

ORDINANCE NO. 2007-

AN ORDINANCE DELETING REFERENCES TO THE NATURAL AND HISTORICAL RESOURCES COMMISSION; DELETING REFERENCES TO THE ADMINISTRATIVE SUBDIVISION REVIEW COMMITTEE; MODIFYING THE DEFINITION OF "STRUCTURE, BUILDING AND TOWER HEIGHT"; CLARIFYING STANDARDS THAT APPLY TO UNSTABILIZED SOIL SURFACES; ADDING AND/OR MODIFYING DEFINITIONS AND DISTRICT USE CLASSIFICATIONS FOR "COIN SALES", "PAWNSHOP", "PRECIOUS GEM SALES", "PRECIOUS METAL SALES", AND "SECONDHAND GOOD SALES"; ADDING DEFINITIONS FOR "COMPREHENSIVE PLAN" AND "DISTRICT PLAN"; ESTABLISHING STANDARDS FOR NONRESIDENTIAL USES IN THE CONSERVATION (SC) DISTRICT; MODIFYING FINDINGS FOR PLANNED DEVELOPMENTS, CONDITIONAL USES, AND FINAL SITE AND BUILDING PLANS WITH RESPECT TO DISTRICT PLANS; DELETING THE DEFINITION OF "MERCHANDISE RESALE FACILITY"; DELETING REFERENCES TO MORATORIUM ON PAWN SHOPS AND SECONDHAND GOODS DEALERS; REORGANIZING THE TABLE LISTING USES ALLOWED BY ZONING DISTRICT; MODIFYING THERAPEUTIC MASSAGE TO BE A PERMITTED USE IN THE B-1, B-2, B-4, C-1 AND C-2 ZONING DISTRICTS; AND CORRECTING MULTIPLE REFERENCE ERRORS THEREBY AMENDING CHAPTERS 15, 16, 19, and 21 OF THE CITY CODE

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

Section 1. That Chapter 15 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 15

BUILDINGS AND STRUCTURES

ARTICLE II. HISTORICAL PRESERVATION

SEC. 15.16. ~~[MORATORIUM]~~ STANDARDS.

SEC. 15.18. PERMITS FOR PREHISTORIC, CLASS I, AND CLASS II SITES.

(b) Permit Procedures.

- (1) The Issuing Authority ~~[of the City]~~ shall ~~[forward to the Natural and Historical Resources Commission a copy of the application for a permit including copies of any plans, elevations, perspectives, specifications, or other documents pertaining to the work as deemed necessary by the Heritage Preservation Commission.~~
- ~~(2) Natural and Historical Resources Commission Action.~~
 - (A) ~~W]~~ within three weeks of filing of the application, [the Natural and Historical Resources Commission shall] determine whether the demolition, removal, or alteration of the site would be detrimental to the public interest. In determining whether the demolition, removal, or alteration would be detrimental to the public interest, the [Natural and Historical Resources Commission] Issuing Authority shall consider the following factors:
 - ([i]A) The effect of the proposed change upon the general cultural, historical, and architectural nature of the City[;];
 - ([ii]B) the effect of the proposed change on any historical, cultural, or architectural feature of the site and whether such work is appropriate and consistent with the spirit and intent of this Article[-];
 - ([iii]C) whether the improvement is capable of earning an economic return on its value[;]; and
 - ([iv]D) whether the improvement is in a deteriorated, dilapidated, hazardous, or dangerous condition which cannot reasonably be restored.

~~(B)2~~ The ~~[Natural and Historical Resources Commission]~~ Issuing Authority shall promptly forward its findings and recommendations to the next available City Council meeting for final action by the City Council at a public hearing.

~~{(3) City Council Action. Within two weeks of receipt of the findings and recommendations of the Natural and Historical Resources Commission, the City Council shall either grant or deny the issuance of the Certificate of Appropriateness upon consideration of the factors set forth in subparagraphs (i), (ii), (iii), and (iv) above.~~

~~(4) Failure to Act. Failure by the Natural and Historical Resources Commission or by the City Council to act within the allotted time shall result in approval of the Certificate of Appropriateness unless the applicable deadline has been extended by formal action of the City Council.]~~

ARTICLE IX. LICENSES AND PERMITS

Division B. Licenses and Permits; General

SEC. 15.201. COMPLETION OF WORK.

