

ORDINANCE NO. 2023-16

AN ORDINANCE TO UPDATE CITY CODE REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL AND TWO-FAMILY RESIDENTIAL LOTS AND DWELLINGS RELATED TO DEFINITIONS, LOT SIZE AND WIDTH, APPROVAL PROCESSES, SETBACK REQUIREMENTS, PARKING AND GARAGE, PLATTING, AND OTHER RELATED STANDARDS, THEREBY AMENDING CHAPTERS 19, 21, AND 22 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 ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 19

ARTICLE I: GENERAL PROVISIONS

DIVISION B: DEFINITIONS

§ 19.03 DEFINITIONS.

DWELLING. One or more rooms designed for residential use by a single family that contain cooking, living, sanitary and sleeping facilities and that are physically separated from any other dwelling units in the same structure. Types of *DWELLINGS* are as follows.

(A) DWELLING, SINGLE-FAMILY. A building designed or used for residential occupancy by one family with or without an approved accessory dwelling unit.

(B) DWELLING, ACCESSORY. A secondary dwelling unit, but not a manufactured home built on a permanent chassis, located on the same lot as a single-family dwelling unit, either physically attached to, within, or detached from the single-family dwelling unit. Accessory dwelling units must be developed in accordance with the standards set forth in § 21.302.03.

(C) DWELLING, TWO-FAMILY. A building designed or used for residential occupancy by two families in separate dwelling units fully separated by an unpierced wall extending from ground to roof for a minimum of 10 feet, or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units, including both duplexes and double bungalows but not including accessory dwelling units.

DIVISION C: LOTS, BUILDING AND OBSTRUCTIONS

§ 19.04 BUILDINGS ON LOT.

In a single-family residential district, every building hereafter erected or structurally altered shall be located on a lot~~], and in no case shall there be more than one principal building on one lot]~~. The words "principal building" shall be given their common, ordinary meaning; in case of doubt, or on any question of interpretation the decision of the issuing authority shall be final.

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

CHAPTER 21

ARTICLE II: DISTRICTS AND USES

DIVISION H: USES

§ 21.209 USE TABLES.

(c) Residential Zoning Districts.

| Use Type | Zoning District | | | | | | | | | References; See Listed Section |
|-----------------------------------|-----------------|-------|------|-----|----------|-------|-------|-------|--------|--------------------------------------|
| | R-1 | R- 1A | RS-1 | R-3 | R-4 | RM-12 | RM-24 | RM-50 | RM-100 | |
| RESIDENTIAL | | | | | | | | | | |
| Dwellings | | | | | | | | | | |
| Single-family dwelling | P | P | P | | P | | | | | |
| Two-family dwelling | P | | | | P | | | | | 21.302.04 |
| Groupings of two-family dwellings | <u>C</u> | | | | <u>C</u> | | | | | <u>21.302.04</u> |

ARTICLE III: DEVELOPMENT STANDARDS

DIVISION A: GENERAL STANDARDS

§ 21.301.01 DEVELOPMENT INTENSITY AND SITE CHARACTERISTICS.

(c) Residential Zoning Districts.

(1) Residential site standards.

| Zoning District | Site Area | Site Width | Density | | Impervious Surface Area |
|-----------------|---|----------------------|---------|---------|-------------------------|
| | Minimum | Minimum | Minimum | Maximum | Maximum |
| R-1 | [14,000] <u>7,800</u> sq. ft. (corner lot [15,000] <u>11,050</u> sq. ft.) | see (A[&B]) below | NA | NA | 35% and see (C) below |

(A) *Site width.* Site width for non-corner sites must be at least ~~[80]~~ 60 feet in the R-1 and RS-1 zoning districts and at least 100 feet in the R-1A zoning district. Corner site width at both of the minimum required front setback lines must be at least ~~[120]~~ 100 feet in the R-1, RS-1 and R-1A zoning districts. Single and two-family residential sites approved by the city after August 31, 2006 must meet minimum site width requirements at the front setback line and over the first 50 feet of the site beyond the required front setback line.

(B) *Median site width.* Site width for all single and two-family residential lots in the ~~[R-1,]~~RS-1 and R-1A zoning districts approved or modified by the city after August 31, 2006 must meet or exceed 80% of the median site width of existing lots wholly or partially located within 500 feet of the perimeter of the proposed subdivision measured along existing or proposed public streets. In no event is site width for single and two-family residential sites required to exceed 120 feet. In calculating the median site width, the following sites are excluded:

- (i) Sites that are not single or two-family residential sites;
- (ii) Sites within the proposed subdivision;
- (iii) Corner sites;
- (iv) Flag sites;
- (v) Sites approved through the Neighborhood Unit Development (NUD) process;
- (vi) Through lots that do not take access from the same street;
- (vii) For the purposes of calculating single-family residential site width, two-family sites are excluded~~[-. In no event is site width for single and two-family residential sites required to exceed 120 feet];~~ and
- (viii) For the purposes of calculating two-family residential site width, in cases where horizontally attached two-family residential structures occupy two adjoining lots, site width is determined by adding together the width of each lot. Notwithstanding the requirements of city code § 21.301.01(c)(1)(A), legally created two-family residential sites may be subdivided in accordance with § 21.302.04(c)(16).

(C) ~~[Impervious surface area.]~~ *Storm water.* To mitigate the impacts of increased storm water runoff rates and volume, single-family dwellings must meet the following storm water standards:

- (i) Erosion and sediment control must meet the requirements of Chapter 16 of the city code;
- (ii) The area of impervious surface on a single-family residential site may not exceed 12,000 sq. ft plus 1,000 sq. ft. for each full acre of lot size over one acre.
- (iii) Single-family residential sites less than 11,000 square feet in area may exceed 35% of impervious surface up to a maximum of 45% with approval from the City Engineer or designee prior to issuance of a grading, foundation, or building permit, subject to the following requirements:
 - (aa) Approval of stormwater management plans consistent the requirements of Chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan.
 - (bb) Additional impervious surface above 35% must be mitigated by installing on-site trees at a rate of one tree per three percent of impervious surface area above 35%, with a minimum requirement of one tree, unless a waiver is granted by the Issuing Authority based upon existing tree canopy cover of the single-family residential site. Trees must be overstory trees, except sites that require more than one tree may use one ornamental tree in lieu of one overstory tree. A maximum of one ornamental tree may be installed to satisfy the mitigation requirement.

(3) *Building floor area minimum*

| <i>Unit</i> | <i>Floor Area</i> |
|-------------|-------------------|
| | <i>Minimum*</i> |

| | |
|-------------------------------|------------------------------------|
| [Single family (except R-1A)] | [1,040 sq. ft.] |
| [Single family (R-1A)] | [1,700 sq. ft.] |
| [Two-family] | [960 sq. ft. per unit (21.302.04)] |
| Apartments and condominiums | |

§ 21.301.02 STRUCTURE PLACEMENT.

(d) Residential District setbacks.

(1) Residential structure setbacks in residential districts.

| Zoning District | Along Streets** | Rear | Side Not Along Streets |
|-----------------|--|--|--|
| | Minimum | Minimum | Minimum |
| R-1[, RS-1] | 30 feet [or as required in subsection (3) below, whichever is greater*.] Setbacks also subject to the exception in subsection (4) below. | 30 feet 5 feet for garages and accessory buildings not connected to water or sanitary sewer service | 10 feet 5 feet for garages and accessory buildings not connected to water or sanitary sewer service |
| RS-1 | 30 feet or as required in subsection (3) below, whichever is greater. Setbacks also subject to the exception in subsection (4) below. | 30 feet 5 feet for garages and accessory buildings not connected to water or sanitary sewer service | 10 feet 5 feet for garages and accessory buildings not connected to water or sanitary sewer service |
| R-1A | 75 feet or as required in subsection (3) below, whichever is greater*. Setbacks also subject to the exception in subsection (4) below. | 75 feet 5 feet for garages and accessory buildings not connected to water or sanitary sewer service | 30 feet 5 feet for garages and accessory buildings not connected to water or sanitary sewer service |
| *** | | | |

Note:

* No portion of an accessory building may be closer to the property line adjacent to a public street than the principal structure.

** On flag lots, the minimum setback along a street is measured from where the minimum lot width [of 80 feet] begins.

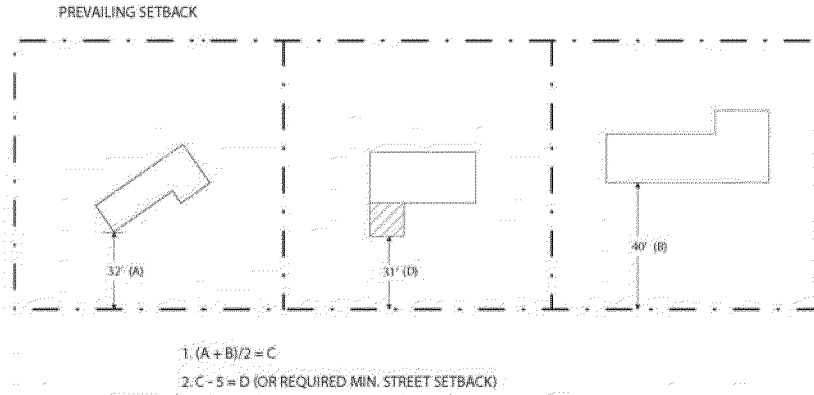
(3) Prevailing setback.

