

GENERAL INFORMATION

Applicant: City of Bloomington

Location: Citywide

Request: Study Item- Annual Miscellaneous Issues Ordinances
(multiple ordinances to amend City Code Chapters 15, 19,
21, 22 and Appendix A)

CHRONOLOGY

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|---------------------|------------|---|
| Planning Commission | 10/12/2023 | Study Session |
| Planning Commission | 11/16/2023 | Public Hearing |
| Council | 12/18/2023 | Public Hearing- 17/18 Ordinances Approved; 1 Ordinance M Continued |
| Council | 2/12/2024 | Ordinance M |

STAFF CONTACT

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PROPOSAL

On an annual basis, staff prepares ordinances to collectively consider multiple minor City Code amendments related to land use, zoning, and development. Items included typically do not, on their own, merit the procedure that is required to draft, review, publish, and hear an individual ordinance. These minor amendments are primarily intended to clarify existing provisions in greater detail, assist the public understanding, and aid enforcement. The ordinances proposed for this year's miscellaneous issues ordinance project are attached to the staff report.

ANALYSIS

The ordinances included in the overall 2023 Miscellaneous Issues Ordinance project include the following:

Ordinance A

Name: Blank Subsection

Code Section(s): § 21.301.06 (l)(1)

Issue: Under §21.301.06 (l)(1), there is no text.

Proposed Amendment: Add the words “Reserved” in what is currently a blank Code section.

Ordinance B

Name: Type II Home Business Process

Code Section(s): § 21.302.13(c)(2)(E)

Issue: In recent years, there was an amendment that changed the final decision maker for a conditional use permit for a Type II home business to the Planning Commission. A reference in the City Code failed to reflect these updates.

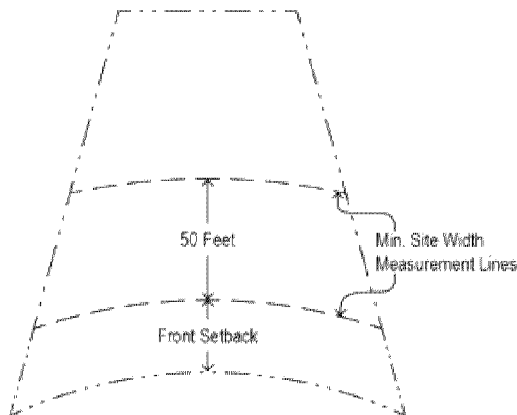
Proposed Amendment: Modify § 21.302.13(c)(2)(E) to read, “A Type I home business reclassified as a Type II home business by virtue of a conditional use permit. [approved by the City Council.]”

Ordinance C

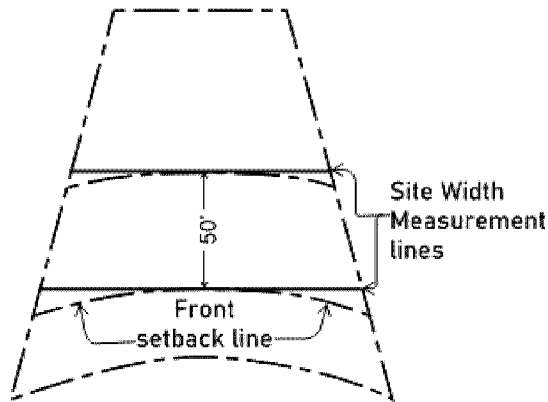
Name: Revised Site Width Diagram

Code Section(s): § 21.301.01(c)(1)(A)

Ordinance Description: The most recent update to the Site Width Diagram was incorrect for sites with curved property lines (diagram provided below).



Proposed Amendment: Change the diagram to reflect the correct Site Width Measurement lines (diagram provided below).



Ordinance D

Name: Incorrect Reference RS-1 and R-1A

Code Section(s): §21.203.02 and §21.203.03

Issue: §21.203.02(c)(2) and §21.203.03(c)(2) both reference, incorrectly, a section of Code that is intended to reflect single-family dwelling standards. The Code, §21.301.13, references recreational vehicle standards.

Proposed Amendment: Update Code sections to the intended single-family dwelling standards, §21.302.07.

Ordinance E

Name: Two-Family Dwellings Side Setback

Code Section(s): §21.302.04(c)4 and §21.302.04(c)8

Issue: The table that delineates setbacks for two-family dwellings, §21.302.04(c)4, would be clearer if the tangentially-related height limit standards were referenced at the bottom of the table with an asterisk instead of the location it is currently located, §21.301.10.

