

## Item 5

**GENERAL INFORMATION**

Applicant: City of Bloomington

Request: Consider an ordinance to make multiple miscellaneous amendments to Chapters 2, 8, 10, 14, 19, and 21 of the City Code

**PROPOSAL**

The attached ordinance is an annual ordinance to collectively consider small City Code amendments that relate to land development and zoning. Items included are relatively minor amendments that may not on their own merit the overhead of drafting, reviewing, publishing and hearing an ordinance.

**ANALYSIS**

The following changes are included in the draft ordinance.

Chapter 2*Section 2.98.01. Variances.*

- Reference to Chapter 21 of the City Code added.

Chapter 8*Section 8.77. Parking Prohibited.*

- Reference to Chapter 21 of the City Code added.

Chapter 10*Section 10.29.02. Noise Source Requirements.*

- Text provided for reference to proposed amendment in Section 10.29.07.

*Section 10.29.07. Operational Limits.*

- This change is meant to clarify that construction activities are subject to stricter noise standards during overnight hours (10:00 p.m. to 7:00 a.m.) and Sundays than during other times. The proposed amendment is a clarification rather than a change in past policy given that the noise code has been enforced in that manner in the past.

Chapter 14*Section 14.08. Persons and Locations Ineligible for License and Permit.*

- Reference to Chapter 21 of the City Code added.

*Section 14.19. Exceptions.*

- Reference to Chapter 21 of the City Code added.
- Reference to conditional use deleted to reflect recent Code amendment to use status.

*Section 14.127. Exceptions; Permits and Licenses.*

- Reference to Chapter 21 of the City Code added.

*Section 14.150. License Application.*

- Reference to Chapter 21 of the City Code added.

*Section 14.152. License Application Verification and Consideration.*

- Reference to Chapter 21 of the City Code added.

*Section 14.163. Standards for Withholding Local Concurrence of a State Currency Exchange License.*

- Reference to Chapter 21 of the City Code added.

*Section 14.174. Locations Ineligible for License.*

- Reference to Chapter 21 of the City Code added.

*Section 14.244. Locations Ineligible for License.*

- Reference to Chapter 21 of the City Code added.

*Section 14.246. Additional Requirements for Commercial Establishments.*

- Reference to Chapter 21 of the City Code added.

*Section 14.268. Locations Ineligible for Therapeutic Massage Enterprise License.*

- Reference to Chapter 21 of the City Code added.

*Section 14.295. Persons and Locations Ineligible for a License.*

- Reference to Chapter 21 of the City Code added.

*Section 14.304. Definitions.*

- Reference to Chapter 21 of the City Code added.

*Section 14.309. Persons and Locations Ineligible for a License.*

- Reference to Chapter 21 of the City Code added.

*Section 14.318. License Fees.*

- Reference to Chapter 21 of the City Code added

*Section 14.319. License Application Execution and Verification.*

- Reference to Chapter 21 of the City Code added.

*Section 14.333. Findings of the City Council.*

- Reference to Chapter 21 of the City Code added.
- Reference to Article VIII in Chapter 19 deleted, no longer applicable.

*Section 14.342. Persons and Locations Ineligible for a License.*

- Reference to Chapter 21 of the City Code added.
- Reference to Article VIII in Chapter 19 deleted, no longer applicable.

*Section 14.343. License Restrictions.*

- Reference to Chapter 21 of the City Code added.

*Section 14.348. Renewal Application.*

- Reference to Chapter 21 of the City Code added.
- Reference to Article VIII in Chapter 19 deleted, no longer applicable.

*Section 14.442.11. Persons and Locations Ineligible for a License or Registration.*

- Reference to Chapter 21 of the City Code added.

*Section 14.442.27. Persons and Locations Ineligible for a License.*

- Reference to Chapter 21 of the City Code added.

*Section 14.442.40. Persons and Locations Ineligible for a License or Registration.*

- Reference to Chapter 21 of the City Code added.

*Section 14.503. Maintenance Standards.*

- Reference to Chapter 21 of the City Code added.

Chapter 19*Section 19.03. Definitions.*

- Text added to clarify that the definition of “lot width” also applies to “site width”.
- Text added to clarify that office/warehouse uses do not fall under the definition of “office, general”.
- Text added to clarify that towers for the purpose of mounting wind turbines or solar panels more than 15 feet above grade fall under the definition of “tower” and are therefore subject to standards applicable to towers. This amendment does not represent a change in policy but rather serves as a clarification.
- Text added to the definition of minor vehicle repair to further clarify the types of services that are considered minor vehicle repair.
- New term added for vehicle rebuilding and body work, as distinguished from major or minor vehicle repair. Note that the City Code limits vehicle rebuilding and body work to industrial zoning districts.