- (a) Any person altering, repairing, remodeling, or adding to the exterior portion of a single-family dwelling or two-family dwelling, including an attached or detached garage or accessory structure, shall complete all exterior work within one (1) year from the date of issuance of the building permit. Completion of work includes completing the structure and exterior finishes (including but not limited to siding, windows, roofing, driveways, retaining walls, decks and patios). In the case of demonstrated hardship due to sources beyond the control of the property owner (including but not limited to extreme weather conditions; reasonably unforeseen material, equipment or labor shortages; vandalism; or theft), the time allowed for exterior construction and finishes may be extended at the sole discretion of the Manager of Building and Inspection upon written appeal filed as soon as the need for an extension becomes known.

Section 2. That Chapter 16 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 16

LAND DEVELOPMENT AND PLATTING

ARTICLE I. SUBDIVISION REGULATIONS

SEC. 16.02. DEFINITIONS.

The following words and terms, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:

~~**[Administrative Subdivision Review Committee]**—Those persons designated by the City Manager whose work on a day-to-day basis involves processing or review of subdivisions.]~~

SEC. 16.06. ADMINISTRATIVE PLATTING PROCEDURE.

~~[(d) The Administrative Subdivision Review Committee shall forward a recommendation to the City Council for consideration at the hearing.]~~

SEC. 16.07. STANDARD PLATTING PROCEDURE.

(a) Property that cannot be subdivided by administrative platting procedure shall be reviewed in accordance with the procedures outlined in Section 16.05.

~~[(b) Sketch Plan. Prior to the preparation of a proposed subdivision the subdivider shall review with the Administrative Subdivision Review Committee a sketch plan of the intended layout, a description of the proposed development, and such other information as may be requested. As soon as possible after receiving all the information needed, the Administrative Subdivision Review Committee shall determine whether or not the intended layout conforms satisfactorily with the requirements of the subdivision regulations and shall so advise the subdivider, giving the subdivider whatever suggestions and information may be needed for his guidance in the preparation of the subdivision.]~~

Section 3. 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.

Coin sales – Sales of stamped metal issued by a governmental authority as money, whether or not currently serving as legal tender. Coins may have a numismatic value or intrinsic value greater than their denominational value and may be made of precious metals, gold, silver or platinum. Coin sales is considered a retail sales use unless the sales are taking place through the mail, telephone or similar method that does not involve over the counter sales, in which case it is considered an office use.

Comprehensive Plan – The adopted citywide plan to guide development and infrastructure, set City policy, and meet the requirements of the Minnesota Metropolitan Land Planning Act.

District Plan – An adopted plan focused on one or more sites within an area that is intended to guide development, land use, transportation, preservation and other factors over a number of years or in several phases for a specific area or district.

~~[Merchandise resale facility – A retail establishment with 40 percent or greater of its merchandise consisting of used goods, including but not limited to used book stores, used music stores, used sporting good stores, clothing consignment stores, antique stores and similar enterprises. Pawn shops, which are defined separately, are not considered merchandise resale facilities for the purposes of this Code. Establishments selling donated used goods are considered retail facilities rather than merchandise resale facilities.]~~

Pawn shop - Any business establishment operated by a Pawnbroker as defined in Chapter 14 of this Code, in which pawn transactions take place.

Precious gem sales – Sales of any gem that is valued for its character, rarity, beauty, or quality, including diamonds, rubies, emeralds, sapphires, or pearls, or any other precious gems or stones, whether as a separate item or in combination as a piece of jewelry or other crafted item. Precious gem sales is considered a retail sales use unless the sales are taking place through the mail, telephone or similar method that does not involve over the counter sales, in which case it is considered an office use.

Precious metal sales – Sales of silver, gold, platinum, and sterling silver, whether as a separate item or in combination, as a piece of jewelry or other crafted item, except items plated with precious metal or metals and the plating equals less than one percent (1%) of the item's total weight. Precious metal sales is considered a retail sales use unless the sales are taking place through the mail, telephone or similar method that does not involve over the counter sales, in which case it is considered an office use.

Retail sales and services – An establishment primarily engaged in the sale or rental of goods and the provision of services directly to the consumer, excluding those uses defined more specifically in this Code.

