

ORDINANCE NO. 2025-57

AN ORDINANCE ESTABLISHING ALLOWANCES FOR AND PERFORMANCE STANDARDS FOR EXTERIOR REFUSE, SOLID WASTE, AND RECYCLABLE MATERIAL ENCLOSURES FOR NONRESIDENTIAL USES IN ALL ZONING DISTRICTS, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

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

Section 1. 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 III: DEVELOPMENT STANDARDS

DIVISION A: GENERAL STANDARDS

§ 21.301.17 REFUSE, SOLID WASTE, AND RECYCLABLE MATERIALS HANDLING AND STORAGE FACILITIES.

(a) *Purpose and intent.* The City Council finds the generation of waste is a normal and unavoidable part of business and residential activities. Proper refuse, solid waste, and recyclable materials handling is a function that, to avoid nuisances impacting neighboring properties and the general public, must be included in the design and construction of buildings. This section establishes minimum standards for storage and handling of refuse, solid waste, recyclable materials, yard waste, organics, and construction debris. This list is intended to be illustrative, not exhaustive. Properly designed storage and handling facilities decrease illegal disposal, enhance employee safety, enhance property aesthetics, limit impacts to storm sewer infrastructure, and decrease the potential for vandalism and unsanitary conditions. Refuse, solid waste, trash, recyclable materials, yard waste, organics, and construction debris are defined in § 10.04 of this code.

(b) *Applicability.* Upon submittal of a development application or when compliance with this section is required in subsection (f), plans for refuse, solid waste, and recyclable materials handling facilities must be provided for review. Plans must be based on accurate final site and building plans, at an appropriate scale. The plans must illustrate the location and describe the operation of refuse, solid waste, and recyclable storage activities, including, but not limited to, the capacity of appropriate containers for each type of waste.

(c) [Storage] Residential use minimum location and design standards. All residential uses in all zoning districts must have storage facilities for solid waste, organic and recyclable materials in accordance with the following minimum requirements:

(1) For single-family, two-family, and townhouse dwelling units with individual dwelling unit trash and recyclables storage and pick-up, all residential solid waste materials must be stored within approved containers appropriate for each type of waste that prevent health and nuisance problems. All solid waste, trash, recyclable materials, yard waste, organics and construction debris must be placed at the assigned collection location no more than 12 hours before and the containers be removed no more than 12 hours after the scheduled collection day. The storage of residential solid waste containers for single family detached homes must be setback 30 feet from any four season living area other than the owner's. Residential solid waste containers must not be stored more than five feet in front of the principal building along any public right-of-way.

(2) For multiple family residential units other than those identified in subsection (c)(1), residential solid waste containers must be stored within a fully enclosed space, which must be attached to the principal structure.

~~[(3) All commercial and office uses must have storage facilities for solid waste, organic and recyclable materials in accordance with one of the following requirements:~~

~~(A) Within a fully enclosed space designated for the storage of solid waste, organic and recyclable materials. All required solid waste, organic and recyclable materials enclosures must be accessible from within the principal building. The Issuing Authority may waive the interior access requirement when:~~

~~(i) The proposed solid waste, organic and recyclable materials storage facility is not in conflict with the stated purpose in this section of this code;~~

~~(ii) The proposed solid waste, organic and recyclable materials storage facility is accessed by separated walkway to the facility that is illuminated in accordance with § 21.301.07 of the city code;~~

~~(iii) The proposed solid waste, organic and recyclable materials storage facility will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and~~

~~(iv) The proposed location is attached to the principal structure and does not create a hazard for vehicular or pedestrian traffic.~~

~~(B) Power operated solid waste, organic and recyclable materials processing equipment when loaded from within the principal structure must be screened from all sides except where access is approved by the Issuing Authority. Screening must be constructed using building materials consistent in style, color and composition within the materials on the principal building approved by the Issuing Authority.~~

~~(4) All industrial uses must have storage facilities for solid waste, organic and recyclable materials in accordance with one of the following requirements:~~

~~(A) For industrial uses where the solid waste, organic and recyclable materials facilities that are not food preparation or food service uses and are located within 300 feet from a property meeting two of the three following criteria: (1) residential use including multiple family; (2)~~

residential designation on the Comprehensive Land Use Plan; or (3) Zoned R-1, R-1A or RS-1, solid waste, organic and recyclable materials must be within a fully enclosed space designated for the processing and storage of solid waste, organic and recyclable materials. All required solid waste, organic and recyclable materials enclosures must be accessible from within the principal building. The Issuing Authority may waive the interior access requirement when:

(i) ~~The proposed solid waste, organic and recyclable materials storage facility is not in conflict with the stated purpose in this section of this code;~~

(ii) ~~The proposed solid waste, organic and recyclable materials storage facility is accessed by separated walkway to the facility that is illuminated in accordance with § 21.301.07 of the city code;~~

(iii) ~~The proposed solid waste, organic and recyclable materials storage facility will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and~~

(iv) ~~The proposed location is attached to the principal structure and does not create a hazard for vehicular or pedestrian traffic.~~

(B) ~~For industrial uses where the solid waste and recyclable materials facilities that are not food preparation or food service uses and are located greater than 300 feet from a property meeting two of the three following criteria: (1) residential use; (2) residential designation on the Comprehensive Land Use Plan; or (3) Zoned R-1, R-1A or RS-1, solid waste and recyclable materials may be stored outside a building. Trash, recyclables, and other solid waste storage must be in an approved container and fully screened from adjoining properties and public streets. Screening must be constructed using building materials consistent in style, color and composition with the principal building; or~~

(C) ~~Solid waste and recyclable materials collection and storage may be outside the building as part of power operated solid waste or recyclable processing equipment. The equipment must be screened from all sides except where access is approved by the Issuing Authority. Screening must be constructed using building materials consistent in style, color and composition with the principal building and approved by the Issuing Authority.~~

(D) ~~Industrial uses in the TI District must comply with standards for handling refuse, solid waste, and recyclable materials described in § 21.301.17(e)(3).]~~

(d) ~~*Nonresidential use* [M]*minimum location and design standards. All commercial, industrial, institutional, and office uses in all zoning districts must have storage facilities for* [S]*solid waste, organic and recyclable materials [storage and handling facilities, other than those identified in § 21.301.17(e)(1), must have an exterior design using building materials consistent with the primary structure. The interior must comply]* in accordance with one of the following minimum requirements:~~

(1) ~~[For all uses other than grocery stores, restaurants or other food service facilities:]~~ *Interior space. Inside an approved container(s) within a fully enclosed space designated for the storage of solid waste, organic and recyclable materials. All required solid waste, organic, and recyclable material enclosures must be accessible from within the principal building.*

(A) ~~[Doors must be designed to function properly during periods of ice and snow.~~

~~(B)~~ Bump rails or bollards are required to prevent penetration of the walls by the dumpster or roll-off box.

~~(2)~~ For grocery stores and food service facilities as a primary use, the following additional minimum design standards apply to the interior space:

~~[(A)]~~ (i) Floors must be covered with quarry tile or equivalent with integral sanitary cove base tile.

~~[(B)]~~ (ii) Interior walls must have a smooth non-absorbent material sealed or finished to withstand frequent cleaning.

~~[(C)]~~ (iii) Bump rails or bollards are required to prevent penetration of the walls by the dumpster or roll-off box.

~~[(D)]~~ (iv) Doors must be designed to function properly during periods of ice and snow.

~~[(E)]~~ (v) Hose bib with back flow prevention must be provided for cleaning the facility.

~~[(F)]~~ (vi) Floor drains must be connected to the sanitary sewer system.

(B) The Issuing Authority may waive the interior access requirement when:

(i) The proposed solid waste, organic, and recyclable materials storage facility is not in conflict with the stated purpose of this section;

(ii) The proposed solid waste, organic, and recyclable materials storage facility is accessed by separated walkway to the facility that is illuminated in accordance with § 21.301.07;

(iii) The proposed solid waste, organic, and recyclable materials storage facility will not unreasonably harm or restrict public health, safety, and welfare; and

(iv) The proposed location is attached to the principal structure and does not create a hazard for vehicular or pedestrian traffic.

(2) Exterior refuse enclosure. Inside an approved container(s) within a storage facility either attached to or detached from the principal building, meeting the following minimum location and design standards:

(A) Setbacks, general. The storage facility must be located a minimum of 20 feet from a property line along a street or public right-of-way and a minimum of five feet from a property line not abutting a street or public right-of-way. The storage facility must not be closer to the property line along a public street than the principal building, except on a through lot, the storage facility may be closer to a public street when along the rear lot line and behind the principal building.

(B) Setback from residential. The storage facility must be setback at least 20 feet from any abutting property zoned and used residentially, as measured from the nearest wall of the enclosure to the nearest residential property line.

(C) Proximity. The storage facility must be located within 100 feet of the associated principal building being served by the storage facility, as measured from the nearest wall of the enclosure to the nearest wall of the principal building.

(D) Access and circulation. The storage facility location and the associated solid waste, organic, and recyclable material containers, must not block sidewalks, drive aisles or otherwise impede vehicular or pedestrian circulation.

(E) Lighting compliance. The storage facility location must comply with minimum lighting and illumination standards for secondary and emergency building entrance and exits described in § 21.301.17(c)(12). The pedestrian walkway surface from the building entrance or exit to the storage facility must meet the same lighting standards for the parking lot surface.

(F) Screening. The storage facility must provide fully opaque screening on all sides, except for the access gate or doors. The access gate or doors must have an opacity between 50 and 100 percent opacity.

(G) Exterior materials. The storage facility must be constructed of building materials that match the principal building being served by the storage facility. However, architectural concrete masonry units (ACMUs) or other comparable masonry materials may instead be used when similar and complementary in color scheme to the principal building being served by the storage facility, as approved by the Planning Manager.

