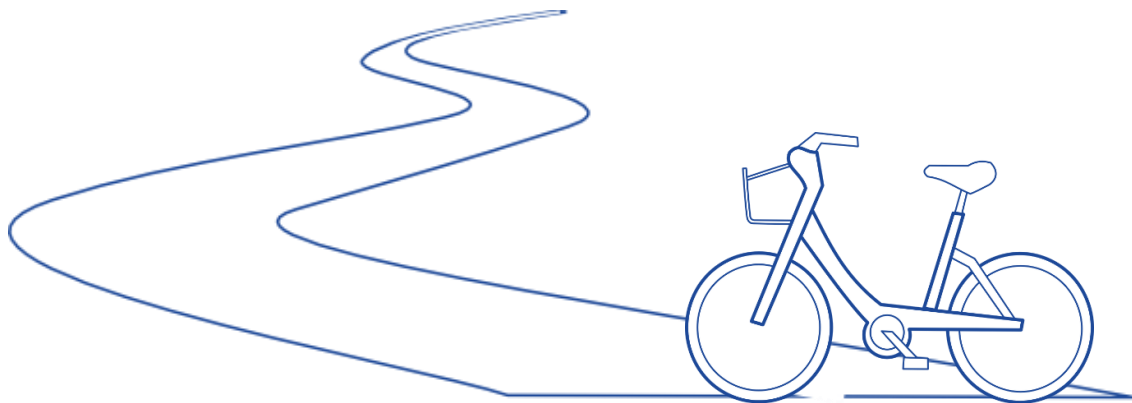




Barriers & Opportunities for **Active Transportation** and **Healthy Eating**

Bloomington, Minnesota



Public Health Law Center

Bloomington Municipal Code provided by American Legal Publishing Corporation

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PROJECT OVERVIEW

Local policy initiatives play a pivotal role in promoting the health of a community, including supporting healthy eating and active transportation. A variety of policy options are available to create a viable transportation system that supports walking and bicycling and provide opportunities to eat healthier foods.

Purpose of this Resource

This policy brief focuses primarily on Bloomington’s municipal ordinances and planning documents that impact the local food system and opportunities to walk and bicycle. When appropriate, areas where state law may impact relevant activity at the local level are identified. This analysis can be read in whole or in part. Citations are included at the end of this document for further reference. The analysis divides the material into the following sections:

Food System Components

- Growing and Producing Food
- Processing Food
- Distributing Food
- Getting Food
- Making Food
- Surplus/Waste Management

Active Transportation Components

- Active Transportation Policies and Plans
- Land Use and Local Zoning Designations
- Bicycle Policies
- Traffic Calming
- Municipal Recognition Programs

This policy brief will discuss existing Bloomington ordinances and municipal plan language that may directly or indirectly impact healthy eating and walking and bicycling opportunities. Potential opportunities to improve healthy eating and walking and bicycling opportunities in Bloomington through the current comprehensive planning efforts and revisions to local ordinance are identified.

This resource is designed for local government policy makers, local public health advocates, and partners in efforts to increase healthy eating and active transportation in Bloomington. It describes a variety of policy options available to local governments to increase healthy eating and active transportation.

Research Process

The Public Health Law Center (PHLC) identified a list of relevant “search terms” in consultation with Bloomington Public Health and city staff that describe activities or structures likely to impact both the elements of the food system and the active transportation system. (A list of those terms are included in Appendix B.) Researchers used the online edition of Bloomington’s municipal code, available publicly at: http://www.amlegal.com/codes/client/bloomington_mn/. The preliminary key word searches were conducted in February and March 2017, so all results are current as of that date. In addition, this research included some ordinances that were revised after March 2017, such as the new Bloomington beekeeping and farmers’ market ordinances. Any newer ordinances reviewed after the preliminary March 2017 review are indicated.

Each search term was entered into a “search” setting within the online municipal code for any potential matches. If a relevant match was found, the regulatory municipal code language is included. For some search results, the findings were deemed irrelevant. Researchers reviewed all search results and identified those relevant to the scope of this project.

Appendices

This policy brief includes several appendices at the end of the document. The appendices provide additional context to a variety of topics, including:

- Appendix A: Reviewed Bloomington Plans and Policies
- Appendix B: Search Terms
- Appendix C: Growing Structures – Bloomington Ordinance Language
- Appendix D: General Municipal Food System Resources
- Appendix E: Municipal Food Production Resources
- Appendix F: Minnesota Cottage Food Law
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GENERAL MUNICIPAL ORDINANCE ISSUES

Most municipalities include a broad framework for understanding local ordinances to provide direction regarding how to approach activities or land uses that are not specifically defined or addressed in the ordinance. Some municipalities include a general restriction within the zoning code indicating that if a particular land use or activity is not specifically allowed, then that land use or activity is prohibited while others do not include a general restriction, thereby allowing activities or land uses that are not specifically included in the ordinance. Each approach has strengths and weaknesses, and can support or detract from initiatives to increase healthy eating and active transportation, depending on the local context.

Including a general restriction and requiring activities or land uses to be specifically allowed provides clarity to community members and the local government regarding what activities and land uses are allowed. At the same time, municipalities that use a general restriction can inadvertently restrict or prohibit new or evolving healthy eating and active transportation activities with community initiatives that do not fit into the historical municipal ordinance definitions or land use patterns. For example, the location of local gardening efforts or farmers' markets in different zones of a city may be restricted based on zoning codes that do not reflect the current needs of a community.

Not providing a general restriction on unspecified activities or land uses can allow room for innovation and creative solutions to evolving issues facing the community. However, not providing clear language for new land uses and activities can be a deterrent if people are looking for guidance from the municipality, but only find vague language that is hard to interpret.

Bloomington Ordinances

Bloomington ordinances create a framework for land use and development in the City by establishing different zoning districts that determine what types of activities are permitted in different districts. Zoning designations are included in two different chapters of the City Code – Chapters 19 and 21. As indicated, below, Bloomington is in the process of updating and reorganizing its zoning and land development standards, with the stated intent of consolidating its zoning standards in Chapter 21 and reserving Chapter 19.*

* From this review, it appears that Bloomington has started but has not yet completed this update and reorganization of Chapters 19 and 21. As a result, there appears to be some overlap and possible inconsistency between the two chapters (see discussion, below regarding zoning parameters for community gardens).

§ 19.02.01 RELATIONSHIP BETWEEN CHAPTERS 19 AND 21.

The city is in the process of updating and reorganizing its zoning and land development standards. As reorganization occurs, standards will be shifted from [Chapter 19](#) to [Chapter 21](#). Until reorganization has concluded, both [Chapters 19](#) and [21](#) will collectively serve as the zoning ordinance of the city. After reorganization has concluded, [Chapter 21](#) will serve as the zoning ordinance of the city and [Chapter 19](#) will be reserved. Any reference that collectively refers to [Chapter 19](#) must be interpreted to also refer collectively to [Chapter 21](#) and vice versa.

Currently, Bloomington Ordinances, Chapter 21 includes the following direction for how to determine if a specific type of land use is allowed in different districts in the City:

Zoning and Land Development - § 21.209 Use Tables

*(7) Prohibited uses. Uses not associated with a letter in the zoning district column are prohibited uses in the respective zoning district. **Uses not listed are prohibited** in the neighborhood and freeway commercial zoning districts.*

In addition, Bloomington includes [§21.106 Conflicting Provisions](#), which indicates:

§ 21.106 CONFLICTING PROVISIONS.

*In the event that the provisions of this chapter are inconsistent with one another or if the provisions of this chapter conflict with provisions found in other adopted regulations of the city, **the more restrictive provision will control.***

These ordinances can impact healthy eating and active transportation efforts. For example, the city does not explicitly allow or restrict the addition of growing structures such as hoop houses, which help extend the growing season. However, [§19.63.08 Exterior Materials and Finish](#) limits the types of building materials that are allowed to be used on all primary and accessory buildings, which are outside the scope of the building materials used on hoop houses. Since the type of building materials that are allowed is more restrictive, the use of hoop houses may be prohibited.

In addition, many municipal ordinances restrict a property from developing an accessory use or activity on a property before a principle use or structure is established. This type of restriction can impact the establishment of community gardens on vacant lots, especially if gardening activities are only recognized as an accessory use of property.

Bloomington ordinance [§21.302.05 Limited Agriculture, Bees, and Gardening](#) states:

Growing and harvesting plants for food or enjoyment within individual or community gardens is considered to be customarily incidental to other land uses and is permitted in all zoning districts.

Use of Municipal Definitions

Local municipal ordinances often specifically define and approve certain activities in ways that can serve to promote healthy eating and active transportation. For example, definitions in municipal ordinances can provide direction to community members to support healthy eating and active transportation by defining the terms restaurant, community garden, complete streets, or traffic calming. At the same time, local ordinances may include terms that are not specifically defined or approved.

It is important to note that many of the definitions established by Bloomington are often narrower than how those terms may be understood by the general public or used outside of a legal context. Additionally, the City has not defined all terms, even those used throughout the municipal code. In that instance, the failure to define a term is highlighted in each section. One unintended consequence of a municipality choosing not to “define” a certain term is that the activity or structure may be captured in an unrelated or overly broad set of regulatory provisions. For example, while food is sold at grocery stores, farmers markets, and restaurants, there could be consequences for treating the sale of food at all three of these entities in the same way. At the same time, a municipality may choose not to specifically define a certain term to allow for greater flexibility in municipal governance. The decision to specifically define or regulate a certain area of the food or transportation system is dependent on the specific needs and community characteristics of an individual municipality.

