

GENERAL INFORMATION

Applicant: City of Bloomington
Location: Citywide
Request: Consideration of an Ordinance Amendment regarding Nonconformity Standards, continued from December 18, 2023

CHRONOLOGY

Planning Commission	10/12/2023	Study Item held
Planning Commission	11/16/2023	Public Hearing held, recommended approval (vote: 5-0)
Council	12/18/2023	Public Hearing held - 17/18 Ordinances Approved; 1 Ordinance (M) continued
Council	2/12/2024	Consideration of Revised Ordinance M

STAFF CONTACT

Mallory Rickbeil, Planner
Phone: (952) 563-8918
mrickbeil@BloomingtonMN.gov

PROPOSAL

On an annual basis, staff prepares ordinances to collectively consider multiple minor City Code amendments related to land use, zoning, and development. One amendment (Ordinance M), continued as part of the Miscellaneous Issues Ordinances Public Hearing in December 2023, intended to clarify existing nonconformity provisions. The proposed ordinance change, described below in the Analysis section of this report, sought to clarify conformance triggers for site characteristic standards – thus amending City Code Chapter 21. The ordinance was returned to staff for further review pending comments from City Council discussed in greater detail within the City Council Public Hearing section below and meeting minutes attached to the staff report.

ANALYSIS

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% or greater cumulative increase in the total floor area relative to floor area as of January 24, 2008 requires conformance with site characteristic standards.

Planning Commission Review

On October 12th, 2023, 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, 2023, 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.

City Council Public Hearing

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, 2024. 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.

Following the public hearing, staff within the Planning Division and Legal Department determined that the consideration of cumulative expansion can be backdated to January 24, 2008.

PUBLIC ENGAGEMENT

Notice of public hearing held on 12/18/2023 for the proposed amendments to the City Code was published in the official newspaper (Sun Current) on 12/7/2023. 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:

Motion made by_____, seconded by_____, in Case #PL2023-155, I move to adopt Ordinance Number 2024 -____, an ordinance clarifying conformance triggers for nonconforming site characteristics related to cumulative floor area expansion, thereby amending Chapter 21 of the City Code.

Staff recommends the adoption of a resolution of summary publication through the following motion:

Motion made by_____, seconded by_____, in Case #PL2023-155, I move to adopt Resolution Number 2024-____, a resolution authorizing summary publication of Ordinance M.