(A) Intent. Prevailing setback standards are intended to promote the compatibility of infill redevelopment with existing development in older neighborhoods.

(B) Applicability. New single-family and two-family dwellings or additions in the [R-1,] R-1A and RS-1 Zoning Districts must meet increased setback standards along a street if the new dwelling directly abuts to one or more single-family dwellings that were in existence on October 7, 1974.

(C) Measurement. The prevailing setback is the average minimum setback of each single-family dwelling on directly abutting sites along the same street segment and within the same block face.

(D) Standard. When applicable and not otherwise set through a condition of approval, the required setback from a front or side property line adjacent to a street is five feet less than the prevailing setback, except that the structure may not have a setback from the front or side property line adjacent to a street that is less than the zoning district minimum and in no case may the additional required setback be more than 65 feet from the property line.



§ 21.301.06 PARKING AND LOADING.

(d) *Number of off-street parking spaces required.*

(1) The minimum number of off-street parking spaces provided within a development must meet the provisions of this subsection (d), varying by land use as provided in the following table. If more than one land use is present on a site, the required parking is determined by adding together the required number of parking spaces for each use.

If the number of off-street parking spaces results in a fraction, each fraction of one-half or more will constitute another space required. A lesser number of constructed off-street parking spaces may be allowed through flexibility measures (see subsection (e) below). The requirements for off-street surface parking space dimensions are set forth in subsection (c) above.

| Minimum Off-Street Parking Requirements | |
|--|---|
| RESIDENTIAL | |
| Single-family | [4] <u>2</u> spaces per dwelling unit, [2] <u>1</u> of which <u>must be</u> [are] fully enclosed within a garage (for construction after June 1, 2015) or area that could be occupied by a garage (for construction before June 1, 2015) (carports are not considered fully enclosed) |
| Two-family | [4] <u>2</u> spaces per dwelling unit, [2] <u>1</u> of which <u>must be</u> [are] fully enclosed within a garage (carports are not considered fully enclosed) |

§ 21.302.04 TWO-FAMILY DWELLINGS.

(a) *Purpose.* The following standards are intended to accommodate two-family dwellings within predominantly single-family dwelling areas while protecting the public health, safety and general welfare of the community.

(b) *Review and approval.* Two-family dwellings must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit. Because groupings of two-family dwellings have higher levels of neighborhood impact than stand alone, infill two-family dwellings, approval of groupings of two-family dwellings warrants a higher level of review and discretion. Plans for groupings of two-family dwellings may only be approved when a [~~rezoning to a planned development overlay zoning district~~] conditional use permit has first been approved by the [~~City Council~~] Planning Commission. Two-family dwellings qualify as a grouping when the parcel on which a two-family dwelling is proposed within

500 feet of a parcel occupied by an existing or proposed two-family dwelling, measured along existing or proposed public streets.

(c) *Standards.*

- (1) *Zoning district.* Two-family dwellings must be located within the R-1 and R-4 Residential Zoning Districts.
- (2) *Site size.* Two-family dwelling sites must have an area of at least ~~[15,000]~~ 13,000 square feet for interior lots and ~~[18,000]~~ 16,250 square feet for corner lots.
- (3) *Site width.* Two-family dwelling sites must be at least ~~[100]~~ 80 feet in width for interior lots and ~~[120]~~ 100 feet in width for corner lots ~~[and must meet the median lot width requirements of city code § 21.301.01].~~
- (4) *Setbacks.* Two-family dwelling garage and living space must meet the following minimum setback requirements from property lines:

| | |
|-----------------------------|--------------------------------|
| Front | [50] <u>30</u> feet |
| Side adjacent to street | [50] <u>30</u> feet |
| Side not adjacent to street | 10 feet |
| Rear | 30 feet |

- (5) ~~*Reserved.* [Floor area. Two-family dwelling must have at least 960 square feet of living area per unit.]~~
- (6) *Garages.* Two-family dwellings must have at least ~~[two]~~ one attached garage space[s] per unit. Two-family dwelling garages must be at least 242 484 square feet per unit and must not exceed 900 square feet per unit. When a two-family dwelling is on a corner lot adjacent to two local streets as classified by the Comprehensive Plan, the garage for each unit must face a separate street. The height of the garage must not exceed the height of the two-family dwelling. Garage door openings, measured from the floor to the trim covering the door header must not exceed eight feet in height.