Proposed Amendment: Amend §21.302.04(c)4 by adding an asterisk under the table to indicate "Side yard setback must meet the height limits of City Code" and replace the text in code §21.302.04(c)8 with "Reserved."

Ordinance F

Name: Incorrect Link for Perimeter Fencing/ Drive Through

Code Section(s): §21.302.10(c)(8)(A)(i)

Issue: Manufactured Home Park Standards in §21.302.10(c)(8)(A)(i) references the application of the perimeter fence screening standards, which are found in §21.301.08. The Code section that is currently linked, §21.301.05, references the drive-through standards, which is not applicable to this use.

Proposed Amendment: Amend §21.302.10(c)(8)(A)(i) to indicate the correct section of Code, §21.301.08.

Ordinance G

Name: Application Processes and Fees for RV Permit

Code Section(s): §21.502.01(c)

Issue: A reference in Code §21.502.01(c) lists an application type, Appeal of RV Permit Denial, that no longer exists.

Proposed Amendment: Remove the outdated application type from the table found in Code §21.502.01 and Appendix A.

Ordinance H

Name: Updates to Application Processes and Fees

Code Section(s): §22.08(c)

Issue: Last year, one Misc. Issue Ordinance sought to replace information within tables in matters related to fees to a central location found in Appendix A of the City Code. To facilitate this, headings leading to respective tables were updated to reference the new location. The heading to one Code section, §22.08(c), was missed.

Proposed Amendment: Update the header above the table found in Code §22.08(c) to direct to Appendix A for information on applicable fees.

Ordinance I

Name: Temporary Borings

Code Section(s): §15.159(c), §15.160(a), §15.161, Appendix A

Issue: A new Minnesota State Statute, MS 103I.005 Definitions: Subd 2, moved the definition of ‘temporary borings’ from Subd. 8 [Repealed] and replaced with Subd. 8a Environmental well, a definition that no longer included exploratory boring.

Proposed Amendment: Remove the text ‘temporary borings’ from Code standards to align with the updated statutory definition change.

Ordinance J

Name: Accessory Structure Rear Setback in R-3

Code Section(s): § 21.301.02(d)(1)

Issue: The R-3 Zoning District Structure Standards do not have a provision that explains that detached accessory structures can be closer to the rear property line than 30 feet. This is allowed in all other residential zoning districts.

Proposed Amendment: Revise the standards to allow a 10-foot setback to the rear property line for accessory structures. This distance is appropriate and consistent with other multifamily districts.

Ordinance K

Ordinance Name: Farmers Market Definition

Code Section(s): § 19.03 Definitions

Issue: Farmer’s Market is a use as listed in the table found in §21.209, but is not defined in the Zoning Code §19.03

Proposed Amendment: Add a definition for Farmers Market to the Zoning Code. The proposed definition shall match the definition in §14.601:

FARMERS MARKET. An association of two or more market vendors who assemble at a defined location primarily for the purpose of selling directly to the consumer the products of a farm or garden occupied and cultivated or raised by the person selling the product.

Ordinance L

Name: Application Form

Code Section(s): §21.501.01, §21.501.02, §21.501.03, §21.501.04, and §21.501.06

Issue: Strict adherence to a procedure requiring property owners to sign a specified application form for the administration of Final Site and Building Plans, Preliminary Development Plans, Final Development Plans, Conditional Use Permits, and Master Sign Plans presents inefficiencies without any additional value. A written letter from the property owner or their authorized representative granting permission for the administration of these processes is sufficient to ensure the purpose and intent of the requirement.

Proposed Amendment: Revise the content sections to allow a signed application form OR other form of owner-written approval as a requirement.

Ordinance M

Name: Cumulative Non-Conformity

Code Section(s): §21.504(c)(4)(D)

Issue: Code currently dictates non-conforming site characteristics must be brought into conformity if a 25% increase of total floor area has occurred. In the past, this has been interpreted as cumulative, but that is not explicitly stated in City Code.

Proposed Amendment: Specify within City Code that a 25% cumulative increase of the total floor area over time requires conformance with site characteristic current standards.

Ordinance N

Name: ADU Location

Code Section(s): §21.302.03(b)(4)

Issue: Code does not currently clearly dictate that Accessory Dwelling Units (ADUs) are subject to a standard that prohibits their location between the principal structure and the street. Accessory Structures that are not ADU's may not be placed between the principal structure and the street.

