

Exhibit B: Parking Flexibility Concept Code Changes

ORDINANCE NO. 2025 - ____

AN ORDINANCE MODIFYING FLEXIBILITY MEASURES FOR OFF-STREET PARKING REQUIREMENTS, 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 [] with strikethrough text 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

§ 21.301.06 PARKING AND LOADING.

(e) *Parking reduction flexibility measures.* The ~~[City Council may reduce the]~~number of required off-street parking spaces specified in subsection (d) above, except for single-family and two-family residential off-street parking, may be reduced through the following flexibility measures when the applicant demonstrates in documented form that parking demand will likely be less than required by this chapter. The entity empowered to approve each parking flexibility measure is noted below~~[Planning Commission and city issuing authority may reduce the number of required off-street parking spaces, except for single-family and two-family residential off-street parking, through the proof of parking flexibility measure].~~

(1) *Proof of parking measures.* The entity with decision making authority on the site or development plan may approve~~[An applicant may be eligible for]~~ a reduction in the required number of off-street parking spaces where the applicant can demonstrate there is lesser need for the required number of off-street parking spaces, and there is a space set aside for code complying off-site parking spaces to be constructed if a need is later indicated by the city issuing authority, provided:

(A) Where the applicant is seeking a reduction in the total number of required constructed parking spaces, the lesser number of constructed spaces may be allowed, provided:

(i) The city may require a parking study conducted in accordance with accepted methodology approved by the city issuing authority, prepared by an independent traffic engineering professional under the supervision of the city and paid for by the applicant, demonstrating that there is not a present need for the portion of parking for which the applicant is requesting proof of parking flexibility[-] (Where the applicant is seeking a reduction of 10% or less in the total number of required constructed parking spaces, the requirement for a parking study is waived.);

(ii) A site plan is submitted indicating that the required number of spaces meeting all ordinance requirements can be placed on the site if the need is later indicated by the city issuing authority in observance of a lack of available parking and is approved by the issuing authority; and

(iii) Where a site plan is approved with proof of parking measures, a properly drawn legal instrument, memorializing the parking measures drafted and executed by the parties concerned, must be filed with the records for that property in the Registrar of Titles' or Recorder's office of the county with proof thereof presented to the issuing authority.

(B) *Suitability of deferred spaces.* The applicant must not assign deferred parking spaces to areas required for landscaping, required buffer zones, setbacks, fire lanes, drive aisles or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this code.

(C) *Conversion of deferred spaces by applicant.* The applicant may at any time request that the issuing authority approve a revised site plan to allow conversion of deferred spaces to operable parking spaces.

(D) *Remedies.* Should it be determined at a later date, as indicated by the city issuing authority in observance of a lack of available parking, that any or all of the deferred parking spaces are needed, the required number of deferred spaces must be converted to parking spaces that conform to this code at the applicant's expense.

(2) *Shared parking between businesses or other entities.* It is the city's policy to encourage efficient use of land and resources by allowing shared parking for multiple use developments or uses that are located near one another and that have different peak parking demands or different operating hours. The issuing authority[City Council] may approve the shared use of parking facilities under the following conditions:

(A) *Proximity.* The proposed shared parking space is within 500 feet of the entrance to the use it will serve;

(B) *Conflict in hours.* The applicant demonstrates that, because of the hours, size and mode of operation of the respective uses, there is no substantial conflict in the peak parking demands of the uses for which shared use of off-street parking facilities is proposed, and there will be an adequate amount of parking available to meet the needs for each use. A shared parking plan must be submitted whenever shared parking is proposed that includes specific analysis on the peaking characteristics of the various uses included. The city may also require a parking study conducted in accordance with accepted methodology approved by the city issuing authority, prepared by an independent traffic engineering professional under the supervision of the city and paid for by the applicant, demonstrating that there is not a present need for the portion of parking for which the applicant is requesting proof of parking flexibility;

(C) *Written consent and agreement.* Where shared use of parking exists within the same site or across sites, a properly drawn legal instrument, drafted and executed by the parties concerned, must be filed as a deed restriction on both properties with the records for both properties in the Registrar of Titles' or Recorder's office of the county with proof thereof presented to the issuing authority. The intent in either case is that the agreement will be in the public record in perpetuity, and not altered unless approved by the city issuing authority; and

(D) *Revocation.* Failure to comply with the shared parking provisions of this section constitutes a violation of this code. A shared parking agreement may be revoked by the parties to the agreement only if off-street parking is provided as otherwise set forth in this section of this code, or if an alternative shared parking plan is approved by the city issuing authority.

(3) *Transportation demand management plan (TDM).*

(A) Off-street parking otherwise required by this section may be reduced by up to 10% subject to approval by the issuing authority~~[City Council]~~ of a Tier I TDM Plan consistent with the requirements of city code § 21.301.09.

(4) *Enhanced linkages to mass transit.* Where it can be determined that a site is located within one-half mile walking distance of a transit facility that provides regularly scheduled service seven days per week, [O]off-street parking requirements may be reduced subject to approval by the Planning Commission or City Council.~~[, where] The issuing authority may require a parking and transportation study conducted in accordance with accepted methodology approved by the city issuing authority, prepared by an independent traffic engineering professional under the supervision of the city and paid for by the applicant, that shows that parking demand will be decreased by access to nearby transit.~~

(5) *Planned development (PD).* Off-street parking requirements may be reduced by the City Council through the planned development process when an applicant demonstrates the need for a lesser number of off-street parking spaces. The issuing authority may require a parking and transportation study conducted in accordance with accepted methodology approved by the city issuing authority, prepared by an independent traffic engineering professional under the supervision of the city and paid for by the applicant.

(6) *On-street parking.* Off-street parking requirements may be reduced subject to approval by the Planning Commission or City Council, when an applicant demonstrates need for a lesser number of off-street spaces due to available, nearby, and safely accessible permitted on-street parking spaces. The issuing authority may require a parking study conducted in accordance with accepted methodology approved by the city issuing authority, prepared by an independent traffic engineering professional under the supervision of the city and paid for by the applicant, demonstrating that on-street parking is safe and accessible, and that demand for on-street parking would not be deleterious to the area. The issuing authority may also require a sidewalk linkage from the front door of the facility to the sidewalk network.

(7) *Building reuse.* To support the reuse of smaller commercial and industrial buildings that are 10,000 gross square feet or less in floor area, the issuing authority may grant a 25 percent reduction in the number of off-street parking spaces required in subsection (d) provided:

(A) The issuing authority determines the site to be constrained with limited opportunity to add additional off-street parking facilities; and

(B) The City Engineer determines that the site has adequate vehicular access and circulation, and that the proposed reduction in off-street parking will not negatively impact traffic safety in the immediate area.

(f) *Non-parking uses in off-street parking and loading areas.*