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ORDINANCE NO. 2020 - 19

AN ORDINANCE COMBINING THE BLUFF PROTECTION (BP-1) AND BLUFF DEVELOPMENT (BP-2) OVERLAY DISTRICTS TO CREATE THE BLUFF PROTECTION (BP) OVERLAY DISTRICT, APPLYING THE BP OVERLAY DISTRICT TO INCLUDE LAND ALONG THE BLUFF WITH OVER 18 PERCENT AVERAGE SLOPE, REVISING THE STANDARDS OF THE BLUFF PROTECTION (BP) OVERLAY DISTRICT, ADDING STEEP SLOPE STANDARDS FROM THE LOWER MINNESOTA WATERSHED DISTRICT'S WATERSHED MANAGEMENT PLAN, AND MOVING STANDARDS FROM CHAPTER 19 TO 21, THEREBY AMENDING CHAPTERS 19 AND 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 [ ] with ~~strikethrough~~ text and adding those words that are underlined, to read as follows:

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CHAPTER 19: ZONING

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

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§ 19.25 RULES IN ESTABLISHING ZONING DISTRICTS.

(a) The purpose of this section is to establish a framework and uniform rules for location and boundaries of zoning districts established by this chapter.

(b) Unless otherwise determined by the City Council the zoning district boundary lines shall be established as follows:

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(4) District boundary lines for the Conservation SC, Flood Hazard FH Overlay, and Bluff Protection BP [~~BP-1 Overlay and Bluff Development BP-2~~] Overlay Districts may also be described as following a specific datum elevation contour above mean sea level between specified reference points. District boundary areas for the Bluff Protection BP Overlay District may also be described as steep slopes of 18 percent or greater over a horizontal distance of 25 feet or longer; and

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§ 19.38 OVERLAY ZONING DISTRICTS

(a) Purpose. To provide overlay zoning districts which additionally regulate uses and characteristics of uses permitted in primary zoning districts as deemed in the public interest.

(b) Establishment of districts. The following overlay districts are hereby established:

(1) Planned Development PD;

(2) Flood Hazard FH (section moved to § 21.208.01);

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(3) Bluff Protection [~~BP-1~~] BP (section moved to § 21.208.02);

(4) [~~Bluff Development BP-2;~~] Reserved;

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

~~(a) *Intent.* The Minnesota River Bluff in the city is a unique natural resource which occurs at the transition from urban development on the upland, to the Minnesota Valley National Wildlife Refuge and Recreation area in the floodplain of the Minnesota River. The majority of the bluff is used for sites for detached single-family dwellings which in their scale and character are compatible with preservation of the Minnesota River Bluff. The Bluff Report District Plan, adopted as part of the Comprehensive Plan on December 27, 1982, inventories the Minnesota River Bluff and presents the rationale for the provisions for the overlay zoning district. It is the purpose of the Bluff Protection Overlay District to establish regulations which will permit reasonable use of the existing detached single home sites in the bluff and appropriate development of new detached single-family homes while protecting the essential features of the bluff.~~

~~(b) *Applicability.* The Bluff Protection Overlay District shall apply to all land within the city along the Minnesota River Bluff between the 722-foot elevation and 800-foot elevation and the area of the Nine Mile Creek valley south of 106th Street between the 722-foot elevation and 800-foot elevation, which is zoned to a primary zoning district designation of Single-Family Residential (R-1). The designation of a Planned Development Overlay District (PD) within the Bluff Protection Overlay District shall not reduce or modify requirements of the Bluff Protection Overlay District.~~

~~(c) *Uses.* All permitted principal, provisional, conditional, interim and accessory uses allowed in the Single-Family Residential (R-1) Zoning District are permitted in the Bluff Protection Overlay District subject to the provisions of the primary zoning district.~~