- (18) *Storm water.* To mitigate the impacts of increased storm water runoff rates and volume, two-family dwellings must meet the following storm water standards:
 - (A) Erosion and sediment control must meet the requirements of Chapter 16 of the city code;
 - (B) ~~[Impervious surface area must not exceed 45% of the two-family dwelling site area; and] The area of impervious surface on a two-family residential site may not exceed 12,000 sq. ft. plus 1,000 sq. ft. for each full acre of lot size over one acre.~~
 - (C) ~~[If impervious surface area exceeds 35% of the two-family dwelling site area, storm water management plans meeting the requirements of Chapter 16 of the city code and the city's comprehensive surface water management Plan must be approved by the City Engineer or designee prior to issuance of a grading, foundation, or building permit] Two-family residential sites may exceed 35% of impervious surface, up to a maximum of 45%, with approval from the City Engineer or designee prior to issuance of a grading, foundation, or building permit, subject to the following requirements:

 - (i) Approval of stormwater management plans consistent the requirements of Chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan.
 - (ii) Additional impervious surface above 35% must be mitigated by installing on-site trees at a rate of one tree per three percent of impervious surface area above 35%, with a minimum requirement of one tree, unless a waiver is granted by the Issuing Authority based upon existing tree canopy cover of the two-family residential site. Trees must be overstory trees, except sites that require more than one tree may use one ornamental tree in lieu of one overstory tree. A maximum of one ornamental tree may be installed to satisfy the mitigation requirement.~~

§ 21.302.07 SINGLE-FAMILY RESIDENTIAL STANDARDS.

(b) *Standards.*

~~[(3) *Garages.* Single-family dwellings constructed after June 1, 2015 must provide at least two parking spaces within a fully attached or detached garage.]~~

§ 21.501.04 CONDITIONAL USE PERMITS.

(i) *General standards.* In addition to use specific standards for conditional uses listed elsewhere in the city code, the following general standards also apply to conditional uses.

(1) In the R-1, R1-A and RS-1 zoning districts, except for the uses listed below, a conditional use must be located on a site immediately adjacent to a commercial zoning district, an industrial zoning district, the intersection of two streets classified by the Comprehensive Plan as arterial streets or the intersection of a street classified by the Comprehensive Plan as an arterial street and a railroad. Exceptions include:

- (A) Places of assembly and schools;
- (B) Licensed congregate living facilities serving five or more persons and licensed residential facilities serving seven or more persons;
- (C) Home businesses;
- (D) Towers;
- (E) Tennis courts accessory to single-family dwellings; ~~[and]~~
- (F) Private and commercial parks and recreational facilities as a principal use~~[-];~~ and
- (G) Groupings of two-family dwellings.

Section 3. That Chapter 22 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 22

DIVISION C: PROCESS

§ 22.04 TYPES OF PLATS.

(a) *Type I plats (minor plat approval).* Type I plats are plats that do not require any public improvements and include any of the following:


- (1) Lot line adjustments: the adjustment of a lot line by the relocation of a common boundary between two lots ;
- (2) Two-family dwelling lot split: the splitting of one lot containing adjoining dwellings into two lots each containing one of the adjoining dwellings. The new lot line must be within the common wall of the structure;
- (3) The platting of a metes and bounds parcels into platted lots with no change in lot line location;
- (4) The replatting of an addition, with no change in lot line location, for the sole purpose of renaming the addition; ~~[or]~~
- (5) Any single- or two-family residential lot combinations that results in equal or fewer dwelling units~~[-];~~ or
- (6) Any single or two-family residential lot split resulting in no more than two lots.

§ 22.08 APPLICATION PROCESSES AND FEES.

(c) *Application processes and fees.*

| Application Process | Review and Decision Making Authority | | | | Notice | |
|--|--------------------------------------|----------|----|-----------|--------|------------|
| | DRC | ST | PC | CC | N | Mail |
| Preliminary plat – Type I | R | R | | DM | | |
| <u>Preliminary plat – Type I, single or two-family residential lot splits resulting in no more than two lots</u> | <u>R</u> | <u>R</u> | | <u>DM</u> | | <u>500</u> |
| Preliminary plat – Type II | R | R | | PH DM | N | 500 |

Passed and adopted this 22nd day of May, 2023.

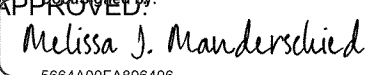
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 Mayor

ATTEST:
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 Secretary to the Council

APPROVED:
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 City Attorney