

ORDINANCE NO. 2007-

AN ORDINANCE AMENDING EXISTING STANDARDS TO CLEAR UP DISCREPANCIES AND INACCURACIES THEREBY AMENDING CHAPTERS 2, 19, and 21 OF THE CITY CODE

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

Section 1. That Chapter 2 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 2

ADMINISTRATION

ARTICLE II. ADMINISTRATIVE CODE

SEC. 2.10. APPLICATIONS TO BE HEARD.

(a) The hearing examiner shall hear variance applications, except as provided under (b) of this section, where:

(3) the requested variance, other than those cases specified in Subparagraph (2) is five feet or less, as measured horizontally and not vertically; or

SEC. 2.14. ADMINISTRATIVE CONDITIONAL USE PERMITS.

(b) The hearing examiner authorized by Section 2.09 of this Code shall hear, and is authorized to make final decisions, on the following applications for temporary conditional use permits:

(1) Location of parking or storage of recreational vehicles on residential parcels not in compliance with Section 19.50.03. [~~However, no temporary conditional use permit shall be granted for the outside storage of a recreational vehicle which:~~

(A) ~~overhangs into any public right-of-way,~~

(B) ~~is closer than 12 feet from the curb of any public street,~~

(C) ~~blocks any sidewalk,~~

(D) ~~in the determination of the Hearing Examiner, creates a safety hazard.]~~

ARTICLE V. CITY BOARDS AND COMMISSIONS

Division C. Planning Commission

SEC. 2.98. POWER AND DUTIES.

The Planning Commission shall:

(1) recommend plans for the future laying out of streets in unplatted territory within the City;

- (2) prepare a map of platted or unplatted territory indicating the proposed future extension or widening of existing streets;
- (3) hold hearings as provided in the Subdivision Regulations (Chapter 16 of this Code) on proposed plats and shall submit its recommendations thereon;
- (4) recommend changes in the Subdivision and Zoning Codes;
- (5) recommend a comprehensive plan for the future physical development and improvement of the City;
- (6) propose regulations in accordance with M.S.A. Ch. 462, the Municipal Planning Act;
- (7) hold hearings and make recommendations as set forth in the Subdivision Regulations and Zoning Code of the City; and
- (8) act as a board of appeals and adjustments within the terms and conditions set forth in Section 2.98.01 of this Code~~[-and]~~.
- ~~[(9) provide the City Council with regularized reports concerning the operation of the County libraries in the City, plans for future library expansion in the City, and adherence of the County to a master library plan and the general City development plan in providing libraries in the City; help develop local identity for the County branches and promote maximum usage of these facilities; promote community support for libraries; coordinate and channel volunteer organization efforts toward promotion of library service; recommend the role of the library in the total cultural, educational, and recreational life of the community; serve as a communication link between the City and County in library matters; periodically evaluate and recommend the level of library service desirable for the community; advise the City Council on positions the City should take on future state legislation affecting the Hennepin County library system; advise the City Council on technological advances in library science which may or should affect the Hennepin County library system; and assist City staff and commissions in incorporating library development into overall City planning.]~~

Section 2. 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 I. GENERAL PROVISIONS

Division B. Definitions

SEC. 19.03. DEFINITIONS.

Retaining wall – A wall or terraced combination of walls used to provide barrier or restrain lateral forces of soil or other material and not used to support, provide a foundation for, or provide a wall for a building or structure.

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

Division C. Building and Obstructions

SEC. 19.08. PERMITTED ENCROACHMENTS INTO REQUIRED YARDS AND SETBACK AREAS.

(d) In residential zoning districts (R-1A, R-1, RS-1, R-4, RM-12, RM-24 and RM-50):

(14) Covered but open porches without windows or screens may encroach eight feet into any required front setback, provided that a front setback of not less than 22 feet is maintained. No encroachment shall be allowed into a required side or rear setback. Such features shall not encroach into public easements of record.

SEC. 19.27. SINGLE-FAMILY RESIDENTIAL (R-1A, R-1) DISTRICTS.

(b) **Permitted uses –**

(4) ~~[Parks, playgrounds, golf courses and tennis courts.]~~ Public governmentally owned recreational facilities such as parks, playgrounds, golf courses and tennis courts.

(d) **Conditional uses –**

(11) ~~[Reserved.]~~ Private or commercial parks, playgrounds, golf courses, and tennis courts.

SEC. 19.34. FREEWAY DEVELOPMENT (FD-1 AND FD-2) DISTRICTS.

(d) **Conditional uses –**

(15) Billboards in existence in Freeway Development (FD-2) Districts prior to June 1, 1994, subject to the requirements of Section 19.66(~~e~~ b) of this Code.

SEC. 19.38.01. PLANNED DEVELOPMENT (PD) OVERLAY DISTRICTS.

(e) **Procedures –** Prior to the issuance of any permits for development within a Planned Development Overlay District, a rezoning to Planned Development Overlay District shall be adopted by the City Council, a preliminary development plan shall be approved by the City Council, and a final development plan shall be approved by the City Council according to the following procedures:

(2) Following Planning Commission recommendation, the City Council shall hold a public hearing for consideration of the rezoning request and ~~[hold a public hearing for consideration of a]~~ the proposed preliminary development plan. At this public hearing, the City Council shall receive the recommendation from the Planning Commission and a report from the Issuing Authority. Upon due consideration, the City Council shall either:

(A) approve or disapprove the rezoning;

- (B) approve the preliminary development plan;
- (C) disapprove the preliminary development plan; or
- (D) approve a preliminary development plan with specified modifications.

ARTICLE III. A. ADDITIONAL ZONING DISTRICTS

SEC. 19.40.07. COMMERCIAL SERVICE DISTRICTS CS-0.5 AND CS-1.

(d) Conditional uses –

- (13) Billboards in existence prior to June 1, 1994, subject to the requirements of Section 19.66(~~e~~ b) of this Code.

ARTICLE IV. DISTRICT REGULATIONS

SEC. 19.41. MINIMUM DISTRICT REQUIREMENTS.

(b) Two-family and multiple-family residences –

- (5) Except for garages, the side-yard setback of a two-family residence shall in no event be less than five feet less than the height of the structure as determined in Section 19.47(b)(3).

SEC. 19.45. PARKING AND STORAGE OF VEHICLES AND TRAILERS IN RESIDENTIAL ZONES.

(c) Vehicle Parking and Storage Limitations and Requirements.

- (4) Parking Location Requirements in Single Family Residential Districts (R-1, R-1A, and RS-1). The parking of vehicles on lots in Single Family Residential District (R-1, R-1A, and RS-1) is prohibited on all portions of such lots except (a) within a garage, (b) upon those areas that have been legally improved for driveway or off-drive parking area purposes with an approved paving surface, or (c) upon legally nonconforming unpaved driveway areas. In no case, however, shall vehicle parking occur within the setback areas established in Section ~~[47.43]~~ 21.301.06(i) of this Code, unless a variance has been granted for a paved surface in that area or unless the driveway is legally noncomplying. These restrictions shall not apply to recreational vehicles, which shall comply with the parking requirements of Section 19.50.03 of this Code.

ARTICLE V. PERFORMANCE STANDARDS

SEC. 19.50.03. RECREATIONAL VEHICLES.

(d) In Single-Family Residential (R-1A, R-1, RS-1) Districts –

- (3) Location. Recreational vehicles may be parked or stored on a lot or parcel which contains a permitted principal use in a residential zoning district, subject to the following regulations:

(B) Storage location. Recreational Vehicles must not be stored in a manner that:

- (i) overhangs into any public right-of-way;
- (ii) is closer than 12 feet from the curb of any public street;
- (iii) blocks any sidewalk; or
- (iv) in the determination of the Hearing Examiner, creates a safety hazard.

(B)C Front yard setback. No recreational vehicle shall be parked or stored more than eight feet in front of the plane of the front wall of the dwelling, whether or not on a hard surfaced driveway. When parked or stored closer to the street than the front plane of the dwelling, the recreational vehicle must be located in the driveway or in the side yard adjacent to the driveway.

(C)D Side yard setback. All recreational vehicles shall maintain a minimum five foot setback from any side lot line, except when such side lot line is adjacent to a public street.

(D)E Rear yard setback.

- (i) Class I Recreational Vehicles shall maintain a minimum five foot setback from any rear lot line, except when the rear yard is adjacent to a public street.
- (ii) Class II Recreational Vehicles shall maintain a minimum 30 foot setback from any rear lot line.

(E)F Side or rear yard adjacent to a public street. No parking or storage of a recreational vehicle shall be permitted in a side yard adjacent to a public street.

(F)G Any recreational vehicle may be parked in a driveway for the sole and express purpose of loading and unloading for a period not exceeding 48 hours in any seven consecutive day period.

- (4) General Regulations.

(B) Screening. Visual screening in the form of a fence or live plantings shall be provided where the recreational vehicle is readily visible from ~~adjacent and~~ abutting properties ~~[or public streets]~~. This provision may be waived by the Issuing Authority with the written consent of the ~~owner(s) of the property(ies) adjacent to the location of the recreational vehicle~~ abutting owners from which the vehicle is readily visible. Screening waivers may be issued for a period of time not to exceed three years. A recreational vehicle is readily visible if more than 50 percent of its horizontal length can be viewed from within a primary dwelling on an abutting lot.

- (i) Fences shall screen the maximum amount of the vehicle possible while meeting other requirements of this code.
- (ii) Live plantings shall screen a minimum of fifty percent (50%) of the length and fifty percent (50%) of the height of the recreational vehicle at the time of planting. Plant

materials shall be selected to screen the entire length and height of the recreational vehicle at full maturity.

SEC. 19.63. PERFORMANCE STANDARDS FOR CHURCH BUILDINGS AND SITES.

(c) Other performance standards -

- (7) Bell towers, canopies and similar auxiliary structures may extend into the required side and rear setback areas, but in no event closer than 25 feet to a side or rear property line. When attached to and architecturally integrated with the principal structure, bell towers, canopies and similar auxiliary structures may extend ten feet into the required front setback area, but in no event may be closer than 50 feet to a front property line.

ARTICLE X. SIGN REGULATIONS

Division C. General Regulations

SEC. 19.105. REGULATED SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT.

(c) Regulated Signs Exempt From Permit Requirements.

- (20) Special Temporary Signs Announcing Future Development - One temporary freestanding construction sign or wall sign per development site (commercial, industrial, and single-family residential projects of six or more lots or multiple-family projects) is exempt from obtaining a permit on each street frontage of the project, subject to the following standards:
- (A) Size. The sign may not exceed 32 square feet in residential districts, 64 square feet along freeway frontages, 32 square feet along arterials, and 16 square feet along collector and local streets;
 - (B) Height and Setback. In residential districts the sign must not exceed six feet in height with a minimum setback of ten feet from any public street right-of-way. In non-residential districts the sign must not exceed 15 feet in height with a minimum setback of 20 feet from any public street right-of-way;
 - (C) The sign must not be erected before approval of final plans or plats by the City Council; and
 - (D) The sign must be removed within ten days after issuance of the first temporary certificate of occupancy permit and prior to occupancy, or in the case of a residential subdivision, must be removed when 75 percent of the lots are sold.

Section 3. 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.

(i) Single Family and Two Family Residential Driveways and Off-Street Parking.

- (5) **Off-drive parking areas.** The construction of new or the expansion of existing offdrive parking area must comply with the following standards and is allowed only when the cumulative total width of all driveways on site is 26 feet or less. See Figure 21.301.06[~~(e)~~](i)(12)(A).

- (6) **Off-drive turnaround areas.** The construction of new or the expansion of existing off-drive turnaround (hammerhead) area must comply with the following standards and is allowed only when the total width of the driveway and any adjacent off-drive parking area at a given point does not exceed 36 feet. See Figure 21.301.06[~~(e)~~](i)(12)(A).

- (7) **Second curb cut and connecting driveway.** A permit for a second curb cut to a single family site must not be issued unless the site has at least 120 feet of frontage along a single public street or is a corner lot and complies with the standards of Section 17 of this Code. For corner lots, when two curb cuts are present, each curb cut must be to a separate street unless the site has at least 120 feet of frontage along a single public street. More than two curb cuts are prohibited for single or two-family residential sites. In the event a second driveway is installed to service a second garage, the second driveway must meet all driveway standards. In the event a second driveway is installed to serve as a circular driveway, the secondary driveway is limited to 12 feet in width and must meet all other driveway standards. See Figure 21.301.06[~~(e)~~](i)(12)(B).

Passed and adopted this _____ day of _____, 2007.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney