

Exhibit E: Odor Control Concept Code Changes

ORDINANCE NO. 2025 - ____

AN ORDINANCE MODIFYING ODOR MITIGATION REQUIREMENTS FOR FOOD ESTABLISHMENTS AND PROCESSING PLANTS, THEREBY AMENDING CHAPTER 10 OF THE CITY CODE.

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

Section 1. That Chapter 10 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 10: ENVIRONMENTAL CONTROL

ARTICLE III: ODOR

§ 10.24 FOOD ESTABLISHMENT AND FOOD PROCESSING PLANT REQUIREMENTS.

(a) *Odor Mitigation*~~[Suppression]~~. All food establishments in buildings and food processing plants approved after February 24, 2020 that are located within ~~[2]~~150 feet of properties zoned and guided residential or in a mixed use district with residential uses must install an odor ~~mitigation~~~~[suppression]~~ system sufficient to minimize odor levels in the vicinity as determined by the Building Official if the food establishment or food processing plant:

(1) Requires a Type I grease exhaust hood~~;~~; or

~~[(2) Requires a Type II non-dish machine exhaust hood, or]~~

~~(2)~~(3) Otherwise vents food odors.

(b) *Measurement*. The ~~[2]~~150 feet is measured from the location where the food odor is exhausted~~[nearest wall of a restaurant space]~~ to the nearest wall of a residential dwelling.

(c) *Maintenance*~~[Certification]~~. The odor ~~mitigation~~~~[suppression]~~ system must be ~~[certified by a qualified and licensed professional engineer to successfully mitigate odors for surrounding residential uses, and installed and]~~ maintained according to the manufacturer's recommendations.

(d) *Existing Food Establishments*. Existing food establishments and food processing plants must comply with the requirements listed above in subsection (a) if applicable to them upon:

(1) Issuance of a new food establishment license after a period of vacancy of over one year from the last date of valid food establishment license; or

(2) Installation of an additional or expanded Type I exhaust hood~~;~~; ~~Type II non-dish machine exhaust hood]~~ or other food ventilation system in an establishment that previously had no such ventilation system.

Section 2. 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 B: USE STANDARDS

§ 21.302.02 RESIDENTIAL USES IN COMMERCIAL ZONING DISTRICTS

(e) *Site and building design.*

(4) *Odor mitigation~~[suppression]~~*. The nuisance impacts of uses that generate odors are magnified by proximity to residential uses. Therefore, ~~[the issuing authority may require through condition of approval odor generating uses, including, but not limited to, restaurants, on sites containing residential uses to install and utilize]~~ *odor mitigation~~[suppression]~~ systems must be provided for food establishments when required by § 10.24.*

§ 21.302.09 MULTIPLE-FAMILY DWELLING DESIGN AND PERFORMANCE STANDARDS.

(d) *Performance standards.*

(8) *Mixed use.* In the event residential uses are integrated with non-residential uses on the same site, the following standards apply:

(A) *Land use conflicts.* Sites must be designed to minimize the impact of non-residential uses on residential uses through screening, separation, design or alternative techniques. Features that may create impacts and need to be addressed include but are not limited to headlights, lighted signs, loading areas, delivery areas, trash pick-up areas, and high traffic access drives.

(B) *Odor mitigation~~[suppression]~~*. The nuisance impacts of uses that generate odors including but not limited to restaurants, are magnified by proximity to residential uses. Therefore, ~~[the issuing authority may require through condition of approval odor generating uses on sites containing residential uses to install and utilize]~~ *odor mitigation~~[suppression]~~ systems must be provided for food establishments when required by § 10.24.*