Secondhand goods sales – Sales of any tangible personal property, previously owned, used, rented or leased by a person other than the dealer offering it for sale, including without limitation: electronic audio or video equipment; firearms; musical instruments; sports equipment; photographic equipment; outboard motors; inboard drives; nautical sonar or radar devices; electric, pneumatic or hydraulic powered construction or mechanical equipment or tools; computers or computer-related equipment; cellular telephones or other communication devices; jewelry; coins; precious metals; artist signed or artist attributed original works of art and other secondhand goods or merchandise. Secondhand goods sales are considered a retail sales use.

ARTICLE II. ADMINISTRATION AND PROCEDURE

~~[SEC. 19.23.05. MORATORIUM ON PAWNSHOPS AND SECONDHAND DEALERS.~~

~~(a) Findings and Purpose.~~

~~The City Council finds that pawnshops and secondhand dealers provide an opportunity for the commission of crime and the concealment of crime based on their ability to receive and transfer stolen property easily and quickly. The City Council further finds that measures to prevent stolen property from being sold to pawnshops and secondhand dealers are necessitated by the fact that no other level of government adequately regulates these businesses or effectively and efficiently identifies criminal activity related to these businesses. Therefore, consumer protection regulations of pawnshops and secondhand dealer transactions is warranted in light of the potential for abuse.~~

~~The City Council will be considering an ordinance establishing new neighborhood and freeway commercial zoning districts and standards. This ordinance has the potential for creating an increase in the availability of sites for pawnshops and secondhand dealers. The City Council is concerned that an increase in these businesses will have an adverse impact on other authorized uses in the zoning district, will generate additional crime and impose unreasonable burdens on the City's police department.~~

~~Therefore, the City Council finds that it is necessary to conduct a study during the term of the moratorium to consider the following issues:~~

- ~~(1) The impact of additional pawnshops and secondhand dealers on the community and the City's police department;~~
- ~~(2) The legal ability to restrict pawnshops and secondhand dealers through zoning and/or licensing;~~
- ~~(3) Adequacy of existing governmental regulations on pawnshops and secondhand dealers;~~
- ~~(4) Buffering standards for these businesses;~~
- ~~(5) Regulation of secondhand dealers through licensing; and~~
- ~~(6) Public safety concerns associated with pawnshops and secondhand dealers.~~

~~Upon completion of the study, potential ordinance amendments would be reviewed by the Planning Commission and City Council. The City Council has concluded that the public health, safety and welfare and sound planning require that a moratorium be imposed on the operation of any additional pawnshops or secondhand dealers during the pendency of the study and the public hearings preceding possible adoption of regulations dealing with appropriate zoning, licensing, monitoring and reporting of transactions for pawnshops and secondhand dealers.~~

~~(b) Definition of Secondhand Dealer and Pawnshop.~~

~~For the purpose of this moratorium, secondhand dealer means any establishment primarily engaged in the sale of used goods, including but not limited to used book stores, used music stores, used sporting goods stores, clothing consignment stores, and antique dealers but excluding used motor vehicle dealers, precious metal dealers, secondhand dealers who are able to demonstrate that they qualify as a recognized, tax exempt, nonprofit organization who exclusively conducts transactions involving the sale or receipt of secondhand goods that have been donated without compensation, and the occasional sale of secondhand goods at events commonly known as "garage sales", "yard sales", "moving sales", "fundraiser sales", or "estate sales". Pawnshop is defined as set forth in Section 14.288 of the City Code.~~

~~(c) — **Authority.**~~

~~This ordinance is adopted pursuant to the authority conferred by Minnesota Statutes, Section 462.355, Subd. 4.~~

~~(d) — **Moratorium Established.**~~

~~(1) — In accordance with the findings set forth in Subsection (a) herein and pursuant to the authority vested in the City by Minnesota Statutes, Section 462.355, Subd. 4, there is hereby established a moratorium on the operation of any additional pawnshops or secondhand dealers within the City of Bloomington.~~

~~(2) — During the period of the moratorium, neither City staff nor the City Council shall approve any licenses or permits required for the operation of additional pawnshops or secondhand dealers.~~

~~(e) — **Exceptions.**~~

~~This moratorium does not apply to pawnshops or secondhand dealers who were operating within the City prior to the effective date of the moratorium.~~

~~(f) — **Penalties.**~~

~~Any person, corporation or other entity that violates this Section shall be guilty of a misdemeanor and shall be subject to any additional legal or equitable remedies available to the City.~~

~~(g) — **Effective Date.**~~

~~This Section shall be effective upon its adoption and publication and shall expire eight (8) months after its effective date unless further extended.]~~

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

SEC. 19.32. GENERAL BUSINESS (B-3) DISTRICTS.

~~(d) **Conditional uses -**~~

~~(5) Pawn shops, subject to requirements provided in Chapter 14. Licenses and Permits.~~

SEC. 19.33. INDUSTRIAL (I-1, I-2, AND I-3) DISTRICTS.

~~(d) **Conditional uses -**~~

~~(8) Billboards in existence in General Industrial (I-3) Districts prior to June 1, 1994, subject to the requirements of Section 19.66([a] 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:~~

~~(5) The Planning Commission and the City Council shall find the following prior to the approval of preliminary development plans or final development building plans:~~

~~(A) The planned development is not in conflict with the Comprehensive Plan.~~

~~(B) The planned development is not in conflict with any adopted D[d]istrict P[p]lan for the area.~~

ARTICLE III.A. ADDITIONAL ZONING DISTRICTS

SEC. 19.40.11. CONDITIONAL USES.

- (b) **Findings.** No conditional use permit shall be granted unless the City Council finds the following criteria have been met by a development proposal. The City Council may attach such other conditions to the permit as it may deem necessary.
- (1) That the proposed use is not in conflict with the Comprehensive Plan.
 - (2) That the proposed use is not in conflict with an adopted D[d]istrict P[p]lan for the area.

SEC. 19.40.12. FINAL SITE AND BUILDING PLANS.

- (d) **Findings.** The City Council shall find the following prior to the approval of final site and building plans.
- (1) The proposed development is not in conflict with the Comprehensive Plan.
 - (2) The proposed development is not in conflict with any adopted D[d]istrict P[p]lan for the area.

ARTICLE IV. DISTRICT REGULATIONS

SEC. 19.41. MINIMUM DISTRICT REQUIREMENTS.

(c) **Nonresidential development -**

	Residence and SC Districts	General Business (B-3)	General Industry (I-3)	Freeway Dvlpmt (FD-2)	Limited Industry (I-2)	Ind. Park (I-1), Frwy. Dev. (FD-1)
Lot width	100 feet	100 feet	100 feet	---	---	---
Lot area	---	---	---	1 Acre	2 Acres	3 Acres
Floor area of principal building (sq. ft.)	600	---	---	10,000	10,000	20,000
Front-yard setback	50 feet	65 feet	35 feet	35 feet	35 feet	60 feet
Side-yard setback	20 feet*	10 feet	10 feet	25 feet	25 feet	60 feet
Rear-yard setback	30 feet	15 feet	25 feet	25 feet	25 feet	25 feet
Side or rear- yard adjoining street	50 feet	65 feet	35 feet	35 feet	35 feet	60 feet

*The side-yard shall in no event be less than the height of the structure.

SEC. 19.47. HEIGHT.

- (a) Purpose - The purpose of Section 19.47 is to regulate the height of structures in order to maintain the character and scale of the predominant single-family residential development in the City of Bloomington.
- (b) Definitions -

- (3) **Structure , building and tower height** - the height of structures, buildings and towers shall be determined by measuring the vertical distance from the lowest ~~[existing]~~ proposed ground elevation ~~[prior to construction]~~ that abuts ~~[is immediately adjacent to]~~ the structure, building or tower to the highest point on any part of the structure, building or tower, including rooftop equipment, antennas and lightning rods. In the event that the grade has been or is proposed to be increased for the primary purpose of increasing the elevation of the structure, building or tower instead of for normal engineering purposes such as facilitating drainage or achieving gravity flow sewer operation, the height shall be measured from the lowest ground elevation that abuts the proposed structure, building or tower as shown:
- (A) for single family structures, on the grading plan approved in conjunction with the preliminary plat for the lot;

- (B) for other structures, on the grading plan approved in conjunction with the development plans;
or
(C) in the event that no approved grading plan exists, on the datum elevations existing at the time of permit application.

