

ORDINANCE NO. 2016 - 16

AN ORDINANCE OPTING OUT OF THE REQUIREMENTS OF MINNESOTA STATUTE SECTION 462.3593, WHICH DEFINES AND REGULATES TEMPORARY FAMILY HEALTH CARE DWELLINGS, AND ESTABLISHING STANDARDS AND APPROVAL PROCESSES FOR PUBLIC AND PUBLIC UTILITY BUILDINGS IN THE BP-1 AND BP-2 OVERLAY ZONING DISTRICTS, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

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

Section 1. 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 III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

§ 19.38.11 BLUFF PROTECTION (BP-1) OVERLAY DISTRICTS.

(f) *Development regulations.* In addition to the provisions of the primary zoning district, the following provisions shall further regulate all development within the Bluff Protection Overlay District.

(1) Impervious surface coverage within the Bluff Protection Overlay District shall not exceed 20% of lot area within the Bluff Protection Overlay District.

(2) Structure height shall not exceed 830-foot elevation.

(3) Preceding any construction within the Bluff Protection Overlay District, erosion control measures shall be employed. Following construction, soil stabilization shall occur at the earliest possible time. Sodding, ground covers, shrubs and trees may be required by the issuing authority to fulfill this objective.

(4) The following standards apply to public and public utility structures in the Bluff Protection (BP-1) District.

(A) The placement of public and public utility structures must not negatively impact the character or integrity of the bluff.

(B) Public and public utility structures are limited to 1,500 square feet in floor area.

(C) Retaining walls may not exceed four feet in height and may not be terraced.

(D) Public and public utility structure design and color must be compatible with the surrounding areas and structures.

(E) Public and public utility structures must be screened by landscaping, screen fences or other materials when required by the City Council.

§ 19.38.12 BLUFF DEVELOPMENT (BP-2) OVERLAY DISTRICTS.

(f) *Development regulations.* In addition to the provisions of the primary zoning district, the following provisions shall further regulate all development within the Bluff Development Overlay District.

(1) A structure located between the 760-foot and 800-foot elevations shall be set back from each side property line the applicable primary zoning district standard and by an additional setback determined by the following formula:

$$S = A/(H^2)$$

S = additional setback

A = bluff face facade area

H = bluff face building height

(2) Maximum structure height shall be governed by the applicable primary zoning district standard.

(3) Post-development over-the-bluff storm water discharge rate shall be no greater than pre-development over-the-bluff storm water discharge rate.

(4) For the open space area of a site within the Bluff Development Overlay District at least 20 trees per acre are required for each of three of the following species:

- (A) Sugar maple, *Acer Saccharum*;
- (B) Basswood, *Tilia americana*;
- (C) Northern red oak, *Quercus rubra*;
- (D) Hackberry, *Celtis occidentalis*;
- (E) Black walnut, *Juglans nigra*; and
- (F) Black cherry, *prunus serotina*.

Trees which are planted to meet this requirement shall be of an average two-inch caliper measure with no trees of less than one-inch caliper measure being included in the average. Existing trees of the designated species may be counted in meeting this requirement provided they are greater than two-inch caliper measure. In situations in which planting of middle to late successional trees would be inappropriate, the issuing authority may approve a reforestation plan utilizing other trees species recommended in the Bluff Report District Plan.

(5) The following standards apply to public and public utility structures in the Bluff Development (BP-2) Overlay District.

(A) The placement of public and public utility structures must not negatively impact the character or integrity of the bluff.

(B) Public and public utility structures are limited to 1,500 square feet in floor area.

(C) Retaining walls may not exceed four feet in height and may not be terraced.

(D) Public and public utility structure design and color must be compatible with the surrounding areas and structures.

(E) Public and public utility structures must be screened by landscaping, screen fences or other materials when required by the City Council.

Section 2. 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 III. DEVELOPMENT STANDARDS

DIVISION B. USE STANDARDS

§ 21.302.03 ACCESSORY DWELLING UNITS.

(e) Temporary family health care dwellings. Pursuant to the authority granted by M.S. § 462.3593, Subdivision 9, the City of Bloomington opts-out of the requirements of M.S. § 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

ARTICLE V: ADMINISTRATION AND NONCONFORMITY

DIVISION A: APPROVALS AND PERMITS

§ 21.501.04 CONDITIONAL USE PERMITS.

(d) *Review and approval.* Conditional use permit applications must be reviewed and acted upon by the Planning Commission, except for the uses listed in subsection (d)(1) below, which must be reviewed by the Planning Commission and acted upon by the City Council. If the Planning Commission action results in a tie vote, the conditional use permit application is automatically sent to the City Council for their final action.

(1) *City Council review.* Because of higher potential to negatively impact surrounding property, the following use types must be reviewed by the Planning Commission and acted upon by the City Council when a conditional use permit is required by the underlying zoning district.

- (A) Clubs and lodges;
- (B) College or university;
- (C) Convention center;
- (D) Hospitals, sanitariums and rest homes;
- (E) Household hazardous waste and recycling collection facilities;
- (F) Junk car disposal businesses;
- (G) Open storage as a primary use;
- (H) Other uses compatible with the mixed use concept of the CO-2 District;
- (I) Pawn shops;
- (J) Places of assembly;
- (K) Planned developments;
- (L) Post secondary educational institutions;
- (M) School (K-12), public or private;
- (N) Solid waste transfer stations;

- (O) Manufactured home parks; [~~and~~]
- (P) Medical marijuana distribution facilities[-];
- (Q) Public and public utility buildings in the BP-1 and BP-2 Overlay Zoning

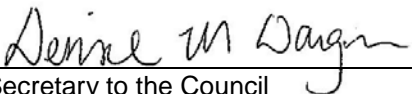
Districts.

Passed and adopted this 15th day of August, 2016.



Mayor

ATTEST:



Secretary to the Council

APPROVED:



City Attorney