

GENERAL INFORMATION

Applicant: City of Bloomington

Request: Consider an ordinance to make multiple amendments to Chapters 2, 10, 12, 14, 15, 19, 21, and 22 of the City Code (see below for applicable topics)

CHRONOLOGY

Planning Commission Action: 03/12/15 – Study meeting discussion.

Planning Commission Action: 04/23/15 – Recommended approval.

City Council Agenda: 05/18/15 – Public hearing scheduled.

UPDATE

Since the April 23, 2015 Planning Commission meeting, staff proposes additional amendments to Chapter 10, Weed and Grass Section, based on City Council's comments from the April 27, 2015 study meeting. Amendments decrease the allowed maximum height of grass from one foot to six inches for the purposes of issuing a written notice to mow, decrease the time period required for an owner to mow from ten to seven days before the City's contractor will do the abatement mowing and increase the City's inspection charge added to the mowing bill from \$65 to \$100.

PROPOSAL

On an annual basis, staff prepares an ordinance to collectively consider multiple minor City Code amendments that relate to land development and zoning. Items included typically do not, on their own, merit the overhead of drafting, reviewing, publishing, and hearing an individual ordinance. The proposed amendments are primarily intended to clarify the existing provisions in more detail, to assist in public understanding and aid in enforcement.

ANALYSIS

This staff report is intended to be read in conjunction with the attached ordinance as it provides commentary on the proposed amendments specific to individual sections of the City Code.

Highlights of amendments contained in the proposed ordinance include the following.

Amendments to Chapter 2

- **SECTION 2.12 – Hearing Procedure (Hearing Examiner - Variances)**
Amendments clean up the procedural and timeline process.
- **SECTION 2.14 – Administrative Recreational Vehicle Permits**
The current application process only allows for review of recreational vehicle permits if the applicant can obtain written consent of all adjacent and affected residential property owners. City Code is silent on the process if the applicant is unable to obtain written consent of all adjacent and affected residential property owners. Proposed language would allow applicants unable to obtain written consent of all

adjacent and affected residential property owners to apply directly to the Planning Commission with final approval by the City Council.

- **SECTION 2.16 – Hearing Procedure (Administrative Recreational Vehicle Permits)**
Amendments clean up the procedural and timeline process.

Amendments to Chapter 10

- **SECTION 10.38, 10.39, and 10.40 – Weeds and Grass**
Amendments decrease the allowed maximum height of grass from one foot to six inches for the purposes of issuing a written notice to mow, decrease the time period required for an owner to mow from ten to seven days before the City’s contractor will do the abatement mowing and increase the City’s inspection charge added to the mowing bill from \$65 to \$100.

Amendments to Chapter 12

- **SECTION 12.01.01 - Definitions**
Amendment corrects the reference of a City Code Section, which was moved from Chapter 19 to 21 previously.
- **SECTION 12.81 – Prohibitions**
Amendment corrects the reference of a City Code Section, which was moved from Chapter 19 to 21 previously.
- **SECTION 12.91 – Animal Code Definitions**
The amendments to this section remove bees from the definition of “farm animal” and create a new separate definition for bees.
- **SECTIONS 12.115, 12.116, 21.302.05 – Chickens, Farm Poultry, Farm Animals and Bees**

Farm Animal Shelter Standard Clarification

The Legal Department determined that the code sections prohibiting enclosures between a dwelling and an adjacent street were not clear as to how one interprets the word "between". To clarify these sections, the text was amended to read, “must not be located closer to the property line along a street than the principal structure unless set back at least 50 feet from the property line adjacent to the street.”

Bees in Non-residential Districts

A standards section was created to allow bees in non-residential areas. The City has fielded requests from commercial and industrial property owners interested in beekeeping; however, the City Code does not currently permit beehives within non-residential zoning districts.

Amendments to Chapter 14

- **Section 14.246 – Additional Requirements for Commercial Establishments**
Amendment corrects the reference of a City Code Section, which was moved from Chapter 19 to 21 previously.

- **Section 14.444 – Definitions**

Amendment corrects the reference of a City Code Section, which was moved from Chapter 19 to 21 previously.

Amendments to Chapter 15

- **CHAPTER 15; Article II Historical Preservation**

Amendment updates language to replace the term “prehistoric” with “burial ground.” The change matches the language contained in State Statute.

- **Section 15.187 Driveway Permit Fee**

Amendment deletes the driveway permit fee, which is relocated to Section 21.502.01 Application Processes and Fees.

Amendments to Chapter 19

- **SECTION 19.03 – Definitions**

The amendments to this section remove “bees” from the definition of limited agriculture and create a new definition for beekeeping. “Beekeeping” is a new term proposed to be added to the use matrix.

