

ORDINANCE NO. 2024-61

AN ORDINANCE COMPLETING MINOR AMENDMENTS TO THE CITY'S PARK DEDICATION PROVISIONS, MODIFYING THE DEFINITION OF "PLATTED LOT," ESTABLISHING AN ADMINISTRATIVE LOT LINE ADJUSTMENT AND LOT CONSOLIDATION APPLICATION PROCESS, AND EXPANDING EXCEPTIONS TO PLATTING, THEREBY AMENDING CHAPTER 15, CHAPTER 22, AND APPENDIX A OF THE CITY CODE

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

Section 1. That Chapter 15 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:

CHAPTER 15: BUILDINGS AND STRUCTURES

ARTICLE I: BUILDING CODE

§ 15.09 SURVEY AND PLATTING REQUIREMENTS FOR BUILDING PERMIT APPLICATION.

(a) Definition. The following word, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

LOT, PLATTED. A parcel of land described [~~in whole~~] by a numbered lot and block of a plat, tract of a registered land survey (RLS) or lot of an Auditor's subdivision or a portion of a numbered lot and block of a plat, tract of a RLS, or lot of an Auditor's Subdivision. The term PLATTED LOT does not include outlots of a plat [~~or portions of a numbered lot and block of a plat, tract of an RLS, or lot of an Auditor's subdivision~~]. Examples of a PLATTED LOT are: Lot 1 Block 1 ABC Addition, Tract A RLS No. 123, and Lot 12, Auditor's Subdivision No. 456. ~~Examples of parcels that are not considered PLATTED LOTS are: [the north half of Lot 1 Block 1 ABC Addition, east quarter of Tract A, RLS No. 123, and south half of Lot 12, Auditor's Subdivision No. 456].~~

(c) Platting requirements. Footing, foundation and building permits may only be issued on property described as one or more[a] platted lots, except as noted in § 22.03 of this city code. When platting is required per city code Chapter 22, proof of filing the plat, such as a receipt, is required prior to the issuance of footing, foundation or building permits.

Section 2. That Chapter 22 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:

CHAPTER 22: SUBDIVISION AND PLATTING

DIVISION A: PURPOSE AND DEFINITIONS

§ 22.02 DEFINITIONS.

LOT. A tract, plot or portion of a subdivision or other parcel of land intended as an individual unit for the purpose, either immediate or future, of transfer of ownership, or possession, or for development.

LOT CONSOLIDATION. The combination of two or more lots into a lower number of lots.

LOT LINE ADJUSTMENT. The adjustment of a lot line by the relocation of one or more common boundaries between lots.

LOT, PLATTED. A parcel of land described [~~in whole~~] by a numbered lot and block of a plat, tract of a registered land survey (RLS) or lot of an Auditor's Subdivision or a portion of a numbered lot and block of a plat, tract of RLS, or lot of an Auditor's Subdivision. The term **PLATTED LOT** does not include outlots of a plat [~~or portions of a numbered lot and block of a plat, tract of an RLS, or lot of an Auditor's Subdivision.~~ Examples of a platted lot are: Lot 1 Block 1 ABC Addition, Tract A RLS No. 123, and Lot 12, Auditor's Subdivision No. 456. Examples of parcels that are not considered platted lots are: the north half of Lot 1 Block 1 ABC Addition, east quarter of Tract A, RLS No. 123, and south half of Lot 12, Auditor's Subdivision No. 456].

SUBDIVISION. The separation of a parcel of land into two or more parcels, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys for residential, commercial, industrial or other use or any combination thereof; ~~or any change in the property line or lines of a parcel, or the establishment of the property lines of a parcel not previously platted],~~ except those separations:

(a) Where all the resulting parcels or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size and 300 feet in width for commercial and industrial uses;

(b) Creating cemetery burial lots; or

(c) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

DIVISION B: REQUIREMENTS

§ 22.03 WHERE REQUIRED.

(a) *Where platting is required.*

(1) *Property line changes.* Platting is required for any change to property lines or boundaries[;] by subdivision[~~, combination or lot line adjustments~~].