~~(d) *Development prohibition.* Except for public or public utility structures, no permit for development shall be issued for a structure in the Bluff Protection Overlay District which would have a floor elevation below 760 feet level. Basement floor elevations below the 760-foot elevation shall be permitted provided that no portion of any floor area below the 760-foot elevation is within 50 feet of the bluff face. Expansion of structures existing at the date of adoption of this section having a floor elevation at or below 760 feet shall be permitted provided that the expansion shall not exceed the lot coverage below the 760-foot elevation existing at the date of adoption of this section by more than 20%.~~

~~(e) *General requirements.*~~

~~(1) Within the Bluff Protection Overlay District no tree greater than 12 inches in diameter measured four feet above ground level shall be cut or removed without approval by the City Forester or the issuing authority.~~

~~(2) Within the Bluff Protection Overlay District no excavation, filling or grading shall take place without issuance of a permit for development by the issuing authority.~~

~~(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~~

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~~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.~~

~~(g) *Metric equivalency.* As stated in the Comprehensive Plan, metric equivalency is preferable to metric conversion values for the purpose of ordinance standards. The metric equivalent values for measurements referenced in the Bluff Protection (BP-1) District are presented in § 19.38.12(i) of the city code.~~

~~(h) *Enforcement.* The issuing authority shall issue no permit for development within the Bluff Protection Overlay District which would be in conflict with the provisions of the Bluff Protection Overlay District. Any permit issued in conflict with the provisions of the Bluff Protection Overlay District shall be null and void. The following provisions shall apply to the Bluff Protection Overlay District.~~

~~(1) *Penalties.* It shall be unlawful to use property in violation of this section. Any person, firm, association or corporation who violates any provisions of this section is guilty of a misdemeanor, and every day of violation shall constitute a separate offense.~~

~~(2) *Additional remedies.* The city may enforce any provision of this section by any or all legal and equitable remedies.~~

~~(i) *Severability.* If any provision of this section is held invalid by a court of competent jurisdiction, such invalidity shall not affect any of the remaining provisions of this section.~~]

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

~~(a) *Intent.* The Minnesota River Bluff in the city is a unique natural resource which occurs at the transition from urban development on the upland, to the Minnesota Valley National Wildlife Refuge and Recreation area in the floodplain of the Minnesota River. Due to the historic, scenic and environmental value of the Minnesota River Bluff, certain regulatory measures are required in order to assure that the Minnesota River Bluff in the city maintains its integrity as restricted development may be permitted on the upper portion of the bluff. The Bluff Report District Plan, adopted as part of the Comprehensive Plan on December 27, 1982, inventories the Minnesota River Bluff and presents the rationale for the provisions for the overlay zoning district. It is the purpose of the Bluff Protection Overlay District to establish regulations which will permit regulated development on the Minnesota River Bluff in areas designated in the Comprehensive Plan for higher intensity land uses, fully allowing for advantageous use of solar access and earth sheltering, two particularly desirable development attributes of the Minnesota River Bluff.~~

~~(b) *Applicability.* The Bluff Development Overlay District shall apply to all land within the city along the Minnesota River Bluff between the 722-foot elevation and 800-foot elevation and the area of the Nine Mile Creek valley south of 106th Street between the 722-foot elevation and 800-foot elevation which is zoned to a primary zoning district designation other than Single-Family Residential (R-1). The designation of a Planned Development Overlay District (PD) within the Bluff Development Overlay District shall not reduce or modify requirements of the Bluff Development Overlay District.~~

~~(c) *Uses.* All permitted principal, provisional, conditional, interim and accessory uses allowed in the~~

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primary zoning district are permitted in the Bluff Development Overlay District subject to the provisions of the primary zoning district.

(d) *Development prohibition.* Except for public or public utility structures, no permit for development shall be issued for a structure in the Bluff Development Overlay District which would have a floor elevation below 760 feet. Basement floor elevations below the 760-foot elevation shall be permitted provided that no portion of any floor area below the 760-foot elevation is within 50 feet of the bluff face. Expansion of structures existing at the date of adoption of this section having a floor elevation at or below 760 feet shall be permitted provided that the expansion shall not exceed the lot coverage below the 760-foot elevation existing at the date of adoption of this Section by more than 20%.

