

GENERAL INFORMATION

Request: City Code Amendment – Annual Miscellaneous Issues Ordinance including multiple amendments, thereby amending Chapters 8, 9, 17, 21, 22 and Appendix A of the City Code.

CHRONOLOGY

Planning Commission	10/10/2024	Study session completed
	11/07/2024	Public hearing held, recommended adoption (Vote: 5-0)
Council	12/02/2024	Public hearing scheduled

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PROPOSAL

Staff annually prepare miscellaneous ordinances that do not warrant their own project on the Planning Commission Work Plan. These items range from correcting minor grammatical errors to proposing moderate policy changes. The draft ordinances are attached to the staff report for consideration and feedback. The ordinances in this draft are labeled with the new code sections according to the Zoning Code Reorganization project (Chapters 19 to 21) that was recently adopted by Council on November 18, 2024.

ANALYSIS

Analysis of each ordinance is provided under two categories: Cleanup Items and Substantive Changes. Cleanup Items are found by Planning and Legal staff to represent no or very limited change from existing Code provisions. These items are intended to clarify or better communicate existing policy. Substantive Changes are those items that represent moderate policy changes. Analysis of each ordinance is provided below.

Cleanup Items

Ordinance A

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 B

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 are 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 C

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 D

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 E

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 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: 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 H

Name: Noise Study Requirement

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

Issue: Although sometimes 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 Plans 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 Plans and Conditional Use Permit applications.

Ordinance I

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 J

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 K

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 off-street 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 for ease of reference.

Ordinance L

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 M

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 required application content.

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

Substantive Changes

Ordinance N

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 1st to October 1st.

Ordinance O

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 for all structure types can be unnecessary or impractical in certain circumstances, 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 through the execution of an encroachment agreement that must be recorded against the property” to the end of Section 21.301.02(b)(1).

Ordinance P

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 Q

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 R

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 15 feet or less in height.

Ordinance S

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 T

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 onsite. This effectively does not allow agricultural products to be sold seasonally at some locations in Bloomington.

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

Ordinance U

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 V

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 other standards in the City Code regarding managed natural landscapes following new State legislation providing guidance.

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 W

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 X

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 be no greater than 50 percent.

Ordinance Y

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 Z

Name: Sidewalk Link Exception

Code Section(s): 21.301.04(g)

Issue: The requirement for a private sidewalk link to the public sidewalk network for 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 AA

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 the various types of 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, which is explicitly a permitted home business.

Ordinance BB

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 public street right-of-way are not allowed, but should be permitted with approval from the City Engineer when deemed safe from a traffic perspective.

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 public street right-of-way.

Ordinance CC

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.

PLANNING COMMISSION DISCUSSION

The Planning Commission held a study session on October 10, 2024, to review the draft ordinances. The main discussion at the study session was focused on Ordinance Z, related to exceptions for the public/private sidewalk link requirement. Following the study session, the Planning Commission held a public hearing on November 7, 2024. There was a question surrounding whether any content had been changed between the study session held on October 10, 2024 and the public hearing. There were two content changes noted by staff:

- Ordinance O – Language was added that an encroachment agreement be required if an applicant is requesting to have a lesser setback than what is typically required due to planned widened right-of-way; and
- Ordinance S – Some language was deleted from the original definition proposed for Retail Sales, Heavy Equipment following addition internal review.

Full details of the Planning Commission discussions can be found in the attached meeting minutes.

OUTREACH

Outreach/Notification

- Newspaper Notice (10-day notice – 11/21/24 Sun Current)
- Public Hearing Notice Online

- E-Subscribe Group Notification
- Planning Commission Public Hearing

RECOMMENDATION

The Planning Commission and staff recommend using the following motion to adopt Items A-M, which are cleanup items:

Motion by _____, seconded by _____, to adopt Ordinances Numbers 2024-____, Ordinances A, B, C, D, E, F, G, H, I, J, K, L, and M as included in the meeting packet, thereby amending Chapters 8, 21, 22, and Appendix A of the City Code.

The Planning Commission and staff recommend using the following motion for Items N-CC, which go beyond cleanup:

Motion by _____, seconded by _____, to adopt Ordinances Numbers 2024-____, Ordinances N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, and CC as included in the meeting packet, thereby amending Chapters 9, 17, and 21 of the City Code.

If any member of the Council wishes to cast a different vote on one or more of the individual ordinances, staff recommends that the particular ordinance be separated, identified by ordinance title/letter, and acted upon via an individual motion.

Staff recommends authorization of summary publication through the following motion:

Staff recommends approval of summary publication using the following motion:

Motion by _____, seconded by _____, to adopt Resolution Number 2024-____, a resolution authorizing summary publication of all 2024 Miscellaneous Issues Ordinances.