Some Bloomington ordinances reviewed included an activity that is either explicitly permitted or restricted, but no definition is provided for the term. For example, ‘commercial agriculture’ is prohibited both in the definition for *Agriculture, Limited* as well as ordinance [§21.302.05 Limited Agriculture, Bees, and Gardening](#). However, commercial agriculture is never defined. In addition, this can also be seen in two of Bloomington’s ordinances which reference a non-existent provision establishing bike parking requirements: §21.302.02 Residential Uses in Commercial Zoning Districts and §21.302.09 Multiple-Family Dwelling Design and Performance Standards. These ordinances are discussed in further detail in the Active Transportation section, under Bicycle Parking.

Delegated Authority - Municipal Government Oversight of Food System

In Minnesota, there are several mechanisms through which a municipal government may be able to regulate the food system. For example, the Minnesota Departments of Agriculture and Health (MDA and MDH) have delegated some of their authority to regulate different aspects of the food system to specific municipalities, including the authority to license food establishments and oversee food safety requirements (this authority is referred to as “delegated authority,” because the MDA or MDH must delegate powers to the specific municipality). Municipal governments also have the authority to establish zoning and permitting requirements through their municipal codes to impact different aspects of the food system.

At this time, the City of Bloomington has delegated authority from both MDA and MDH with respect to various types of food activities in the city. Delegated authority from MDA includes the authority to license and inspect retail food handlers that are grocery or convenience stores.¹ Delegated authority from MDH generally covers a range of licensing, inspection, reporting and enforcement duties over food and beverage service establishments in the city.²

Minnesota statutes require local municipalities with delegated authority from MDA and MDH to adopt ordinance(s) consistent with the Minnesota Food Code. The local ordinance cannot be in conflict with Minnesota’s Food Code standards.

THE FOOD SYSTEM

The availability and accessibility of healthy food is shaped by activities occurring across all the stages of a community’s food system, from growing and raising produce, animals, and pollinators; to how food is processed or prepared for sale or distribution; to what food outlets are available and easy to get to; to how food surplus and food system waste is minimized or recycled. These activities are in turn influenced and shaped by local government laws and systems.³

Minnesotans seeking to improve access to healthy food across the state have developed a framework and policy agenda through the Minnesota Food Charter, discussed below, in an effort to create a consistent approach and understanding of different terms and components of the food system across the state. This memo builds off of the Minnesota Food Charter food system framework in evaluating the potential impact of Bloomington’s ordinances and policies in supporting a healthy and sustainable local food system.

The Minnesota Food Charter

The Minnesota Food Charter is described as:

“[A] roadmap designed to guide policymakers and community leaders in providing Minnesotans with equal access to affordable, safe, and healthy food regardless of where they live.

The strategies for policy and systems change described in the Food Charter are designed to reduce the risk and cost of obesity and diet-related diseases, like diabetes and heart disease; conserve state resources; and boost economic prosperity.

The Food Charter is intended to guide planning, decision-making, and collaboration for agencies, organizations, policy-makers, and public and private entities across the state.”⁴

The Minnesota Food Charter provides strategies for policy, systems, and environmental changes to increase access to healthy food. The approach to the food system taken by the Minnesota Food Charter informs the analysis of Bloomington’s policies impacting different components of the food system. The Food Charter breaks the food system into seven parts: (1) grow, (2) process, (3) distribute, (4) get, (5) make, (6) eat, and (7) dispose.

The Center uses the broad categories of food production, processing, food accessibility/getting food, making food and food system waste management to frame each section of this memo.⁵



Grow/Produce

Growing and producing food includes the process of growing and harvesting fruits, vegetables, and other forms of produce by use of soil, hydroponic/aquaponics/aquaculture, or pasture mediums; and raising or keeping animals and insects for food production or pollination; whether for personal or commercial purposes in urban, suburban, or rural

areas (e.g. backyard to large farms). This category includes protecting and providing access to resources needed to carry out this process, such as access to land and structures needed to support the production of food.

The review of Bloomington policies identified the following key food production areas where there may be opportunities to enhance current municipal policies to strengthen food production activities:

- Beekeeping
- Keeping Chickens and other Fowl
- Local Gardening
- Pollinators
- Growing Structures, and
- Season Extension Activities

Process

The function of turning fresh produce, honey, meat, fish, and other animal-related foods into forms ready for sale, including through restaurants (and other commercial settings), value-added processing that changes the physical form of the product (e.g., making berries into jam), and packaging.

Distribute

The process of transporting and delivering food to wholesale, retail, institutional, and other food access points (such as food shelves, food pantries or food banks). Includes the use of marketing strategies, such as labeling, pricing, placement, promotions, “sell-by” and similar dates, and other marketing techniques; and includes decisions about what types of food will be made available to the consumer, such as procurement decisions.

Get

Facilities, activities, practices, and systems that affect people’s ability to obtain and consume healthy food through the sale, donation, or sharing of food. These activities can include those that affect:

1. The types of food access points available, including food stores of all varieties, restaurants, farmers’ markets, feeding programs, food shelf/pantry or food bank locations. The accessibility of or to food access points, including density or number of outlets; accessibility by bicyclists and pedestrians; and proximity to transit routes and neighborhoods.
2. What foods are available within access points, including standards or practices that impact the nutritional quality, cultural relevance, value, attractiveness, and other factors relating to appeal and health.

3. The affordability of food, including the application of federal nutrition programs such as SNAP and WIC.⁶

Food Preparation

Baking, boiling, bottling, canning, cooking, and otherwise making food for private consumption, family gatherings, and other non-commercial purposes.

Food Surplus and Waste Management

The process of food recovery, including gleaning; this category also includes minimizing, composting, and recycling of food waste or surplus.

Minnesota State Laws Impacting the Food System

A number of Minnesota state laws impact the food system and the authority municipal governments have to regulate a certain area. Areas impacted by state law include, but are not limited to:

- Building construction standards,⁷
- Sale of personally grown, unprocessed agricultural products,⁸
- Licensing and inspection of food establishments,⁹
- Food safety standards,¹⁰
- Sale of products prepared in unlicensed kitchens,¹¹ and
- Food sampling at farmers' markets and other community events.¹²

While an in-depth discussion of state laws impacting the food system is beyond the scope of this project, this memo flags areas that may be impacted by state law when applicable. Additional information on state laws impacting the local and regional food system can be obtained at:

- Preventing Foodborne Illness in Minnesota, Public Health Law Center (2016), <http://www.publichealthlawcenter.org/resources/preventing-foodborne-illness-minnesota>.
- Minnesota Healthy Eating and Active Living, The Public Health Law Center, <http://www.publichealthlawcenter.org/topics/healthy-eating/minnesota-healthy-eating-active-living>

Healthy Eating Policy Options for Minnesota Local Governments

For a general overview of ways in which local governments impact healthy eating in Minnesota, see:

- Healthy Eating Policy Options for Minnesota Local Governments (2017), <http://www.publichealthlawcenter.org/sites/default/files/resources/FGM-PolicyGuide-HealthyEating-2017.pdf>

HEALTHY EATING: BLOOMINGTON ORDINANCES AND OPPORTUNITIES

The following discussion provides an overview of key components of the food system impacted by Bloomington ordinances, followed by a brief discussion of Minnesota state laws that may regulate this area, when appropriate. Specific Bloomington ordinances identified through this project are then identified and discussed. Opportunities for action are included, with examples provided when possible.

I. Food Production

A number of Bloomington ordinances impact the production of food in the city. Food production activities impacted by Bloomington ordinances, discussed below, include:

- Growing structures & season extenders,
- Gardening & farming activities,
- Pollinators,
- Beekeeping, and
- Farm poultry and farm animals.

Growing Structures

Growing structures and season extenders such as hoop houses, greenhouses, and cold frames are used to extend the growing season in colder climates and can be effective tools to increase local food production. Bloomington ordinances that impact growing structures include those addressing what use designations are given to different structures, such as

accessory or primary use, as well as location, number, setback requirements, acceptable building materials, and what permits are required in different areas of the city.

Minnesota Law

In Minnesota, the State Building Code sets requirements for temporary and permanent structures to protect health, safety, welfare, comfort, and security. Permanent and temporary gardening structures, such as hoop houses and green houses, may be required to meet minimal structural requirements, including snow load requirements. Agricultural buildings on agricultural lands are exempted from certain provisions of the State Building Code.¹³ In addition, state laws impacting plumbing, electrical wiring, and other structural considerations may also impact different types of growing structures.

Bloomington Ordinances¹⁴

The search of Bloomington Ordinances did not find results for hoop house, high tunnel, or cold frame, however, this research did identify Bloomington ordinances discussing greenhouses. *Chapter 19: Zoning* provides a definition for greenhouses.

§ 19.03. DEFINITIONS.

PLANT NURSERIES AND GREENHOUSES. *A place where plants are propagated and grown to usable size. They include retail nurseries that sell to the general public, wholesale nurseries that sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries that supply the needs of institutions or private estates where they are located.*

Zoning Requirements for Growing Structures

The Bloomington zoning requirements for nurseries and greenhouses are addressed in [§21.209 USE TABLES](#) of *Chapter 21: Zoning and Land Development*. This ordinance indicates that ‘*Plant nurseries and greenhouses in existence prior to January 26, 2015*’ are only allowed in residential zoning district R-1 as a conditional use, which is defined as:

[§21.501.04 CONDITIONAL USE PERMITS](#)

Uses identified in the zoning district column with the letter “C” are allowed as conditional uses, primary or accessory, in the respective zoning district. Conditional uses must obtain a conditional use permit prior to commencing. (See Appendix C for additional ordinance language for [§21.501.04 CONDITIONAL USE PERMITS](#).)