(e) *General requirements.*

(1) Reserved.

(2) Within the Bluff Development Overlay District no tree greater than 12 inches in diameter measured four feet above ground level shall be cut or removed without approval by the City Forester or as approved by the City Council in the final site and building plans.

(3) Within the Bluff Development Overlay District no excavation, filling or grading shall take place without approval of final site and building plans by the City Council.

(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/(H2)
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

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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.

(g) *Reserved.*

(h) *Administration.* The issuing authority shall maintain records of all structures other than detached single-family residential structures which are located in the Bluff Development Overlay District.

(i) *Metric equivalency.* As stated in the Comprehensive Plan, metric equivalency is preferable to metric conversion values for the purpose of ordinance standards. Therefore, the following metric equivalents shall be used for connecting English measure to metric measure in the Bluff Development Overlay District:

Item	*English Measure*	*Metric Measure*
Elevation	722 ft.	220 m
Elevation	760 ft.	232 m
Elevation	800 ft.	244 m
Elevation	830 ft.	253 m
Measurement	Height 4 ft.	1.25 m
Setback	50 ft.	15 m
Tree diameter	12 inches	30 cm

(j) *Enforcement.* The issuing authority shall issue no permit for development within the Bluff Development Overlay District which would be in conflict with the provisions of the Bluff Protection Overlay District. Any permit issued in conflict with the provisions of the Bluff Overlay District shall be null and void. The following provisions shall apply to the Bluff Development Overlay District.

(1) *Penalties.* It shall be unlawful to use property in violation of § 19.38.12. Any person, firm, association or corporation who violates any provisions of this section is guilty of a misdemeanor, and every day of violation shall constitute a separate offense.

(2) *Additional remedies.* The city may enforce any provision of § 19.38.12 by any or all legal and equitable remedies.

(k) *Severability.* If any provisions of this section is held invalid by a court of competent jurisdiction, such invalidity shall not affect any of the remaining provisions of this section.]

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

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CHAPTER 21: ZONING AND LAND DEVELOPMENT

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ARTICLE II. DISTRICTS AND USES

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DIVISION G. OVERLAY ZONING DISTRICTS

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§ 21.208 OVERLAY ZONING DISTRICTS.

(a) *Purpose.* Overlay zoning districts provide use limitations and standards in addition to those in primary zoning districts to further the public interest.

(b) *Establishment of districts*. The following overlay districts are hereby established:

(1) Flood Hazard (FH)

(2) Bluff Protection (BP)

(c) *Conflicts.* In the case of a conflict between the provisions of a primary zoning district, the provisions of the more restrictive standard will take precedence and govern.

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§ 21.208.02 BLUFF PROTECTION (BP) OVERLAY DISTRICT.

(a) *Purpose.* The Minnesota River Bluff (hereafter "Bluff") in Bloomington is a unique natural resource that occurs at the transition from urban development on the upland, to the Minnesota Valley National Wildlife Refuge and Recreation area in the floodplain of the Minnesota River. The BP Overlay District is intended to preserve the environmental, historic, and scenic value of the Bluff by establishing regulations that protect the integrity and natural character of the bluff and protect downstream water quality while permitting reasonable use of land along the bluff. The following plans inventory the Bluff and present the rationale for the provisions of the overlay zoning district: the Bloomington Forward 2040 Comprehensive Plan (2019), The Bluff Report District Plan (1982), the Minnesota River Valley Strategic Plan (2016), the Minnesota River Valley Natural and Cultural Systems Plan (2018), and the Lower Minnesota River Watershed District's Watershed Management Plan (2018).

(b) *Definitions.* For the purpose of this Section 21.208.02, the following definitions apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL ACTIVITY. The use of land for the growing or production of agronomic, horticultural, or silvicultural crops, including nursery stock, sod, fruits, vegetables, flowers, cover crops, grains, Christmas trees, and grazing.