(H) Roof. The storage facility must have a durable roof that limits the intrusion of rain or snow into the enclosure.

(I) Floor surface. The storage facility must have an impermeable floor surface and be designed to limit the discharge of liquid and solid waste into the storm sewer system. The storage facility must be at least 10 feet from any surface inlet and must not be located within a runoff conveyance feature, such as a curb and gutter system, so that it does not impede drainage pathways.

(J) Height. The storage facility must not exceed 16 feet in height, measured from the lowest exterior point to the highest point of the roof.

(e) *Minimum storage area requirements.*

(1) The minimum size required for recycling must be provided for each building as set forward in Minnesota Administrative Rules 1303.1500, as it may be amended from time to time. An additional solid waste area equal to the recycling area requirement must also be provided. The minimum solid waste storage area may be reduced up to 60% by incorporating a solid waste compacting device or a waste management plan as approved by the Issuing Authority.

(2) Other uses in solid waste and recyclable storage rooms unrelated to solid waste and recyclable handling may be located in the rooms only when approved by the Issuing Authority.

(f) *Nonconformities.* Existing solid waste and recyclables storage facilities that conform to zoning approvals granted prior to ~~February 5, 2001~~ December 18, 2025, and that do not comply

with the requirements of this section are considered legally nonconforming and may remain, subject to the following provisions:

(1) Solid waste and recyclables storage facilities in compliance with this section are required for any proposal that expands its floor area more than 25%, cumulatively, relative to the floor area in existence as of ~~[March 1, 2001]~~ December 18, 2025.

~~[(2) Screening of all solid waste facilities with a fence, wall, landscaping or comparable materials as approved by the Issuing Authority must be installed when:~~

~~(A) Final site and building plans are approved for expansion where the gross floor area of the addition is less than 25% of a building;~~

~~(B) Final site and building plans are approved for expansion of a parking lot; or~~

~~(C) Final site and building plans are approved for alteration of the exterior building materials.]~~

~~[(3)2] When the occupancy group of a site is changed the solid waste and recyclable storage must be modified, as necessary, to comply with the requirements of this section. The occupancy groups of the [Uniform] State Building Code must be used to determine occupancy classification for the purposes of this section. In multiple tenant buildings, this provision must apply only to tenant spaces where a change is proposed.~~

~~[(4)3] When a nonconforming use ceases for a continuous period of one year, the solid waste and recyclable storage facilities must comply with this section before any use of the site occurs.~~

~~[(5) Nothing in this section relieves any property of solid waste and recyclable storage requirements that were mandated as a condition of approval for any plan or permit by the City Council before the effective date of this section. The owner of such property may apply to the City Council for removal of the condition and, if the application is approved, comply with the provisions of this section.]~~

~~[(6)4] Additional requirements for nonconformities are set forth in § 21.504[~~of this code~~].~~

~~(g) [Exceptions:~~

~~(1) A food service facility that meets the following criteria may store solid waste and recycling materials in containers within a defined area outdoors provided the standards in § 21.301.17(g)(2) are met.~~

~~(A) The food service facility is in an industrial zoning district;~~

~~(B) The food service facility does not serve fried food; and~~

~~(C) The food service facility is at least 500 feet from the nearest residentially zoned and used property measured in a direct line from the edge of the solid waste area to the closest property line of the residential use.~~

~~(2) Exception standards:~~

~~(A) The solid waste/recycling area must not be visible from a public street;~~

- ~~(B) The containers must be fully screened from public view by a fence or wall;~~
- ~~(C) The containers must be constructed of non-combustible materials;~~
- ~~(D) The containers must be within 20 feet of an access door of the facility they are serving;~~
- ~~(E) To reduce the amount of leachate flowing to local water bodies, containers must be leak proof, non-absorbent containing tight fitting lids;~~
- ~~(F) The solid waste/recycling area must meet the lighting standards for building entrances;~~
- ~~(G) The solid waste/recycling area must be monitored by a security camera;~~
- ~~(H) The solid waste containers must be emptied at least twice per week;~~
- ~~(I) The containers must be cleaned in an area that drains to the sanitary sewer system. Any liquids or refuse that are directed or drain into the storm sewer system would be considered an illicit discharge as described in § 16.10;~~
- ~~(J) The defined area may not be located in required parking areas; and~~
- ~~(K) The defined area may not block sidewalks, drive aisles, or impede pedestrian or vehicular circulation, or interfere with public safety.]~~Maintenance. Solid waste, organic and recycling material storage facilities must be maintained in a safe and sanitary condition and kept in a state of good repair. The cleaning and maintenance activities related to any solid waste, organics, and recyclables storage facilities must be done in an area that drains to the sanitary sewer system. Any liquids or refuse that drain into the storm sewer system are an illicit discharge as described in § 16.10.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted this 8th day of December, 2025.

/s/ Tim Busse
Mayor

ATTEST:

APPROVED:

/s/ Priyanka Rai
Secretary to the Council

/s/ Melissa J. Mandershied
City Attorney