per year since 1996. An attachment shows the quantity of RV permits by year since the ordinance was adopted. The highest number of permits issued in a single year was 28 in 1998. The lowest number of permits issued in a single year was zero in 2018. Given that RV permits are valid for a period of three years, there is a distinct pattern to the quantity of permits the City processes each year. The number of permits submitted to the City appears to spike every three years, likely resulting from reapplication by previous applicants. The application fee for an administrative RV permit is \$130, whereas the fee for an RV permit processed by the Planning Commission and City Council is \$210.

Of the 206 RV Permits processed between 1996 and the end of 2017, over 93 percent were approved. These figures do not account for other prospective applications that were not submitted based on pre-application concerns raised by City staff. Of the permits that were denied, reasons for denial include not maintaining a minimum front setback, not allowing for enough off-street parking, and objection from adjacent and affected residents.

### **Affidavits of Consent**

A major component of the current approval process is obtaining affidavits of consent from “adjacent and affected” residential property owners. RV Permit applicants who obtain the affidavits of consent may proceed through the Hearing Examiner review and approval process rather than the Planning Commission/City Council process, a savings in time and application fees. Over the years, staff have encountered numerous occasions where a neighbor signs the affidavit and then later calls staff to anonymously raise concerns or ask that the permit be denied. When asked why they signed the affidavit despite their concerns, neighbors often say that they signed so as not to jeopardize their relationship with their neighbor. Conversely, neighbors that don’t sign affidavits are sometimes motivated by factors beyond the RV such as barking dogs or other neighbor feuds. Staff has found that requirements for affidavits put neighbors in awkward positions and cannot always be trusted to reflect neighbors’ true perspectives.

**Comparison with Other Metro Cities**

City staff reviewed the regulations pertaining to recreational vehicles in 15 other metro area cities. The results of this research can be found in the attached chart. In reviewing the regulations of other cities, staff is most interested in the following specific considerations:

1. **Storage Location in Front Yard** – Bloomington’s regulations are intended to limit recreational vehicles to side and rear yards, minimizing their visible impact on the public right-of-way. By not allowing vehicles to extend eight feet beyond the front plane of the dwelling, storing a recreational vehicle in the front yard is effectively not possible without obtaining an RV permit. Staff desired to know if other cities allow recreational vehicles to be stored in the front yard. Of the 15 cities investigated, seven allow for recreational vehicles to be stored within the front yard from a practical perspective, although setbacks from the curb or travel-way are common.
2. **Permit Process** – The recreational vehicle ordinance is structured in a way to allow for flexibility from the performance standards related to RV storage when formally approved through a permit process. This approach to recreational vehicle regulation is not common among the other Metro cities researched. In most other communities, performance standards are established in the City Code, and RV owners storing vehicles must meet the established standards or not store vehicles on-site. Bloomington’s alternative permitting process is unusual.

**Specific City Council Questions**

Following the discussion at the February 26, 2018 study session meeting, the City Council directed staff to research following questions:

**Where are current RV Permits located? Are they more common in certain areas of Bloomington?**

Please see the attached map. RV Permits are common in eastern and central Bloomington but less common west of Normandale Boulevard.

**What are the main reasons RV Permits are approved?**

The most common reasons include: neighbor support; adequate setbacks from curb and property lines; difficulty accessing side or rear yards due to trees, topography, lot configuration, and physical barriers; concerns about damage to grass in moving the vehicle to rear or side yards due to frequent summer use; the temporary duration of storage due to being stored in a complying location in the offseason; and consistency with past approvals.

**What are costs for off-site storage of RVs? Do off-storage sites have vacancy?**

Bloomington has five self-storage facilities. Four of the five facilities lease outdoor space for RV storage and the other leases indoor space. Costs start in the range of \$75 per month or \$900 per year for smaller RVs and \$100 per month or

\$1,200 per year for larger RVs. Four of the five facilities indicated they currently have spaces available for RVs. Additional detail on storage rates is attached.

### **What type of RVs have received RV Permits?**

A table offering additional information on all active RV Permits is attached. There are 42 RV permits in Bloomington. Of those 42, 39 are for RVs in the front yard. Two are for RVs in the side yard and one is for an RV in the rear yard. The most common types of RVs that have active RV Permits include open trailers (16) and boats (12), followed by motor homes (7), enclosed trailers (5), fifth wheels (1) and a collector car (1).

### **STUDY SESSION INPUT RECEIVED**

At the February 26, 2018 City Council study meeting, the consensus from the Council was to eliminate the RV Permit process and to continue to discuss standards. At their March 22, 2018 meeting, staff discussed potential RV standards with the Planning Commission. **The Planning Commission recommended that RV Permits be eliminated and RV storage not be allowed more than eight feet in front of a dwelling.**

Under this approach, RVs could extend in front of the front plane of the dwelling by up to eight feet but no further. Once the 42 existing RV Permits expire, those RV owners would either need to find a Code compliant spot on site for the RV or store them off-site. The Planning Commission also discussed what standards should apply if the City Council decides to allow front yard placement of RVs by right.

At their March 27<sup>th</sup> and April 16<sup>th</sup> study sessions, the City Council reviewed the Planning Commission recommendation and directed staff to prepare an ordinance that would eliminate the RV Permit process but allow RVs on driveways more than eight feet in front of a dwelling subject to a series of standards. The most significant requested standard would limit the storage of RVs in the front yard more than eight feet in front of the dwelling to 30 calendar days per year.

At their January 14<sup>th</sup> study session, the City Council directed a change to the ordinance that would simply prohibit storage more than eight feet in front of a dwelling except for loading/unloading and temporary guest parking.

### **PROPOSED STANDARDS**

The proposed ordinance eliminates the RV Permit approval process and prohibits RV storage more than eight feet in front of a dwelling.

In addition to several clean-up changes and general reorganization, other substantive changes include:

- No longer requiring storage on hard surfaced or gravel pads when in the side and rear yard.
- Screening is required. Screening waivers would no longer be available due to the inability to store RVs in the front yard.
- Collector and antique cars are proposed to no longer be included in the recreational vehicle definition, meaning that they would be subject to the standards for general motor vehicles rather than the standards for recreational vehicles.

### **PUBLIC OUTREACH**

Notice of the public hearing has been published in the official newspaper (the Sun Current) and sent along with a response to frequently asked questions to all holders of RV Permits. The ordinance, FAQs, and staff report have also been added to the City's website. E-Subscribe notices about the ordinance with links to the web information have been e-mailed to 1,064 subscribers of the Zoning Ordinance Update list and to 1,482 subscribers of the Planning Commission list.

### **PLANNING COMMISSION DISCUSSION**

The Planning Commission held a public hearing on the ordinance on February 28, 2019. Four residents were present and spoke against the proposed prohibition on storage more than eight feet in front of a dwelling. After discussion, the Planning Commission voted 5-1 to recommend denial of the ordinance. Planning Commissioners stated they were in favor of eliminating the RV Permit. However, several commissioners expressed concerns about eliminating options for storage more than eight feet in front of a dwelling. The minutes for the meeting are attached.

### **RECOMMENDATION**

The Planning Commission recommends denial (5-1) of the proposed ordinance while staff recommends approval through the following motion:

In Case 2019-16, I move to adopt an ordinance amending standards and approval processes for the storage of recreational vehicles, thereby amending Chapters 2, 19 and 21 of the City Code.