The Use Table, below, classifies greenhouses under ‘Retail Sales and Services’. It is unclear with the current definition and Use Type classification if the intent is for a greenhouse to be

used for commercial purposes only, rather than a greenhouse that a resident would erect in their backyard for personal use.

(c) *Residential Zoning Districts.*

Use Type	Zoning District								References; See Listed Section	
	R-1	R-1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50		RM-100
Retail Sales and Services										
Plant nurseries and greenhouses in existence prior to January 26, 2015	C									

Classification of Growing Structures

Since a greenhouse can be either a primary or accessory use, it is unclear if a greenhouse would fit into the definition of an accessory building.[†] The term ‘accessory building’ is used throughout the City Code and is defined in *Article I: General Provisions of Chapter 19: Zoning.*

[§19.03 Definitions](#)

Accessory Building: *A subordinate building the use of which is incidental and customary to that of the principal building, and which may include, but is not limited to, detached garages, detached carports, storage buildings, gazebos, screen houses, playhouses, guard houses, dispatch houses, security houses, gate houses and similar structures.*

Exterior Materials of Growing Structures

Greenhouses and hoop houses are usually constructed of metal or wood framing covered with either glass or plastic sheeting. It is not clear how these materials fit with the regulations for accessory buildings in residential districts. Construction and finish materials of accessory buildings in residential districts is addressed in *Chapter 21: Zoning and Land Development, Article III: Development Standards, Ordinance [§ 21.301.19 Accessory Buildings.](#)*

[†] Note: Bloomington Ordinances define “accessory structure” in *Article IX: Shore Area Regulations of Chapter 19: Zoning, [§ 19.87.03 Definitions.](#)* As the term “accessory structure” only applies to shore areas governed under Minnesota Statutes § 103F.221, subd. 1, this memo does not consider “accessory structures” relevant to the discussion about the food system as part of this project.

(a) Purpose and intent. To regulate the number, size, location and appearance of all structures accessory to the principal buildings on lots. These regulations apply to attached garages and detached structures, including but not limited to garages, carports, storage buildings, gazebos, screen houses, playhouses, guard houses, dispatch houses, security houses, gate houses and similar structures.

(f) Construction and finish.

(1) Accessory buildings, including guard, dispatch, security or gate houses, may be constructed of any material accepted by the Minnesota State Building Code, which is appropriate to the application and the location. Accessory buildings must be erected on crushed rock or concrete or be constructed with a treated wood floor.

(2) Exterior materials and finish must match or complement the exterior finish of the principal structure in material, color, and texture. Exterior surfaces of all accessory buildings must be maintained in new or like new condition, free from cracked and peeling paint, rusting and deteriorating materials.

Below is an image of a hoop house, also referred to as a high tunnel; an effective method used to extend the growing season.



Image Source:

http://media.spokesman.com/photos/2015/09/13/13_garden_hoop_house.JPG.jpg

Emerging Opportunities

With increasing interest in expanding local food production, Bloomington could:

- Explore opportunities to allow structures used for extending the growing season and assess how current ordinances impact these structures.
- Consider allowing greenhouses on lots primarily used for food production, such as community gardens, since a greenhouse can be a primary use in the same zoning district.
- Assess if growing structures would be better regulated under their own ordinance rather than fall under the general classification of an accessory structure or building.

Promising Practices

Other cities have created separate ordinances specifically for structures related to food production. Below is a sample ordinance from the City of Cleveland, Ohio.

§ 337.02 AGRICULTURE IN RESIDENTIAL DISTRICTS

(a) Permitted Accessory Structures. In addition to fences, as regulated in paragraph (b) of this section, a permitted agricultural use may be served by the following accessory structures: sheds, greenhouses, coops, cages, beehives, hoop houses, cold frames, barns, rain barrels, composting, farm stands as regulated in paragraph (d) of this section, and similar structures not exceeding fifteen (15) feet in height.

Local Gardening, Farming and Food Production Activities

Bloomington encourages food production through personal and community gardens. However, as discussed below, there is some ambiguity regarding where community gardens are permitted due to some inconsistency between Bloomington Ordinances, Chapters 19 and 21. Chapter 21 appears to be more restrictive, limiting the districts where community gardens are allowed while Chapter 19 allows community gardens in all zoning districts. These differences, discussed below, may cause confusion for people interested in establishing community gardens in different areas of the City. In addition, some requirements for community gardens, such as setbacks, lot size, and type, may be hard to meet. Also, the scale of food production that is allowed in the City is not clear. For example, commercial agriculture is prohibited but not defined.

Bloomington Ordinances¹⁵

Community Garden and Limited Agriculture

Bloomington's ordinances include two separate chapters that address which zoning districts allow food production as part of *Chapter 19: Zoning* and *Chapter 21: Zoning and Land Development*. Community gardens appear to be allowed on specific parcels of public land. Community gardens on public property are listed on the City's website. Community gardens may also be allowed as an accessory use on private property, depending on the how the provisions impacting community gardens in Chapters 19 and 21 are interpreted.

Chapter 19: Zoning, defines community garden as follows:

§ 19.03 Definitions.

COMMUNITY GARDEN. *A garden intended to be used and maintained by neighborhood residents for the purpose of growing produce, plants and flowers and for the general aesthetic benefit to a community.*

Chapter 19: Zoning also provides a definition for Limited Agriculture, which states that community gardens are permitted in all zoning districts.

§ 19.03 Definitions.

AGRICULTURE, LIMITED. *Raising chickens, farm poultry or farm animals subject to the limits of city code [Chapter 12, Article IV](#). LIMITED AGRICULTURE does not include more intensive agricultural activities such as commercial farming, feedlots, fur farms, slaughtering or manure storage. **Growing and harvesting plants for food or enjoyment within individual or community gardens** is considered to be customarily incidental to other land uses and **is permitted in all zoning districts.***

However, *Chapter 21: Zoning and Land Development* [§ 21.209 USE TABLES](#), lists community gardens as a permitted or accessory use in the following specific zoning districts:

- Residential Zoning Districts,
- Neighborhood and Freeway Commercial, and
- Specialized Zoning Districts.

Chapter 21 goes on to indicate that:

[“Zoning and Land Development - § 21.209 Use Tables](#)

...uses not associated with a letter in the zoning district.... are prohibited uses in the respective zoning district.”

As Chapters 19 and 21 both specifically address community gardens, but do so differently, there is some confusion regarding which Chapter controls. If the provision in [§ 19.03 Definitions](#) permitting community gardens in all zoning districts qualifies as a “specifically listed” use for the purpose of [§ 19.26 Uses](#), community gardens may in fact be permitted in all zoning districts. However, based on [§ 21.106 Conflicting Provisions](#), it would appear that community gardens are only allowed in the specific districts indicated in *Chapter 21*, as this is more restrictive than the general provision in *Chapter 19*.

Chapter 21, Zoning and Land Development indicates what should happen if there is inconsistency between different ordinances as follows:

§ 21.106 CONFLICTING PROVISIONS.

*In the event that the provisions of this chapter are inconsistent with one another or if the provisions of this chapter conflict with provisions found in other adopted regulations of the city, **the more restrictive provision will control.***

In summary, although *Chapter 19* indicates that community gardens are allowed in all districts, *Chapter 21* potentially complicates this provision by specifically identifying districts where community gardens are allowed, while also prohibiting any use not specifically listed in a given zoning district. As the prohibition in *Chapter 21* appears to be the more restrictive of the two, Bloomington Ordinance [§21.106 Conflicting Provisions](#) would control the determination of where community gardens are allowed – in the more restrictive provision provided in *Chapter 21* rather than the more general provision included in *Chapter 19*. The inconsistent approaches between the two zoning chapters creates some ambiguity regarding where community gardens are currently permitted.

[Size of Food Production Activities](#)

In addition to zoning ordinances and definitions, the primary Bloomington Ordinance that addresses gardening and agricultural activities is [§21.302.05 Limited Agriculture, Bees, and Gardening](#). Commercial agriculture is specifically prohibited in [§21.302.05 Limited Agriculture, Bees, and Gardening](#), but no definition is given for commercial agriculture.

The subsections in §21.302.05 that address gardening and agricultural activity are:

(b) Gardening. Growing and harvesting plants for food or enjoyment within individual or community gardens is considered to be customarily incidental to other land uses and is permitted in all zoning districts. Community gardens, where more than three households garden on a given site, must meet the following standards.

(1) Given high activity levels, community gardens must be at least 50 feet from any dwelling on a neighboring lot and at least 30 feet from any lot used residentially or platted for future residential use.

(2) Community gardens are prohibited on single- and two-family sites, including vacant single- and two-family sites.

(3) From November 1 to April 1, all community gardening materials (except fencing and watering tanks) must be stored within a building.

...

(d) Prohibited agriculture. The following types of agricultural activities are prohibited in all zoning districts due to potential negative impacts on neighboring properties:

(1) Commercial agriculture, except beekeeping ...

Combining Adjacent Properties

Ordinance [§19.04.01 ZONING LOTS](#), allows the combination of multiple adjacent properties to be considered one zoning lot under common ownership.

For zoning purposes including, but not limited to, determining structure setbacks, accessory building limitations and impervious surface coverage, a "lot" may be composed of multiple adjacent properties under common ownership or control that are used together as one site. To qualify as a zoning lot, all properties therein must have one common tax or property identification number, see [§ 22.11.1](#).

(Ord. 2011-6, passed 2-28-2011; Ord. [2016-6](#), passed 4-18-2016; Ord. [2017-9](#), passed 5-1-2017)

Emerging Opportunities

Bloomington has the opportunity to:

- Assess allowing multiple levels of local food production in the city beyond community gardens to include market gardens, urban farms, and other urban agriculture activities.

- Determine need for additional community garden sites on public property and ensure garden sites are available and accessible to all residents, especially renters and those without access to land.
- Evaluate the current community garden registration process, timeline, and fee requirements for obtaining a garden plot to ensure that it is accessible to all residents.
- Provide clear definitions for different types of food production, in particular in regards to commercial agriculture.
- Clarify which zoning districts allow community gardens or food production activities.
- Offer gardening opportunities as an amenity in mixed-use or planned unit developments.
- Coordinate with non-city operated community gardens to provide referrals and cross-promote other community garden spaces to connect community members without access to a city-run garden to other gardening opportunities.
- Provide definition of commercial agriculture that allows for sale of some community and market garden produce, including sale of local garden produce to support activities of non-profit groups and churches providing land for community and market gardens on site to raise funds to support programming; sale of produce by single producers growing on small land parcels not suitable for community gardening; and sale of culturally specific crops for small-scale sales to neighbors or friends of different cultural groups.

Promising Practices

(An example can be found in the City of Minneapolis Planned Unit Development § 527.120. [Alternatives to zoning standards](#), which states:

The city planning commission may approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located, as authorized in this chapter and as listed in Table 527-2, Authorized Alternatives, where the planned unit development includes site amenities. Site amenities are listed in Table 527-1, Amenities

Figure 1: Table 527-1 Amenities

5	Garden(s) or on-site food production	Permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory at a minimum of sixty (60) square feet per dwelling unit to a maximum required area of five thousand (5,000) square feet, which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment.
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Mixed-use and high density areas present a good opportunity to devote some greenspace to gardens for the residents, including rooftop gardens.

Pollinators

In recent years, the populations of honeybees, bumble bees and other important pollinators have been decreasing. Pollinator health is important, as pollinators support both ecological health and agricultural production. In Minnesota, pollination from honeybees for food production is valued at \$17 billion annually and pollination from other pollinators is valued at \$6 billion annually. There are two main contributors to the decrease in pollinator health that can be addressed through local government action in Minnesota:

1. the loss of pollinator habitat and
2. the use of neonicotinoid or other systemic insecticides.

Minnesota Policies

The Governor of Minnesota issued an Executive Order, “Directing Steps to Reverse Pollinator Decline and Restore Pollinator Health in Minnesota.” This Executive Order recognizes the significant risk to Minnesota’s agricultural system and economy as a result of the recent decline in pollinators around the state and directs state departments and agencies to take specific steps to protect pollinators throughout Minnesota. The Executive Order includes specific actions to limit or restrict the use of pesticides, increase pollinator habitat throughout the state, raise public awareness about pollinator issues, and promote statewide coordination on pollinator protection efforts.¹⁶

Bloomington Ordinances

Pollinators, with the exception of bees, are not mentioned specifically in Bloomington’s current ordinances. The benefits of pollination are referenced in the definition of bees:

“flying insects domestically raised by beekeepers for their production of honey and beeswax or their beneficial pollination activities.”¹⁷

While this definition covers only domestic bees, it does not recognize wild bees and other insects which also contribute to pollination. Beyond beekeeping, the ordinances do not seem concerned with pollinator health.

Other Bloomington ordinances, however, indirectly impact pollinators through effects on the availability of pollinator habitat or to insecticide exposure. For example, weeds and grass greater than eight inches in height or which “have gone or are about to go to seed” are considered nuisances.¹⁸ There are exceptions for native prairie and long grasses that are “on an approved landscape plan” or which are on “a single- or two- family residential

parcel, provided that such defined landscape area occupies no more than 50% of the pervious surface area of the parcel excluding natural wooded areas, wetlands, water bodies, rain gardens, lakescaping and scenic easements.”¹⁹ There is no recognition that these types of plants could be beneficial to pollinator health, and these limits could reduce the amount of pollinator friendly habitat and forage available in the city.

Additionally, there is no mention of pollinators in the ordinance on landscaping and screening, which could include guidelines on how to make landscapes pollinator friendly.²⁰

Emerging Opportunities

Twenty-six municipalities (including Duluth, Minneapolis, and Saint Paul), two counties (Ramsey and Washington), and two school districts have resolved to protect pollinator since 2014.²¹ These resolutions focus on reducing the exposure to harmful pesticides and increasing the availability of pollinator habitat and food.

Bloomington has not yet adopted a pollinator friendly resolution, so there is little policy support for pollinator health. To do this, Bloomington can:

- Develop a pollinator policy to address use of pesticides on public land and support for native landscaping and plants used by pollinators.
- Reduce or eliminate the use of neonicotinoid and other systemic insecticides on public and private lands.
- Amend city law to prohibit or limit the use of systemic insecticides through landscaping and screening guidelines or regulations.
- Increase pollinator friendly habitat.
 - Amend city law to allow a higher percentage of lawn cover to be native prairie and long grasses or other pollinator friendly plants.
 - Encourage the use of pollinator friendly plants in landscape designs.
 - Planting pollinator friendly plants in rights of way.

Beekeeping

Due to a growing concern for pollinator health, there has been an increase in the number of in people interested in keeping bees, with an estimated 120,000 backyard beekeepers in the U.S.²²

Bloomington Ordinance

Bloomington allows residents to keep bees and recently updated their beekeeping ordinance in 2017. The revised ordinance creates increased opportunities for Bloomington residents to keep bees by allowing beekeeping. The changes and additions in the new beekeeping ordinance seem to incorporate emerging best management practices to ensure

optimal bee keeping management opportunities for residents as well as ensure optimum pollinator health. The setback and acreage requirements are reflective of a typical lot size in Bloomington, which propose allowing up to two hives on ½ acre or less with a setback of 15 feet from any lot line and 25 feet from any dwelling unit or public right of way. It also provides guidance for flyway barrier requirements when the 25 foot setback can't be met.²³ In terms of zoning, beekeeping is listed as an accessory use in all zoning districts in the [Residential Zoning Districts](#), the [Neighborhood and Freeway Commercial Zoning Districts](#), and the [Specialized Zoning Districts](#). However, the new ordinance still includes an ownership occupancy requirement and limits beekeeping activities to single or two-family dwellings. There is an exception for bees that are kept in non-residential areas.

The proposed colony density in Bloomington's new beekeeping ordinance § 12.116.01 indicates that:

(i) Apiaries are limited to the following number of colonies based on the size of the site:

- (1) 1/2 acre or smaller = 2 hives*
- (2) more than ½ acre to ¾ acre = 4 hives*
- (3) more than ¾ acre to 1 acre = 6 hives*
- (4) more than 1 acre to 5 acres = 8 hives*
- (5) more than 5 acres = no restriction*

In addition to the new ordinance specifically addressing bees, definitions for apiary, beekeeper, colony, and beehive are added to § 19.03 *Definitions* and § 12.91 *Definitions*. Bloomington also removed bees from the same category as farm animals and farm poultry in § 21.302.5 *Limited Agriculture, Bees, and Gardening* and as well as remove all language pertaining to bees from ordinance § 12.116 *Farm Poultry, Farm Animals and Bees*.

Emerging Opportunities

Part of good bee management is to provide adequate food and water, free of chemicals and pesticides known to be harmful to bees, however, there are citywide land management practices that can either help or hinder the health of both wild bees and honeybees. Bloomington could further support its commitment to beekeeping and pollinators in the city by:

- Adopting a citywide pollinator protection policy.
- Removing the owner-occupancy requirement to keep bees to allow a broader range of residents to benefit from this activity.

Farm Poultry and Farm Animals

As urban agriculture is gaining popularity both locally and nationwide, there is growing interest in keeping farm animals and poultry in an urban environment, especially backyard chickens.²⁴ Successfully allowing residents to keep animals in a residential setting is helped by providing restrictions that focus on controlling noise, smell and adequate living conditions.²⁵

Bloomington Ordinances

Bloomington's current ordinances that address the keeping of chickens, farm poultry and farm animals fall primarily under *Chapter 12: Public Peace and Safety* and *Chapter 21: Zoning and Land Development*. Chickens have an ordinance dedicated to them, [§ 12.115 Chickens](#), and while they are regulated differently than farm poultry, they are included in the definition of farm poultry.

***FARM POULTRY.** Any of the various species of domesticated poultry as to live and breed in a tame condition and kept for agricultural purposes such as, but not limited to, chickens, ducks, geese, turkeys, pigeons, swans and doves. FARM POULTRY does not include any animal considered to be domestic animals, farm animals or wild animals as defined in this Article IV.*

Ordinance § 12.116 Farm Poultry ~~and~~ Farm Animals ~~and Bees~~ provides limitations on the number of farm poultry and farm animals allowed, however, the one acre requirement would likely prohibit the keeping of any of these animals.[‡]

§ 12.116 Farm Poultry ~~and~~ Farm Animals ~~and Bees~~

(a) Limitation on the number of farm poultry ~~and~~ farm animals ~~and bees~~.
(1) Owners of farm animals, such as, but not limited to, horses, cattle, goats, sheep, llamas, potbellied pigs, and pigs, shall have at least one acre per animal.

~~(2) Owners of bees, shall have at least one acre per bee hive not exceeding 24 cubic feet in size.~~

(3) Owners of one acre lots may have four hen chickens, meeting all of the requirements set forth in § 12.115, or farm poultry, such as, but not limited to, ducks, geese, turkeys, pigeons, swans and doves, and shall have no more than four farm poultry meeting the requirements of this section.

[‡] Note: When the beekeeping ordinance was updated, all language pertaining to bees were removed in § 12.116 Farm Poultry, Farm Animals and Bees and modified in § 21.302.05 Limited Agriculture, Bees, and Gardening. Strike throughs in text indicate language that was removed as part of recent amendments to the beekeeping ordinance.

