

ORDINANCE NO. 2019 – 3

AN ORDINANCE THAT INCLUDES MULTIPLE CITY CODE AMENDMENTS:

PROVIDING AN EXCEPTION TO USE BARBED WIRE FENCING FOR PRESCRIBED GRAZING AND TO CHANGE THE FENCE THICKNESS FROM 11 GAUGE TO 12 GAUGE (14.99, 21.301.08);

CORRECTING A REFERENCE TO MINNESOTA RULES CHAPTER 4717.2450. (14.452);

REMOVING ALL REFERENCES TO THE RO-50 ZONING DISTRICT (CHAPTERS 19 AND 21);

CLARIFYING THE DEFINITION OF PAINTLESS DENT REPAIR (19.03)

REMOVING HX-2 ZONING DISTRICT REFERENCE (19.26);

CLARIFYING STANDARDS RELATED TO REDUCTION OF NON RESIDENTIAL FLOOR AREA RATIO (19.38.01);

CORRECTING AN ERROR RELATED TO THE MINIMUM SETBACK FOR FREESTANDING SIGNS (19.113);

UPDATING REFERENCES TO CITY AND STATE CODE FOR RESIDENTIAL CARE FACILITIES (21.209);

AMENDING SOLAR POWER STANDARDS CLARIFYING LOT COVERAGE AND SETBACK REQUIREMENTS (21.301.11);

CLARIFYING WHEN GROWING SEASON EXTENDERS ARE NOT SUBJECT TO ACCESSORY BUILDING STANDARDS (19.03 AND 21.301.19);

CHANGING THE QUALIFICATIONS FOR A TWO-FAMILY DWELLING GROUPING (21.302.04)

CORRECTING AN ERROR TO A CODE REFERENCE (21.501.06);

DELETING REFERENCE TO THE DRIVEWAY PERMIT FEE IN THE CITY CODE (21.502.01).

THEREBY AMENDING CHAPTERS 14, 19, AND 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

ARTICLE III: ANIMAL LICENSES

DIVISION B: COMMERCIAL ANIMAL ESTABLISHMENTS

§14.99 HEALTH AND WELFARE REGULATIONS.

(m) *Prescribed grazing must also meet the following requirements.* Prescribed grazing:

(13) Fencing is required and must be designed to prevent escape by goats and access by other animals ~~and cannot be electric or constructed of barbed wire~~. Temporary enclosure fencing must be removed within seven calendar days after the expiration of the license duration or the goats are removed, whichever occurs first.

ARTICLE V. FOOD ESTABLISHMENT, LODGING ESTABLISHMENT AND PUBLIC POOL REGULATIONS

DIVISION B: LICENSING AND INSPECTIONS

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§ 14.452 ADDITIONAL RESTRICTIONS FOR HEALTH AND SAFETY.

* * *

(c) *Public pools.* This Article V specifically adopts the following additional standards for health and safety to Minnesota Rules Chapter 4717.

(1) When the public pool is not open for use, access to the pool shall be prevented.

(2) Depth of the water must be plainly marked at or above the water surface on the vertical pool wall anywhere it is required on the deck in Minnesota Rules Chapter 471[4]7.2450.

The City Council of the City of Bloomington, Minnesota ordains:

Section 2. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 19: ZONING

ARTICLE I: GENERAL PROVISIONS

DIVISION B: DEFINITIONS

§19.03 DEFINITIONS

GROWING SEASON EXTENDER. Temporary devices such as hoop houses, cold frames, and the like, that are intended to extend a garden's growing season.

PAINTLESS DENT REPAIR/REMOVAL. A branch of auto body repair, dealing with the removal of minor pressure blemishes to metal, through a series of pushes to the backside of the damaged area, which may include the removal of interior panels to gain access to the damaged area ~~[may occur]~~, replacement of minor chrome molding or appliques, or paint application ~~[to]~~ with use of a small brush or sponge tool.

ARTICLE III: ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

§ 19.24 ZONING DISTRICTS AND ZONING DISTRICT ORDINANCES AND MAPS

(a) *Zoning districts.* For the purpose of this code, the city is hereby organized into the following primary zoning districts:

(12) Residential Office District[s]:

Residential Office RO-24 District

~~[Residential Office RO-50 District]~~

§ 19.26 USES.

(d) *Prohibited uses.* These following uses shall be construed to be prohibited in all zoning districts within the city.

(1) *Dealer in motor vehicles.* No building, structure, lot, yard, area or premises within the city shall be kept, used or maintained by a dealer in motor vehicles for the purpose of therein or thereon keeping, storing, handling, buying, selling, leasing, wholesaling, brokering, auctioning or displaying any new, used, secondhand or junked motor vehicle or motor vehicle accessories when of a temporary or transient nature. A dealer in motor vehicles shall only engage in such businesses at a permanent location and in accordance with permitted or conditional zoning district requirements. This provision shall not apply to the occasional sale of a motor vehicle by a private owner upon his or her own property in a residential zone ~~[- or to new or used motor vehicle sales in conjunction with an interim use permit in the HX-2 District when such sales exclusively benefit a non-profit charitable organization and the event is limited to not more than 14 days and not more than 200 motor vehicles].~~

§19.38.01 PLANNED DEVELOPMENT (PD) OVERLAY DISTRICTS.

