

ORDINANCE NO. 2025-44

AN ORDINANCE CLARIFYING THAT CERTAIN STRUCTURES, BUILDING FEATURES, SITE FEATURES, AND EQUIPMENT MUST NOT ENCROACH INTO PUBLIC EASEMENTS OF RECORD UNLESS THERE IS WRITTEN APPROVAL BY THE CITY TO ALLOW AN ENCROACHMENT, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

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

Section 1. 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: ZONING AND LAND DEVELOPMENT

ARTICLE III: DEVELOPMENT STANDARDS

DIVISION A: GENERAL STANDARDS

§ 21.301.02 STRUCTURE PLACEMENT.

(c) ~~[Reserved.]~~ Easement encroachments. Structures must not encroach into public easements of record unless there is written approval of the issuing authority to allow an encroachment. An encroachment agreement between the issuing authority and the owner of the property in question must be recorded against the aforementioned property to allow an encroachment into public easements of record. The issuing authority reserves the right to not issue an encroachment agreement and to not allow an encroachment into public easements of record.

(g) Setback ~~[E]~~ encroachments. Selected building features, site features, structures, and equipment are allowed to encroach into the required setback area to the extent specified below. Selected building features, site features, structures and equipment specified below must not encroach into public easements of record, unless there is written approval of the issuing authority to allow an encroachment as outlined in subsection (c).

(1) *General.* Except where otherwise regulated by this code and as established below, all buildings, building features, site features, structures and equipment must maintain the setback requirements established for the zoning district in which they are located.

(2) *Permitted encroachments; required setbacks.* Except as prohibited by Chapter 17, Article II, Division E of this code, the building features, site features, structures and equipment listed below will be permitted to locate in yards and to encroach into required zoning district

setbacks to the extent specified in this section, but in all cases must maintain the minimum setback indicated.

(3) *In all zoning districts.*

(A) Utility poles and wires, water, gas and other public utility appurtenances are permitted at any location in a front, side or rear yard with no minimum setback from any property line.

(B) Retaining walls up to four feet in height are permitted at any location in a front yard provided that a front setback of not less than ten feet is maintained and at any location in a side or rear yard with no minimum setback from any property line. ~~[There will be no encroachment into public easements of record without the written approval of the issuing authority.]~~

(C) Steps, stoops, egress windows and exterior landings are permitted in a front, side or rear yard providing that front, side and rear setbacks of not less than five feet are maintained. ~~[There will be no encroachment into public easements of record without the written approval of the issuing authority.]~~

(D) Private sidewalks are permitted in a front yard without a minimum front setback provided that a side setback of not less than five feet is maintained, and a side or rear yard providing that side or rear setbacks of not less than five feet is maintained. ~~[Private sidewalks cannot encroach into public easements of record without the written approval of the issuing authority.]~~

(E) Overhanging eaves may encroach up to three feet into a required front, side or rear setback. Where a required setback to a property line is reduced to less than three feet by reason of a variance or other approval granted by the city, the allowed eave encroachment can in no event cross the property line. An overhanging eave may encroach up to six feet into a required front or rear setback when placed over steps, stoops or an exterior landing providing that the encroachment does not exceed eight feet in width along the wall plane. ~~[There will be no encroachment into public easements of record without the written approval of the issuing authority.]~~

(F) Underground garages, in accordance with § 21.301.06(h), may encroach into any required front, side or rear setback, provided that a front setback of not less than 15 feet and side and rear setbacks of not less than five feet is maintained. ~~[There will be no encroachment into public easements of record without the written approval of the issuing authority.]~~

(G) Antennas and supporting structures, including satellite receiving antennas greater than one meter in diameter in residential districts and greater than two meters in diameter in nonresidential districts, cannot be located within a front yard and will be located only to the side or rear of the principal structure where side and rear setbacks of no less than ten feet are maintained. All antennas and supporting structures, including satellite receiving antennas, must meet the applicable requirements of §§ 15.14, 21.302.37 and 21.301.10. ~~[There will be no encroachment into public easements of record without the written approval of the issuing authority.]~~

(H) Ramps and other devices for access to buildings and sites by disabled persons in compliance with the American Disabilities Act may encroach into any required front, side or rear

setback, provided that a front setback of not less than 20 feet and side and rear setbacks of not less than two feet are maintained. ~~[There will be no encroachment into public easements of record without the written approval of the issuing authority.]~~

(I) Fences are permitted to encroach into front, side and rear yard setbacks when specifically permitted by the city code.

(J) Open air dog runs may encroach into any required front, side or rear setback, provided that a front setback of not less than 15 feet and side and rear setbacks of not less than five feet must be maintained. Structures as part of the dog run must meet the required setback. Fencing must comply with city code requirements. ~~[There will be no encroachment into public easements of record without the written approval of the issuing authority.]~~

(K) Sunshades up to 15 feet in height may encroach into any front, side or rear setback, provided that a front setback of not less than 20 feet and side and rear setbacks of not less than five feet must be maintained. ~~[Such features must not encroach into public easements of record without written approval of the issuing authority.]~~

(4) *In residential zoning districts (R-1A, R-1, RS-1, R-4, RM-12, RM-24, RM-50, and RM-100).*

(A) Patios and terraces may encroach ten feet into a required front setback, five feet into a required side setback and 20 feet into a required rear setback, provided that a front setback of not less than 20 feet, a side setback of not less than five feet and a rear setback of not less than ten feet must be maintained. ~~[There will be no encroachment into public easements of record without the written approval of the issuing authority.]~~

(B) Open decks and balconies not greater than five feet above grade at any point may encroach ten feet into a required front setback, five feet into a required side setback and 20 feet into a required rear setback, provided that a front setback of not less than 20 feet, a side setback of not less than five feet and a rear setback of not less than ten feet must be maintained. ~~[There will be no encroachment into public easements of record without the written approval of the issuing authority.]~~

(C) Open decks and balconies greater than five feet in height above grade at any point may encroach five feet into a required front setback and ten feet into a required rear setback, provided that a front setback of not less than 25 feet, a rear setback of not less than 20 feet and a side setback of not less than ten feet must be maintained. Such features are permitted in a side yard provided that a side setback of no less than ten feet must be maintained. ~~[There will be no encroachment into public easements of record without the written approval of the issuing authority.]~~

(D) Chimneys may encroach three feet into a required front, side or rear setback, provided that front and rear setbacks of not less than 27 feet and a side setback of not less than seven feet must be maintained. ~~[Chimneys cannot encroach into public easements of record without the written approval of the issuing authority.]~~

(E) Awnings may encroach three feet into a required front, side or rear setback, provided that front and rear setbacks of not less than 27 feet and a side setback of not less than seven feet must be maintained. An awning may encroach up to six feet into a required front or rear setback

and up to five feet into a required side setback when placed over steps, stoops or an exterior landing, provided that the encroachment will not exceed eight feet in width along the wall plane and that front and rear setbacks of not less than 24 feet and a side setback of not less than five feet must be maintained. ~~[Awnings will not encroach into public easements of record without the written approval of the issuing authority.]~~

(F) Clothes lines and laundry drying equipment are not permitted within the front yard and will be located only in side and rear yards where side and rear setbacks of not less than five feet must be maintained. In instances where the side or rear yard abuts a public street, the required setback will be no less than the required setback for a principal building in the zoning district. ~~[These features must not encroach into public easements of record without the written approval of the issuing authority.]~~

(G) Arbors and trellises may encroach ten feet into a required front setback, five feet into a required side setback and 20 feet into a required rear setback, provided that a front setback of not less than 20 feet, a side setback of not less than five feet and a rear setback of not less than ten feet must be maintained. A setback of not less than 20 feet must be maintained from any public street. ~~[These features will not encroach into public easements of record without the written approval of the issuing authority.]~~

(H) Permanently installed outdoor fireplaces and barbecues are not permitted within the front yard and will be located only in side and rear yards. Such features shall not encroach into the required side setbacks and may encroach up to 15 feet into the required rear setback provided that a rear setback of not less than 15 feet must be maintained. In instances where the side or rear yard abuts a public street, a setback of not less than the required front setback must be maintained. ~~[Such features will not encroach into public easements of record without the written approval of the issuing authority.]~~

(I) Basketball backboards, rims and support structures may encroach 15 feet into required front and rear setbacks and five feet into a required side setback in the front yard, provided that front and rear setbacks of not less than 15 feet and a side setback in the front yard of not less than five feet must be maintained. In side and rear yards, side setbacks of not less than 15 feet must be maintained. ~~[Such features may encroach on public easements of record with the written approval of the issuing authority.]~~

(J) Other recreational equipment, such as, but not limited to, play apparatus over four feet in height, ice rinks, skateboard ramps over two feet in height, trampolines, and children's swimming pools over two feet in height are not permitted within the front yard. Such features are permitted in side and rear yards provided that side and rear setbacks of not less than 15 feet must be maintained, including those instances where the side or rear yard abuts a public street. ~~[Such features may encroach on public easements of record with the written approval of the issuing authority.]~~

(K) Air conditioning equipment may encroach five feet into any required front, side and rear setback, provided that front and rear setbacks of not less than 25 feet and side setbacks of not less than five feet must be maintained. ~~[Air conditioning equipment will not encroach into public easements of record without written approval of the issuing authority.]~~

(L) Bay and bow windows may encroach two feet into any required front, side and rear setback, provided that front and rear setbacks of not less than 28 feet and a side setback of not less than eight feet must be maintained. ~~[Such features will not encroach into public easements of record without written approval of the issuing authority.]~~

(M) Entry vestibules ten feet or less in width may encroach six feet into any required front and rear setback, provided that front and rear setbacks of not less than 24 feet must be maintained. The overhanging eaves of the entry vestibule may encroach up to an additional three feet into the required front, side or rear setback provided that the entry vestibule eaves do not exceed the prevailing dimension of overhanging eaves on the elevation of the house to which the entry vestibule is attached. No encroachment will be allowed into a required side setback, except for an overhanging eave as described above. Such features must not encroach into public easements of record.

(N) Covered but open porches without windows or screens may encroach eight feet into any required front setback and ten feet into any required rear setback, provided that a front setback of not less than 22 feet and a rear setback of 20 feet is maintained. No encroachment will be allowed into a required side setback. Such features must not encroach into public easements of record.

(5) *In nonresidential zoning districts.*

(A) Telephone booths are permitted in any front, side or rear yard, provided that a front setback of not less than 15 feet, a side setback of not less than five feet and a rear setback of not less than that required for the principal building in the zoning district must be maintained. ~~[Telephone booths cannot encroach into public easements of record without written approval of the issuing authority.]~~

(B) Newspaper boxes are permitted in the front, side and rear yards when the property is occupied by a principal building, provided that a front setback of not less than 15 feet and side, and rear setbacks of not less than five feet must be maintained. In instances where the side or rear yard abuts a public street, a setback of not less than the required front setback must be maintained. ~~[Such features will not encroach into public easements of record without the written approval of the issuing authority.]~~

(C) Awnings and canopies may encroach six feet into required front and rear setbacks and four feet into required side setbacks provided that a front setback of not less than ten feet, and side and rear setbacks of not less than five feet must be maintained. ~~[Such features will not encroach into public easements of record without the written approval of the issuing authority.]~~

(D) Underground storage tanks for any purpose (but not above-ground appurtenant equipment) are permitted in any front, side or rear yard, provided that front, side and rear setbacks of not less than ten feet must be maintained. Such features must~~[will]~~ not encroach into public easements of record.

(E) Above-ground equipment appurtenant to underground storage tanks (except fuel dispensing equipment and stations as per § 21.302.15 is not permitted within a front yard and must be located only in side and rear yards. The side setback for such equipment not over five feet in height above grade must be not less than ten feet and the equipment must be screened from public streets and adjacent properties in accordance with the requirements of

§ 21.302.15(d). The side setback for such equipment over five feet in height above grade must be not less than the required side setback of the principal building in the zoning district or ten feet, whichever is greater. The rear setback for all such equipment must be not less than ten feet. Such equipment must not encroach into public easements of record.

(F) Refuse and recyclable material storage rooms may encroach eight feet into a required side setback and 12 feet into a required rear setback, provided that a side setback of not less than five feet and a rear setback of not less than 15 feet must be maintained. Such features are not permitted within the yard area between a building and the public right-of-way. ~~[Such features will not encroach into public easements of record without written approval from the issuing authority.]~~

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted this 17th day of November, 2025.

/s/ Victor Rivas
Acting Mayor

ATTEST:

APPROVED:

/s/ Priyanka Rai
Secretary to the Council

/s/ Melissa J. Manderschied
City Attorney