

ORDINANCE NO. 2022 - 12

AN ORDINANCE CLARIFYING ODOR CONTROL STANDARDS FOR BUILDINGS SUPPORTING FOOD ESTABLISHMENTS; CREATING AND ESTABLISHING FEES FOR A MOBILE FOOD UNIT LICENSE; MAKING EDITS FOR CLARITY IN FOOD ESTABLISHMENT LICENSING; ESTABLISHING A NEW DEFINITION FOR MOBILE FOOD UNIT; ADDING MOBILE FOOD UNIT TO THE USE TABLE; AND ESTABLISHING NEW STANDARDS FOR MOBILE FOOD UNITS, THEREBY AMENDING CHAPTERS 10, 14, 19, 21 AND APPENDIX A 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 ~~striketrough~~ 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 Suppression. All food establishments in buildings and food processing plants approved after February 24, 2020 that are located within 250 feet of properties zoned and guided residential or in a mixed use district with residential uses must install an odor suppression system 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
- (3) Otherwise vents food odors.

* * *

Section 2. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~striketrough~~ text and adding those words that are underlined, to read as follows:

* * *

CHAPTER 14: LICENSES AND PERMITS

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ARTICLE V. FOOD ESTABLISHMENT, LODGING ESTABLISHMENT AND PUBLIC POOL REGULATIONS

* * *

DIVISION A: GENERAL PROVISIONS

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§ 14.444 DEFINITIONS.

For the purpose of this Article V, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

Mobile food unit. A food establishment that is a vehicle mounted unit, either:

(1) motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one site with the approval of the health authority; or (2) operated in conjunction with a permanent food establishment licensed under city code Section 14.446 at the site of the permanent food establishment by the same individual or company, and readily movable, without disassembly, for transport to another location.

* * *

§ 14.446 LICENSE REQUIRED AND POSTED.

No person shall operate a food establishment, lodging establishment or public pool within the city or engage in any enterprises described in Article V, without first obtaining and having a valid license as provided herein. The application for such license will be made on forms furnished by the city and shall describe the general nature of the business, its location and any other information deemed necessary by the city. The application must be in the name of the owner of the real property on which the licensed premises are situated and bear the signature of the owner or that of the owner's authorized agent. The license must be posted in a location conspicuous to customers. A current retail mobile food handler license issued by the Minnesota Department of Agriculture will be accepted in lieu of a city-issued mobile food unit, temporary food establishment, or farmers' market stand license.

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DIVISION B: LICENSING AND INSPECTIONS

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§ 14.450 LICENSES AND RESTRICTIONS.

(a) *Food establishment licensing categories.*

* * *

(8) **MOBILE FOOD UNIT** is a food establishment preparing and serving food and beverages from a vehicle or trailer operating in conjunction with a licensed commercial kitchen or commissary for food preparation and storage. Mobile food units must adhere to the requirements of § 21.302.18 of the city code.

(A) Complex menu mobile food unit having similar food handling operations specified under a Type I or II establishment; or

(B) Simple menu mobile food unit having similar food handling operations specified under Type III, IV or V establishment.

~~(8)9~~ **FARMERS' MARKET STANDS** meaning those food establishments operating at farmers' markets and not exempt from licensing under M.S. § 28A, as it may be amended from time to time.

~~(9)10~~ **VENDING MACHINES** means devices dispensing unit servings of food that are either a food or beverage machine or a nut, gum ball or unwrapped candy machine.

* * *

Section 3. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

* * *

CHAPTER 19: ZONING

* * *

ARTICLE I. GENERAL PROVISIONS

* * *

DIVISION B. DEFINITIONS

* * *

§ 19.03 DEFINITIONS.

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CATERING BUSINESS, MAJOR. A business that prepares food and/or beverages to be delivered off site for consumption with no on site retail sales other than operation of an affiliated mobile food unit. Incidental delivery of prepared individual meals in conjunction with on site food service is not considered a catering function.

CATERING BUSINESS, MINOR. A business that prepares food and/or beverages to be delivered off site for consumption in a manner that is secondary to and directly related to a permitted principal use, that does not exceed 25% of the total floor area of the related principal use, and that has no on site retail sales other than operation of an affiliated.

* * *

MOBILE FOOD UNIT. A food establishment that is a vehicle mounted unit, either:

- (1) motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one site with the approval of the health authority; or
- (2) operated in conjunction with a permanent food establishment licensed under city code Section 14.446 at the site of the permanent food establishment by the same individual or company, and readily movable, without disassembly, for transport to another location.

* * *

ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

* * *

§19.29 HIGH INTENSITY MIXED USE WITH RESIDENTIAL (HX-R) DISTRICT.

* * *

(b) *Permitted principal uses.*

* * *

- (10) Farmers Market subject to standards set forth in Chapter 14, Article IX; [~~and~~]
- (11) Arts and crafts festival subject to standards set forth in Chapter 14, Article IX[-]; and
- (12) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18.

* * *

§19.31.01 REGIONAL COMMERCIAL (CR-1) DISTRICTS.

