

ORDINANCE NO. 2022 - 39

AN ORDINANCE AMENDING THE DEFINITION OF ACCESSORY DWELLING UNIT (ADU), ADU STANDARDS TO ALLOW DETACHED ADUS, AND ADU PARKING REQUIREMENTS; ESTABLISHING DETACHED ADU HEIGHT REQUIREMENTS; AND REVISING ADU RENTAL LICENSE LANGUAGE, THEREBY AMENDING CHAPTERS 9, 14, 19, 21, AND APPENDIX A OF THE CITY CODE.

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

Section 1. That Chapter 9 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 9: HOUSING OPPORTUNITY AND PRESERVATION

ARTICLE I. GENERAL PROVISIONS

§ 9.04 DEFINITIONS

The following words and terms, when used in this chapter, have the following meanings unless the context indicates otherwise.

ACCESSORY DWELLING UNIT [~~-(ADU)~~]. See ***DWELLING, ACCESSORY***. [~~A secondary dwelling unit that is:~~

- ~~—(A) Physically attached to or within a single family dwelling unit;~~
- ~~—(B) Subordinate in size to the single family dwelling unit;~~
- ~~—(C) Fully separated from the single family dwelling unit by means of a wall or floor, with or without a door;~~
- ~~—(D) Has a separate entrance than the primary dwelling unit; and~~
- ~~—(E) Meets the definitional requirements for a dwelling unit (cooking, living, sanitary, and sleeping facilities) as defined in this section.]~~

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:

- (A) ***DWELLING, SINGLE-FAMILY***. A building designed or used for residential occupancy by one household 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[B])~~ **DWELLING, TWO-FAMILY.** A building designed or used for residential occupancy by two households in separate dwelling units fully separated by an unpierced wall extending from ground to roof 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.

~~(D[C])~~ **DWELLING, MULTIPLE-FAMILY.** A building that includes three or more dwelling units.

Section 2. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

ARTICLE VI. TIME-OF-SALE HOUSING EVALUATIONS AND MANUFACTURED HOME PARK REGULATIONS

DIVISION C: TIME-OF-SALE HOUSING EVALUATIONS

§ 14.522 DEFINITIONS

The following words and terms, when used in this Division C shall have the following meanings, unless the context clearly indicates otherwise.

ACCESSORY DWELLING UNIT. See **DWELLING, ACCESSORY.** [~~A secondary unit that is:~~
~~— (A) Physically attached to or within a single dwelling family unit;~~
~~— (B) Subordinate in size to the single family dwelling unit;~~
~~— (C) Fully separated from the single family dwelling unit by means of a wall or floor, with or without a door;~~
~~— (D) Uses a separate entrance than the primary dwelling unit; and~~
~~— (E) Meets the definitional requirements for a dwelling unit (cooking, living, sanitary and sleeping facilities) as defined in § 19.03.]~~

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.

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

(2) **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.

(3[2]) **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 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.

(4[3]) **DWELLING, MULTIPLE-FAMILY.** A building or portion thereof designed or used for residential occupancy by three or more families in separate dwelling units.

(5[4]) **MANUFACTURED HOME.** Synonymous with **MOBILE HOME**, a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A recreational camping vehicle is not a **MANUFACTURED HOME**.

ARTICLE VIII. RENTAL HOUSING CODE

DIVISION A: GENERAL PROVISIONS

§ 14.568 DEFINITIONS

The following words and terms, when used in this Article VIII have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this Article VIII, which are defined in codes adopted by reference in §§ 14.567 and 15.01, have the meanings ascribed to them as stated in those codes.

