

ORDINANCE NO. 2019- _

AN ORDINANCE AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE ESTABLISHING STANDARDS AND DEFINITIONS REGARDING ELECTRIC VEHICLE CHARGING AND INFRASTRUCTURE, REVISING PARKING STANDARDS, AND PERMITTING THE SALE OF ALTERNATIVE FUELS, AND ESTABLISHING CONVENIENCE FACILITY WITH FUEL SALES PERFORMANCE STANDARDS REPLACING SERVICE STATION PERFORMANCE STANDARDS

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

Section 1. That Chapter 19 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 19: ZONING
ARTICLE I: GENERAL PROVISIONS**

DIVISION B: DEFINITIONS

§ 19.03 DEFINITIONS.

CONVENIENCE FACILITY WITH FUEL SALES. An establishment where the principal uses are: a) the sale of automobile engine fuel including gasoline, hydrogen, propane, natural gas, biodiesel, ethanol, electric charging, or any other automobile engine fuel stored only in underground tanks directly to the public on the premises; and b) the sale of household and convenience items, food or other miscellaneous retail goods. Accessory uses may include but are not limited to a car wash, air dispensing, minor vehicle repair, and similar services.

ELECTRIC VEHICLE: Any vehicle that operates either partially or exclusively on electrical energy from an off-board source that is stored on board.

ELECTRIC VEHICLE CHARGER. Battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

ELECTRIC VEHICLE CHARGER- PRIVATE USE. An electric vehicle charger that is privately owned with restricted access to the public (single family homes, fleet parking, and assigned parking at multi- family residential buildings).

ELECTRIC VEHICLE CHARGER- PUBLIC USE. An electric vehicle charger that is publicly owned and publicly available or privately owned and available to visitors of the use.

ELECTRIC VEHICLE CHARGING LEVEL. The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged as follows:

(A) Level 1 is considered slow charging with 120v outlets.

(B) Level 2 is considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.

(C) Level 3 is considered fast or rapid charging. Voltage is greater than 240v outlets.

ELECTRIC VEHICLE SUPPLY EQUIPMENT. Any equipment or electric component used in charging electric vehicles at a specific location.

INTEGRATED FUEL SALES AND CAR WASH. Fuel sales (including the sale of gasoline, hydrogen, propane, natural gas, biodiesel, ethanol, electric charging, or any other automobile engine fuel) and/or car wash physically integrated with and fully within a structured parking facility.

INTEGRATED ROADSIDE DEVELOPMENT. A planned development including at least two of the following primary uses: restaurant, motel and [~~service station~~] convenience facility with fuel sales, and located within a reasonable distance of a freeway.

~~**SERVICE STATION.** A retail place of business engaged primarily in the sale of motor fuels but also may be engaged in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists' needs. Activities may include sale of petroleum products; sale and servicing of tires, batteries, automobile accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; car wash and the supplying of other incidental customer services and products.~~

§ 19.08 PERMITTED ENCROACHMENTS INTO REQUIRED YARDS AND SETBACK AREAS.

(e) In nonresidential zoning districts.

(5) Above-ground equipment appurtenant to underground storage tanks (except fuel dispensing equipment and stations as per § [~~19.64~~] 21.302.15 of this code) is not permitted within a front yard and shall be located only in side and rear yards. The side setback for such equipment not over five feet in height above grade shall be not less than ten feet and the equipment shall be screened from public streets and adjacent properties in accordance with the requirements of § 19.52(d). The side setback for such equipment over five feet in height above grade shall 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 shall be not less than ten feet. Such equipment shall not encroach into public easements of record.

§ 19.31.01 REGIONAL COMMERCIAL (CR-1) DISTRICTS.

(c) *Provisional uses.* The uses described below are permitted uses, provided that:

(2) The following uses are adjacent to and integrated by means of orientation, parking, pedestrian and vehicular circulation, access and design with a permitted principal use:

(B) [~~Service stations~~] Convenience facility with fuel sales; and

§ 19.48 EXCEPTIONS TO MINIMUM FLOOR AREA REQUIREMENTS.

(b) The minimum floor area requirements of § 19.41(c) shall not be applicable to:

(2) ~~[Gasoline service stations]~~ Convenience facility with fuel sales when they are included in an integrated roadside development.

§ 19.52 LANDSCAPING AND SCREENING.

(d) *Screening standards.*

(1) *Perimeter screening designed to buffer incompatible uses.* Perimeter screening designed to buffer incompatible uses is required:

(D) Around outdoor merchandise, materials and equipment stored, kept or displayed with the following exceptions:

(iv) No perimeter screening is required around merchandise displayed for sale on ~~[service station]~~ convenience facility with fuel sales pump islands; and

§ 19.61 ~~SERVICE STATION PERFORMANCE STANDARDS.~~ [RESERVED.]

