



Request for Council Action

Originator Community Development	Item City Code Amendment – Miscellaneous Issues Ordinance Update			#
Agenda Section HEARING/PUBLIC INPUT Ordinances	By EAS	Approved	Date April 25, 2013	

Item # 7

Case # 10000B-13

GENERAL INFORMATION

Applicant: City of Bloomington

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

CHRONOLOGY

Planning Commission Agenda: 04/25/13 - Public hearing scheduled.

DEADLINE FOR AGENCY ACTION

The applicant has waived the agency action deadline for this application.

STAFF CONTACT

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Council Action	Motion by _____ Second by _____ to _____

APPLICABLE REGULATIONS

Chapter 19 - Zoning
Chapter 21 - Zoning and Land Development
Chapter 22 - Subdivision and Platting

PROPOSAL

The attached proposed ordinance has been prepared to collectively consider minor City Code amendments that relate to land development and zoning. Items included may not on their own merit the overhead of drafting, reviewing and publishing and hearing an ordinance. The proposed amendments are primarily intended to clarify the existing City Code provisions in more detail, to assist in public understanding and aid in enforcement.

The items were included in a previous collection of proposed minor City Code amendments reviewed by the Planning Commission on January 24, 2013 (Miscellaneous Issues Ordinance Update, case #10000A-12), but were subsequently flagged by the City Council for additional discussion. The other proposed minor amendments reviewed by the Planning Commission on January 24th were adopted by the Council on February 25, 2013 (see attached Council minutes Items 5.4B1 and 5.4B2, February 25, 2013).

Overview

The draft amendments include the following:

- **SECTION 19.63- MODIFYING PLACE OF ASSEMBLY STANDARDS TO CLARIFY THEY DO NOT APPLY WHERE FIFTY PERCENT OF THE FLOOR AREA OR GREATER IN A MIXED USE, NON-RESIDENTIALLY ZONED SITE IS FOR OTHER USE TYPES**

The proposed amendment clarifies and applies the current policy for mixed use sites that if the total floor area is fifty percent or more in place of assembly uses, the place of assembly standards will apply. If the site contains less than fifty percent place of assembly use, the place of assembly standard for the prevailing use will apply.

The majority of places of assembly in Bloomington today are on separate, single use sites in Residential Districts. This proposed amendment will not change how the standards are applied in those locations. The practical effect of the amendment is to preserve the City's commercial and industrial areas for commercial and industrial uses. From a policy standpoint the proposed amendment clarifies while the City will accommodate multi-tenant commercial or industrial uses combined with a place of assembly use, there is a threshold (fifty percent) that would apply over which place of assembly uses must meet place of assembly standards.

- **SECTIONS 19.108(c)(2), 19.108(h)(1)(D), 19.109(2)(B), 19.110(b)(1)(A)(ii)(aa), 19.111(b)(1)(A), 19.112(b)(1)(B), 19.113(b)(2)(A)(ii)(bb), 19.114(b)(1)(D), 19.115.01(b)(2)(A)(ii), 19.115.02(b)(2)(A)(ii)(bb) - MODIFYING REGULATIONS FOR LOGO OR TAG LINE ON SIGN AREA EXCEPTION**

Proposed amendments reference that when individual letters are the primary sign construction used on a sign, up to twenty-five percent of the total sign surface area installed can be constructed as a cabinet sign to accommodate a logo or tag line on each sign permitted (see attached illustrated examples entitled *Exhibit A*). Currently the City Code only allows one sign type, either a cabinet sign or individual letters, but not both. The proposed amendment codifies the current policy applied to the City sign standards, that while the City will accommodate an exception for a logo or tag line cabinet construction when combined with sign construction primarily comprised of individual letters, there is a maximum sign area in which the cabinet may be applied.

