

Item 5

**GENERAL INFORMATION**

Applicant: City of Bloomington

Request: Consider an ordinance to resolve discrepancies and improve the clarity of multiple Code Sections thereby Amending Chapters 2, 16, 19, and 21 of the City Code

**PROPOSAL**

The attached ordinance represents the first in what will become an annual ordinance to resolve discrepancies and improve the clarity of those sections of the City Code that relate to land development and zoning. Items included will typically be minor amendments that may not on their own merit the overhead of drafting, reviewing, publishing and hearing an ordinance. The proposed ordinance is attached.

**Please note the attached ordinance has been modified from the version sent with the Agenda Item.**

**ANALYSIS**

The following changes are included in the ordinance:

**Chapter 2**

*Section 2.10. Applications to be heard*

- This change clarifies that variances of five feet or less when measured horizontally are to be heard by the hearing examiner but that vertical (typically height) variances of five feet or less may follow the standard review process (through the Planning Commission). Staff believes that vertical variances were not considered when the original language was proposed.

*Section 2.14. Administrative Conditional Use Permits*

- Chapter 2 of the City Code deals with administrative processes. The purpose of this change is to remove standards concerning recreational vehicles from Chapter 2. A more appropriate location for these standards is in Section 19.50.03. Recreational Vehicles.

*Section 2.98. Power and Duties*

- This change removes language which states the Planning Commission is to provide the City Council with regular reports concerning the operation of the County libraries in the City, plans for future library expansion, adherence of the County to a master library plan, and other general language concerning the inclusion of library development into overall City planning. The language dates from an earlier era and the Planning Commission has not served this role for decades.

## **Chapter 16**

### *Section 16.04. Exceptions to Requirements for Subdivision*

- Language was inserted that specifies temporary plat waivers may be passed by City Council motion, without need for a resolution. The ordinance now requires a resolution for all permanent plat waivers, however, the resolution process is overly cumbersome for a temporary plat waiver.

## **Chapter 19**

### *Section 19.03. Definitions*

- A definition for ‘retaining wall’ was added to this Section. While Chapter 19 has standards for retaining walls, they have not previously been defined.

### *Section 19.08. Permitted Encroachments into Required Yards and Setback Areas*

- An encroachment provision was added to allow for covered porches without windows or screens in front yard setback areas.

### *Section 19.27. Single-Family Residential (R-1A, R-1) Districts*

- Clarifying language was added to distinguish between privately- and publicly-owned recreational facilities. “Public governmentally owned recreational facilities such as parks, playgrounds, golf courses and tennis courts” was added to the list of permitted uses in Single-Family Residential Districts. “Private or commercial parks, playgrounds, golf courses, and tennis courts” was added to the list of conditional uses in Single-Family Residential Districts. The change allows the City Council a higher level of review for a commercial recreation facility.

### *Section 19.34. Freeway Development (FD-1 and FD-2) Districts*

- The reference to the billboards Section of the City Code was incorrect. It is Section 19.66(b), not 19.66(c).

### *Section 19.38.01. Planned Development (PD) Overlay Districts*

- The proposed change aligns approval procedures for Final Development Plans with existing approval procedures for Conditional Use Permits, Variances, and Final Site & Building Plans. Conditional Use Permit, Variance, and Final Site & Building Plan approvals require a hearing before the Planning Commission and a hearing at the City Council if one is requested. State statute does not require mandatory City Council hearings for development plans.

### *Section 19.40.07. Commercial Service Districts CS-0.5 and CS-1*

- The reference to the billboards Section of the City Code was incorrect. It is Section 19.66(b), not 19.66(c).

### *Section 19.41. Minimum District Requirements*

- Section 19.41(b)(5) is amended to make clear that the side-yard setback of a two-family residence shall in no event be less than the height of the structure. Given the subheading this clause falls under (two-family and multiple-family residences), there is a need to clarify that the side setback/height provision applies only to two-family dwellings.

*Section 19.45. Parking and Storage of Vehicles and Trailers in Residential Zones*

- The reference to the residential driveways and off-street parking locations Section of the City Code was incorrect. It is Section 21.301.06(i), not 17.13.

*Section 19.50.03. Recreational Vehicles*

- The recreational vehicle standards removed from Section 2.14 are added to Section 19.50.03(d)(3). The existing recreational vehicle standards in this Section were re-ordered to accommodate the additional standards.
- The screening waiver requirements for recreational vehicles in Section 19.50.03(d)(4) were amended. Screening waivers must be signed by “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.” The language is meant to clarify that property owners across a street do not need to sign screening waivers and to define what is meant by “visible”.

*Section 19.63. Performance Standards for Church Buildings and Sites*

- The performance standards for Church bell towers, canopies and similar auxiliary structures were amended to clarify the extent to which such structures may encroach into front yard areas. These structures may encroach ten feet into the front setback provided they are no closer than 50 feet to a front property line and they are “architecturally integrated with the principal structure”.

*Section 19.105. Regulated Signs Exempt from Obtaining a Sign Permit*

- Language and performance standards was added to exempt “special temporary signs announcing future development” from obtaining a sign permit provided the sign meets size, height, and other performance standards.

**Chapter 21**

*Section 21.301.06. Parking and Loading*

- The reference to the residential driveways and off-street parking graphic in the parking and loading Section of the City Code was incorrect. It is Section 21.301.06(i)(12)(A), not 21.301.06(c)(12)(A). This Section of the Code contains three incorrect references to these graphics, which are noted in the draft ordinance.

**RECOMMENDATION**

In Case 10000G-06, Staff recommends approval of the attached ordinance to resolve discrepancies and improve the clarity of multiple Code Sections, thereby Amending Chapters 2, 16, 19, and 21 of the City Code.