BEST MANAGEMENT PRACTICES. Structural or non-structural methods used to treat runoff, including such diverse measures as ponding, street sweeping, filtration through a rain garden, and infiltration to a gravel trench.

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CONSTRUCTION. Disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or existing soil topography that may result in accelerated stormwater runoff and the movement of sediment into surface waters or drainage systems.

DEVELOPMENT. The construction of any public or private improvement project, infrastructure, structure, street or road, or the subdivision or land.

ELEVATION. Has the meaning of height above mean sea level.

EXCAVATION. The artificial removal of soil or other earth material.

FILL. Any rock, soil, gravel, sand, debris, plant cuttings, or other material placed onto land or into water.

LAND DISTURBING ACTIVITY. Any change of the land surface to include removing vegetative cover, excavation, fill, grading, stockpiling soil, and the construction of any structure that may cause or contribute to erosion or the movement of sediment into water bodies. The use of land for new and continuing agricultural activities does not constitute a land disturbing activity under these standards.

LOCAL WATER PLAN. A plan adopted by each municipality pursuant to Minnesota Statute 103B.235.

NATURAL VEGETATION. Any combination of ground cover, understory, and tree canopy that stabilizes soils, retains and filters runoff, provides habitat, and recharges groundwater regardless of whether altered by human activity.

OVER-THE-BLUFF STORM WATER DISCHARGE. Sheet surface drainage which flows on the surface of the Minnesota River Bluff, or Nine Mile Creek Bluff, but does not include storm sewers which do not discharge within the Bluff Protection Overlay District.

QUALIFIED PROFESSIONAL. A person, compensated for their service, possessing the education, training, experience, or credential to competently perform or deliver the service provided.

RUNOFF. Rainfall, snowmelt, or irrigation water flowing over the ground surface.

STEEP SLOPE. A natural topographic feature having average slopes of 18 percent or greater measured over a horizontal distance of 25 feet or more.

STORMWATER. Stormwater runoff, snow melt runoff, and surface runoff and drainage.

(c) *Applicability***.** The Bluff Protection Overlay District applies to all land within the city along the Bluff between the Flood Hazard Overlay District and the 800-foot elevation, including the area of the Nine Mile Creek valley south of 106th Street, as well as natural topographic features with an average slope of 18 percent or greater measured over a horizontal distance of 25 feet or more as shown on the steep slopes overlay district map adopted by the Lower Minnesota River

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Watershed District (LMRWD).

(1) *Exception.* Properties separated from the applicable area by a street and where surface water runoff drains to the municipal storm sewer system are not subject to the requirements herein.

(d) *Uses.* All permitted principal, provisional, conditional, interim, limited and accessory uses allowed in the underlying Zoning District are permitted in the Bluff Protection Overlay District subject to the provisions of the primary zoning district.

(e) *Standards.* In addition to the provisions of the primary zoning district, the following provisions further regulate all development within the Bluff Protection Overlay District:

(1) *Development Prohibited below 760-foot elevation*

(A) No structure may be placed in the Bluff Protection Overlay District that would have a floor elevation below 760-foot elevation except as listed below.

(i) *Exceptions*

(aa) Public or public utility structures that meet the requirements in this Section 21.208.02(e)(9).

(bb) Basement floor elevations below the 760-foot elevation may be permitted provided that no portion of any floor area below the 760-foot elevation is within 50 feet of a steep slope.

(cc) Expansion of structures existing on *December 27, 1982* that have a floor elevation at or below 760 feet may be permitted provided that the expansion must not exceed the lot coverage below the 760-foot elevation existing on *December 27, 1982* by more than 20%. Any expansion is also subject to the standards for steep slope areas.

(2) *Steep Slopes*

(A) No variances may be considered from the steep slopes standards.

(B) On natural topographic features with an average slope of 18 percent or greater measured over a horizontal distance of 25 feet or more, as shown on the LMRWD's steep slopes overlay district map:

(i) No stormwater ponds, swales, infiltration basins, or other soil saturation-type features may be constructed.