- **SECTION 21.301.06(d)-ADDING PARKING STANDARDS FOR SEASONAL/OUTDOOR RESTAURANT SEATING**

The proposed amendment adds parking standards for seasonal/outdoor restaurant seating to the Minimum Off-Street Parking Requirements table contained in City Code Section 21.301.06(d). The current standards do not explicitly address parking standards for seasonal/outdoor restaurant seating.

In considering the appropriate standard, staff prepared a comparative analysis of the parking standards for seasonal/outdoor restaurant seating in Metro Area cities (see attached table entitled *Comparative City – Seasonal Outdoor Restaurant Seating/Parking Standards*). In reviewing the standards applied by Bloomington’s sister cities in the Metro Area, there are a variety of approaches ranging from applying specific parking standards for seasonal/outdoor restaurant seating, to requiring the same standard as applied to indoor restaurant seating, to not requiring any additional parking for outdoor seating. The standard proposed for Bloomington requires half as much parking for an outdoor seat as for an indoor seat and is proposed based on City experience and current policy. It achieves a balance recognizing when outdoor seating is popular, indoor seating tends to decrease supporting a reduced standard; but that without any additional requirement, the City can be faced with parking congestion due to expanded restaurant seating outdoors.

- **SECTIONS 21.502.01, 22.08 - MODIFYING APPLICATION FEES FOR CONDITIONAL USE PERMIT (CUP) PROCESSES, FOR RECREATIONAL VEHICLE (RV) NOTICE FEE, AND THE OVERALL PLANNING FEE SCHEDULE**

This proposal recommends amendments to the planning and development fees listed in the City Code. In 2009 staff conducted a study as directed by the City Council, of the planning and development fee structure. Fees for planning and development applications had not been increased on a wholesale basis for the fifteen years prior. Study findings indicated there were significant gaps between costs to the City for processing planning and development applications, and the fees charged for these revisions. The deficiencies between fees and costs were largely covered by the City General Fund.

As a result of the study findings, the Council adopted a phased in approach to update the Planning Fee Schedule to bridge the gaps with appropriate increases in fees paid by applicants who submit planning and development applications for processing. The Council directed staff to phase in the planning and development fee increases over a three year period from 2009-2011. Following the 2009 -2011 phased increases, staff was directed to annually review fees to assure application fees adequately cover application processing costs and adjust the Planning Fee Schedule based on the most recent Consumer Price Index (CPI) rate (see attached Planning Commission minutes Item 4 March 26, 2009, and Council minutes Item 5.4A April 27, 2009 and May 18, 2009).

For 2013, the proposed annual fee adjustments to the Planning Fee Schedule are based on last year's CPI increase, which was 1.7 percent. Fees were rounded to the nearest dollar. The 1.7 percent CPI was the recommended rate provided by Finance for this purpose. Alternatively, the Council could direct staff to conduct a fee study every five years to determine what the Planning Fee Schedule should be. The study would look at processing costs in relation to fees charged and re-visit the policy on taxpayer vs. applicant funding.

After having had the opportunity to work with the revised planning application process and fee structure adopted by the City Council in 2009, there are two additional amendments proposed by staff in addition to the proposed CPI adjustments to the Planning Fee Schedule. Staff suggests lowering the fee to change a condition previously approved on a conditional use permit (CUP) to bring it more in line with the fee charged for a CUP application request brought straight to Council (proposed revision from \$420.00 to \$224.00). The RV notice fee is also proposed for amendment, lowering to bring it in line with administrative variance fees (proposed revision from \$350.00 to \$200.00).

PUBLIC OUTREACH

Notice of the proposed amendments to the City Code was sent via email to 540 individuals who have subscribed to the City's e-mail list regarding Zoning Ordinance updates, and 796 individuals who have subscribed to the City's e-mail list regarding Planning Commission agendas.

Notice of the April 25, 2013 public hearing was also published on April 11, 2013 in the Sun Current, and the proposed amendments and supporting information contained in the staff report were posted on the City website prior to the April 25, 2013 public hearing.