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

- Modified standards are proposed for the permitted encroachments for entry vestibules into the required yard and setback areas in residential zoning districts R-1A, R-1, RS-1, R-4, RM-12, RN-24, and RM-50, to include permitting an entry vestibule of ten feet or less in width to encroach six feet into any required front and rear setback subject to conditions.
- Staff has received feedback from multiple applicants that six feet of width does not work well for their desired entry vestibules but that an eight foot width makes them feasible.

*Section 19.33. Industrial (I-1, I-2, I-3) Districts.*

- Reference to nonprofit clubs and lodges as a permitted use in the I-2 and I-3 Districts deleted to reflect proposed use status Code amendment to a conditional use in the I-1, I-2, and I-3 Districts.
- Reference to places of assembly and proposed Code amendment to expand as conditional use in the I-3 Districts, as currently provided in the I-1 and I-2 Districts.
- Case law relating to Federal Religious Land Uses and Institutionalized Persons Act (RLUIPA) requires religious institutions (places of assembly) to be allowed in districts that clubs and lodges are allowed in.

*Section 19.37. Central Business (CB) District.*

- Reference to nonprofit clubs and lodges as a permitted use in the CB District deleted to reflect proposed use status Code amendment to a conditional use in the CB District.
- Reference to meeting halls as a permitted use in the CB District deleted, and included with the added use classification of places of assembly as a conditional use in the CB District.
- Case law relating to Federal Religious Land Uses and Institutionalized Persons Act (RLUIPA) requires religious institutions (places of assembly) to be allowed in districts that clubs and lodges are allowed in.

*Section 19.38.12. Bluff Development (BP-2) Overlay Districts.*

- Reference to requirements for white ash trees in the BP-2 Overlay District deleted to reflect current policies to prohibit planting of ash trees in light of the coming Emerald Ash Borer.

*Section 19.40.06. Mixed-Use District CX-2.*

- Reference to places of assembly added as a conditional use in the CX-2 District.

- Case law relating to Federal Religious Land Uses and Institutionalized Persons Act (RLUIPA) requires religious institutions (places of assembly) to be allowed in districts that clubs and lodges are allowed in.

*Section 19.40.08. Commercial Office Districts CO-0.5 and CO-1.*

- Reference to places of assembly added as a conditional use in the CO-1 District.
- Case law relating to Federal Religious Land Uses and Institutionalized Persons Act (RLUIPA) requires religious institutions (places of assembly) to be allowed in districts that clubs and lodges are allowed in.

*Section 19.61. Service Station Performance Standards.*

- Reference to an expired compliance date for above grade storage tanks at service stations deleted.

*Section 19.63.05. Towers.*

- Text added to amend standards for towers, prohibiting the use of color or design features in a manner to attract attention to the tower. Staff has learned that multi-colored wind turbines are becoming a new method used by retailers to attract attention from motorists on freeways, which presents a safety concern.
- Text added to clarify the standards and time limits that apply to temporary towers, including towers erected to support special events, emergency towers and news truck towers.
- Reference to requirements related to interference with public safety telecommunications deleted to reflect current policies. Previously the City had its own public safety communications system and actively analyzed new applications for potential interference issues. More recently, the City has shifted to the County's public safety communication system, eliminating the need for the detailed reviews previously required.

*Section 19.63.09. Home Enterprises.*

- Reference to Chapter 21 of the City Code added.

## Chapter 21

*Section 21.209. Use Tables.*

- Reference to office/warehouse use in existence prior to 1/1/2010 is added as a permitted use in the C-4 District.
- Reference to motor vehicle sales use in existence prior to 1/1/2010 is added as a permitted use in the B-2 District.
- Reference to health club use in existence prior to 1/1/2010 is added as a permitted use in the C-4 District.
- All three of these changes come in anticipation of potential areawide rezonings initiated at the 11/16/09 City Council meeting. The intent is to allow the above existing uses to continue and retain their conforming status but not to allow new occurrences of the same uses within the referenced zoning districts.

*Section 21.301.06. Parking and Loading.*

- Modification and clarification of parking area permit requirements are provided for resurfacing, removal, construction, striping, restriping, constructing or enlarging parking areas.
- The amendments reduce the types of parking area improvements that require a permit through the Building and Inspections Division.

*Section 21.301.07. Exterior Lighting.*

- To improve readability, a new graphic regarding canopy lighting is proposed to replace the existing graphic.

**RECOMMENDATION**

In Case 10000Q-09, staff recommends approval of the attached ordinance to amend Chapters 2, 8, 10, 14, 19, and 21 of the City Code.

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