(ii) Land disturbing activities that involve the disturbance of 50 cubic yards or more of earth or impact 5,000 square feet or more of surface area or vegetation are subject to the professional certification requirement in Section 21.208.02(e)(2)(C).

(iii) Activities that require a permit for development that result in a net increase in impervious surface or stormwater runoff including, but not limited to, grading, building, foundation, or parking lot permits are subject to the professional certification requirement in Section 21.208.02(e)(2)(C).

(C) *Professional Certification Requirement.* A qualified professional or a professional engineer registered in the State of Minnesota must certify the suitability of the area for the proposed activities, structures, or uses and certify the following measures will be taken:

(i) Site stabilization and slope restoration measures, including erosion and sediment control best management practices, as necessary, to ensure the proposed activity will not result in:

(aa) Adverse impacts to adjacent and downstream properties and

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water bodies;

(bb) Unstable slopes conditions; and

(cc) Degradation of water quality due to erosion, sedimentation, flooding, and other damage.

(ii) Preservation of existing hydrology and drainage patterns. Land disturbing activities must not result in any new water discharge points on steep slopes or along the bluff.

(D) *Exemptions from the Steep Slope Standards.*

(i) Projects requiring a city issued grading, building, parking lot, or foundation permit that results in a net increase in impervious surface or stormwater runoff, but impacts less than 50 cubic yards and/or less than 5,000 square feet may be issued an exception to the standard for steep slopes. The exception, if issued, must be documented as described in a Memorandum of Agreement between the LMRWD and the City;

(ii) New impervious areas associated with driveway widenings that drain to the street where water runoff is managed by the City's storm sewer system;

(iii) Maintenance, repair, or replacement of existing structures, public roads, utilities, and drainage systems resulting in no net increase of impervious surface;

(iv) Disturbances that are part of an approved local water plan to repair, grade, or re-slope existing steep slopes that are eroding or unstable in order to establish stable slopes and vegetation;

(v) Native plantings that enhance natural vegetation of steep slopes;

(vi) Selective removal of noxious, exotic, or invasive vegetation using locally recognized methods to control and/or minimize their spread;

(vii) Pruning of trees or vegetation that are dead, diseased, pose a public hazard, or removal of vegetation in emergency situations from steep slopes;

(viii) Maintenance of existing lawns, landscaping, and gardens; and

(ix) Agricultural and forestry activities.

(3) *Grading.* No excavation, fill, or other movement of earth material may take place without issuance of a permit or approval by the issuing authority, with the exception of gardening, fence and deck footings, and selective vegetation removal.

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

(4) *Tree Removal.* No trees greater than 12 inches in diameter measured four feet above ground level may be cut or removed without approval by the City Forester or as approved by the issuing authority.

(5) *Water Discharge.* Development or land alterations must not result in any concentration of water discharge directly over steep slopes without implementation of best management practices that disperse, filter, and slow the rate of stormwater runoff.

(6) *Yard Waste Disposal.* Yard waste, including grass clippings, must be disposed of properly and must not be dumped and allowed to accumulate according to Section 10.38. Composting must follow the provisions of Section 10.38.

DocuSign Envelope ID: DC9EC85F-5BD4-4471-9CD6-C5189848A311

(7) *Single-Family Zoning Districts.* The following additional standards apply to sites that are zoned R-1, RS-1 or R-1A:

(A) Impervious surface area within the Bluff Protection Overlay District must not exceed 20% of the lot area within the Bluff Protection Overlay District. This standard applies in conjunction with the impervious surface regulations of the underlying zoning district defined in Section 21.301.01 and any applicable steep slope impervious surface regulations in Section 19.57.01.

(B) At 800-foot elevation and lower, structure height must not exceed the 830-foot elevation.