RECOMMENDATION

In Case 10000B-13, staff recommends approval of an ordinance to amend Chapters 19, 21 and 22 of the City Code.

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ORDINANCE NO. 2013-

AN ORDINANCE THAT INCLUDES CITY CODE AMENDMENTS

MODIFYING STANDARDS FOR SIGN TYPE OF CONSTRUCTION, CHANNEL OR CABINET (19.108(c)(2), 19.108(h)(1)(D), 19.109(2)(B), 19.110(b)(1)(A)(ii)(aa), 19.111(b)(1)(A), 19.112(b)(1)(B), 19.113(b)(2)(A)(ii)(bb), 19.114(b)(1)(D), 19.115.01(b)(2)(A)(ii), 19.115.02(b)(2)(A)(ii)(bb));

ADDING PARKING STANDARDS FOR SEASONAL/OUTDOOR AND ROOFTOP RESTAURANT SEATING (21.301.06(d)); AND

MODIFYING APPLICATION FEES AND NOTICE REQUIREMENTS (21.502.01);

THEREBY AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE

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

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 19

ZONING

ARTICLE X. SIGN REGULATIONS

Division C. General Regulations

SEC. 19.108. GENERAL PROVISIONS, INCLUDING BASIC DESIGN ELEMENTS.

(c) **Sign Characteristics_ [-]**

- (1) **Grade Mounding.** Earth mounding inconsistent with the final grade of the land surrounding the sign structure which increases the elevation of the sign shall be included in the measurement of the sign height. Earth mounding created for landscaping and screening is not part of the final grade for sign height computation. See Section 19.126.5 for graphic illustration.
- (2) **Logo on Sign Area.** When a sign is of channel construction, up to 25 percent of the total sign surface area installed may be constructed as a cabinet sign for the purposes of presenting a logo or tag line, installed pursuant to Section 19.108(c)(2).

(h) **Basic Design Elements for Specific Signs.**

- (1) **Wall Sign.**
 - (A) A wall sign shall not extend outward more than ~~twenty-four (24)~~ inches from the building or structure wall.
 - (C) The linear measurement of any wall sign shall not exceed ~~eighty~~ 80 percent ~~[(80%)]~~ of the linear frontage of the applicable facade of the building.
 - (D) All wall signs on the multiple elevations of a building must be of the same construction (channel or cabinet). The intent is for a uniformity of construction. At the time of adoption, there may be signs on walls that consist of a combination of cabinet sign construction and channel sign construction. As long as that combination exists, the maximum sign area shall be based on area calculations for cabinet sign construction. The building owner must select one type of construction or the other for all future wall signs. When a sign is of channel construction, up to 25 percent of the total sign surface area installed may be constructed as a cabinet sign for the purposes of presenting a logo or tag line, installed pursuant to Section 19.108(c)(2).

SEC. 19.109. UNIFORM SIGN DESIGN.

(d) **Elements of a Uniform Sign Design Which Shall Have Visual Continuity.**

- (2) **Wall Signs.**
 - (B) All wall signs on ~~the multiple~~ ~~[an]~~ elevations of a building must ~~[shall]~~ be of the same construction (channel or cabinet). The intent is for a uniformity of construction. At the time of adoption, there may be signs on walls that consist of a combination of cabinet sign construction and channel sign construction. As long as that combination exists, the maximum sign area shall be based on area calculations for ~~[the use of]~~ cabinet sign construction. The building owner must select one type of construction or the other for all future wall signs. When a sign is of channel construction, up to 25 percent of the total sign surface area installed may be constructed as a cabinet sign for the purposes of presenting a logo or tag line, installed pursuant to Section 19.108(c)(2).

Division D. District Provisions

SEC. 19.110. CLASS I SIGN DISTRICTS (R-1, R-1A, RS-1, SC).

- (b) **Regulations for Building Identification Signs.** All building identification signs shall be located on the site of the use and are subject to any additional provisions of Section 19.108(h), "Basic Design Elements for Specific Building Identification Signs".

(1) **Wall Signs.**

(A) **Maximum Size and Number of Signs.**

- (i) Residential uses: Wall signs shall not be permitted.
- (ii) Non-residential uses:

- (aa) In addition to the permitted freestanding sign for a public street frontage, a non-residential use in a single family residential district may elect to have one ~~[(1)]~~ wall sign oriented towards that public street frontage. The maximum allowable sign surface area for the wall sign shall be ~~[twenty-four (24)]~~ square feet; the wall sign shall be individual letters and may include one logo or tag line of cabinet construction incorporated into each wall sign, anywhere within the allowed sign area up to a maximum of 25 percent of the sign, installed pursuant to Section 19.108(c) (2).

SEC. 19.111. CLASS II SIGN DISTRICTS (R-4, RM-12, RM-24, RM-50, RO-24, RO-50).

- (b) **Regulations for Building Identification Signs.** All building identification signs shall be located on the site of the use and are subject to any additional provisions of Section 19.108(h), "Basic Design Elements for Specific Building Identification Signs".

- (1) **Wall Signs.** In lieu of a permitted freestanding sign for a street frontage, the use may elect to have one ~~[(1)]~~ wall sign oriented towards that street frontage.

- (A) **Maximum Size and Number of Signs.** The maximum allowable sign surface area for the wall sign shall be ~~[twenty-four (24)]~~ square feet; the wall sign shall be individual letters and may include one logo or tag line of cabinet construction incorporated into each wall sign, anywhere within the allowed sign area, up to a maximum of 25 percent of the sign installed.

SEC. 19.112. CLASS III SIGN DISTRICTS (B-1, I-1).

- (b) **Regulations for Building Identification Signs.** All building identification signs shall be located on the site of the use and are subject to any additional provisions of Section 19.108(h), "Basic Design Elements for Specific Building Identification Signs".

(1) **Wall Signs.**

- (B) **Maximum Size of Signs.** The maximum allowable sign surface area for the wall sign shall be ~~[one hundred (100)]~~ square feet; the wall sign shall be individual letters and may include one logo or tag line of cabinet construction incorporated into each wall sign, anywhere within the allowed sign area, up to a maximum of 25 percent of the sign installed.

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

(b) Regulations for Building Identification Signs.

(2) Wall Signs.

(A) General Regulations.

- (ii) Wall signs are permitted on a maximum of two ~~[(2)]~~ elevations of a building, a primary and a secondary elevation. Designation of the elevations as primary and secondary elevations shall be selected by the site owner and specified in the Uniform Sign Design for the site. A building with more than one ~~[(4)]~~ public street frontage is permitted one ~~[(4)]~~ primary elevation per street frontage; no secondary elevation signage is allowed if the site has more than one ~~[(4)]~~ primary elevation utilizing signage.

- (bb) A building utilizing signage for more than one ~~[(4)]~~ elevation shall have signage of the same construction (channel or cabinet) on the other elevation. For signs of channel construction, one logo or tag line of cabinet construction may be incorporated into each wall sign, anywhere within the allowed sign area, up to a maximum of 25 percent of the sign installed.

SEC. 19.114. CLASS V SIGN DISTRICTS (CR-1, C-2, C-3).

(b) Regulations for Building Identification Signs.

(1) General Regulations.

- (D) A building utilizing signage for more than one ~~[(4)]~~ elevation shall have signage of the same construction (channel or cabinet) on the other elevation. For signs of channel construction, one logo or tag line of cabinet construction may be incorporated into each wall sign, anywhere within the area of the allowed sign area, up to a maximum of 25 percent of the sign installed.

SEC. 19.115.01. CLASS VII SIGN DISTRICT (HX-R).

(b) Regulations for Building Identification Signs.