- **SECTIONS 19.24, 19.32, and 19.41 Zoning Districts and Zoning District Ordinances and Maps**

Amendments delete sections related to the General Business B-3 District. The last two remaining B-3 properties were rezoned as part of the Penn American District rezonings in January of 2015.

- **SECTIONS 19.29, 19.31.01, 19.33, 19.33.01, 19.34, 19.40.07, 19.40.08, 19.40.08.01, 19.40.10 – HX-R, CR-1, I-1, I-2, I-3, IP, FD-1, FD-2, CS-0.5, CS-1, CO-0.5, CO-1, CO-2, and SC Districts**

Amendments add beekeeping as a permitted accessory or provisional use within the districts.

- **SECTION 19.40.08 Commercial Office Districts CO-05 and CO-1**

Amendment corrects the reference of a City Code Section, which was moved from Chapter 19 to 21 previously.

- **SECTION 19.52(c)(2) – Landscaping Standards**

In the past, the City Council has granted PD flexibility to allow perennial plants to count towards the number of required shrubs. The amendments will now permit perennial plants to count towards 50 percent of the required number of shrubs, without PD flexibility. Based on the size and price difference of perennial plants and shrubs, four perennial plants will equal one shrub.

- **SECTION 19.63.05 – Towers**

City code is unclear on setbacks for communications equipment buildings. Amendments clarify that the equipment buildings will follow the same setback requirements as the towers.

- **SECTION 19.63.08 – Exterior Materials and Finish**

The term “architectural trim” is proposed to be replaced with the term “secondary materials.” The amendment is a cleanup intended to clarify interpretation of the regulation.

- **SECTION 19.87.04 – Use, Development and Alteration of Shore Areas; Permits**

Language was added to allow shore area permit applications (approved administratively) to be reviewed concurrently with any required development application for the same project. Currently, a shore area permit application may not be submitted until the development application is approved.

- **ARTICLE X – Sign Regulations**

Amendments throughout various sections replace the term “individual letters” with “channel construction.” City code currently requires wall signs placed on buildings to be of the same construction (channel or cabinet). While both individual letters and logos can be channel construction, current code language only considers logos of cabinet construction. The term “channel construction” can accommodate both individual three-dimensional letters and individually shaped symbols (logos). The amendment allows property owners more flexibility in sign styles, especially with logos, while preserving requirements for consistent sign construction types on a given façade.

- **SECTION 19.104 – Sign Definitions**

The amendments to this section add two new definitions (access door sign and channel sign) for types of signs that are regulated within City Code.

- **SECTION 19.105 – Regulated Signs Exempt from Obtaining a Sign Permit**

Added language to exempt access door signs less than two square feet on multiple tenant buildings from requiring a sign permit. The City has received requests to place small signs on access doors in multiple tenant buildings to help direct customers/deliveries to the appropriate access door for a specific business. Staff does not believe permit review should be required as the impact of the small access door signs is minimal to surrounding properties and will not be detrimental to public safety.

- **SECTION 19.113 – Class IV Sign Districts**

Amendment deletes the reference to the B-3 District.

Amendments also add language to allow buildings additional wall signage along any elevation with separate tenant ground level exterior public entrances. City code currently only allows signage on two elevations within the Class IV district.

- **SECTION 19.114 – Class V Sign Districts**

Amendments add language to allow buildings additional wall signage along any elevation with separate tenant ground level exterior public entrances. City code currently only allows signage on two elevations within the Class V district.

Amendments also correct a section reference error.

- **SECTION 19.121 – Signs for Hotels**

Amendments replace “individual letters” with “channel construction” and correct the section lettering.

- **SECTION 19.122 & 19.123 – Signs for Class I (New) Motor Vehicle Sales and Gasoline Service Stations**

Amendment changes window sign limits from 30 percent to 25 percent to match all other window sign regulations.

- **SECTION 19.125.02 – Signs for College Campuses – also include Schools (K-12)**

Amendment adds schools (K-12) as part of the college campuses special sign district regulations. Currently schools (K-12) follow the R-1, non-residential sign standards; whereas, college campuses have their own standards, allowing for additional signage, specifically banner style signs. Freestanding and wall identification signs for schools would continue to follow their respective sign district regulations.

Amendments also codify a specific distance (30 feet or less) from a street when accent signs are required to be spaced a minimum of 200 feet apart. The existing wording, “accent signs along the same side of a street shall be spaced a minimum of 200 feet apart,” is vague and leaves open discretion.

Amendments to Chapter 21

- **SECTION 21.209 – Use Tables**

Amendments add beekeeping as a permitted accessory use within the residential and commercial districts and correct a section reference error.