Proposed Amendment: Update Accessory Dwelling Unit location standards to indicate such buildings may not be placed between the principal structure and the street.

Ordinance O

Name: Displays of Merchandise Definition

Code Section(s): §19.03 and §21.301.16

Issue: The Displays of Merchandise definition connotes portable and secure bins, often located outside of the principal structure, that must, by definition, hold a product for sale. Such a limited definition excludes common installations, such as clothing donation bins, Amazon lockers, and other equipment offering a personal convenience outside of the principal structure.

Proposed Amendment: Update the Displays of Merchandise definition in §19.03 to include installations that include equipment offering a personal convenience. Update the Exterior Storage

standards, §21.301.16, to reduce impacts of such installations in vehicle access lanes and parking areas by requiring they be located close to the building.

Ordinance P

Name: Fence Standards- Front Yard Setback

Code Section(s): §21.301.08

Issue: Updates to the Single and Two-Family Standards, specifically the elimination of the prevailing front setback in the R-1 Zoning District, shifted the application of an exception to fence height requirements in §21.301.08 such that an 8-foot fence in residential areas is currently allowed in the front and side yard abutting a street of some residential properties so long as a minimum 30-foot setback is provided.

Proposed Amendment: Update Code to reflect that residential fences may rise to a height of eight feet if meeting the requirements that 1) such fences are not located between the street and the exterior face of the dwelling or otherwise meet a 65-foot front setback (the maximum setback required under prevailing setback rules), and 2) that fences located within side or rear yards which are not abutting a street must meet setbacks from those property lines for a principal structure.

Ordinance Q

Name: Auto Repair- Indoors

Code Section(s): §19.03

Issue: Current Code does not dictate that the uses Vehicle Repair, Major and Vehicle Repair, Minor as use types that are intended to take place within the repair facility. The omission of this requirement may implicitly allow such industrial activities to take place outside of a building in the parking lot or in other areas not intended for this use.

Proposed Amendment: Add the words “inside a building except for temporary limited outdoor repair approved by the issuing authority” to the definitions of Vehicle Repair, Major and Vehicle Repair, Minor.

Ordinance R

Name: Window Covering Requirements- HX-R

Code Section(s): §19.29

Issue: Window covering requirements are different in the HX-R District than they are in other comparable zoning districts. Specifically, there is no prohibition on film in HX-R and the method to establish percentage calculations (i.e., total versus per window) is not consistent with other Code sections.

Proposed Amendment: Amend the window covering requirements in the HX-R District to match comparable zoning districts.

Planning Commission Study Session

On October 12th, staff presented a study item to the Planning Commission regarding the proposed amendments. A few minor suggestions were incorporated into the ordinance amendments. On November 16th, the Planning Commission held a public hearing and unanimously recommended adoption of the ordinances. There were a few clarifying questions from Planning Commission members and no members of the public provided comment. The full extent of the Planning Commission discussion may be found in the attached minutes.

On December 18th, 2023, staff presented Miscellaneous Issues Ordinances to City Council for approval. Thirteen of the eighteen proposed ordinances were approved without further discussion. Five amendments were flagged for independent discussion at the end of the Public Hearing.

Ordinances discussed include Application Form (Ordinance L), Cumulative Non-Conformity (Ordinance M), ADU Location (Ordinance N), Fence Standards – Front Yard Setback (Ordinance P), and Window Covering Requirements- HX-R (Ordinance R). Four of the five discussed ordinances (L, N, P, and R) were voted on and approved under the condition that the standards for fences, ADU placement, and window covering requirements would be the topic of a study item on February 12th. Approval for the Cumulative Non-Conformity Ordinance was continued to the February 12th City Council meeting with the direction that staff are to prepare the ordinance language with a retroactive date to account for the time in which the ordinance language was interpreted as cumulative, but for which it was not explicitly stated. The full extent of the City Council discussion may be found in the attached minutes.

PUBLIC ENGAGEMENT

Notice of public hearing on the proposed amendments to the City Code were published in the official newspaper (Sun Current). Notice was also emailed to those registered for the “Zoning Ordinance Updates” and “Planning Commission” E-subscribe groups.

REQUESTED ACTION

Staff recommends approval using the following motion language:

In Case #PL2023-155, I move to adopt Ordinance - M, an ordinance clarifying conformance triggers for nonconforming site characteristics related to floor area expansion, thereby amending Chapter 21 of the City Code.