

ORDINANCE NO. 2024-22

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON LAND USE ACTIONS
WITHIN THE CITY OF BLOOMINGTON RELATED TO AIRPORT PARKING FACILITIES
PENDING COMPLETION OF A PLANNING STUDY ASSESSING THE NEED FOR AN
AMENDMENT TO THE CITY'S OFFICIAL CONTROLS THUS AMENDING CHAPTER 21
OF THE CITY CODE

THE CITY COUNCIL OF THE CITY OF BLOOMINGTON HEREBY ORDAINS:

Section 1. Published Notice. After providing at least the required days of published notice pursuant to City Charter section 3.05, the City Council met on September 30, 2024, to consider this Ordinance.

Section 2. Amendment. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained struck and in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 21: ZONING AND LAND DEVELOPMENT

ARTICLE V. ADMINISTRATION AND NONCONFORMITY

Division E. Moratoria

Sec. 21.505. MORATORIA.

- (a) Authority. The city is authorized under M.S. § 462.355, subd. 4, as it may be amended from time to time, to regulate, restrict or prohibit any use, development or subdivision within the jurisdiction or a portion thereof while the city is conducting studies, or has authorized a study to be conducted or has scheduled a hearing to consider adoption or amendment of the Comprehensive Plan or official zoning controls. The city declares that the following moratoria are established pursuant to the aforementioned statute.
- (b) ~~[Reserved.]~~ Airport Parking Facilities Moratorium. A moratorium is hereby adopted City-wide as follows:

(1) Findings and Purpose. The City of Bloomington regulates airport parking facilities in order to protect the health, safety, and general welfare of its residents. A need exists to conduct a study to better understand the existing conditions and future interest for this type of use in the community; where it is currently occurring, desired, and allowed; and the appropriateness and compatibility of those locations; how other communities regulate this land use; whether there is a need for additional or more prescriptive development standards; and whether there are additional design criteria for these types of uses to incorporate into the zoning code. An interim ordinance may regulate, restrict, or prohibit any use, development or subdivision within the municipality or a portion thereof not to exceed one year from the effective date. This Ordinance is necessary to protect the planning process and health, safety and general welfare of the citizens of the City and

there is a need to enact new or amend existing regulations and official controls of airport parking facilities until the study has been completed and modifications, if any, are made to the officials controls or the moratorium is repealed.

(2) Study. Staff is hereby directed to study the impact of existing and potential airport parking facilities and determine whether there should be amendments to the City's official controls, district plans, or its comprehensive plan regarding airport parking facilities in the City, including but not limited to those land uses defined as "remote airport parking" and "hotel airport parking" in the City Code.

(3) Duration. In accordance with the findings set forth in 21.505(b)1 and from the effective date of this ordinance a one-year moratorium is hereby enacted on land use and enforcement actions related to airport parking facilities. The moratorium shall expire, without further action from the City Council, one year from its effective date. In the alternative, it may be repealed earlier if the City Council determines that the requisite study has been completed and that appropriate evaluation and action, including any necessary revisions to the City Code, official controls, District Plan(s), or Comprehensive Plan have been finalized, adopted by the City Council and made effective. During the term of this Ordinance, no business, person, or entity may establish a new airport parking facility, including those defined in City Code as "remote airport parking" or "hotel airport parking" within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval or take enforcement action against existing airport parking facility land uses, including any requested confirmation, certification, approval, or other request from another governmental entity submitted to the City related to an airport parking facility. This Ordinance shall not be construed to prohibit enforcement of fire code, building code, or criminal code.

(4) Applicability. The moratorium shall not apply to the repair or maintenance of any airport parking facility existing at the time of the adoption of this Ordinance. The moratorium shall not apply to the construction of any airport parking facility with City approval at the time of the adoption of this Ordinance.

(5) Effect of Moratorium. The moratorium is applicable throughout all zoning districts in the City. No land use related applications or applications for City Code amendments related to airport parking facilities will be accepted or approved by the City Council regardless of location during this moratorium. The City will not take enforcement action against existing airport parking facility land uses during this moratorium or otherwise terminate land use related approvals in existence at the adoption of this Ordinance.

(6) Violation. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish a new airport parking facility within the City.

(7) Enforcement. Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. The City Council hereby authorizes the City Manager, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance.

(8) Severability. Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Section 3. Effective Date. Pursuant to City Charter Section 3.09, this Ordinance is effective upon publication (October 10, 2024).

Passed and adopted this 30th day of September 2024.

DocuSigned by:
Tim Bense
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Mayor

ATTEST:

Signed by:
Safaa Mercer
03AEB276ACA1454...

Secretary to the Council

APPROVED:

DocuSigned by:
Melissa J. Manderschied
5664A00FA896406...

City Attorney