* * *

(b) *Permitted principal uses.*

* * *

- (13) Arts and crafts festival subject to standards set forth in Chapter 14, Article X; [~~and~~]
- (14) Restaurant, without drive through and without outdoor or rooftop seating[-]; and
- (15) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18.

* * *

ARTICLE IIIA. ADDITIONAL ZONING DISTRICTS

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§19.40.07 COMMERCIAL SERVICES CS-05 AND CS-1.

* * *

(b) *Permitted principal uses.*

* * *

- (10) Arts and crafts festival subject to standards set forth Chapter 14, Article X; [~~and~~]
- (11) Restaurants, without drive through and without outdoor or rooftop seating[-]; and
- (12) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18.

* * *

§19.40.08 COMMERCIAL OFFICE DISTRICT CO-1.

* * *

(b) *Permitted principal uses.*

* * *

- (7) Arts and crafts festival subject to standards set forth in Chapter 14, Article IX; [~~and~~]
- (8) Restaurants, without drive through and without outdoor or rooftop seating[~~-~~]; and
- (9) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18.

* * *

§19.40.09 RESIDENTIAL OFFICE DISTRICTS RO-24 AND RO-50.

* * *

(b) *Permitted principal uses.*

* * *

- (6) Farmers Market subject to standards set forth in Chapter 14, Article IX; [~~and~~]
- (7) Arts and crafts festival subject to standards set forth in Chapter 14, Article IX[~~-~~]; and
- (8) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18.

* * *

§19.40.10 CONSERVATION DISTRICT SC.

* * *

(b) *Permitted principal uses.*

* * *

- (6) Farmers Market subject to standards set forth in Chapter 14, Article IX; [~~and~~]
- (7) Arts and crafts festival subject to standards set forth in Chapter 14, Article IX[~~-~~]; and
- (8) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18.

* * *

Section 4. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text 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.

* * *

(b) *Table key.* The following labeling conventions apply to each table in this section.

(1) *Uses.* Uses are often defined in § 19.03. Uses not defined are subject to standard dictionary definitions.

(2) *Permitted uses.* Uses identified in the zoning district column with the letter “P” are allowed as permitted uses, primary or accessory, in the respective zoning district.

* * *

(5) *Accessory uses.* Uses identified in the zoning district column with the letter “A” are allowed as accessory uses in the respective zoning district as defined in § 19.03.

* * *

(c) *Residential Zoning Districts*

<i>Use Type</i>	<i>Zoning District</i>	<i>References;</i>
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	<i>R-1</i>	<i>R- 1A</i>	<i>RS-1</i>	<i>R-3</i>	<i>R-4</i>	<i>RM -12</i>	<i>RM-24</i>	<i>RM-50</i>	<i>RM-100</i>	<i>See Listed Section</i>
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Temporary Uses										
Farmers market	P				P	P	P	P	P	Chapter 14 Article IX
Mobile food unit in conjunction with entertainment and recreation special events	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>21.302.18, Chapter 14 Article V</u>
Mobile food unit	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.302.18, Chapter 14 Article V</u>

(d) *Neighborhood and Freeway Commercial Zoning Districts*

Use Type	Zoning District								References; See Listed Section
	<i>B-1</i>	<i>B-2</i>	<i>B-4</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>C-4</i>	<i>C-5</i>	

Temporary Uses										
Mobile food unit	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>21.302.18, Chapter 14 Article V</u>
Transient merchant sales (interior to hotels)		A		A	A	A	A	A	A	14.180 to 14.192

(e) *Industrial Zoning Districts*

Use Type	Zoning District						References; See Listed Section
	<i>IT</i>	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>	<i>IP</i>	<i>FD-2</i>	

Temporary Uses							
Mobile food unit	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>21.302.18, Chapter 14 Article V</u>
Transient retail sales, donated items	P	P	P	P	P	P	14.61, 21.302.34

(f) *Specialized Zoning Districts*

Use Type	Zoning District		References; See Listed Section
	<i>CX-2</i>	<i>LX</i>	

Temporary Uses			
Mobile food unit	<u>P</u>	<u>P</u>	<u>21.302.18, Chapter 14 Article V</u>
Transient merchant sales	A	A	14.180 to 14.192

(interior to hotels)

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ARTICLE III. DEVELOPMENT STANDARDS

* * *

DIVISION B. USE STANDARDS

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§ 21.302.18 MOBILE FOOD UNITS. [RESERVED]

- (a) Purpose. The following standards are intended to address mobile food units in the interest of the public health, safety, and general welfare of the community.
- (b) License required. Mobile food units must be properly licensed per Section 14.446.
- (c) Exemptions. Locations that operate mobile food units defined in M.S. § 157.15 subd. 9, clause 2 as an extension of their retail food license under M.S. § 28A.06 are exempt from all requirements in this Section 21.302.18.
- (d) Standards. The following standards apply to mobile food units unless otherwise approved through one of the following special events: farmers' market permit per Section 14.600, arts and crafts festival permit per Section 14.700, permit for public assembly, parade, race, or private special event per Section 14.61, or city sponsored event.
 - (1) Locations Zoned and Used Non-Residentially

The following standards apply to commercial, industrial, and mixed-use zoning districts, and to all other properties that are not zoned and used residentially.