(8) *Zoning Districts other than Single-Family Residential (R-1, RS-1 and R-1A).* The following additional standards apply to new development in all zoning districts except R-1, RS-1 or R-1A:

(A) The post-development over-the-bluff stormwater discharge rate must be no greater than the pre-development over-the-bluff stormwater discharge rate.

(B) Landscaping requirements, including amount of material, species, and density, must be consistent with the recommendations of the Minnesota River Valley Natural and Cultural Systems Plan and approved by the City Forester.

(9) *Public and public utility structures.* The following additional standards apply to public and public utility structures:

(A) The placement of public and public utility structures must not negatively impact the visual 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.

(f) *Best management practices.* The following best management practices are encouraged to filter, slow, and disperse surface water runoff:

(1) Minimize stormwater runoff over the bluff.

(2) Limit or reduce impervious surfaces.

(3) Direct runoff from impervious surfaces into a storm sewer system or well vegetated area.

(4) Manage soil erosion.

(5) Plant bare areas with native seedlings or seeds of native species and mulch.

(6) Cover bare soils with biodegradable erosion control blankets and/or logs while vegetation becomes established.

(7) Maintain a healthy, native bluff environment.

(8) Maintain an unmowed strip, 10 to 20 feet, of vegetation native to the Minnesota River Valley between areas of steep slopes and mowed lawns or paved surfaces.

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ARTICLE V. ADMINISTRATION AND NONCONFORMITY

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DIVISION D. NONCONFORMITY

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§ 21.504 NONCONFORMITY

(a) *Purpose and intent*. It is the purpose and intent of this section to:

(1) Allow nonconforming structures, uses, site characteristics and lots to continue to exist and be put to reasonable and productive use;

(2) Encourage such nonconformities to be brought into compliance when reasonable to do so;

(3) Establish the requirements under which nonconformities may be operated and maintained;

(4) Diminish the impacts of nonconformities on adjacent properties by limiting the expansion of nonconformities;

(5) Clarify the level of site modifications that may occur before nonconformities are required to be brought into compliance with current standards; and

(6) Comply with M.S. § 462.357, subd. 1e, as it may be amended from time to time.

(b) *Definitions*. The following terms and accompanying definitions are used in the context of nonconformities. Where the terms are used elsewhere in the code outside of the context of nonconformities, their meaning may have an alternate definition as otherwise defined in their respective section of the code.

***

EXPANSION OF A NONCONFORMITY. Includes:

(A) For nonconforming uses, an increase in the site or floor area devoted to the use; an increase in the site area devoted to parking, open storage or outdoor display; an increase in the number of dwelling units or hotel rooms; or a relocation of the use to a structure or portion of the site not previously occupied by the use.

(B) For nonconforming lots, a change to the lot size, lot width or other lot feature that would increase the level of lot nonconformity.

(C) For nonconforming structures, a change to the structure dimension, size, area, volume, height, floor area or other structure feature that would increase the level of structure nonconformity.

(D) For nonconforming site characteristics, a change to site characteristics including size, height, area, opacity, coverage or other feature that would increase the level of site characteristic nonconformity.

***

(c) *Standards.*

(1) *Rights*. Pursuant to M.S. § 462.357, subd. 1e, as it may be amended from time to time, any nonconformity, including the lawful use or occupation of land or premises existing at the time a city code amendment created the nonconformity, may be continued with any necessary approvals, including through repair, replacement, restoration, maintenance or improvement, but not including expansion, unless authorized by this section.

(2) *Expansion prohibited.* Nonconformities may not be expanded, unless expressly permitted as discussed below.

DocuSign Envelope ID: DC9EC85F-5BD4-4471-9CD6-C5189848A311

(A) Nonconforming uses may expand upon issuance of a conditional use permit only when such expansion is expressly listed as a conditional use within the applicable zoning district.

(B) Nonconforming lots may expand only upon approval of a variance or planned development zoning that allows the proposed level of nonconformity.

(C) Nonconforming structures may expand only upon approval of a variance or planned development zoning that allows the proposed level of nonconformity, except as provided in [~~§§ 19.38.11(d) or 19.38.12(d)~~] §21.208.02(e)(1)(A)(i)(cc).

