



Zoning Code Amendments

Sections 23 through 29

January 6, 2020

BACKGROUND

The city's zoning ordinance was created in the 1970's and recodified 2004. Over the years, changes were made to the ordinance when:

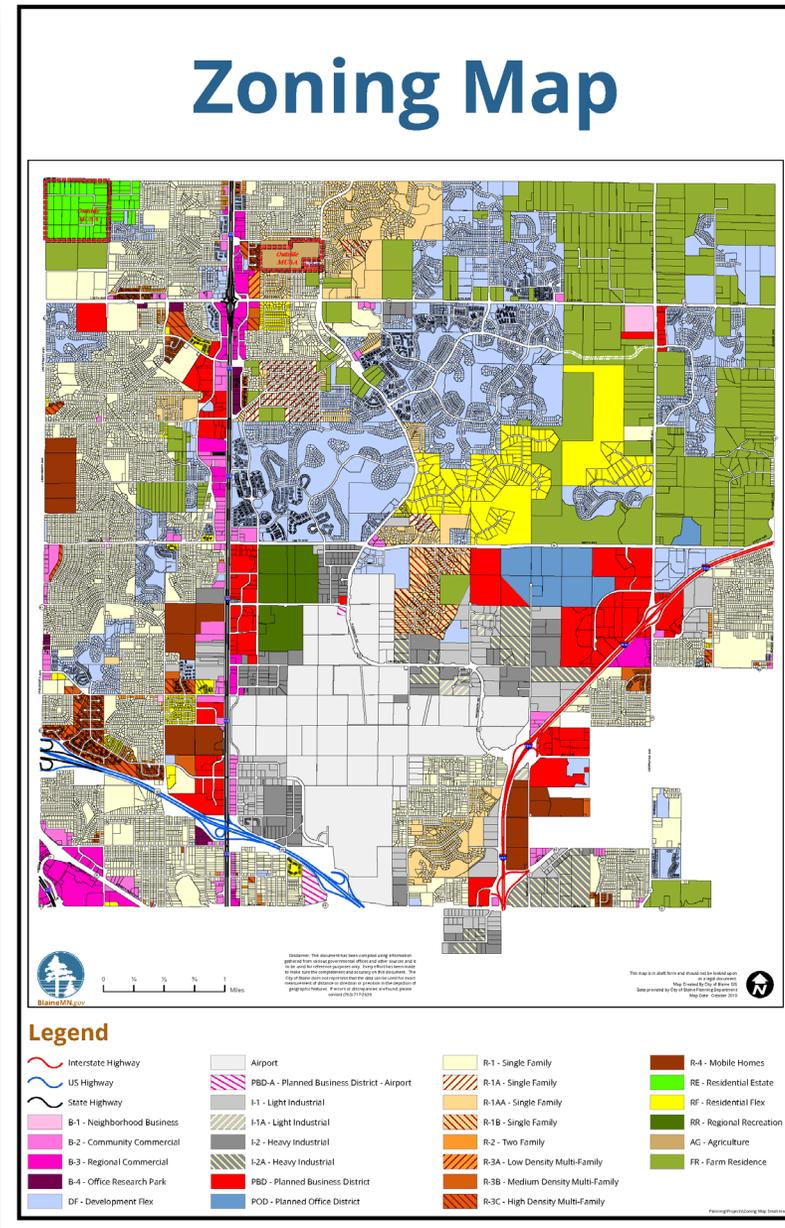
- ▶ A resident or business requested a zoning change through some sort of development on their property.
- ▶ Staff perceived an opportunity to better support citizens or businesses by ordinance changes.
- ▶ Staff noticed certain portions of the ordinance no longer make sense.

Whenever the zoning ordinance has been changed, the city council has provided the final vote to do so.

