

Originator Legal	Item Billboard Ordinance Amendment		#
Agenda Section HEARINGS/PUBLIC INPUT	By	Approved	Date October 8, 2009

Description

Item 6

Case 10000P-09

GENERAL INFORMATION

Applicant: City of Bloomington

Location: Citywide

Request: City Code Amendments – Billboard Ordinance

PROPOSAL

Previously the Planning Commission and the City Council approved amendments to the City Code that reclassified billboards from temporary conditional uses to interim uses. All of the interim use permit applications for the five existing billboards were due on August 6, 2009, when their temporary conditional use permits expired. Instead of filing for interim use permits, the billboard companies, along with the property owners brought a civil lawsuit against the City of Bloomington seeking a declaration by the court that the interim use permit ordinance is unenforceable and that the billboards are legal nonconforming uses that may be continued indefinitely and unconditionally under Minnesota law. As part of a settlement agreement negotiated between attorneys for the City and plaintiffs’ attorneys it is necessary to amend the Bloomington City Code Chapter 19 as it relates to the land use status of billboards. The proposed ordinance would:

- 1) Prohibit billboards in all zoning districts, thereby making them legally non-conforming uses;
- 2) Clarify the rights and responsibilities of the owners to maintain, repair, replace, restore and improve the billboards in a manner consistent with Minn. Stat. §462.357, subd. 1e without illegal expansion of this use; and
- 3) Require a sign permit, in addition to other required permits (electrical, building, lighting, etc.) for maintenance or repair work with a cost that is over 50% of the billboard’s assessed market value so that planning staff can verify, prior to the owner’s investment in the work, that the plans meet City Code requirements and do not constitute an illegal expansion of the use.

The draft ordinance containing the proposed amendments will be included with the staff report.

Council Action

Motion by _____ Second by _____ to _____

APPLICABLE REGULATIONS

Section 19.33. Industrial (I-1, I-2, I-3) Districts.
Section 19.34. Freeway Development (FD-1 and FD-2) Districts.
Section 19.40.07. Commercial Service Districts CS-0.5 and CS-1.
Section 19.66. Billboards.

CHRONOLOGY

Planning Commission Meeting: 4/16/09-Public hearing was held on City Code amendments to reclassify the use status of billboards from temporary conditional uses to interim uses

City Council Meeting: 5/18/09- Public hearing was held on City Code amendments to reclassify the use status of billboards from temporary conditional uses to interim uses

City Council Meeting: 6/01/09- Public hearing was held on City Code amendments to reclassify the use status of billboards from temporary conditional uses to interim uses

Planning Commission Meeting: 10/08/09-Public hearing on City Code amendments pertaining to billboards

City Council Meeting: 10/19/09- Public hearing on City Code amendments pertaining to billboards

DEADLINE FOR AGENCY ACTION

Application Date: 9/16/09
60 Days: 11/14/09
Extension Letter mailed: NA
120 Days: 1/13/10