(2) Wall Signs.

(A) General Regulations.

- (ii) All wall signs on a building must be of the same construction (channel or cabinet) including wall signs on different elevations. For signs of channel construction, one logo or tag line of cabinet construction may be incorporated into each wall sign, anywhere within the area of the allowed sign area, up to a maximum of 25 percent of the sign installed.

SEC. 19.115.02. CLASS VIII SIGN DISTRICTS (B-4, C-5).

(b) Regulations for Building Identification Signs.

(2) Wall Signs.

(A) General Regulations.

- (ii) Wall signs are permitted on four elevations of a building, two primary and two secondary elevations. Designation of the elevations as primary and secondary elevations must be selected by the site owner and specified in the Uniform Sign Design for the site.

- (bb) A building utilizing signage for more than one elevation shall have signage of the same construction (channel or cabinet) on the other elevations. For signs of channel construction, one logo or tag line of cabinet construction may be incorporated into each wall sign, anywhere within the area of the allowed sign area, up to a maximum of 25 percent of the sign installed.

Section 2. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 21

ZONING AND LAND DEVELOPMENT

ARTICLE III. DEVELOPMENT STANDARDS

Division A. General Standards

SEC. 21.301.06. PARKING AND LOADING.

(d) **Number of off-street parking spaces required.**

MINIMUM OFF-STREET PARKING REQUIREMENTS	

NON-RESIDENTIAL	
Restaurant and/or Club Indoor or Rooftop Seating	One space per 2.5 seats, plus spaces equal in number to one-third capacity in persons for meeting/banquet area;
<u>Seasonal/Outdoor Restaurant Seating</u>	<u>One space per 5 seasonal outdoor dining seats.</u> <u>Exception: If seasonal outdoor dining seats exceed twenty percent of indoor/rooftop seating, the required parking for outdoor dining seats exceeding twenty percent is one space per 2.5 seats;</u>
With Drive-Through	Six additional queuing spaces per lane

Division B. Application Processes and Fees

SEC. 21.502.01. APPLICATION PROCESSES AND FEES.

- (a) **Purpose.** This section outlines various application processes and fees.
- (b) **Table Key.** The following labeling conventions apply to the table in this Section:
- (1) DRC means Development Review Committee.
 - (2) ST means staff.
 - (3) HE means Hearing Examiner.
 - (4) PC means Planning Commission.
 - (5) CC means City Council.
 - (6) N means that a public notice is required to be published in the official newspaper.
 - (7) R means review is required by the noted group.
 - (8) PH means that a public hearing is required by the noted group.
 - (9) DM means that the noted group has final decision making authority.
 - (10) Any number listed in the Mail column represents the number of feet out from the applicant's site to which direct mail notice is required to be sent for that particular application.
 - (11) Any * under the Fee column indicates that \$50 of the fee is intended for recording approval actions with Hennepin County and will be refunded if the City Council denies the application or the application is withdrawn.

(c) **Application Processes and Fees.**

Application Process	Review and Decision Making Authority					Notice		Fee
	DRC	ST	HE	PC	CC	N	Mail	
Conditional Use Permits (CUPs)								
Change in CUP Condition <u>Sent directly to City Council</u>		R			PH DM	N	500	[\$420*] <u>\$220*</u>
Miscellaneous								
RV Permit		R	DM			N	350} <u>200</u>	\$130
RV Permit Renewal		R	DM			N	350} <u>200</u>	\$130
<u>Change in Condition sent directly to City Council</u>		<u>R</u>			<u>PH</u> <u>DM</u>	<u>N</u>	<u>500</u>	<u>\$220*</u>
<u>Change in Condition sent to Planning Commission and City Council</u>		<u>R</u>		<u>PH</u> <u>R</u>	<u>DM</u>	<u>N</u>	<u>500</u>	<u>\$420*</u>

Passed and adopted this _____ day of _____, 2013.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney