ORDINANCE NO. 2022 - 43

AN ORDINANCE ESTABLISHING AND DEFINING DATA CENTER AS A NEW USE DESIGNATION, DESIGNATING DATA CENTER AS A CONDITIONAL USE IN THE I-2, I-3, AND IP ZONING DISTRICTS AND AS A CONDITIONAL LIMITED USE IN THE C-4, IT, AND FD-2 ZONING DISTRICTS, AND CREATING PERFORMANCE STANDARDS FOR DATA CENTERS, THEREBY AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE.

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 [ ] with ~~strikethrough~~ text and adding those words that are underlined, to read as follows:

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CHAPTER 19: ZONING

ARTICLE I. GENERAL PROVISIONS

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DIVISION B: DEFINITIONS

§ 19.03 DEFINITIONS

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CUSTOMARILY INCIDENTAL FEATURE. A subordinate feature that clearly and customarily accompanies the principal building and is located on the same lot as the principal building including, but not limited to accessory buildings, swimming pools, off-street parking, gardens, clothes lines, tree houses and similar features.

DATA CENTER. A building or portion thereof where digital information is processed, transferred or stored, occupying 10,000 square feet or more, where the space is primarily occupied by computers, servers, telecommunications, and related equipment, including supporting equipment.

DAY CARE FACILITY. A facility primarily engages in the temporary care of children or adults, usually while their primary caregivers are at work, including but not limited to day care centers, preschools, early childhood learning centers and related uses.

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        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:

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CHAPTER 21: ZONING AND LAND DEVELOPMENT

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ARTICLE II. DISTRICTS AND USES

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DIVISION H: USES

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§ 21.209 USE TABLES

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(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	

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Use Type	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	References
Warehousing, Limited	CL								
Data Center							CL		21.302.35
Craft and micro-brewery/distillery/winery		C	C	C	C	CL	CL	CL	Chapter 13 Article I Chapter 14 Article I, 21.302.29

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(e) *Industrial Zoning districts.*

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

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Use Type	IT	I-1	I-2	I-3	IP	FD-2	References
Brewery, regional/national			P	P	P		Chapter 13 Article III,

							Chapter 14 Article I, 21.302.29
Data Center	CL		C	C	C	CL	21.302.35
Low impact, high-technology manufacturing	P	P	P	P	P	P	

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ARTICLE III. DEVELOPMENT STANDARDS

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DIVISION A: GENERAL STANDARDS

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§ 21.301.06 PARKING AND LOADING

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(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.

Minimum Off-Street Parking Requirements

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Industrial	General manufacturing/ makerspace/industrial/ commercial brewing or distilling area	1 space per 500 square feet of gross floor area, plus 1 additional off-street parking space for each 2,500 square feet of outside storage area as determined by the issuing authority
	Warehousing, storage	1 space per 1,000 square feet of gross floor area, plus 1 additional off-street parking space for each 2,500 square feet of outside storage area

	Data center	10 spaces plus additional 1 space per 5,000 square feet of gross floor area over 10,000 square feet
	Open storage without a building on site	1 space for each 2,500 square feet of outside storage area

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DIVISION B: USE STANDARDS

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§ 21.302.35 DATA CENTERS

(a) *Purpose.* The following standards are intended to regulate data centers in the interest of the public health, safety, and general welfare of the community.

(b) *Standards.* The following standards are applicable to data centers.

   (1) *Location.* No data center may be located within 500 feet of sites zoned and used residentially, as measured in a straight line without regard to intervening structures or objects from the data center's site boundaries, to the nearest residential property line.

   (2) *Outdoor equipment.* Outdoor equipment that serves the data center, including but not limited to mechanical equipment and generators, must not be located closer to a property line along a public street than the principal building and must be fully screened from view of adjacent public rights-of-way and properties.

   (3) *Noise.* Commercial grade mechanical equipment and similar noise sources, including but not limited to generators and air heating or cooling equipment, must comply with the requirements of Sections 10.29.02, 10.29.04, 10.29.05, and 21.301.12(e) of the City Code.

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ARTICLE V. ADMINISTRATION AND NONCONFORMITY

DIVISION A: APPROVALS AND PERMITS

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§ 21.501.04 CONDITIONAL USE PERMITS

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(d) *Review and approval.* Conditional use permit applications must be reviewed and acted upon by the Planning Commission, except for the uses listed in subsection (d)(1) below, which must be reviewed by the Planning Commission and acted upon by the City Council. If the Planning Commission action results in a tie vote, the conditional use permit application is automatically sent to the City Council for their final action.

(1) *City Council review.* Because of higher potential to negatively impact surrounding property, the following use types must be reviewed by the Planning Commission and acted upon by the City Council when a conditional use permit is required by the underlying zoning district.

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(U) Self-storage facilities; [and]

(V) Cultural campus[.]; and

(W) Data Center.

Passed and adopted this 12th day of September, 2022.

  /s/ Tim Busse
Mayor

ATTEST: APPROVED:

  /s/ Matt Brillhart   /s/ Melissa J. Manderschied
Secretary to the Council   City Attorney