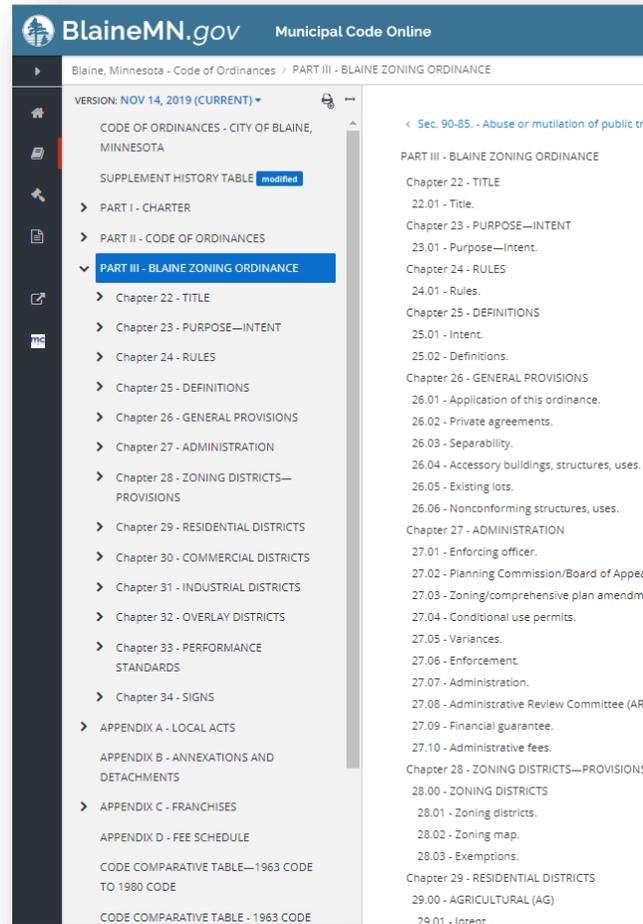


ZONING MAP

The city has 27 zoning districts as depicted on Blaine's official zoning map.



THE ZONING ORDINANCE EXPLAINED



- ▶ The zoning ordinance is used daily by Planning Department staff to make decisions regarding development.
- ▶ It establishes a purpose and intent for the adoption of such ordinance.
- ▶ It establishes rules and provides definitions for all vocabulary/terms used within the ordinance.

THE ZONING ORDINANCE (continued)



- ▶ It lays out the administrative process for appeals, amendments, conditional use permits and variances.
- ▶ It provides regulation for all permitted, accessory and conditional uses within residential, commercial and industrial zoning districts
- ▶ It introduces general requirements for all aspects of any type of development in the city through a set of performance standards.
- ▶ It creates Flood Plain and Highway 65 Overlay Districts to regulate uses within these areas.

STAFF REVIEW OF ZONING ORDINANCE



- ▶ Since the zoning ordinance was created in the 1970's there are several items in the ordinance that are either out of date or no longer relate to uses within the city.
- ▶ Staff's goal was to update the language of the ordinance to match the city's current philosophies rather than those of a vastly undeveloped city.
- ▶ Over the last three months, members of the Planning and Development and Community Standards Departments have been reviewing the ordinance chapter by chapter.

STAFF REVIEW OF ZONING ORDINANCE

- ▶ When deciding on when to make changes, staff took a practical approach to resolve issues and researched ordinances from other cities to learn from adjacent communities.
- ▶ A redlined copy of staff's proposed changes to chapters 23 – 29 have been included in your packet.



CITY COUNCIL REVIEW OF THE ZONING ORDINANCE



- ▶ It is staff's vision that the proposed redlines of the zoning ordinance will be presented to the city council in sections.
- ▶ Different chapters of the zoning ordinance will be presented at a series of workshops for council input and reflection.
- ▶ When the redlines for the whole ordinance have been reviewed by the City Council, staff will schedule the item for formal approval.
- ▶ The goal is to have the amendments to the Planning Commission in the Spring of 2020.

PROPOSED AMENDMENTS FOR CHAPTERS 23 THROUGH CHAPTERS 29



These chapters encompass the following:

- ▶ Purpose/Intent
- ▶ Rules
- ▶ Definitions
- ▶ General Provisions
- ▶ Administration
- ▶ Zoning Districts
- ▶ Residential Districts



PURPOSE - INTENT

- ▶ Not many changes are proposed to this section.
- ▶ Staff recommends removing “the Blaine countryside.”
- ▶ Staff recommends removing “protecting and preserving economically viable agricultural land,”.



RULES

- ▶ No changes proposed.



DEFINITIONS

- ▶ Staff added definitions for several items that are either currently in the ordinance or will be proposed to be added. Of note are *brew pub, interim use permit, practical difficulty, recreational vehicle and solar energy system – ground mounted.*
- ▶ Staff removed definitions from several items that were renamed, were defined elsewhere or that no longer exist and/or are needed in the ordinance. Of note are *day care center residential, motel, nursery-day, social rehabilitation programs, several solar definitions, undue hardship.*



DEFINITIONS (continued)



▶ Added

- *Brew Pub* – definition taken from the liquor license requirements.
- *Recreational vehicle* – new definition distinguishes between “mobile”, “manufactured” and RV type of vehicles.

