

## GENERAL INFORMATION

Request: Study Item – Annual Miscellaneous Issues Ordinances

## CHRONOLOGY

Planning Commission	10/10/2024	Study session scheduled
	11/07/2024	Public hearing anticipated
City Council	12/02/2024	Public hearing anticipated

## STAFF CONTACT

Emily Hestbech, Planner  
Phone: (952) 563-4507  
E-mail: ehestbech@BloomingtonMN.gov

## PROPOSAL

Staff annually prepares miscellaneous ordinances that do not warrant their own project on the Planning Commission Work Plan. These items typically range from correcting minor grammatical mistakes to proposing moderate policy changes. The draft ordinances are attached to the staff report for consideration and feedback. These ordinances have not gone through full legal review, so minor changes may be needed as the review process is completed. Additionally, the ordinances in this draft are labeled with the new code sections according to the zoning code reorganization process (Chapters 19 to 21). Although it is not likely, it is possible that some of these section numbers may change if the zoning code reorganization process is amended or not approved.

## ANALYSIS

The ordinances proposed as part of this year's project include the following:

### **Ordinance A**

*Name:* Pet Services Facility Buffer

*Code Section(s):* 21.302.28(c)(2)(A) and (B)

*Issue:* Pet services facility standards do not expressly state how to measure buffers from residential uses.

*Proposed Amendment:* Add specifics for how the required buffer is measured from both indoor facilities and outdoor pet areas.

**Ordinance B**

*Name:* Noise Study Requirement

*Code Section(s):* 21.501.01(f)(6) and 21.501.04(j)(6)

*Issue:* Although required by City Code, Noise studies are not currently included in the list of special studies that may be required as part of final site and building plan and conditional use permit applications.

*Proposed Amendment:* Add noise studies as a potential special study that may be required content for final site and building plan and conditional use permit applications.

**Ordinance C**

*Name:* Business Driveway Approach Cleanup

*Code Section(s):* 17.14(c)

*Issue:* Loading docks, ramps and, vehicular entrances located where there is a potential for backing onto or maneuvering within the street right-of-way is not allowed, but should be permitted with approval from the City Engineer.

*Proposed Amendment:* Add section to the end of section (c) stating, “not permitted without approval from the City Engineer or designee.” related to loading docks, ramps, and vehicular entrances related to street right-of-way.

**Ordinance D**

*Name:* Arts and Crafts Festival Definition Cleanup

*Code Section(s):* 21.601

*Issue:* There is a typo in the definition of arts and crafts festival.

*Proposed Amendment:* Delete “of” from the definitions of arts and crafts festival and add “or” where it states: “for the purpose of selling directly to the consumer their arts or crafts.”

**Ordinance E**

*Name:* Family Definition Cleanup

*Code Section(s):* 21.601

*Issue:* The reference to Chapter 14 of the Code should be deleted from the family definition given previous changes to Chapter 14.

*Proposed Amendment:* Delete reference to the definition of functional household and boarding house in the family definition.

**Ordinance F**

*Name:* Incorrect Reference for Interim Use

*Code Section(s):* 21.501.05(a)(5)

*Issue:* The interim use permit section contains a reference to conditional use permit applications instead of interim use permit applications.

*Proposed Amendment:* Delete “conditional” from the sentence and replace it with “interim”.

**Ordinance G**

*Name:* Election Sign Cleanup

*Code Section(s):* 21.304.12(a)(10)(C)(ii)

*Issue:* The grammar was incorrect when discussing election signs.

*Proposed Amendment:* Delete “or” from the permitted dates for election sign displays.

**Ordinance H**

*Name:* Pet Services as Home Businesses Cleanup

*Code Section(s):* 21.302.13(c)(3)(l)

*Issue:* Animal kenneling is not specific enough as a prohibited home business regarding pet services.

*Proposed Amendment:* Prohibit pet services facility as a home business except for animal grooming for no more than four animals at one time.

**Ordinance I**

*Name:* Administrative Code Cleanup Reference

*Code Section(s):* 21.501.03(b)

*Issue:* There is an incorrect reference to a subsection within the “applicants to be heard” section of the administrative code.

*Proposed Amendment:* Change the reference from 21.501.03(4) to 21.501.03(6).

*\*Note:* This ordinance may not be necessary depending on the outcome of the pending Streamlined Development Ordinance, which proposed to delete the Administrative Code section.