The acreage requirements for chickens is unclear. *Ordinance § 12.116* referenced above states that owners of one acre lots may have four hen chickens, but ordinance § 12.115 *Chickens* does not specify lot size, only lot type and setback requirements.

§ 12.115 Chickens

(a) Limitation on the number of chickens. No person shall keep on any single-family or two-family residential property more than four total hen chickens. This is in addition to the maximum of four domestic animals or pets.

(b) Three or more dwelling unit properties. Chickens are not allowed on properties with three or more dwelling units.

(e) No slaughtering. The slaughter of chickens is prohibited on residentially used or zoned properties.

(f) Ownership occupancy. The owner of the chickens shall live in the dwelling on the property.

(2) Setback for shelters and enclosures for chickens is a minimum of 50 feet from any lot used residentially or platted for future residential use;

(3) The shelter shall be situated closer to the chicken owner's dwelling than to any of the neighboring dwellings;

(4) Shelter and enclosure must not be located in the front yard and must not be located closer to a property line along a street than the principal structure is from the same street unless setback at least 50 feet from the property line adjacent to the street;

Ordinance § 21.302.05 Limited Agriculture, Bees, and Gardening provides shelter and setback requirements for farm animals and farm poultry. Chicken shelter setbacks are less restrictive than shelter setbacks for other farm poultry, such as ducks, geese, turkeys, pigeons, swans and doves, which need to abide by a 100-foot setback rather than the 50-foot setback for chickens.

(c) Farm animal ~~and~~ and farm poultry ~~and bee~~ shelters and enclosures, and beehives. Shelters, enclosures, ~~and~~ fenced areas, and beehives in which farm animals, farm poultry, and bees are kept must meet the following standards.

(1) Chicken shelters, enclosures and fenced areas for four or fewer hen chickens:

(A) Must be at least 50 feet from any lot used residentially or platted for future residential use;

(B) Must be located closer to the owner's dwelling than any dwelling on a neighboring lot;

(C) Must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same street unless set back at least 50 feet from the property line adjacent to the street; and

(D) Count against the number and size of accessory buildings allowed on site if over 50 square feet in area.

(3) All other shelters, enclosures and fenced areas for farm poultry, and farm animals as defined in § 12.91 of this code:

(A) Must be at least 150 feet from any dwelling on a neighboring lot;

(B) Must be at least 100 feet from any lot used residentially or platted for future residential use;

(C) Must be located closer to the owner's dwelling than any dwelling on a neighboring lot;

(D) Must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same street unless set back at least 50 feet from the property line adjacent to the street; and

(E) Count against the number and size of accessory buildings allowed on site if over 50 square feet in area.²⁶

Emerging Opportunities

Bloomington has provided guidance for residents who want to keep farm animals, farm poultry, or chickens. The City does not require licensing, permitting or registration, while specifying other requirements to ensure proper management and health of both the animals and the interests of the community. At the same time, there are some restrictive elements, such as the one-acre and setback requirements for farm poultry and farm animals, which do not match the character of the lots in Bloomington. Also, only allowing chickens, farm animals and poultry at single-family or two-family owner-occupied homes may adversely impact certain residents, such as renters or low-income individuals, who may benefit from keeping chickens or other types of animals that fall under this category.

Comprehensive Plan Recommendations

Moving forward, Bloomington could include a provision or recommendation in the comprehensive plan to assess current ordinance requirements impacting keeping chickens, farm animals and farm poultry; specifically, lot size, setback requirements, and owner-occupancy. Also, while on-site slaughter is prohibited, the City could consider providing guidance for residents for off-site slaughter and end of life options for chickens.

Slaughtering Chickens/End of Life

It would be beneficial to provide guidance on the restriction on slaughtering and offer alternatives for residents. This restriction makes sense from a public health standpoint, however, end of life care is a reality when owning animals, especially in the case of poultry, where people may be raising the animal for meat in addition to eggs. Providing guidance on the type of operation that would accommodate backyard chicken owners would be a great resource. MDA refers to these types of slaughter operations as Custom Meat and Poultry Processors, which process meat as a service to the owner of the animal. The meat or poultry cannot be sold and must be consumed by the owner, the owner's immediate family, and non-paying guests.²⁷ There is a live animal market in St. Paul, Long Cheng-Hmong Livestock, but it is unclear if you can bring your own animal in for slaughter.²⁸ The Minnesota Department of Agriculture provides a list of plants that slaughter and process meat and poultry. The nearest Custom Meat and Poultry Processor options are in St. Paul, South St. Paul and Inver Grove Heights.²⁹

<http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg/custom-meat-processing/customplants.aspx>

Sale of Eggs

Another issue that owners of egg laying hens may face is the restriction on advertising the sale of poultry or eggs, as mentioned in Bloomington Ordinance, [§ 12.115 Chickens](#).

(k) Sale of [farm poultry](#) or eggs. [Owners](#) cannot advertise the sale of chickens or eggs and must comply with all requirements and performance standards for home businesses in [§ 21.302.13](#) and all State Department of Agriculture requirements for the sale of eggs.

While owners can't advertise the sale, they are not specifically restricted from selling them and the ordinance defers to the State Department of Agriculture.

For more information on state requirements around the sale of eggs, see:

- Sale of Locally Home or Farm Raised Poultry, MDA, <http://www.mda.state.mn.us/licensing/inspections/~media/Files/food/foodsafety/poultrysales.ashx>

2. Processing Food

Bloomington's Ordinances regulate several aspects of processing food, including:

- Licensed kitchens,
- Community kitchens and dining rooms,
- Odor suppression from food preparation activities,

- Cottage food preparation and sale,
- Home businesses, and
- Sale of cottage foods at Bloomington’s farmers’ markets.

Licensed Kitchens[§]

In general, food prepared for sale must be prepared in a kitchen that has been inspected and licensed by MDH as a food and beverage service establishment or MDA as a food handler – or by a local department of health with delegated authority from MDH and MDA. “Food handlers” and “food and beverage service establishments” are both categorized as “food establishments” under Minnesota’s Food Code. (Licensed kitchens are often referred to as “commercial kitchens”, however, “commercial kitchen” is not legally defined.) Bloomington has delegated authority from MDH to inspect and license food and beverage food establishments and from MDA to inspect and license retail food handlers that are grocery or convenience stores.

Minnesota Law

Minnesota law governs different types of kitchens that are used to prepare food and beverages for human consumption.³⁰ Kitchens used to prepare food for sale are regulated as food handlers or food and beverage service establishments, depending on how the food is distributed and used by a customer. The classification for licensing of a kitchen is generally distinguished by whether or not the food is processed or prepared for distribution or retail (as in a food processing plant or grocery store) and food prepared for consumption on site (as in a restaurant or coffee shop). These distinctions are enumerated in Minnesota law and determine which regulatory agency (MDA or MDH) regulates the kitchen. Regardless of the classification, a kitchen used for processing and preparing food for sale must be licensed and follow food safety standards established by Minnesota’s Food Code,³¹ with the exception of food that falls under the category of a “cottage food”, discussed below.

Bloomington Ordinances

Bloomington’s Ordinances address licensed kitchens. Licensed kitchens are regulated differently based on the type of food prepared, number of individuals served, and other specifications. In addition, Bloomington Ordinances specify what indoor construction

[§] Note: This project searched Bloomington Ordinances for the term “commercial kitchen” as specified in the project search terms (See Appendix B for a list of all search terms). There were no search results for commercial kitchens. However, a search for “kitchen” identified several Bloomington ordinances regulating different types of licensed kitchens used for processing and preparing food, discussed, below.

materials are approved for use in a licensed kitchen and create requirements impacting community kitchens and dining rooms, as indicated, below.

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

§ 14.450 LICENSES AND RESTRICTIONS.

(a) Food establishment licensing categories.

*(1) **TYPE I** means those food establishments serving on average 500 or more meals per day; having 175 or more seats; or having 500 or more customers per day.*

Type I establishments include those:

(A) Preparing for retail sale potentially hazardous foods that require extensive processing and handling on premises;

(B) Cooking or cooling potentially hazardous foods;

(C) Offering as a menu item raw or undercooked potentially hazardous meats, poultry products, eggs, fish, shellfish or foods with raw potentially hazardous items as ingredients;

(D) Transporting potentially hazardous foods as a catering service; or

(E) Conducting food processing that involves smoking, curing or reduced oxygen packaging.

Type I food establishments require a certified food manager as specified in Minnesota Rules Chapter 4626. They include, but are not limited to, full-service restaurants; counter-service restaurants; food retail delis; institutional kitchens; food manufacturing, packaging and processing plants; bakeries preparing potentially hazardous foods or detailed decorating; and meat markets with complex processing. A supplemental license shall be required for each additional separate and distinct food facility such as a bakery, kitchen, meat market, grocery store, bar or serving area facility on the same premises.

*(2) **TYPE II** means a Type I food establishment serving on average fewer than 500 meals per day; having fewer than 175 seats; or having fewer than 500 customers per day. Type II establishments require a certified food manager as specified in Minnesota Rules Chapter 4626.*

*(3) **TYPE III** means those food establishments serving or preparing:*

(A) Mainly non-potentially hazardous foods;

(B) Potentially hazardous foods prepared elsewhere and only heated or held cold on-site; and

(C) Serving or retailing limited potentially hazardous foods, such as pizza, requiring handling followed by heat treatment.

Type III establishments require a certified food manager as specified in Minnesota Rules Chapter 4626. They include, but are not limited to, such operations as pizza carry-out and delivery; ice cream dipping; heating for hot holding pizzas, precooked bagged soups and wrapped sandwiches made elsewhere intended for customer self-service; bake-off only bakeries; produce departments; meat markets that only cut or grind meat; buffet-style breakfasts with hot held foods or waffle stations; and serving kitchens receiving meals prepared elsewhere.