(c) *Flexibility in standards.* Within the Planned Development Overlay District, the City Council may grant flexibility on development standards through the approval of preliminary and final development plans, subject to the following limitations and when such flexibility provides public benefit and meets the intent of the overlay district. Flexibility may not be granted that:

(7) Reduces minimum floor area ratio by more than 20% of the applicable base zoning district provision. This subsection does not apply to minimum non-residential floor area ratio requirements of § 21.302.02 (b); and

ARTICLE IIIA: ADDITIONAL ZONING DISTRICTS

§19.40.02 ESTABLISHMENT OF DISTRICTS

The following zoning districts are hereby established:

(6) Residential Office RO-24 ~~[and RO-50]~~; and

§19.40.08 COMMERCIAL OFFICE DISTRICT CO-1.

(d) *Conditional uses.*

(1) Multiple-family dwellings in the CO-1 District provided they are developed in accordance with the provisions of the C-4 [~~RO-50~~] District;

§19.40.09 RESIDENTIAL OFFICE DISTRICT[S] RO-24 [~~AND RO-50~~].

(e) *Minimum and maximum gross density.* [~~The minimum density within the RO-50 District shall be 20 dwelling units per acre and the maximum density shall be 50 dwelling units per acre, except as these standards may be modified by the provisions of subsection (h) below.~~] The maximum density [~~within the RO-24 district~~] shall be 24 dwelling units per acre.

(f) *Dimensional requirements.*

Maximum structure floor area ratio	[0.50 for nonresidential uses in the RO-50 District,] 0.30 for nonresidential uses in the RO-24 District, except as these standards may be modified by the provisions of subsection (h) below
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(h) *Special provisions.*

(3) [~~In the RO-50 District, the floor area of nonresidential uses shall not exceed 50% of the floor area of residential uses in any development; however, this requirement shall not apply in instances in which the RO-50 District provisions are used to regulate residential development in the CX-2 and CO-1 Districts.~~] Reserved.

(4) [~~Minimum gross density in the RO-50 District may be reduced to ten dwelling units per acre provided that structure lot coverage does not exceed 20% of the lot area and provided that the remaining vacant lot area provides reasonable opportunity for residential development above 20 dwelling units per acre for the entire site.~~] Reserved.

(5) [~~Maximum gross density in the RO-50 District may be increased to 60 dwelling units per acre provided that the lot area in excess of 200,000 square feet, that the property fronts on an arterial street, and that it is contiguous to public open space larger than the site itself.~~] Reserved.

(6) Exterior materials: the exterior materials and finish of all buildings erected on lands within Residential Office RO-24 [~~and RO-50~~] Zoning District[s] shall be in conformance with the applicable requirements of § 19.63.08 of this code.

ARTICLE V: PERFORMANCE STANDARDS

§19.63.08 EXTERIOR MATERIALS AND FINISH

(c) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:

Residential Office RO-24 [~~and RO-50~~] District[s]

ARTICLE X: SIGN REGULATIONS

DIVISION C: GENERAL REGULATIONS

§19.108 GENERAL PROVISIONS, INCLUDING BASIC DESIGN ELEMENTS

(h) *Basic design elements for specific signs.*

(5) *Video display sign.* Video display signs must meet the following standards. When attached to walls, video display signs are classified as cabinet signs.

(B) *District limitations.* The sign must not be located in a Residential (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24[~~, RO-50~~]), Conservation, or Bluff Overlay (BP-1, BP-2) District.

(6) *Electronic graphic display sign.* Electronic graphic display signs must meet the following standards. When attached to walls, electronic graphic display signs are classified as cabinet signs.

(B) *District limitations.* The sign must not be located in a Conservation, Bluff Overlay (BP-1, BP-2) District or Residential District (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24[~~, RO-50~~]).

(7) *Multi-vision sign.* Multi-vision signs must meet the following standards. When attached to walls, multi-vision signs are classified as cabinet signs.

(B) *District limitations.* The sign must not be located in a Conservation, Bluff Overlay (BP-1, BP-2) District or Residential District (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24[~~, RO-50~~]).

(8) *Time and temperature sign.* Time and temperature signs must meet the following standards. When attached to walls, time and temperature signs are classified as cabinet signs.

(B) *District limitations.* The sign must not be located in Residential (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24[~~, RO-50~~]), Conservation or Bluff Overlay (BP-1, BP-2) District.

DIVISION D: DISTRICT PROVISIONS

§19.111 CLASS II SIGN DISTRICTS (R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24[~~, RO-50~~])

§ 19.113 CLASS IV SIGN DISTRICTS (B-2, C-1, C-4, IP, I-2, I-3, CO-1, CS-0.5, CS-1, FD-1, FD-2).

(a) *Regulations for freestanding identification signs.* All freestanding identification signs shall be located on the site of the use.

(3) [~~Maximum~~] Minimum setbacks, front. The minimum setback for all freestanding identification signs shall be 20 feet from any public street right-of-way line.

The City Council of the City of Bloomington, Minnesota ordains:

Section 3. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~stricken through~~ and adding those words that are underlined, to read as follows:

CHAPTER 21: ZONING AND DEVELOPMENT

ARTICLE II: DISTRICTS AND USES

DIVISION H: USES

§ 21.209 USE TABLES.

(d) *Neighborhood and Freeway Commercial Zoning Districts.*

Use Type	Zoning District								References; See Listed Section
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	
RESIDENTIAL									
Residences									
Multiple-family residence			A		A	A	A	A	21.302.02
Townhouse/rowhouse			A		A	A	A	A	21.302.02
Other Residential									
State licensed residential care facility serving 7 or more persons							CA		<u>21.302.06 , 21.302.23; M.S. 144D, 245A.11, 245D, 462.357</u>

ARTICLE III: DEVELOPMENT STANDARDS

DIVISION A: GENERAL STANDARDS

§21.301.07 EXTERIOR LIGHTING

(c) *Lighting standards.* In addition to the following specific requirements, all exterior lighting must comply with the standards set forth in this section.

(5) *Brightness of signs and unshielded decorative light sources.*

(B) *Dusk to dawn luminance standards.*

(i) All sign and decorative light sources must not exceed the luminance standards below:

Location	All Signs (Except Those Sign Types Listed in the Next Column)	Electronic Graphic Display, Video or Time and Temperature Signs and Decorative Light Sources
Within the residential zoning districts of R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, <u>and RO-24</u> and RO-50 or within 500 feet of and visible from protected residential property	125 nits	350 nits

§21.301.08 FENCES

(e) *Materials.* Fences must be constructed of wood, metal, bricks, masonry, plastic or other materials designed for permanent outdoor fencing. Wood fences must be constructed of cedar, redwood or other decay resistant wood. Chain link fencing of less ~~[14]~~ 12 gauge in diameter is prohibited (for example, where ~~[12]~~ 13 gauge is finer and not permitted, and ~~ten~~ 11 gauge is thicker and permitted). Fences must not be constructed from razor wire, snow fencing, plywood or materials originally intended for other purposes. Above ground electric fencing is not permitted, Barbed wire is permitted only on top of fences in nonresidential districts, a minimum of six feet above the natural grade. Electric fencing or barbed wire is permitted for prescribed grazing as set forth in § 14.99(m).

§ 21.301.11 SOLAR POWER

(c) *Ground-mounted solar power panels.* Ground-mounted solar power panels are permitted subject to:

(1) The lesser of either a 30 foot setback or the required setbacks for principal structures in the underlying zoning district;

(3) If over 15 feet in height, ground-mounted solar panels fall under the definition of a “tower” and would be subject to conditional use permit requirements and the tower standards in § 19.63.05; ~~and~~

(4) Issuance of appropriate building/electrical permits[.];

(5) The ground-mounted solar panel does not count toward impervious surface coverage as long as the surface under the panel is not impervious; and

(6) The ground mounted solar panel does not count toward structure coverage limitations.

§ 21.301.19 ACCESSORY BUILDINGS

(b) *Number.*

Zoning District	Number Allowed
Single-Family Districts R-1, R-1A, RS-1	2 detached structures on any lot. In addition, 1 structure not exceeding 50 square feet in area nor five feet in height is permitted solely for pool equipment and up to two temporary growing season extenders not exceeding 50 square feet in area and not exceeding four feet in height are permitted[.] subject to the setback requirements of § 19.42(f).
All other districts	1 detached structure per principal building, plus one guard, dispatch, security or gate house per site or development. Additionally, up to two temporary growing season extenders per acre not exceeding 50 square feet in area and not exceeding four feet in height are permitted[.] subject to the setback requirements of § 19.42(f).

DIVISION B. USE STANDARDS

§21.302.04 TWO-FAMILY DWELLINGS

(b) *Review and approval.* Two family dwellings must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit. Because groupings of two-family dwellings have higher levels of neighborhood impact than stand alone, infill two-family dwellings, approval of groupings of two-family dwellings warrants a higher level of review and discretion. Plans for groupings of two-family dwellings may only be approved when a rezoning to a planned development overlay zoning district has first been approved by the City Council. Two family dwellings qualify as a grouping when the parcel on which a two-family dwelling is proposed within 500 feet of a parcel occupied by an existing or proposed two-family dwelling, measured along existing or proposed public streets~~[without regard to intervening streets, structures or other features.]~~

ARTICLE V: ADMINISTRATION AND NONCONFORMITY

DIVISION A: APPROVALS AND PERMITS

§21.501.06 MASTER SIGN PLAN.

(j) *Content.* Master sign plan applications must include the following information:

- (1) An application form signed by the property owner(s) or authorized representative.
- (2) The required application fee (see city code § 21.502.[02]01).

DIVISION B: APPLICATION PROCESSES AND FEES