ACCESSORY DWELLING UNIT. See **DWELLING, ACCESSORY**. ~~[A secondary dwelling unit that is:~~

~~—(a) Physically attached to or within a single family dwelling unit;~~

~~—(b) Subordinate in size to the single family dwelling unit;~~

~~—(c) Fully separated from the single family dwelling unit by means of a wall or floor, with or without a door;~~

- ~~—(d) Uses a separate entrance than the primary dwelling unit ; and~~
- ~~—(e) Meets the definitional requirements for a dwelling unit (cooking, living, sanitary and sleeping facilities).]~~

ASSISTED LIVING FACILITY. An establishment, as defined in M.S. § 144G.08, subd. 7 and subd.8 for assisted living facility with dementia care, providing assisted living services defined in subd. 9, as they may be amended from time to time.

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.

DWELLING, MULTIPLE-FAMILY. A building or portion thereof designed or used for use for residential occupancy by three or more families in separate dwelling units.

Section 3. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 19: ZONING

ARTICLE I. GENERAL PROVISIONS

DIVISION B: DEFINITIONS

§ 19.03 DEFINITIONS

The following words and terms when used in Chapters 19 and 21 shall have the following meanings unless the context clearly indicates otherwise.

ACCESSORY DWELLING UNIT. See ***DWELLING, ACCESSORY.*** [~~A secondary dwelling unit that is:~~

- ~~—(A) Physically attached to or within a single family dwelling unit;~~
- ~~—(B) Subordinate in size to the single family dwelling unit;~~

~~—(C) Fully separated from the single family dwelling unit by means of a wall or floor, with or without a door;~~

~~—(D) Has a separate entrance than the primary dwelling unit; and~~

~~—(E) Meets the definitional requirements for a dwelling unit (cooking, living, sanitary and sleeping facilities) as defined in this section.]~~

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)~~(B) **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 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.

~~(D)~~(C) **DWELLING, MULTIPLE-FAMILY.** A building that includes three or more dwelling units where dwelling units are configured in part vertically above and below other dwelling units.

~~(E)~~(D) **TOWNHOUSE/ROWHOUSE.** A building or group of buildings that include three or more dwelling units on a site where the dwelling units are configured in a side by side fashion and share at least one common wall but are not vertically stacked.

Section 4. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text 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

(b) *Standards.*

(1) *Zoning district.* Accessory dwelling units may only ~~[must]~~ be located in the R-1 or RS-1 Residential Zoning Districts (see § 21.209(c)).

(2) Reserved.

(3) *Parking.* Accessory dwelling units are not permitted on residential sites that do not meet the minimum parking standards for a single-family dwelling unit (~~[[four off-street spaces, two of which are within a garage or area that could be occupied by a garage:]~~see § 21.301.06). The total number of vehicles parked or stored must conform with the standards in § 21.301.06(m)~~[12.03]~~.

(4) *Location.* Accessory dwelling units may ~~[must]~~ be attached to, detached from, or internal to a ~~[the]~~ single-family dwelling ~~[four season living space or located within single-family dwelling units]~~. Accessory dwelling units are not permitted in conjunction with two-family dwellings, townhomes/rowhomes or multiple-family dwellings. ~~[Accessory dwelling units are not permitted in, or attached to, detached structures, including, but not limited to, detached garages or accessory buildings.]~~

(5) *Number.* No more than one accessory dwelling unit is permitted per residential site. A detached accessory dwelling unit will count toward the maximum number of detached accessory structures allowed on a lot (see § 21.301.19).

(6) *Design and access* ~~[Convertibility]~~. Accessory dwelling units must be fully separated from the single-family dwelling unit by means of a wall or floor and have a separate entrance than the primary dwelling unit. The separating wall may have a door connecting the accessory dwelling unit to the primary dwelling unit. [With respect to the point of attachment, degree of attachment and the coordination of floor plans between the single-family dwelling unit and the associated accessory dwelling unit, the accessory dwelling unit must be designed and constructed to allow conversion of the accessory dwelling unit back to single-family residential space in the future.]

(7) *Home businesses.* Type I home businesses are allowed within an accessory dwelling unit, subject to existing performance standards (see § 21.302.13(d)), provided the combined impacts of home occupations in the accessory dwelling unit and associated single-family dwelling unit do not exceed the performance standards for one single-family dwelling unit, including, but not limited to, the number of employees, signs, deliveries, pick-ups and client appointments per site. Type II home businesses are not allowed within accessory dwelling units.

(8) *Size.* The size of a detached accessory dwelling unit will not count toward the combined maximum size for accessory structures allowed on a lot (see § 21.301.19). Both detached and attached accessory dwelling units must meet the following size standards:

(A) *Minimum size.* Accessory dwelling units must be at least 300 square feet in area.

(B) *Maximum size.* Accessory dwelling units must be less than 960 square feet in area.

(C) *Proportionate size.* The four season living area~~[floor area]~~ of an accessory dwelling unit must not exceed 33% of the combined four season living area of the accessory dwelling unit and the associated single-family dwelling unit

(D) *Common utility exception.* Areas containing common utility or mechanical equipment, up to a maximum of 100 square feet, that are within the accessory dwelling unit but serve both the accessory dwelling unit and single-family dwelling unit are exempt from the size calculation of the accessory dwelling unit.

(E) *Associated single-family dwelling size.* The associated single-family dwelling unit must continue to meet minimum floor area requirements; see § 21.301.01.

(13) *Occupants.* Occupancy must comply with the requirements of § 15.01 of this city code [~~is limited to two persons in the accessory dwelling unit~~].

(14) *Height* [~~Appearance~~]. The height of a detached accessory dwelling unit may not exceed the height of the associated single-family dwelling unit. [~~Accessory dwelling units and associated single-family dwelling units must clearly be designed and constructed to maintain the [outward] appearance of one single-family dwelling; the appearance of a two-family dwelling must be avoided.~~]

(15) *Single-family dwelling standards.* Except when legally non-conforming, [A]accessory dwelling units in combination with their associated single-family dwelling unit must conform to all city code requirements for single-family dwellings, including, but not limited to, setback, height, impervious surface, motor vehicle, and recreational vehicle and accessory building standards, except where otherwise noted in this section.

(16) *Building Code compliance.* The accessory dwelling unit and the associated single-family dwelling unit must meet current State Building Code provisions, including, but not limited to, fire resistance and sound insulation standards between units.

(c) *Site plan requirements.* Any application for an accessory dwelling unit must be accompanied by:

(1) An existing conditions survey showing property lines, existing and proposed structures, existing and proposed impervious surface areas (call out overall percentage impervious), setbacks and required off-street parking;

(2) A letter of narrative describing the proposed accessory dwelling unit;

(3) Elevation drawings depicting the[~~both the existing and~~] proposed structure from all four directions; and

(4) A floor plan of [~~both the single-family dwelling and~~] the [~~associated~~] accessory dwelling unit indicating points of entrance and floor areas.

(5) In the event an accessory dwelling unit is proposed entirely within the existing floor area of a single-family dwelling, the existing conditions survey is not required and elevation drawings are required only for those elevations proposed to be altered.

[~~(6) A written description and/or plans depicting how the accessory dwelling unit may convert back to single-family residential space in the future.~~]

(d) *Approval process.* Accessory dwelling units must receive administrative final site and building plan approval prior to issuing a building permit.

(e) *Temporary family health care dwellings.* Pursuant to the authority granted by M.S. § 462.3593, subd. 9, as it may be amended from time to time, the city opts-out of the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.

Section 5. That Appendix A of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

APPENDIX A: FEE SCHEDULE

Chapter 14: Licenses and Permits

<i>CODE SECTION</i>	<i>CROSS-REF</i>	<i>DESCRIPTION</i>	<i>FEE</i>
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§ 14.03	§ 14.569	Rental Housing	

		(F) Condominium (in building of owner-occupied units)	\$99
		(G) Accessory dwelling unit [in a single-family house]	\$126
		(H) Work/live dwelling units	

Passed and adopted this 8th day of August, 2022.

/s/ Tim Busse
Mayor

ATTEST:

/s/ Matt Brillhart
Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied
City Attorney