Bloomington ordinances also include some additional requirements for approved building materials in licensed kitchens beyond the specifications included in Minnesota’s Food Code, as follows:

§ 14.452 ADDITIONAL RESTRICTIONS FOR HEALTH AND SAFETY.

(a) Food establishments. This [Article V](#) specifically adopts the following additional standards for health and safety to Minnesota Rules Chapter 4626 for food service establishments excluding retail food establishments delegated by the State Department of Agriculture.

.....

(4) Minnesota Rules Chapter 4626.1325, A is amended to read: Except as specified in item 2, materials for indoor floor, wall and ceiling surfaces under conditions of normal use shall be:

(A) Smooth, durable and easily cleanable for areas where food establishment operations are conducted;

(B) Closely woven and easily cleanable carpet where carpeting is permitted; and

(C) Non-absorbent and resistant to the wear and abuse to which they are subjected. Materials such as, but not limited to, quarry tile, or ceramic tile are approved for floors in food preparation areas, toilet rooms, hand washing areas, wait stations, kitchens, bars, walk-in refrigeration, ware washing areas, janitorial areas, laundry rooms, areas subject to flushing or spray cleaning methods, and other areas subject to moisture. Materials such as, but not limited to, ceramic tile are approved for walls subject to splash or moisture in food preparation areas, ware washing areas, toilet rooms and the like.

Odor

Bloomington regulates some activities based on the potential for odor from the specific activity to be a nuisance, particularly for residential areas. While Bloomington’s ordinances regulating odor are not limited to potential odor from food preparation activities, food preparation can often create odors that can be an issue.

Bloomington Ordinances

Bloomington Ordinances regulate activities generating excessive odor as potential nuisances. These odor suppression ordinances are directed towards residential areas as follows:

Zoning and Land Development

[§ 21.302.02 Residential Uses In Commercial Zoning Districts.](#)

(4) Odor suppression. The nuisance impacts of uses that generate odors are magnified by proximity to residential uses. Therefore, the issuing authority may require through condition of approval odor generating uses, including, but not limited to, restaurants, on sites containing residential uses to install and utilize odor suppression systems.

Similar language addressing odor was found in the following ordinances:

- *§ 21.302.09 Multiple-Family Dwelling Design and Performance Standards.*
- *§ 21.302.13 Home Businesses.*

The issue of odor control as it relates to Home Businesses has a direct correlation to Cottage Food operations, discussed below, which are classified as Type II Home Businesses.

[§ 21.302.13 Home Businesses.](#)

(A) Type II home businesses are not permitted in accessory dwelling units, two-family dwellings, townhomes, or in multi-family dwellings.

*(3) Prohibited activities. Activity that produces light, glare, noise, **odor**, dust, smoke or vibration perceptible beyond the boundaries of the premises and distinguishable from neighboring residential uses is prohibited.*

Cottage Food Preparation and Sale

Cottage Food is a term used for specific types of foods that can be prepared outside of a licensed kitchen, often in a person's home, and sold to the public. Cottage food vendors are often local food entrepreneurs that sell their product at farmers' markets or other small-scale local retail settings. The preparation of cottage foods is often considered a home occupation or home business under local ordinances.

Minnesota Law

Minnesota's Cottage Food Law allows individuals without a license to sell some prepared foods directly to consumers even if those foods have not been prepared in a licensed kitchen. This law creates a framework governing the sale of food that meets requirements to be considered "not potentially hazardous food." Minnesota's Cottage Food Law includes detailed specifications that must be followed for an individual to sell Cottage Foods, including requirements impacting:³²

- Limitation on Sales,
- Registration, and
- Training,

Minnesota's Cottage Food law specifically allows local governments to regulate certain aspects of cottage foods, beyond the state's cottage food law, as follows:

Local ordinances, Minn. Stat. §28A.152, Subd. 6.

This section does not preempt the application of any business licensing requirement or, public health, or zoning ordinance of a political subdivision.

(See Appendix F for full text of Minnesota's Cottage Food Law and the definition of "not potentially hazardous food").

Bloomington Policies

Cottage Foods as Home Business

Bloomington's ordinances recognize Cottage Food Operations as a Type II home business in [§ 21.302.13 Home Businesses](#). Subsection (b) *Review and Approval* states that a conditional use permit is required for Type II home businesses.

Type II home businesses are defined as:

(2) Type II. Type II home businesses are businesses of a type that the City Council has historically found to have the potential to adversely affect the health, safety or welfare of other persons residing in the area. Examples of Type II home businesses are listed below. This list is intended to be illustrative not exhaustive.

Type II home businesses are a conditional use and are only allowed in certain residential districts, as indicated in the Use Table for [Residential Zoning Districts](#), under *Ordinance §21.209 Use Tables*.

Use Type	Zoning District									References; See Listed Section
	R-1	R-1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50	RM-100	
Home businesses, Type I	A	A	A	A	A	A	A	A	A	21.302.13
Home businesses, Type II	C	C	C		C					21.302.13

Another zoning district that allows Type II Home Businesses as a conditional use is [§19.29 High Intensity Mixed Use With Residential \(Hx-R\) District](#).

This creates some contradiction, because the type of dwellings allowed in the Hx-R zoning district are multi-family dwellings, however, multi-family districts in the Residential Zoning Districts use chart shown above does not allow Type II home businesses.

[Selling Cottage Foods at Bloomington Farmers’ Markets](#)

Bloomington’s farmers’ market ordinance, [Article IX. Farmers Markets](#) could impact local cottage food businesses. While this ordinance indicates that farmers’ markets should be primarily comprised of farmers, cottage food vendors are among the other types of vendors allowed.

[§14.607 Requirement for all Farmers Markets](#)

(1) *Primarily farmers. At least 60% of farmers’ market vendors must be farmers. The other vendors, up to 40%, are limited to the following types:*

- (A) *Retail food vendors;*
- (B) *Food service vendors;*
- (C) *Handicraft vendors;*
- (D) *Cottage food vendors;*
- (E) *Plant vendors; and*
- (F) *Vendors of services.*

Article IX. Farmers Markets defines a cottage food vendor as follows:

COTTAGE FOOD VENDOR. A market vendor who sells [home prepared foods](#) prepared by the market vendor who has control over the means and methods of production, assumes principal financial and liability risk for the production enterprise and who is not regularly engaged in the business of manufacturing; and sells food pursuant to M.S. § 28A.152 or as recognized by Minnesota law, and registered by Minnesota Statute.

Emerging Opportunities

- Assess need for Cottage Food businesses to obtain a conditional use permit.
- Consider possibility of permitting Cottage Food businesses in all residential zoning districts, including multi-family districts.
- Provide opportunities for those living in multi-family zoning districts to participate in Cottage Food preparation and sales.
- Identify spaces or opportunities for residents who are not able to get a conditional use permit or does not want to operate out of their home.

3. Food Accessibility/Getting Food

This element of the food system presents one of the biggest opportunities for making a difference in increasing people's access to healthy food. There are many different types of zoning districts in Bloomington, which support different types of activities impacting how and where community members can access food. The types of food retail that were identified in the ordinance scan include grocery stores, farmers' markets, transient merchants, mobile food vendors, agricultural stands, and restaurants.

Minnesota Law

Minnesota law governs different types of food establishments that are used to distribute, process, sell and prepare food and beverages for human consumption.³³ Food establishments are generally categorized at the state level as food handlers or food and beverage service establishments, depending on how the food is distributed and used by a customer. The classification for licensing of a food establishment is generally distinguished by whether or not the food is distributed, processed or prepared for retail (as in a food processing plant or grocery store) and food prepared for consumption on site (as in a restaurant or coffee shop). These distinctions are enumerated in Minnesota law and determine which regulatory agency (MDA or MDH) regulates the food establishment. Regardless of the classification, a food establishment must be licensed and follow food

safety standards established by Minnesota’s Food Code,³⁴ with the exception of food that falls under the category of a “cottage food”, discussed earlier.

Bloomington Ordinances

Different types of food establishments are directly or indirectly addressed in the definition for Food Establishment, *Ordinance [§14.444 DEFINITIONS](#)*

FOOD ESTABLISHMENT. Defined in Minnesota Rules Chapter 4626. ***FOOD ESTABLISHMENTS include, but are not limited to, restaurants, cafeterias, bars, clubs, cafés, coffee shops, grocery stores, delicatessens, convenience stores, lodges, resorts, retail bakeries, retail meat markets, produce stands, group childcare centers, group adult care centers, institutions, public and private schools, satellite or catered serving locations, catering food vehicles, carts, packaged retail food sales, vending machines, mobile food units, special event food stands or other short-term food operations, and similar businesses established for the service or retail distribution of food and beverages.***

Agricultural Stands

Minnesota Law

Selling Products of a Farm or Garden

The Minnesota constitution exempts those selling the products they have grown from a farm or garden from the requirement of obtaining a food license.³⁵ This exemption includes those growing food on land that is rented or leased, so long as the individual selling the food has control over the production on the land.³⁶ This exemption does not extend to the sale of processed food or other products created from the garden or farm from licensing requirements.

At the same time, local governments can regulate other components of the sale of farm or garden products, such as accessory structures or stands used to sell or display farm or garden products and parking requirements for areas where these products are sold. Local governments can eliminate other regulatory and administrative barriers so that these food sellers can become more accessible to local residents.

Bloomington Ordinances

Bloomington allows the sale of locally grown produce at agricultural stands. Ordinance *§19.05 Agricultural Stands* states that these stands can be used to sell agricultural products that are produced on the premises.