ARTICLE V. PERFORMANCE STANDARDS

SEC. 19.50. EXTERIOR STORAGE.

- (b) In all other districts no material or equipment may be stored outside except those directly related to the principal use or those being used for construction on the premises. Under no circumstances shall motor vehicles be stored in the off-street parking spaces required for the use in Section ~~[19.64(g)]~~ 21.301.06 of this Code. At gasoline service stations, it is unlawful to store vehicles or other equipment outside a building except that at service stations in operation on May 1, 1964, where storage within a building is not practicable, tow trucks and snow plowing equipment may be stored outside but not within the setback area.

SEC. 19.52. LANDSCAPING AND SCREENING.

- (c) **Landscaping Standards.**
(1) Soil Surface Stabilization. All disturbed areas outside of designated planting beds must be permanently stabilized with an established plant or xeriscaping soil cover. Unstabilized soil surfaces (bare ground, dirt piles, etc.) are allowed only when required by a construction project operating under a valid permit if a permit is required. Soil surface stabilization must be completed in conjunction with the construction project within the timeline specified in Section 15.201 of this Code.

SEC. 19.63.04. PERFORMANCE STANDARDS FOR SOLID WASTE TRANSFER STATIONS, SOLID WASTE WEIGH STATIONS AND SIMILAR USES.

- (c) **Solid Waste Transfer Stations.**
(1) Site Design Requirements.

- (F) Site ingress and egress shall be at locations approved by the City and all driveways, circulation and stacking lanes and parking areas shall be designed, surfaced and curbed in accordance with Section ~~[19.64(a)]~~ 21.301.06 of the City Code;

- (e) **Household Hazardous Waste and Recycling Collection Facilities.**
(1) Site Design Requirements.

- (F) Site ingress and egress shall be at locations approved by the City and all driveways, circulation and stacking lanes and parking areas shall be designed, surfaced and curbed in accordance with Section ~~[19.64(a)]~~ 21.301.06 of the City Code;

ARTICLE X. SIGN REGULATIONS

Division C. General Regulations

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

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

- (4) **Electronic Changeable Copy Sign.** Electronic changeable copy signs must meet the following standards. When attached to walls, electronic changeable copy signs are classified as cabinet signs.

- (C) Setback from residential. The leading edge of the sign in a non-residential zoning district must be a minimum distance of 100 feet from an abutting residential district boundary;

Section 4. 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 II. DISTRICTS AND USES

Division H. Uses

SEC. 21.209. USE TABLES.

(d) **Neighborhood and Freeway Commercial Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	
									See Listed Section

[Personal Services]									
[Funeral homes, mortuaries,		[C]			[C]				

crematories]									
[Tattoo establishment]		[C]			[CA]				[14.376 to 14.390]
[Therapeutic massage enterprise]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[14.259 to 14.275]
[Pet services facility]		[C]	[C]		[C]				

Retail Sales and Services									
Bank or financial institution		P	P	P	P	A	A	A	
Currency exchange		C			CA				14.159 to 14.165
Exterminating shop		P	P		P	P		P	
Firearms dealer		C			CA	CA			
Funeral homes, mortuaries, crematories		<u>C</u>			<u>C</u>				
[Merchandise resale facility]		[C]	[C]		[C]	[C]		[C]	
Pawn shops		C							14.287 to 14.295.08
Pet services facility		<u>C</u>	<u>C</u>		<u>C</u>				
Retail sales and services	A	P	P	A	P	P	A	P	
Tattoo establishment		<u>C</u>			<u>CA</u>				<u>14.376 to 14.390</u>
Therapeutic massage enterprise	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>14.259 to 14.275</u>

ARTICLE III. DEVELOPMENT STANDARDS

Division A. General Standards

SEC. 21.301.05. DRIVE-THROUGH FACILITIES.

- (a) **Stacking Spaces.** Unless otherwise indicated in Section [19.64(g)] 21.301.06, at least six stacking spaces must be provided per drive-through lane. Required width for vehicle drive aisles may not be allocated toward stacking spaces or stacking lanes.

Passed and adopted this _____ day of _____, 2007.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney