

GENERAL INFORMATION

Request: City Code Amendment to transfer Chapter 19 of the City Code into Chapter 21 to create one unified Zoning chapter

HISTORY

City Council Action: 09/11/2006 – Adopted Ordinance #2006-35, establishing Chapter 21 of the City Code.

CHRONOLOGY

Planning Commission	08/15/2024	Study item held
	10/10/2024	Public hearing held, recommended approval (Vote: 5-0)
Council	11/18/2024	Public hearing scheduled

DEADLINE FOR AGENCY ACTION

Application Date:	09/06/2024
60 Days:	11/05/2024
120 Days:	01/04/2025
Applicable Deadline:	Waived by the City

STAFF CONTACT

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

PROPOSAL

The Planning Division seeks to combine the two existing Zoning chapters, 19 and 21, of the City Code into one chapter (21). Many sections from Chapter 19 (the original Zoning Chapter) have already been shifted to Chapter 21 (the replacement Zoning Chapter) through previous Code amendments since 2006. Having two chapters allowed the City to reorganize zoning content

incrementally as updates occurred. This project will finish moving all the content from Chapter 19 into one unified Zoning chapter, thereby improving usability and reducing user confusion. The effort is one of the projects listed in the 2024 Planning Commission Work Plan. Staff is requesting the City Council adopt the ordinance amendments as attached to the staff report.

ANALYSIS

The intent of this project is to shift content from Chapter 19 to 21 while avoiding substantial changes in policy or standards. Many smaller stylistic changes were made to ensure consistency with current best practice and style preference. Examples of those changes are listed below.

- Changed instances of “shall” to more consequential words such as “must”
- Changed numbers ten and under from their symbol form to the written version
- Changed symbols such as “%” to their written form when not in a table
- Changed references to other Chapter 19 sections to their new Code location

Some substantive changes were necessary in instances when the Code no longer followed State law or did not comply with other legal requirements. The substantial changes are shown in the farthest right column of Exhibit 1 (attached).

Though staff sought to place sections from Chapter 19 into the best sequence from an organizational perspective in Chapter 21, it is likely that additional formatting changes will be needed in the future when these older provisions of the Zoning Code are updated or refined in a more focused way. The final organization structure for Chapter 21 is based on a “roadmap” document that was created by staff and has evolved over time to ensure that Chapter 21 is well organized. Some sections were deleted in the process, as they were no longer relevant or moved to other City Code chapters, such as the Public Peace and Safety (Chapter 12) or Building (Chapter 15) chapters. Exhibit 1 (attached) outlines the old location of the section in Chapter 19, the old section name, the new section location, and the new section name.

Another large part of the project was searching for cross references to each Chapter 19 section, which are extensive. Although much work was put into searching for cross-references to the sections that will be deleted, it is likely there were missed cross-references that will need to be changed in the future. The final ordinance includes a significant number of pages, and it is almost guaranteed that future Miscellaneous Issues Ordinances will include clean-ups related to this project.

It should be noted that the attached Chapter 19 to 21 Reorganization ordinance includes chapter 19 reference changes that were not in the draft that went before Planning Commission. These references were noticed after Planning Commission approval. The changes are minor and are purely deleting references throughout other chapters of the code such as chapters 1, 8, and 9, that reference chapter 19.

PLANNING COMMISSION REVIEW

The Planning Commission held a public hearing and recommended approval of this application unanimously (Vote: 5-0) on October 10th, 2024. The Commission had no questions regarding the application and no testimony was received at the public hearing.

OUTREACH

Outreach/Notification for this ordinance included the following methods:

- Public Hearing Notice Online
- E-Subscribe Group Notification
- Newspaper Notice (10-day notice – 11/07/24 Sun Current)
- Public hearing held before the Planning Commission – 10/10/24

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance transferring Chapter 19 of the City Code into Chapter 21 of the City Code through the following motion:

Motion by _____, seconded by _____ to adopt Ordinance No. 2024-____, AN ORDINANCE TO CREATE ONE UNIFIED ZONING CHAPTER THEREBY AMENDING CHAPTERS 1, 2, 6, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 21, 22, AND APPENDIX A OF THE CITY CODE.

Staff recommends authorization of summary publication of the ordinance through the following motion:

Motion by _____, seconded by _____ to adopt Resolution No. 2024-____, a resolution authorizing summary publication of Ordinance No. 2024-____, AN ORDINANCE TO CREATE ONE UNIFIED ZONING CHAPTER THEREBY AMENDING CHAPTERS 1, 2, 6, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 21, 22, AND APPENDIX A OF THE CITY CODE.

Staff recommends approval of a resolution amending Appendix C of the City Code through the following motion:

Motion by _____, seconded by _____, to adopt Resolution No. 2024-____, a RESOLUTION AMENDING APPENDIX C TO THE CITY CODE RELATING TO THE CREATION OF A UNIFIED ZONING CHAPTER IN THE CITY CODE