▶ Removed

- *Social rehab programs* – can be accommodated by “group” home definition or through the new ordinance for sober houses.
- *Solar definition* – will look at the appropriate definitions to include if/when the city council elects to create specific solar ordinances. Left “ground mounted” definition in.

DEFINITIONS (continued)

▶ Redefined

- *Family* – to accommodate foster children and blended families.
- *Practical difficulty* – this is the new “undue hardship” language for variances.



ADMINISTRATION



- ▶ *27.04 Conditional use permits* – removed language regarding adjacent uses depreciating in value. Often times this cannot be proven.
- ▶ Creation of an *Interim Use Permit* – allows for temporary uses that may be in place for a limited amount of time, and allows the City Council to place conditions on such uses to benefit and protect the public welfare. Essentially allows for an end date on uses.
- ▶ *27.06 Enforcement moved to Section 27.07* where it makes more sense.
- ▶ Added *city buildings and parks* to essential services allowed in any district.

RESIDENTIAL DISTRICTS



- ▶ In most of the residential districts, you will see the same changes made throughout these districts. This mostly occurs as the items being modified are either outdated or synced with current procedures and policies.

Examples:

- Items related to “outside the MUSA” in most districts is removed, except for the RE district.
- References to other codes, or other Chapters in the Zoning Ordinance are updated to reflect recent versions.

NOTEWORTHY CHANGES TO RESIDENTIAL ZONING REQUIREMENTS



- ▶ *All lot size references* to land in the FR (Farm Residential District) have been changed to 10 acre minimums, as all land is now within the MUSA.
- ▶ Staff, through the redlined changes affecting total garage and accessory space, would like to *eliminate the accessory structure language of allowing a 200 square foot shed in addition to a 1,000 square foot garage*. The current language is very subjective and has caused code enforcement issues. The proposed changes make the language clear from an enforcement perspective.

NOTEWORTHY CHANGES (continued)



- ▶ State Statute requires that *manufactured home parks be allowed in all multi-family residential districts*, so this use has been added to all R-3 districts.
- ▶ State Statute also requires that *residential care facilities and childcare facilities be allowed in all multi-family residential districts*, so these uses have been added.
- ▶ The DF (Development Flex) zoning district was *substantially revised to match the current development procedures* listed on the zoning application for this district. The rewording matches the process and submittal requirements that has been used for several years.

NOTEWORTHY CHANGES (continued)



- ▶ The Mobile Home (R-4) District was substantially outdated and had probably not been reviewed since its inception.
 - Staff has *removed some uses that would no longer be appropriate in such residential area*, such as mini storages and recreational vehicle sales lots.
 - Changes are proposed to the storage requirements in Manufactured Home Parks to ensure that *outside storage is allowed in one location only and not located throughout the park*.
 - Some sections no longer pertain to how the city operates regarding the review of the manufactured home parks.

POLICY CHANGE



- ▶ Along with all of the proposed redlines, staff is considering requiring a “zoning permit” for all accessory structures under 200 square feet.
 - At this time, based on the Minnesota Residential Code (MRC), a building permit is not required for structures under 200 square feet.
 - Code enforcement personnel have had issues on several occasions where the buildings have not been located correctly, or they do not meet size requirements.
 - For several years, the Building Inspection Department has been issuing a “zoning” permit for storage sheds when the floor area is greater than 120 square feet and does not exceed 200 square feet (manufactured home park and single family residential) . The fee for that permit is \$50.
 - Staff is proposing to require a permit for ALL sheds under 200 square feet, rather than those sheds that are between 120 square feet and 200 square feet.

POLICY CHANGE (continued)

- The new permit would be called *Zoning Permit* rather than a building permit.
- It is proposed that existing staff will issue the zoning permits and the permit would allow staff to review square footage and location only (no new staffing needs for this change).
- Staff proposes to keep the current fee of \$50 for these permits and there would be an educational campaign regarding this new requirement over the next two years.



IN CONCLUSION

- ▶ Staff is looking for any feedback the council may have on these sections of the zoning ordinance.
- ▶ Further amendments will be brought to the city council in January or February 2020.
- ▶ The planning commission has been and will be invited to all workshop sessions.