[§19.05 Agricultural Stands](#)

Nothing in this chapter shall be deemed to prohibit the construction or maintenance of any stand or shelter for the sale of agricultural products produced on the premises; provided that if the structure is within ten feet of the front lot line, it shall be used only during the season when the products sold are in season and at all other times shall be removed from said location.

Apart from the ordinance addressing Agricultural Stands, there is limited language that addresses the sale of produce grown in a community or personal garden. Bloomington ordinances indicate that the sale of locally produced agricultural products are allowed ([§19.05 Agricultural Stands](#)) while also prohibiting commercial agriculture, ([§21.302.05 Limited Agriculture, Bees, and Gardening](#)). These ordinances seem to be contradictory as the sale of locally produced agricultural products is a commercial activity and could be seen as commercial agriculture. Without a definition for commercial agriculture, there is no direction in Bloomington ordinances as to where sale of locally produced agricultural products falls as a commercial activity.

Allowing the sale of farm and garden products is addressed in ordinance [§14.183: Exceptions in Chapter 14: Licenses and Permits](#) under the division addressing *Hawkers, Peddlers and Transient Merchants*. Within that Division, there is an ordinance indicating that the licensing fees for Hawkery, Peddlers and Transient Merchants do not apply to persons selling or peddling farm or garden products that they cultivated.

[§14.183: Exceptions](#)

*(a) **Farm and garden** products. Pursuant to M.S. § 329.14, as it may be amended from time to time, licensing fees associated with this [Division E](#) shall not apply to persons who may sell or peddle the products of the farm or **garden** occupied and cultivated by themselves. Restrictions listed in [§ 14.188 \(a\)](#) of the city code shall apply to person who may sell or peddle the products of the farm or **garden** occupied and cultivated by themselves.*

[Emerging Opportunities](#)

- Provide guidelines as to whether a person can set up an agricultural stand at either a home or community garden and sell the produce that they grew.
- Provide a definition for “commercial agriculture” to ensure that the sale of small-scale, locally grown produce is not prohibited.
- Clarify how zoning restrictions impact location of agricultural stands and if agricultural stands are impacted by licensing fees.

[Farmers’ Markets](#)

[Minnesota Law](#)

Food Sampling at Farmers' Markets

Minnesota law allows vendors at farmers' markets to provide food samples so long as specific legal requirements are followed.³⁷

28A.151 FARMERS' MARKET OR COMMUNITY EVENT; FOOD PRODUCT SAMPLING AND DEMONSTRATION.

Subdivision 1. Definitions.

(a) For purposes of this section, the following terms have the meanings given them.

(b) "Farmers' market" means an association of three or more persons who assemble at a defined location that is open to the public for the purpose of selling directly to the consumer the products of a farm or garden occupied and cultivated by the person selling the product.

(c) "Food product sampling" means distributing to individuals at a farmers' market or community event, for promotional or educational purposes, small portions of a food item that include as a main ingredient a product sold by the vendor at the farmers' market or community event. For purposes of this subdivision, "small portion" means a portion that is no more than three ounces of food or beverage.

(d) "Food product demonstration" means cooking or preparing food products to distribute to individuals at a farmers' market or community event for promotional or educational purposes.

Subd. 2. Food sampling and demonstration.

The licensing provisions of sections 28A.01 to 28A.16 shall not apply to persons engaged in food product sampling or food product demonstrations.

Subd. 3. Food required to be provided at no cost.

Food provided through food product sampling or food product demonstrations must be provided at no cost to the individual.

Subd. 4. Regulatory authority oversight.

Any person conducting food product sampling or food product demonstrations shall provide to the regulatory authority upon request the following information related to the food product sampling or food product demonstration conducted by the person:

(1) the source of the food used in the sampling or demonstration and whether or not the food was produced at the person's farm or garden;

(2) the type and volume of food to be served, held, prepared, packaged, or otherwise provided for human consumption;

(3) the equipment used to serve, hold, prepare, package, or otherwise provide food for human consumption;

(4) the time period and location of the food product sampling or food product demonstration;

(5) the availability of facilities for hand washing by persons conducting the food product sampling or food product demonstrations;

(6) information on facilities available for ware washing of multiuse utensils and equipment;

(7) the available source of water; and

(8) methods of liquid and solid waste disposal.

Subd. 5. Food safety and equipment standards.

Any person conducting food product sampling or food product demonstrations shall meet the same food safety and equipment standards that are required of a special event food stand in Minnesota Rules, parts 4626.1855, items B to O, Q, and R; and 4626.0330.

Subd. 6. Definition exception.

The definition of farmers' market in subdivision 1, paragraph (b), does not prohibit a farmers' market association from establishing a definition of farmers' market that applies to its membership that is more restrictive than the definition in subdivision 1, paragraph (b).

Bloomington Ordinances

A recent change to Bloomington's Ordinances in June 2017, provides additional support to farmers' markets through Article IX to Farmers' Markets in *Chapter 14: Licenses and Fees* (See [Article IX](#)). This Article indicates that farmers' markets are a permitted use in most [Residential Zoning Districts](#), all [Neighborhood and Freeway Commercial Zoning Districts](#), and all [Specialized Zoning Districts](#).

A farmers' market in Bloomington is required to obtain a permit and register with the issuing authority, as indicated in [§ 14.602 Permit Required and Registration](#). There is an annual permit fee of \$100, but registration has no charge. Article IX provides direction regarding the permit application process and other requirements that farmers' markets are required to meet. This ordinance also indicates the types of vendors allowed at farmers' markets as follows:

[§ 14.607 Requirement for all Farmers Markets](#)

(c) *Farmers market vendors.*

(1) *Primarily farmers. At least 60% of farmers market vendors must be farmers. The other vendors, up to 40%, are limited to the following types:*

- (A) *Retail food vendors;*
- (B) *Food service vendors;*
- (C) *Handicraft vendors;*
- (D) *Cottage food vendors;*
- (E) *Plant vendors; and*
- (F) *Vendors of services.*

Emerging Opportunities

- Evaluate location of farmers' markets and identify opportunities for new farmers' markets in underserved areas.
- Assess if the new Farmers' Market ordinance encourages the expansion of farmers' markets and produce stands.
- Determine if location of current markets is accessible to public housing, seniors, and other residents with fixed- or low-incomes and limited mobility.

Grocery Stores

Bloomington Ordinances

As Bloomington is currently zoned, grocery stores are not allowed in primarily residentially zoned districts. This affects the development pattern, location, frequency and accessibility of grocery stores. Using the key word search term, 'grocery', the following zoning districts specifically allow grocery stores as an accessory or provisional use in relation to a principal use, which are primarily non-residential districts:

- a. Accessory Use: [§19.29: High intensity mixed use with residential \(HX-R\) district](#)
- b. Provisional Use: [§ 19.40.07: Commercial Service Districts CS-0.5 AND CS-1](#)
- c. Provisional Use: [§19.40.08: Commercial Office District CO-1](#)
- d. Provisional Use: [§ 19.40.09: Residential Office Districts RO-24 AND RO-50](#)

However, there are additional zoning districts in [§21.209 Use Tables](#) that allow retail sales and services, which can include grocery. Since the term ‘grocery’ is not explicitly used in § 21.209 Use Tables, these zoning districts were not captured in the initial key word search. If grocery stores are considered retail sales and services, then they would be a permitted primary or accessory use in the following neighborhood and Freeway Commercial zoning districts. These districts are more evenly distributed throughout Bloomington, creating greater access to residential districts.

(d) Neighborhood and Freeway Commercial Zoning Districts.

<i>Use Type</i>	<i>Zoning District</i>								<i>References; See Listed Section</i>
	<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>	
Retail sales and services	A	P	P	A	P	P	A	P	

Emerging Opportunities

While there may be adequate availability in terms of the number of grocery stores, Bloomington may be able to increase access to healthy food by:

- Assess if grocery stores are located in areas that are easily accessible, especially for people without a car or have other types of mobility issues.
- Allow grocery stores to be a principal use rather than as a provisional or conditional use in districts with this limitation.
- Clarify where grocery stores are permitted uses in zoning districts that allow ‘Retail sales and services’.
- Adopt a healthy corner store initiative. (See Appendix D for further resources).

Restaurants

Similar to the zoning for Grocery Stores, restaurants are not allowed in primarily residentially zoned districts. This affects the development pattern, location, frequency and accessibility of restaurants. Allowing restaurants to be a principal use in high intensity mixed use residential, commercial and other mixed-use zoned areas rather than a provisional or conditional use, could encourage increasing access to healthy food.

Also, other municipalities provide classifications for restaurants that differentiate between certain types of restaurants, such as full-service or fast food/drive-through. Bloomington currently regulates restaurant location and density using minimum and maximum floor area requirements in various zoning districts, as discussed in the Bloomington Ordinances section below. However, regulating restaurants by type of service may allow a finer degree of influence over the food service options and types of food available in an area.

Bloomington Ordinances

Bloomington does not appear to differentiate between restaurant type or class. Restaurant is defined in *Chapter 19: Zoning*:

§ 19.03 Definitions.

RESTAURANT AND CLUB. *An establishment engaged in the preparation and on-site retail sale of readily consumable food and beverages, and characterized by sit down table, counter or drive through service to customers.*

Establishments may include, but are not limited to, a coffee shop, cafeteria, fine dining, bar, fast food, take out, drive-in or sandwich stand serving food, licensed brewpub, and all other eating or drinking establishments.

Restaurants are listed as permitted, accessory, conditional, or provisional use in relation to a principal use in the following zoning districts.