- **SECTION 21.301.06 – Parking and Loading**

Parking reduction flexibility measures

Currently, only the City Council may approve parking reduction flexibility. The proposed change would allow the Planning Commission and City Staff to approve parking reduction through the proof of parking flexibility measure only. The proof of parking measure requires applicants to indicate on a site plan that the required number of parking spaces can be provided in a code complying location if the need is ever warranted.

Single-family and two-family residential driveways and off-street parking

Language was added that requires a driveway access to the primary garage on a site but leaves a driveway as optional to a second garage on a site, unless the driveway is regularly used.

Amendment corrects the reference of a City Code Section, which was moved from Chapter 19 to 21 previously.

- **SECTION 21.301.08 – Fences**

The 2015 MN Building Code changed the fence height threshold dictating when a building permit is required, from six to seven feet in height. The amendment reflects this change.

- **SECTION 21.301.09(c)(1)(A)(i) – TDM Plan Requirements – Correct reference**

Amendment corrects the reference of a City Code Section, which was moved from Chapter 19 to 21 previously.

- **SECTION 21.301.10 – Height**

Amendment clarifies the height limit of 30 feet for a flat roofed building only applies to facades facing a street. Clarification of this section matches a recent change made by the City Council in January 2015 to eliminate maximum height limits for pitched roof houses on facades that do not abut a street.

- **SECTION 21.301.19 – Accessory Structures**

Amendment clarifies, for parcels greater than 15,000 square feet, that the maximum size of garages and accessory structures may not exceed the ground floor area of the permanent four season living area plus 120 sq. ft. Clarification of this section adds “the ground floor area of,” which matches the regulation for garages and accessory structures on parcels less than 15,000 square feet.

Also, the 2015 MN Building Code changed the size threshold dictating when a building permit is required for an accessory structure from 120 to 200 square feet. The amendment reflects this change.

- **SECTION 21.302.04 – Two-Family Dwellings**

Amendment corrects the reference of a City Code Section, which was moved from Chapter 19 to 21 previously.

- **SECTION 21.302.06 – Institutional Use Standards**

Amendment deletes the reference to the B-3 District.

- **SECTION 21.302.07 – Single-Family Residential Standards**

Language is proposed to require that two of the four required off-street parking spaces in new single-family residential dwellings be within a fully enclosed attached or detached garage. Currently, the Code requires two of the four spaces to be “within a garage or area that could be occupied by a garage”.

- **SECTION 21.501.01 – Final Site and Building Plans**

Clarification states that City Council review of Final Site and Building Plans is only needed when a related application requires City Council review. Clarification of this section was missed when the Code was changed in 2013 to give the Planning Commission authority to approve certain CUPs and IUPs.

- **SEC. 21.502.01 – Application Processes and Fees**

RV Permit sent directly to Planning Commission

Creates a new application process and fee for RV Permits when the applicant is unable to obtain signatures from immediate neighbors. It allows such RV Permits to be sent directly to the Planning Commission for review, skipping the Hearing Examiner review, with final decision-making authority at City Council.

Time extension on expiration of application

Moves language regarding the time extension on expiration of applications from the Planned Developments and Final Site and Building Plans sections to the Miscellaneous section. The intent of the change is to clarify that the time extension on expiration applies to all applications.

Driveway permit

Driveway permit fee was moved from Section 15.187 to the application processes and fees table in Chapter 21.

- **SEC. 21.505 – Moratoria**

Amendment deletes the Penn American District Moratorium language, which expired February 3, 2015. Note that one property owner has agreed to a voluntary moratorium until August of 2015. That agreement is reflected in a separate Memorandum of Understanding rather than the original moratorium language proposed to be deleted.

Amendments to Chapter 22

- **SECTION 22 – Types of Plats**

Amendments give the City Council, rather than staff, final decision authority for Type I plats. Hennepin County requires dedication of easements or right-of-way during the platting process to be approved by City Council. Currently, Type I plats are approved administratively and the dedication resolutions are sent to City Council for approval. The proposed amendment provides for a cleaner approval process.

The amendments also increase the preliminary and final plat fees by \$50 each. The fee recognizes the additional staff time required to prepare a staff report and send the items through the City Council review process.

PUBLIC OUTREACH

Notice of the public hearing on the proposed amendments to the City Code was published in the official newspaper (Sun Current). Notice was sent via e-mail to 740 people who have registered for the “Zoning Ordinance Updates” e-subscribe group and 1,075 people who have registered for the “Planning Commission” e-subscribe group. In addition, the proposed amendments and supporting information contained in the staff report was posted on the City website.

RECOMMENDATION

Planning Commission and staff recommend the City Council make the following motion:

In Case 10000A-15, I move to adopt an Ordinance amending Chapters 2, 10, 12, 14, 15, 19, 21, and 22 of the City Code as attached to the staff report.