 - (A) No mobile food unit may park or operate in the public right-of-way unless approved by the Issuing Authority.
 - (B) No more than three mobile food units may operate at one time on a site unless affiliated with an approved special event.
 - (C) Mobile food units may be parked within required parking areas, but must be parked on asphalt, concrete, or other surface approved by the Issuing Authority.
 - (D) Mobile food units, including service areas and accessory outdoor seating, may not block sidewalks, impede pedestrian or vehicular circulation, or interfere with public safety.
 - (E) Mobile food units must be located at least 10 feet away from building entrances and other mobile food units.
 - (F) No mobile food unit may locate within 200 feet of an exterior entrance to a restaurant or building occupied by a restaurant unless approved in writing by the owner or operator of the subject restaurant.
 - (G) No mobile food unit may be located within a parking structure.
 - (2) Locations Zoned and Used Residentially

The following standards apply to properties that are zoned and used residentially. For the purposes of this section, properties in mixed use zoning districts are not considered to be zoned residentially.

 - (A) Mobile food unit service is limited to private guests of the property owner, unless otherwise approved through a special event license to sell to the general public.
 - (B) Mobile food units may park on the street nearest the private property they serve provided on-street parking is not otherwise prohibited at that location, or within a site on a driveway. If located within the public right of way, serving must be oriented away from the street.
 - (C) Mobile food units, including service areas and accessory outdoor seating, may not block sidewalks, impede pedestrian or vehicular circulation, or interfere with public safety.
 - (D) No more than one mobile food unit may operate at one time on a site.
 - (E) A site may not host a mobile food unit more than three days per year.
 - (F) Mobile food units may not operate between the hours of 9 p.m. and 10 a.m.
 - (3) Storage. No mobile food unit may be stored overnight or maintained on a residentially zoned property, including public right-of-ways abutting properties zoned residential.
 - (4) Operation
 - (A) Mobile food units may not operate between the hours of 10 p.m. and 7 a.m. unless otherwise approved by the City Council.

- i. If located within 250 feet of locations zoned and used residentially, mobile food units may not operate between the hours of 9 p.m. and 10 a.m.
- j. Hours of operation may be extended for taproom, cocktail room, and winery uses as approved by the Planning Commission or City Council.
- (B) Mobile food units must depart from the site when not in operation, unless operating at the same site as their affiliated licensed commercial kitchen or commissary.
- (C) The owner or operator of the mobile food unit must provide trash and recycling receptacles for customer use and keep the site free from litter, refuse, debris, junk or other waste.
- (D) No mobile food unit waste liquids, garbage, litter or refuse may be dumped or drained into sidewalks, streets, gutters, drains, public trash receptacles, or any other place except at the licensed commercial kitchen or commissary associated with the mobile food unit.
- (E) All mobile food unit signs must be affixed to the vehicle or trailer and in compliance with Chapter 19, Article X: Sign Regulations.
- (F) No sound amplification, noisemakers, or flashing lights are permitted.

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Section 5. That Appendix A of the City Code is hereby amended by deleting those words within brackets and ~~stricken through~~ and adding those words that are underlined, to read as follows:

APPENDIX A: FEE SCHEDULE

This appendix contains the various fees adopted by ordinance in the listed sections of the City Code.

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Chapter 14: Licenses and Permits			
CODE SECTION	CROSS-REF	DESCRIPTION	FEE

* * *

§14.03	§14.443	Food Establishments	
		* * *	
		(H) <u>Mobile Food Unit (vehicle or trailer)</u>	
		(1) <u>Complex menu (like Type I or II)</u>	\$346
		(2) <u>Simple menu (like Type III, IV or V)</u>	\$230
		(I) <u>Farmers market stand (stands not exempted from licensing in M.S. Chapter 28A, as it may be amended from time to time)</u>	* * *
		(H) <u>J</u>) <u>Vending machines</u>	
		(1) <u>Food and beverage (except items in (2) below)</u>	* * *
		(2) <u>Nuts, gum balls, hard candy and unsorted confections</u>	* * *
		(J) <u>K</u>) <u>Plan review, new and 50% or more remodel</u>	* * *
		(K) <u>L</u>) <u>Plan Review, less than 50% remodel</u>	* * *
		(L) <u>M</u>) <u>Expedited plan review</u>	* * *
		(M) <u>N</u>) <u>Food equipment upgrade/replacement only or onsite consultation</u>	* * *
		(N) <u>O</u>) <u>HACCP plan review, new</u>	* * *
		(O) <u>P</u>) <u>Annual HACCP audit</u>	* * *

		([P]Q) Permit application fee for allowing dogs in designated outdoor areas; onetime fee.	* * *
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Passed and adopted this 25th day of April, 2022.

/s/ Tim Busse
Mayor

ATTEST:
/s/ Matt Brillhart
Secretary to the Council

APPROVED:
/s/ Melissa J. Manderschied
City Attorney