Exceptions: platting for subdivision is not required in the circumstances described below:

- (A) Where, for residential uses, all the resulting parcels or interests will be 20 acres or larger in size and at least 500 feet in width;
- (B) Where, for commercial and industrial uses, all the resulting parcels or interests will be five acres or larger in size and at least 300 feet in width;
- (C) For the creation of cemetery plots;~~[-or]~~
- (D) Subdivision required by court order; or[-]
- (E) Lot line adjustment or lot consolidation as defined in § 22.02.

(2) *Permit issuance.* Platting is required to obtain a footing and foundation permit or a building permit. Footing and foundation or building permits may not be granted upon land that is not described as [a]one or more platted lots.

Exceptions: platting is not required for permit issuance in the circumstances noted below:

(G) Construction of government, public school (K-12), and park facilities that exceed 1,000 square feet, subject to final site and building plan approval~~[-];~~ and

(H) Construction of approved stormwater management facilities or retaining walls.

(b) *Certification.* When a claim for an exemption to platting as outlined in this section is presented to the city, the ~~[Director of Public Works]~~City Engineer shall make a determination if the platting regulations of this Chapter 22 apply to the particular division~~[-or combination of land or lot line adjustment]~~. If the determination is that the platting requirements do not apply, the City Clerk shall within ten business days, for the purpose of documenting the exemption, certify that the platting regulations of this Chapter 22 of the city code do not apply to the particular division~~[-or combination of land or lot line adjustment]~~.

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) At the option of the applicant, a ~~[-]~~lot line adjustment as defined in § 22.02 may be processed as a Type I Plat or as a lot line adjustment per § 22.11.2~~[s: 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;

(5) At the option of the applicant, [A]any single- or two-family residential lot consolidation[combinations] as defined in § 22.02 [that results in equal or fewer dwelling units] may be processed as a Type I Plat or a lot consolidation per § 22.11.2; or

(6) Any single or two-family residential lot split resulting in no more than two lots.

§ 22.08 APPLICATION PROCESSES.

(c) *Application processes.*

Application Process	Review and Decision Making Authority				Notice	
	DRC	ST	PC	CC	N	Mail

Tax parcel combination or split		DM				
<u>Lot line adjustment or lot consolidation</u>		<u>DM</u>				

DIVISION D: STANDARDS

§ 22.10 PARK DEDICATION.

(a) *Findings and purpose.* The City Council finds that the preservation and development of parks, recreational facilities, playgrounds, trails, wetlands and open space areas within the city are essential to maintaining a healthy and desirable environment for residents and persons employed within the city, and it also finds that the value and attractiveness of residential and commercial/industrial developments to land owners, developers, purchasers, employers and employees is significantly enhanced by the presence of such park and open space amenities.

The City Council finds that the future vision and need for parks, recreational facilities, playgrounds, trails, wetlands and open space areas within the city are clearly expressed and identified in the Bloomington Forward 2040 Comprehensive Plan, adopted August 5, 2019, the Bloomington Parks System Master Plan, adopted August 30, 2021, and other adopted plans. These adopted plans collectively serve as the city’s parks and open space plan required under M.S. § 462.358, subd. 2b, as it may be amended from time to time.

The City Council finds that development of land for residential, commercial and industrial purposes creates a need for park and recreational land and facilities within the city. The Council finds that residential development creates approximately 90% of this need and that commercial/industrial development creates approximately 10% of this need. M.S. § 462.358, subd. 2b, as it may be amended from time to time, provides that municipal subdivision

regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for public use as parks, recreational facilities, playgrounds, trails, wetlands or open space, and that the municipality may alternatively accept an equivalent amount in cash.

The City Council finds that it is appropriate that each development within the city contribute toward the city's park system in proportion to the burden it will place upon that system. Therefore, these park dedication regulations are established to require new developments at the time of subdivision to contribute toward the city's park system in rough proportion to the relative burden they will place upon that system.

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

DEVELOPMENT EMPLOYEES. Refers to the approximate number of employees that will result from the proposed commercial/industrial development, calculated proportionally according to use, of the land being subdivided, and it is equal to the product of:

(A) The number of square feet of floor area of the structural improvements in the proposed commercial/industrial development; and

(B) The average number of employees per 1,000 square feet of floor area of each[the] proposed type of use[development] as shown on approved development plans (or for hotels, the average number of employees per hotel room), as reported by the most recently available data within the Institute of Transportation Engineers Trip Generation Manual~~[in the publication Trip Generation]~~.

(c) *Basic rule.*

(3) *Park dedication by cash payment for multi-phase development.*

(A) *Subdivisions with outlots.* In any subdivisions which include outlots, the subdivider may pay to the city the development's proportional share for the entire subdivision, including the outlots, or the development's proportional share exclusive of the outlots. When such outlots are replatted[subdivided], the park dedication requirement for that area must be paid if not previously paid.

(B) *Multi-phase development on a single lot.* As part of the approval of preliminary development plans under § 21.501.02 for a multi-phase development, the City Council, at its discretion, may grant a deferral of payment of park dedication fees for future phases of development, provided:

(i) The landowner(s) and applicant(s) must enter into an agreement with the city specifying the conditions and procedures necessary to satisfy the deferred park dedication amount. The agreement must be recorded against the property; and

(ii) The deferred park dedication amount must be paid to the city prior to the issuance of a building permit for any future phases of development.

§ 22.11.2 LOT LINE ADJUSTMENTS AND LOT CONSOLIDATIONS.

(a) Purpose. The purpose of the lot line adjustment and lot consolidation application process is:

(1) To set forth appropriate standards for adjusting lot lines and consolidating lots; and

(2) To provide a review process for approval of lot line adjustments and lot consolidations prior to city staff approval of the County authorization form.

(b) Review and approval. Lot line adjustments and lot consolidations must be reviewed and approved by the Planning Manager, City Engineer, and City Assessor prior to finalization.

(c) Content. Lot line adjustments must include the following items:

(1) An application form signed by the property owner(s) or authorized representative;

(2) The required application fee as set forth in City Code Appendix A;

(3) Written documentation from the property owner explaining the proposed lot line adjustment.

(4) A certificate of survey at not less than 1:100 scale showing:

(A) Parcels to be included in the lot line adjustment or lot consolidation;

(B) Existing and proposed property lines, right-of-way and easements;

(C) Physical features of the property: buildings, retaining walls, driveways, impervious surfaces and the like;

(D) Existing and proposed utilities; and

(E) Site data: total area, parcel dimensions and area, total impervious surface area, minimum required setback lines, zoning, and existing and proposed legal descriptions.

(5) A completed copy of the county form required for lot line adjustments or lot consolidations.

(d) Standards.

(1) A lot line adjustment or lot consolidation must not be approved unless the lots to be modified are platted lots and meet all applicable requirements of the city code for individual parcels after modification (including but not limited to lot size, lot width, building setbacks, impervious surface coverage, street adjacency and the like).

(2) The newly created lot boundaries must not cross zoning district boundaries.

(3) The lots within a lot line adjustment or lot consolidation must be contiguous, sharing a common boundary.

(4) All created lots must not cross taxing jurisdiction boundaries (city, school district, watershed district and the like).

(5) All parties with a property interest, including mortgagors, must consent to the lot line adjustment or lot consolidation.

(6) The lot line adjustment or lot consolidation must not require or create the need for any public improvements.

Section 3. 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: ADMINISTRATIVE RELIEF AND FEE SCHEDULE

This appendix contains the various fees adopted by ordinance in the listed sections of the City Code.

CODE SECTION	CROSS-REF	DESCRIPTION	FEE
CHAPTER 22: Subdivision and Platting			

§ 22.08(c)	§ 22.05(f)(1)(B)	Subdivision and Platting Application Fees	
	§ 22.05(g)	Preliminary plat – Type I	\$250
	§ 22.06(f)(2)	Preliminary plat – Type II	\$700 plus \$90 per lot
	§ 22.06(h)		
	§ 22.07(g)(2)	Preliminary plat – Type III	\$800 plus \$90 per lot
	§ 22.07(h)		
	§ 22.11.1(c)(2)	Final plat – Type I	\$250
	<u>§ 22.11.2(c)(2)</u>	Final plat – Type II and III	\$400 plus \$20 per lot
		Platting variance	\$610
		Extension of plat approval	\$150
	Tax parcel combination or split	\$130	
	<u>Lot line adjustment or lot consolidation</u>	<u>\$200</u>	

Passed and adopted this 16th day of December, 2024.

DocuSigned by:

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 Mayor

ATTEST:
 Signed by:

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 Secretary to the Council

APPROVED:
 DocuSigned by:

 5664A00FA09640C...

 City Attorney