**Ordinance J**

*Name:* Use Table Cleanup – Tech Campus

*Code Section(s):* 21.209(f)

*Issue:* “Technology campus” is listed as a use twice in the specialized zoning district use table.

*Proposed Amendment:* Delete the first occurrence of technology campus in the specialized zoning district use table.

*\*Staff believes this is an error of the publishing company (American Legal) and this ordinance may not need to be included in the future public hearing.*

**Ordinance K**

*Name:* Use Table Cleanup – Restaurants

*Code Section(s):* 21.209(c)

*Issue:* The use “restaurants when located within a multiple-family facility” does not have a reference to the restaurant use standards listed in the use tables.

*Proposed Amendment:* Add 21.302.19 as the reference section in the use tables for restaurants located within a multiple-family facility.

**Ordinance L**

*Name:* Exterior Lighting Table Cleanup

*Code Section(s):* 21.301.07(c)(12)

*Issue:* The exterior lighting section has a table for lighting standards within parking lots. In one instance, the table did not specify that the surface being discussed was the parking surface.

*Proposed Amendment:* Add the word “parking” before “surface” in the lighting standards table.

### **Ordinance M**

*Name:* Motor Vehicle Definition Cleanup

*Code Section(s):* 8.04 and 21.601

*Issue:* There are different definitions for “motor vehicle” in the traffic, vehicles and parking chapter and the zoning chapter.

*Proposed Amendment:* Edit the motor vehicle definitions in both chapters to match each other.

### **Ordinance N**

*Name:* Arbor and Trellis Code Location

*Code Section(s):* 21.301.08(m)(1)(A) and 21.301.08(m)(1)(B)

*Issue:* Arbor and trellis standards were not succinct.

*Proposed Amendment:* Include the allowances for arbors and trellises in one section, with reference to permitted encroachments, the other section where the information is listed.

### **Ordinance O**

*Name:* Driveway Permit Fees

*Code Section(s):* Appendix A and 21.502.01(c)

*Issue:* Driveway permit fees are charged but are not currently listed anywhere in the Code.

*Proposed Amendment:* Add driveway permits as an application process and add the fee within Appendix A.

### **Ordinance P**

*Name:* Sidewalk Link Exception

*Code Section(s):* 21.301.04(g)

*Issue:* The requirement for a private sidewalk link with new development or significant redevelopment, including change of use, is not feasible for all potential properties.

*Proposed Amendment:* Create an exception to the requirement for a private sidewalk link if the City Engineer deems it impractical due to physical characteristics of the property.

### **Ordinance Q**

*Name:* Tree Preservation for Plats

*Code Section(s):* 22.05(f)(1)(E)

*Issue:* Type I plat requirements do not currently list tree preservation plans within application content.

*Proposed Amendment:* Add tree preservation plans as a requirement where applicable as Type I plat application content.

### **Ordinance R**

*Name:* Recreation and Entertainment, Indoor and Sport Training Facility Definition Clarification

*Code Section(s):* 21.601

*Issue:* The definitions for “recreation and entertainment, indoor” and “sports training facility” do not clarify which types of dance activities are allowed at each use.

*Proposed Amendment:* Add “ballrooms” to the “recreation and entertainment, indoor” definition, and delete “dance studios”. Add “dance training studios” to the “sports training facilities” definition.

### **Ordinance S**

*Name:* Two Family Dwelling Standards Updates

*Code Section(s):* 21.302.04(c)(7)

*Issue:* The maximum garage door frontage requirement of 40 percent when facing public streets for two-family dwellings has created design challenges for the development of two-family homes while not resulting in significantly improved design.

*Proposed Amendment:* Modify the provision requiring two-family dwelling garage door maximum requirements for doors facing a street to 50 percent.

### **Ordinance T**

*Name:* Exterior Lighting Compliance Date Deletion

*Code Section(s):* 21.301.07(i)

*Issue:* The final compliance date for all exterior lighting has been found to not be enforceable by the City’s Legal Department.

*Proposed Amendment:* Delete the provision from the exterior lighting section that discusses the final lighting compliance date.

### **Ordinance U**

*Name:* Landscaping Standards Updates

*Code Section(s):* 21.301.15(a)(14), 21.301.15(c)(5), 21.301.15(f)(5), 21.301.15(f)(6), and 21.601

*Issue:* The zoning code should reflect recent changes to standards regarding native landscaping.

*Proposed Amendment:* Update the landscaping and screening standards and definitions section to correspond with the City Code changes outside the Zoning Chapter recently adopted by City Council.

### **Ordinance V**

*Name:* Structure Setback Measurement

*Code Section(s):* 21.301.02(j)

*Issue:* The code does not expressly define how to measure structure setbacks.

*Proposed Amendment:* Add a provision stating that structure setbacks are measured from the foundation of a structure to the nearest property line.

### **Ordinance W**

*Name:* Agricultural Stand Update

*Code Section(s):* 21.302.40(a) and 21.302.40(b)

*Issue:* The code does not currently permit temporary agricultural stands for products not grown on-site. This effectively does not allow agricultural products to be sold seasonally at some locations in Bloomington.

*Proposed Amendment:* Create standards for agricultural stands to sell products that are not grown on-site with the permission of the property owner and other various standards.

**Ordinance X**

*Name:* Retail Sales, Heavy Equipment Definition

*Code Section(s):* 21.601

*Issue:* “Retail sales, heavy equipment”, exists as a use in the zoning code but does not have a definition.

*Proposed Amendment:* Create a definition for “retail sales, heavy equipment”.

**Ordinance Y**

*Name:* Sunshade Setback and Definition

*Code Section(s):* 21.301.02(g)(3)(K) and 21.601

*Issue:* Sunshades are treated as primary structures and do not benefit from permitted encroachments into the primary structure setbacks similar to other accessory buildings.

*Proposed Amendment:* Create a definition for a sunshade and allow them to encroach into required setbacks when under a certain height.

**Ordinance Z**

*Name:* Vehicle and Trailer Parking and Storage in Residential Zones

*Code Section(s):* 21.301.06(m), 21.301.20(a), 21.301.20(b), 21.301.20(c), and 21.301.20(d)

*Issue:* The vehicle and trailer parking and storage in residential zones standards are within the larger parking and loading section and are difficult to find.

*Proposed Amendment:* Create a standalone section for vehicle and trailer parking and storage in residential zones.

**Ordinance AA**

*Name:* Snowblade Storage Date

*Code Section(s):* 21.301.20(a)(3)(A)(i)

*Issue:* The date listed in the code for storing a snowplow blade is not permissive enough from a time range perspective based on when snow events may occur in Minnesota.

*Proposed Amendment:* Change the date allowance for the start of snowplow storage from November 1<sup>st</sup> to October 1<sup>st</sup>.

**Ordinance BB**

*Name:* Clear Zone for Sidewalks

*Code Section(s):* 21.301.04(d)(10) and 21.301.04(e)(4)

*Issue:* MNDOT guidance says that public sidewalks should have a minimum two-foot clear zone to prevent potential obstruction interfering with users and sidewalk maintenance activities.

*Proposed Amendment:* Add a requirement for two-foot clear zones adjacent to public sidewalks as determined by the City Engineer.

**Ordinance CC**

*Name:* Basement Definition

*Code Section(s):* 21.601

*Issue:* The zoning code definition of basement does not match the building code definition of basement.

*Proposed Amendment:* Change the zoning code definition of basement to match the building code definition.

### **Ordinance DD**

*Name:* Amendment to Housing Opportunity and Preservation Language

*Code Section:* 9.42(b)

*Issue:* Language needs to be added to ensure that the Affordable Housing Trust Fund meets the statutory definition of a Local Housing Trust Fund.

*Proposed Amendment:* Add, "Reports will be posted on the City's public website." To the end of section (b).

### **Ordinance EE**

*Name:* Setbacks to Planned Widened Rights-of-Way

*Code Section(s):* 21.301.02(b)(1)

*Issue:* Code requires that all structures in all locations are subject to additional front setback to account for planned widened right-of-way according to the City's Master Street Plan. Application of this blanket requirement in all situations is unnecessary, either due to the modest size of some structures or due to their being sufficient existing right-of-way in the subject location.

*Proposed Amendment:* Allow the City Engineer and Planning Manager to exempt measurement from the planned widened right-of-way in situations when both parties agree that additional setback is not necessary. This amendment would add " , unless exempted by the City Engineer and Planning Manager" to the end of Section 21.301.02(b)(1).

## **RECOMENDATION**

This item is for information only and no formal action is requested at this time. Staff is requesting feedback on the drafted changes and will prepare formal ordinances for a future public hearing at the Planning Commission anticipated to be scheduled on November 7<sup>th</sup>, 2024.