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Section 3. That the Schedule of Civil Fines for Administrative Offenses under Chapter 1, Article II of the City Code is hereby amended by deleting those words that are in ~~strikethrough~~ font contained in brackets [ ] and adding those words that are underlined, to read as follows:

SCHEDULE OF CIVIL FINES

FOR ADMINISTRATIVE OFFENSES UNDER CHAPTER 1,

ARTICLE II OF THE CITY CODE

ADMINISTRATIVE OFFENSE	**FINE**
***	
Performance and Use Standard Violations (Chapter 19 and 21)	
General:	
Minor Violations	$250.00
Major Violations	$1000.00
Specific:	
***	
Bluff Protection (21.208.02)	$500.00
***	

Passed and adopted this 1st day of June, 2020.

DocuSigned by:
Tim Burns
531490D391D44BF...

Mayor

ATTEST:
DocuSigned by:
Denise Christenson
751432E1811745D...

Secretary to the Council

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

City Attorney

DocuSign SECURED

Certificate Of Completion

Envelope Id: DC9EC85F5BD444719CD6C5189848A311
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Subject: City of Bloomington - Ordinances approved at June 1, 2020 City Council meeting.
Source Envelope:
Document Pages: 48
Signatures: 15
Envelope Originator:
Certificate Pages: 2
Initials: 0
Kristin Graves
AutoNav: Enabled
1800 W. Old Shakopee Road
EnvelopeId Stamping: Enabled
Bloomington, MN 55431
Time Zone: (UTC-06:00) Central Time (US & Canada)
kgraves@bloomingtonmn.gov
IP Address: 65.117.121.2

Record Tracking

Status: Original
6/2/2020 10:13:29 AM
Holder: Kristin Graves
kgraves@bloomingtonmn.gov
Location: DocuSign
Security Appliance Status: Connected
Pool: StateLocal
Storage Appliance Status: Connected
Pool: City of Bloomington, MN
Location: DocuSign

Signer Events	Signature	Timestamp
Melissa Manderschied mmanderschied@Bloomingtonmn.gov City Attorney City of Bloomington Security Level: Email, Account Authentication (None)	DocuSigned by: Melissa Manderschied 5664A00FA896406... Signature Adoption: Pre-selected Style Using IP Address: 65.117.121.2	Sent: 6/2/2020 10:55:51 AM Viewed: 6/2/2020 11:20:40 AM Signed: 6/2/2020 11:20:56 AM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Tim Busse tbusse@Bloomingtonmn.gov Mayor City of Bloomington, Minnesota Security Level: Email, Account Authentication (None)	DocuSigned by: Tim Busse 531490D391D44BF... Signature Adoption: Uploaded Signature Image Using IP Address: 65.117.121.2	Sent: 6/2/2020 11:21:02 AM Viewed: 6/2/2020 11:34:07 AM Signed: 6/2/2020 11:34:17 AM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Denise Christenson dchristenson@Bloomingtonmn.gov Mayor's Assistant - City Council Admin. City of Bloomington, MN Security Level: Email, Account Authentication (None)	DocuSigned by: Denise Christenson 751432E1811745D... Signature Adoption: Pre-selected Style Using IP Address: 65.117.121.2	Sent: 6/2/2020 11:34:24 AM Viewed: 6/2/2020 11:36:01 AM Signed: 6/2/2020 11:36:29 AM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
Laserfiche Laserfiche@Bloomingtonmn.gov Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Not Offered via DocuSign	COPIED	Sent: 6/2/2020 11:36:38 AM Viewed: 6/4/2020 8:12:44 AM

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/2/2020 11:36:38 AM
Certified Delivered	Security Checked	6/2/2020 11:36:38 AM
Signing Complete	Security Checked	6/2/2020 11:36:38 AM
Completed	Security Checked	6/2/2020 11:36:38 AM

Payment Events	Status	Timestamps