~~—(a) Applicability. The regulations set forth in this section shall, unless otherwise stated, apply to all properties containing fuel storage and/or dispensing equipment.~~

~~—(b) Setbacks and lot requirements.~~

~~—(1) Buildings shall have a front setback of 40 feet or the required front setback of the zoning district, whichever is greater; side and rear yard setbacks shall be as required by the zoning district, but not to exceed 40 feet.~~

~~—(2) Pump islands, and fuel dispensing stations of any type shall have setbacks of no less than 35 feet from any property line.~~

~~—(3) Above grade storage tanks shall have a minimum setback of 35 feet from any property line abutting a public or private street or roadway. Side and rear yard setbacks shall be as required by the zoning district, but shall not exceed 35 feet. Such storage tanks shall not exceed a height of ten feet above grade and, unless otherwise required to meet safety requirements, shall be painted a light or neutral color without design, logos or signage. Installation of storage tanks complying with these requirements may be approved by the issuing authority as an administrative revision to final site plans and building plans. The issuing authority may, however, refer any request for such storage tanks to the Planning Commission for recommendation to the City Council.~~

~~—(4) Reserved.~~

~~—(5) Canopies covering pump islands shall have no less than a 20 foot setback from any property line abutting a public or private street or roadway. Side and rear yard setbacks shall not be less than ten feet.~~

~~—(6) Lot width: the minimum lot width shall be 120 feet.~~

~~—(c) Curbs and gutters. Interior curbs shall be constructed within the property lines to separate driving surfaces from sidewalks, landscaped areas, and along property lines bordering streets. Interior curbs required by this subsection (c) shall be a minimum height of six inches.~~

~~—(d) Accessory food sales must not exceed 25% of the total floor area.~~

~~—(e) Refuse enclosures. All refuse storage must comply with § 21.301.17 of this code~~

~~—(f) Access. Driveway approach(es) shall be approved by the City Engineer pursuant to § 17.14 of this code.~~

~~—(g) Requirements for service stations in which rental of trucks and trailers is allowed as a conditional use.~~

~~—(1) A detailed site plan shall be submitted at the time of requesting the conditional use permit which will indicate off-street parking areas and setbacks, location of buildings and pump islands, and indicating that portion of the lot to be used for trailer storage.~~

~~—(2) Minimum lot area shall be 16,000 square feet.~~

~~—(3) Lot area used for parking and storage of trucks and trailers shall not exceed 5% of the total area of the site.~~

~~—(4) Semi and tandem axle types of trucks shall not be permitted to be displayed or stored for rental use.~~

~~—(5) Truck and trailer rental shall not be permitted in a station adjacent to or across the street from a residential use or zone.~~

~~—(h) Reserved.~~

ARTICLE X: SIGN REGULATIONS

DIVISION B: CONSTRUCTION OF LANGUAGE AND DEFINITIONS

§ 19.104 DEFINITIONS.

~~[GASOLINE SERVICE STATION]~~ CONVENIENCE FACILITY WITH FUEL SALES. Any building, land area or other premises or portion thereof, used for the retail dispensing or sales of vehicular fuels, whether as the principal or accessory use.

SERVICE STATION [~~GASOLINE~~]. See [~~GASOLINE SERVICE STATION]~~ CONVENIENCE FACILITY WITH FUEL SALES.

§ 19.107 COMPUTATIONS.

(f) Computations of elevation area.

(2) The elevation area for a site shall be calculated as the horizontal length of all walls of all buildings and structures on a site that face each lot line multiplied by the height of the wall (s) up to a maximum height of 25 feet. The elevation area for a site is used only for [~~gasoline service stations]~~ convenience facility with fuel sales.

§ 19.113 CLASS IV SIGN DISTRICTS (B-2, C-1, C-4, IP, I-2, I-3, CO-1, CS-0.5, CS-1, FD-2, IT).

(c) *Other signs*. All other signs shall be located on the site of the use unless specified otherwise.

(5) *Signs for specific uses*. Sign regulations listed for specific uses in Division E, Special Provisions, shall take precedence over sign district regulations listed in Division D, District Provisions.

(B) *Signs for* [~~gasoline service stations]~~ convenience facility with fuel sales. See § 19.123.

§ 19.114 CLASS V SIGN DISTRICTS (CR-1, C-2, C-3).

(c) *Other signs.* All other signs shall be located on the site of the use unless specified otherwise.

(5) *Signs for specific uses.* Sign regulations listed for specific uses in Division E, Special Provisions, shall take precedence over sign regulations listed in Division D, District Provisions.

(C) *Signs for ~~[gasoline service stations]~~ convenience facility with fuel sales.* See § 19.123.

§ 19.117 INCIDENTAL SIGNS.

(b) *Standards.* Incidental signs shall be located on the site of the use utilizing the incidental signs. In addition to other permitted signs in nonresidential zoning districts, the issuing authority may approve incidental signage provided the following criteria are satisfied.

(6) *Exceptions.* Incidental sign regulations listed for signs for Class I (new) motor vehicle sales, § 19.122 and signs for ~~[gasoline service stations]~~ convenience facility with fuel sales, § 19.123, shall take precedence over the incidental sign regulations in this section.

§ 19.123 SIGNS FOR ~~[GASOLINE SERVICE STATIONS]~~ CONVENIENCE FACILITY WITH FUEL SALES.

(a) *Purpose.* The City Council finds that ~~[gasoline service stations]~~ convenience facilities with fuel sales have unique needs for signage, thus warranting the following special sign standards.

(b) *Total site signage.*

(1) The maximum total site signage for a ~~[service station]~~ convenience facility with fuel sales shall be 250 square feet.

Exception: if a ~~[service station]~~ convenience facility with fuel sales has more than one frontage, the maximum total site signage shall be 350 square feet.

(c) *Identification signs.* All identification signs shall be located on the site of the use. In addition to the regulations of subsection (b) above, building identification signs shall comply with the following standards.

(1) *Freestanding identification signs.*

(C) *Maximum sign area and height.*

(ii) In lieu of the two freestanding signs for a lot which has two frontages, a ~~[service station]~~ convenience facility with fuel sales may elect one 75 square foot maximum sign in which the only movement is slow rotation of the sign proper and, on the same structure, a two-faced auxiliary sign not to exceed 40 square feet per face.

(d) *Other signs.* All other signs shall be located on the site of the use.

(3) *Pump Island signs.* In lieu of the spandrel sign, the ~~[gasoline service station]~~ convenience facility with fuel sales may elect pump island signs or "pump toppers." Pump island signs of two square feet or less are allowed without permits. Pump island signs greater than two square feet are not allowed. Signage is permitted on only two sides of the pump island sign.

(6) *Operator identification.* Signs identifying the operator of the [~~gasoline service station~~] convenience facility with fuel sales shall be located on the building and shall have a maximum area of six square feet.

Section 2. 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 II: DISTRICTS AND USES

Division H: Uses

§ 21.209 USE TABLES.

(d) *Neighborhood and Freeway Commercial Zoning Districts.*

Use Type	Zoning District								References; See Listed Section	
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5		
Motor Vehicle Services										
Convenience facility with fuel sales		P			P					[49.64] 21.302.15

(e) *Industrial Zoning district.*

Use Type	Zoning District							References; See Listed Section
	IT	I-1	I-2	I-3	IP	FD-2		
Motor Vehicle Services								
Convenience facility with fuel sales [adjacent to freeway interchange]		<u>C</u>	C	C				[49.64] <u>21.302.15</u>
Integrated fuel sales								

(f) *Specialized zoning districts.*

Use Type	Zoning District		References See Listed Section
	CX-2	LX	
Motor Vehicle Services			
Convenience facility with fuel sales			[49.64] <u>21.302.15</u>
Integrated fuel sales and/or car wash	A	<u>A</u>	

ARTICLE III: DEVELOPMENT STANDARDS

Division A: General Standards

§ 21.301.04 SIDEWALKS.

(e) Maintenance. Sidewalks must be maintained according to the following standards.

(3) Obstruction. Sidewalks must be kept clear of obstructions including, but not limited to, debris, construction materials and parked vehicles. Parked bicycles, electric vehicle chargers, and signs must not encroach on the minimum unobstructed, walkable sidewalk width specified in subsection (d)(1) above.

§ 21.301.06 PARKING AND LOADING.

(c) Design.

(4) Electric Vehicle Chargers

(A) Protection. Electric vehicle chargers must be:

(1) Located in a parking island;

(2) Mounted to an adjacent structure; or

(3) Protected by bollards, structures, or curb if located directly in parking lot.

(B) Obstruction. Electric vehicle chargers must not encroach on the minimum unobstructed, walkable sidewalk width specified in 21.301.04 (d).

(d) Number of off-street parking spaces required.

(1) The minimum number of off-street parking spaces provided within a development must meet the provisions of this subsection (d), varying by land use as provided in the following table. If more than one land use is present on a site, the required parking is determined by adding together the required number of parking spaces for each use.

If the number of off-street parking spaces results in a fraction, each fraction of one-half or more will constitute another space required. A lesser number of constructed off-street parking spaces may be allowed through flexibility measures (see subsection (e) below). The requirements for off-street surface parking space dimensions are set forth in subsection (c) above.

Table with title 'Minimum Off-Street Parking Requirements' and columns for residential types and parking requirements.

		development, subject to approval of the issuing authority; <u>1 space per 50 units must be equipped with a Charging Level 2 electric vehicle charger or higher.</u>
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§ 21.301.07 EXTERIOR LIGHTING.

(c) Lighting standards. In addition to the following specific requirements, all exterior lighting must comply with the standards set forth in this section.

(13) Lighting for special uses. All exterior lighting must comply with the following standards, which vary by use type. In the event more than one use is present within a development, the more restrictive requirements apply.

	Parking Structures	[Service Stations] Convenience Facilities with Fuel Sales and Automobile Dealers	Exterior Storage
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Division B: Use Standards

§ 21.302.14 [RESERVED.] ELECTRIC VEHICLE CHARGING STANDARDS

(a) Purpose. To accommodate and promote electric vehicle charging throughout the City promoting the health, safety and general welfare of the community and preventing adverse impacts in the installation and use of electric vehicle chargers.

(b) Permitted Locations

(1) Electric Vehicle Chargers are permitted in every zoning district, when accessory to the primary use and intended solely to charge vehicles that would otherwise be on site.

(2) If the primary use of the Electric Vehicle Chargers is the retail charging of electric vehicles that would not otherwise be on site, then the use is considered a Convenience Facility with Fuel Sales for zoning purposes and allowed only in zoning districts that permit Convenience Facilities with Fuel Sales uses.

(c) Electric Vehicle Charger Standards. Electric Vehicle Chargers must meet the following standards:

(1) Design. Parking must meet standards set in § 21.301.06, Parking and Loading

(2) Minimum Off-street Required Parking. Parking spaces with Electric Vehicle Chargers count toward satisfying the minimum off-street parking requirements of § 21.301.06(d) provided:

(A) the spaces are open for use by non-electric vehicles if over five percent of the parking spaces on site; and

(B) the Electric Vehicle Chargers are non-proprietary if over five percent of the parking spaces on site.

(3) Private Single Family Home Electric Vehicle Charger Standards. Electric Vehicle Chargers located on properties used for single family or two family homes must meet the following standards:

(A) must be solely for private use of the property owner, resident, or their non-paying guests;

(B) must be located in a garage, on the exterior wall of the home or garage, or freestanding pole with footing, adjacent to a parking space subject to principle building setbacks; and

(C) when located outside of garage, must be rated for outdoor use.

§ 21.302.15[RESERVED-] CONVENIENCE FACILITY WITH FUEL SALES.

(a) *Applicability.* The regulations set forth in this section shall, unless otherwise stated, apply to all properties containing fuel storage and/or dispensing equipment including but not limited to fueling stations with motor fuels including but not limited to gasoline, diesel, electric vehicle chargers, and alternative fuels such as biodiesel, hydrogen, natural gas, ethanol, and propane.

(b) *Setbacks and lot requirements.*

(1) Buildings must have a front setback of 40 feet or the required front setback of the zoning district, whichever is greater: side and rear yard setbacks are as required by the zoning district, but not to exceed 40 feet.

(2) Pump islands and alternative fuel dispensing stations must have setbacks of no less than 35 feet from any property line.

(3) Above grade storage tanks are prohibited.

(4) Canopies covering pump islands must have no less than a 20 foot setback from any property line abutting a public or private street or roadway. Side and rear yard setbacks must not be less than ten feet.

(5) Lot width: the minimum lot width must be 120 feet.

(c) *Curbs and gutters.* Interior curbs must be constructed within the property lines to separate driving surfaces from sidewalks, landscaped areas, and along property lines bordering streets. Interior curbs required by this subsection (c) must be a minimum height of six inches.

§ 21.302.16 EXTERIOR STORAGE.

(c) *Business Districts.* In business districts, displays of merchandise may extend up to five feet in front of an existing building and may encroach up to five feet into a required setback area if such building abuts against or extends into the required setback area. Exceptions: Merchandise may be displayed on ~~[service station]~~ convenience facility with fuel sales pump islands and where motor vehicles, new or used, are lawfully sold on the premises, they may be stored or displayed in off-street parking areas. Displays of merchandise must not reduce the off-street parking area required by § 21.301.06 of the city code.

Passed and adopted this ____ day of December, 2019.

/s/

Mayor

ATTEST:

/s/

Secretary to the Council

Approved:

/s/

City Attorney