

GENERAL INFORMATION

PL202500033 PL2025-33

Applicant: City of Bloomington

Location: Citywide

Request: Ordinance updating various performance standards for small businesses, including odor mitigation, parking flexibility measures, rooftop equipment screening and exterior building materials, thereby amending Chapter 9, Chapter 10, and Chapter 21 of the City Code.

HISTORY

Planning Commission: 12/19/2024 – Study item held (Case #PL2024-216).

City Council: 01/06/2025 – Study item held (Case #PL2024-216).

CHRONOLOGY

Planning Commission	05/08/2025	Public hearing held, recommended approval (Vote: 6-1)
Council	06/02/2025	Public hearing scheduled

DEADLINE FOR AGENCY ACTION

Application Date:	03/18/2025
60 Days:	05/17/2025
120 Days:	07/16/2025
Applicable Deadline:	Waived by the applicant (City)

STAFF CONTACT

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PROPOSAL

The proposed ordinance would modify various City Code standards that are frequently applicable to small businesses. The identified goal of the project was to identify performance standards that could be amended to reduce barriers to small business formation and to support ongoing small business operations in Bloomington while maintaining public health, safety, and welfare. With feedback from Port Authority staff and small business owners in Bloomington, the following topics were explored in the proposed ordinance:

- Odor Control for Food Establishments (§ 10.24)
- Parking and Loading (§ 21.301.06)
- Roof-Mounted Equipment Screening (§ 21.301.18)
- Exterior Building Materials and Finish (§ 21.301.24)

Grease interception as well as refuse and recycling storage facilities were also explored with this project but are not included in the proposed ordinance. Given the City's legal responsibility to protect the sanitary sewer system from fats, oils, grease, and other contaminants, there are no code amendments related to grease interception proposed at this time. Staff will continue to work with businesses and update our messaging to clarify regulatory requirements and provide clearer guidance on "right-sizing" a grease interceptor system. Staff are drafting code amendment concepts related to refuse and recycling storage facilities and will present those to the Planning Commission and City Council later this year.

BACKGROUND

This project was added to the 2024 Planning Commission Work Plan by the City Council to identify and reduce barriers to small business formation in Bloomington. With the assistance of Port Authority staff, ongoing opportunities for small business owners to give feedback have been provided through meetings with interested groups and an online survey. Initial topics were presented in study sessions with the Planning Commission and City Council in December 2024 and January 2025 (Case #PL2024-216). The majority of the content of the proposed ordinance was discussed at these study sessions and reflects the consensus directions provided at that time.

One exception is that code amendments related to refuse and recycling storage facilities have been removed and will be discussed later this year to allow staff more time to draft code amendment concepts and gain further input from the Planning Commission and City Council.

ANALYSIS

The Phase I Small Business Codes and Processes Ordinance proposes the following amendments to standards in City Code:

- Modifications to odor mitigation standards to reduce cost and process for food establishments;
- Modifications to parking flexibility measures, including the establishment of a new parking flexibility measure related to reuse of existing commercial and industrial buildings or tenant spaces that are 10,000 square feet or less;
- Clarifications around roof-mounted mechanical equipment screening requirements; and
- Modifications to primary and secondary exterior building materials, including the allowance of painting and coating of certain exterior building materials.

The analysis of the proposed ordinance is organized around these four performance standard categories. Most of the amendments reflect new policy, but there are a few items that can be considered minor “cleanups.”

Odor Mitigation

Proposed amendments to the City’s odor mitigation standards include the following items listed below. In addition, Community Development staff intend to create an informational handout that can better guide business owners about the types of odor mitigation systems that are effective and would meet the City’s requirements.

Distance Requirement and Measurement Location for Odor Mitigation

Issue: Odor impacts are more acute the closer that properties are located to the odor source. The current code requires measurement from the wall of the restaurant space to the nearest residential dwelling, which is not as precise and has less direct correlation from the odor source.

Proposed amendment: The proposed ordinance would reduce the separation distance where odor mitigation is required from 250 feet to 150 feet. This will bring Bloomington into alignment with surrounding cities and ensure that costly mitigation requirements are reserved for scenarios where the impacts are more direct and necessary. The ordinance would also further clarify that the separation distance is measured from the exhaust location to the nearest residential dwelling. This clarification will make it easier for staff to precisely measure and ensure clear correlation to the need for odor mitigation.

Approval Authority for Odor Mitigation Systems

Issue: A professional engineer is currently required to certify that a proposed system can successfully mitigate odors. This requirement can be costly and overly complex for business owners. Some professional engineers are also less willing to “certify” a system based on the fact that odors cannot be eliminated completely.

Proposed amendment: The proposed ordinance would designate the City Building Official as the approval authority of an odor mitigation system and remove the certification requirement. The Building and Inspections Division has enough baseline expertise to determine whether or not a proposed system meets a threshold of adequacy for a given situation. This ordinance would reduce time and cost burden on business owners who have limited experience with odor mitigation systems.

Removal of Type II Hood Mitigation Requirement

Issue: The current code requires odor mitigation for Type II hoods. Type II hoods typically vent steam as opposed to airborne grease or other intense emissions, that are typically vented by Type I hoods.

Proposed amendment: The proposed ordinance would only require odor mitigation for Type I hoods. This would align Bloomington with surrounding cities and again ensures clear correlation for the need for odor mitigation.

Odor Mitigation Cleanups

The proposed ordinance would update our language from odor “suppression” to odor “mitigation.” This is to help shift perspective and acknowledge that odors can be mitigated, but they cannot be completely removed. Staff believe this shift in word choice is important to properly communicate a realistic expectation of the results of odor mitigation systems.

In addition, the ordinance would add language to ensure odor mitigation systems are maintained according to the manufacturer's specifications and recommendations. Finally, the ordinance would clean up information about odor mitigation in the Residential Uses in Commercial Zoning Districts section (§ 21.302.02) and Multiple-Family Dwelling Design and Performance Standards section (§ 21.302.09) to ensure consistency across City Code.

Parking Flexibility

Proposed amendments to the City’s off-street parking requirements include the following:

Approval Authority for Parking Flexibility

Issue: There are currently six parking flexibility measures that can support businesses to reduce their minimum parking requirement. The authority responsible for approving each flexibility is inconsistent with recent work done by the City to streamline development approvals. This can create confusion for staff and applicants on how to handle parking flexibility and site plan approval concurrently. This can lead to higher level approval than is appropriate depending on the nature of the request.

Proposed amendment: The proposed ordinance would align which authority is responsible for approving parking flexibility with recent changes to streamline development approvals (Case #PL2024-127). As proposed, whichever entity is responsible for approving the site plan or

development application (administrative, Planning Commission, or City Council) would be responsible for approving parking flexibility. The City also would continue to have the authority to require a parking study to support the evaluation of parking flexibility requests when deemed necessary.

Parking Flexibility for Building Reuse

Issue: There are sites in Bloomington that were developed in the 1950s through 1970s prior to more substantial parking requirements that we see today. These sites can have smaller buildings on constrained sites with a limited supply of parking. These sites can be opportunities for small business formation, but reuse is sometimes narrow or limited due to inadequate parking supply or land area to add parking to meet City Code minimums. This can lead to prolonged periods of building vacancy.

Proposed amendment: The proposed ordinance would establish a new parking flexibility measure for reuse of existing commercial and industrial buildings or tenant spaces that are 10,000 square feet or less. The flexibility measure would allow up to a 25% reduction in minimum parking requirements to support business creation on otherwise constrained sites. The proposed ordinance also establishes standards that need to be met to qualify for this parking reduction. Staff need to determine that the site is in fact constrained and cannot add additional off-street parking facilities. The site must also have adequate access and circulation provided to not negatively impact traffic adjacent to the site.

Roof-Mounted Mechanical Equipment Screening

Proposed amendments to the City's rooftop equipment screening standards include the following:

Screening From Ground-Level

Issue: The current code is unclear that visibility from ground-level is the threshold to necessitate screening and leaves situations open to interpretation. Screening can be quite costly and should be reserved for the situations that present the most significant impact to the public.

Proposed amendment: The proposed ordinance would state that screening of rooftop equipment is required when visible from the ground-level of an adjacent private or public street or sidewalk. This amendment ensures that the screening requirement is reserved for situations that offer the most visual benefit in alignment with the standard's intent.

Exception for Exhaust Pipes

Issue: The current code could be interpreted to require screening for exhaust pipes, which can be quite tall and difficult to screen. There is a wide mix of industrial uses and facilities in Bloomington that has presented situations where screening requirements have been challenging or unclear. From staff's perspective, screening of exhaust pipes can be difficult from a construction standpoint, has limited visual benefit and does not meet a cost-benefit analysis.

Proposed amendment: The proposed ordinance would exempt exhaust pipes from rooftop equipment screening.

Exterior Building Materials and Finish

Proposed amendments to exterior building material standards include the following:

Painting and Coating of Exterior Building Materials

Issue: The prohibition of painting primary exterior materials (i.e. brick or stucco) has been in place for many decades in an attempt to avoid situations where buildings have degraded exterior materials or peeling paint. This prohibition is often questioned by businesses wanting to refresh the look of their building to match brand standards or perform other maintenance activities. Painting brick or masonry can trap moisture in the brick and result in spalling or disintegration of the brick, requires regular upkeep of the painted surface, and can mask the brick's natural color. There are now, however, brick and masonry paints and stains that allow the brick to be painted and maintain its breathability. Painted brick can also be a cost-effective way for a business to refresh an older building.

Proposed amendment: The proposed ordinance would allow coating of certain exterior materials. The proposed ordinance also adds exterior building maintenance standards from the International Property Maintenance Code to ensure proper maintenance of painted surfaces is enforced. This language was reviewed by the Environmental Health Division, who is responsible for the enforcement of the zoning code.

Permitted Exterior Building Materials

Issue: The current allowable list of primary and secondary building materials can be confusing to applicants.

Proposed amendment: The proposed ordinance would revise definitions for "architectural concrete", "architectural concrete masonry units", and "architectural metal panel systems" are added to describe the types of patterns allowed for concrete products and what types of metal panels are permitted. Permitted exterior materials are also more explicitly listed in tables to make it clearer for staff, architects and businesses. Finally, the proposed ordinance would add fireproofing requirements for exterior insulation finishing systems (EIFS) based on feedback from staff in the Fire Prevention Division and Building and Inspections Division.

Exterior Building Material Cleanups

The proposed ordinance would clean up information about exterior materials in the Opportunity Housing Ordinance (§ 9.22) and the Self-Storage Facilities section (§ 21.302.16) to ensure consistency across City Code. By allowing coating of certain exterior materials, some subsections of the current exterior materials section are no longer relevant and are proposed to be deleted.

Item Not Recommended by Planning Commission

Staff presented one item for Planning Commission consideration at the public hearing on May 8, 2025, that was not supported and is **not included** in the subject ordinance.

Primary/Secondary Ratio

Issue: The current code allows a ratio of a minimum of 85% primary building materials and maximum of 15% secondary materials on each façade or building elevation. This ratio is raised by architects and businesses as a barrier that can limit exterior materials that are more commonly used in current construction trends or better align with a business owner's desired exterior appearance, particularly when a new business moves into an existing tenant space.

Proposed amendment: The proposed ordinance would bring Bloomington into greater alignment with surrounding cities by increasing the secondary material allowance to a maximum of 35% on each façade or building elevation. The goal is to create more options for businesses regarding design and materials.

This proposal had mixed support by the Planning Commission during the study session this past December, but had support from the Council during their study session. Staff proceeded with the 65% primary material and 35% secondary material ratio in the proposed ordinance to the Planning Commission, but it was recommended to be removed on a 6-1 vote. The main concern from the Planning Commission was that this primary/secondary ratio would be of greater benefit to large businesses and developers as opposed to small businesses. This proposed change would apply to new construction and the retrofitting of existing buildings, so while larger businesses and buildings would benefit, so too would smaller businesses and smaller buildings.

Staff could add this minimum 65% primary material and maximum 35% material ratio or another primary/secondary ratio back into the ordinance if desired by the City Council. An alternative motion is presented in the packet if the City Council would like to change the primary/secondary material ratio.

OUTREACH

Outreach and notification activities for the subject ordinance have included the following:

- Newspaper Notice (10-day notice – 04/17/2025 Sun Current)
- Public Hearing Notice Online
- E-Subscribe Group Notification
- Let's Talk Bloomington Page
- Small Business Owner Survey
- Meetings with Interested Groups

FINDINGS

There are no explicit findings that have to be met for the review and approval of an ordinance. The guidance of the Comprehensive Plan is the most relevant. This ordinance aligns with the Comprehensive Plan's overall goals to ensure redevelopment improves local conditions and to promote continued economic development in the City. Specific strategies from the Comprehensive Plan that support the proposed ordinance include: Strategies 1.3, 1.5, 2.2, and 3.3.

PLANNING COMMISSION REVIEW

The Planning Commission considered the subject ordinance as part of a formal public hearing held on May 8, 2025. No one provided testimony at the hearing. Following their discussion, the Planning Commission recommended approval of the ordinance (Vote: 6-1). The minutes from the May 8th Planning Commission meeting are attached for reference.

RECOMMENDATION

The Planning Commission and staff recommend approval of the Phase I Small Business Codes and Processes Ordinance through the following motion:

Motion by _____, seconded by _____, to adopt Ordinance No. 2025-_____, an ordinance modifying exterior building material and coating standards, odor mitigation requirements, flexibility measures for off-street parking, and rooftop mechanical equipment standards, thereby amending Chapter 9, Chapter 10, and Chapter 21 of the City Code.

Alternative Motion

If the City Council would prefer to change the material ratio from the proposed 85% primary material and 15% secondary material, staff would recommend approval of the Phase I Small Business Codes and Processes Ordinance through the following motion:

Motion made by _____, seconded by _____, to adopt Ordinance No. 2025-____, an ordinance modifying exterior building material and coating standards, odor mitigation requirements, flexibility measures for off-street parking, and rooftop mechanical equipment standards, thereby amending Chapter 9, Chapter 10, and Chapter 21 of the City Code, striking the 85%/15% primary to secondary exterior material ratio and inserting a (____%/____%) primary to secondary exterior material ratio.

Staff recommend authorization of summary publication of the ordinance through the following motion:

Motion by _____, seconded by _____, to adopt Resolution No. 2025-____, a resolution authorizing summary publication of Ordinance No. 2025-____, an ordinance updating various performance standards for small businesses, thereby amending Chapter 9, Chapter 10, and Chapter 21 of City Code.