- *Accessory Use: [§19.29: High intensity mixed use with residential \(HX-R\) district](#)*
- *Provisional Use: [§19.31.01: Regional commercial \(cr-1\) districts](#)*
- *Conditional Use: [§19.33: Industrial \(I-1, I-2, AND I-3\) Districts](#)*
- *Conditional Use: [§19.34: Freeway Development \(FD-1 AND FD-2\) Districts](#)*
- *Provisional Use: [§19.40.07: Commercial Service Districts CS-0.5 AND CS-1](#)*
- *Provisional Use: [§19.40.08: Commercial Office District CO-1, CO-2](#)*
- *Provisional Use: [§19.40.09: Residential Office Districts RO-24 AND RO-50](#)*
- *Conditional Accessory Use: [Residential Zoning Districts RM-50 and RM-100](#)*
- *Conditional or Conditional Accessory Use: [Neighborhood and Freeway Commercial Zoning Districts B-2, B-4, C-1, C-3, C-4, and C-5](#)*
- *Permitted or Accessory Use: [Specialized Zoning Districts CX-2 and LX.](#)*

As the city is currently zoned, restaurants are not allowed in residentially zoned districts, with exceptions in RM-50 and RM-100 multi-family zoned districts, which allow: “Restaurants when located within a multiple-family facility” ([§ 21.209 USE TABLES](#)). This could apply to assisted-living facilities for seniors and lower-income multi-family housing in which residents may have mobility and accessibility issues. Encouraging this type of development could increase access to healthy food for residents with mobility issues. In addition to zoning, another approach that Bloomington uses to impact where and what types of restaurants are allowed is through a minimum floor area requirement for restaurants. For example, see the use table for *Commercial and Industrial Zoning Districts* in [§21.301.01 Development Intensity and Site Characteristics](#).

Zoning District	Floor Area Ratio		Building Floor Area	Impervious Surface Area	Site Width	Site Area
	Minimum	Maximum	Minimum	Maximum	Minimum	Minimum
C-4	0.4*	2.0	20,000 sq. ft.; 10,000 sq. ft. for restaurants	90%	200 ft.; 250 ft. for corner sites	120,000 sq. ft.

Restaurants appear to have a minimum square foot requirement of 10,000 square feet, unless they are part of a principal building, according to the following ordinance.

[§ 19.48 Exceptions to Minimum Floor Area Requirements.](#)

(a) In districts where restaurants are allowed as permitted or conditional uses and the minimum floor area requirements of the district for the principal building are in excess of 10,000 square feet, the minimum floor area requirements for restaurants is 10,000 square feet. If, however, the restaurant is included in or is a part of a principal building which meets the minimum floor area requirements of §§ 19.41 and 21.301.01 of this code, there shall be no required minimum floor area for that restaurant.

Emerging Opportunities

Zoning and minimum floor area requirements can be effective tools to influence the location of less healthy restaurants, such as fast food. While many fast food restaurants are less than the minimum floor area requirement of 10,000 square feet, this also has the potential to exclude smaller, independently owned restaurants. This could inadvertently limit the expansion of family-owned restaurants, including ethnic restaurants, to exist as standalone restaurants, outside of a principal building. Bloomington has the opportunity to:

- Assess the impact of current floor-area-based zoning regulations on the types of restaurants permitted and availability of healthy food.
- Develop additional definitions and classifications for types of restaurants, which would allow the City to control where different types of restaurants are allowed.

Promising Practices

Richfield provides classifications and definitions for different types of restaurants that differentiates between a traditional and fast food or convenience restaurant. These

designations provide an opportunity for a municipality to more effectively determine what types of restaurants operate where.

[Section 507.07. – Definitions](#), under Appendix B – Richfield Zoning Code:

Subd. 103. "Restaurant, Class I." Full Service Restaurant: restaurants where food and intoxicating beverages are served and consumed by customers while seated at a counter or table, and which may provide entertainment, either live or prerecorded.

Subd. 104. "Restaurant, Class II." Traditional Restaurant: restaurants where food and nonintoxicating beverages are served and consumed while seated at a counter or table; Cafeteria Restaurant: restaurants where food and nonintoxicating beverages are selected by customers while passing through a service line and taken to a table for consumption.

Subd. 105. "Restaurant, Class III." Fast Food or Convenience Restaurant: restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed; Drive-in Restaurant: restaurants where most customers consume their food on-site in a motor vehicle regardless of how it is served.

Subd. 106. "Restaurant, Class IV." Take Out Only Restaurant: Establishments where food is usually ordered by telephone and prepared on the premises for consumption off the premises, with no seating or other area provided on the premises for consumption. The establishment may deliver food to the customer, or the customer may pick food up.

4. Food System Waste Management

A significant amount of waste is generated throughout the food system, including both food products and food packaging that is placed in landfills. Nationwide, an estimated 30-40% of food is wasted or thrown away.³⁸ In Minnesota, food waste makes up 17.8% of the total waste stream by weight.³⁹ This waste can be repurposed, reduced, diverted from landfills and recycled, or used for other useful purposes, such as composting and use as fertilizer.

Minnesota municipalities have two key opportunities to reduce food system waste: increasing organics recycling (composting) and reducing food packaging waste.

[Minnesota Law](#)

Reduction in Solid Waste Going into Landfills

Minnesota state law recognizes the importance of reducing solid waste going into landfills and has established a statewide goal of recycling 75% of total solid waste, by weight, by 2030.

Minn. Stat. §115A.551 RECYCLING

*Subd. 2a. **County recycling goals.** (a) By December 31, 2030, each county will have as a goal to recycle the following amounts:*

- (1) for a county outside of the metropolitan area, 35 percent by weight of total solid waste generation; and*
- (2) for a metropolitan county, 75 percent by weight of total solid waste generation.*

Hennepin County plans to meet this goal and to reduce the amount of waste going into landfills to just 25% of its solid waste stream.⁴⁰ Hennepin County Environment and Energy recommends that the county require all cities to offer residents the opportunity to recycle organics.⁴¹

Organic Waste

Hennepin County's 75% recycling goal is broken down into 15% organics recycling and 60% other recycling. As of 2016, however, only 10% of the waste stream by weight in Hennepin County goes into organics recycling, and between 2010 and 2016, there was little progress made to increase this amount.⁴² Food waste which could otherwise be composted and reused as fertilizer is being thrown into landfills.

Organics recycling at the municipal level can be complicated, as different services may be available to different settings, including:

- Households
 - Backyard composting: Some municipalities, including Bloomington, allow for backyard composting, though some products, such as meat, bones, fat, oil, dairy products, and non-plant kitchen wastes cannot be composted in this manner.
 - Curbside organics pickup - Other municipalities offer curbside pickups for food waste.
 - Organics drop-off locations: There are drop-off locations for food wastes in Hennepin County, though the only public facility open to the whole county is in Brooklyn Park.
- Multi-family buildings
- Businesses
- City property and other public buildings
- Nonprofits and community service organizations.

Bloomington Ordinances

As explained in Bloomington Ordinance §10.05 below, many residents are required to place their waste into containers for pick up by a waste hauler. These waste haulers, however, are not required to provide organics recycling service.

§10.05: CARE OF TRASH, YARD WASTE, SOLID WASTE, RESIDENTIAL SOLID WASTE AND REFUSE

It shall be the duty of every tenant, lessee, owner or occupant of every private dwelling, house, store, hotel, restaurant, place of business and the owner of every furnished flat or apartment house, and of every other person having trash, solid waste, residential solid waste, or refuse which accumulates on said premises, to at least once a week deposit said trash, solid waste, residential solid waste or refuse in approved containers for collection by a residential solid waste hauler. City code §19.51 sets the minimum standards for refuse and recycling storage and handling facilities.

Further, per §10.05 Subd. 3, composting is only permitted in “residential zoning districts or for residential uses located in nonresidential zoning districts” and is subject to other restrictions on the location and maintenance of compost on a lot. Since residential composting is unable to break down non-plant food wastes (which require higher temperatures than can be achieved in small compost piles), “only yard waste and plant kitchen waste may be placed in compost containers.”

§10.05: CARE OF TRASH, YARD WASTE, SOLID WASTE, RESIDENTIAL SOLID WASTE AND REFUSE

Subd. (3) Yard waste shall be kept separate from other solid waste until put out for collection in a compostable bag or labeled cart, or bundled appropriately. Yard waste may be removed by a residential solid waste hauler when placed at the curb or self-hauled or removed by a lawn or landscape business. If yard waste is kept on the site, it is to be composted. Composting is permitted in residential zoning districts or for residential uses located in nonresidential zoning districts provided the following regulations are complied with.

(c) Only yard waste and plant kitchen waste may be placed in compost containers.

The only option for Bloomington residents who wish to recycle other food waste or who wish to recycle their food waste without composting it on their own property is to take the food waste to a drop off location. The same is true for all non-residential zones and non-residential uses.

A few barriers currently prevent Bloomington from recycling more organics.

- *Community Garden Sites*

Community gardens may be negatively impacted by the current ordinances. If community gardens are located outside of residential zones, then composting on site would not be permitted. Further, restrictions on the size and location restrictions of composting containers may limit the amount of composting occurring at community gardens.

- *Limited Organics Drop Off Sites:*

While Hennepin County offers a drop-off site for organics composting, it is located in Brooklyn Park, located on the opposite side of Minneapolis from Bloomington. Two private facilities, the Mulch Store in Rosemount and the Shakopee Mdewakanton Sioux Community, are located closer to Bloomington but charge for dropping off organics.⁴³ Curbside pickup for organics is not currently available in Bloomington.⁴⁴

- *Waste and Recycling Services:*

Bloomington's organized waste and recycling pickup service, which is coordinated through the city, may provide some opportunities for a more coordinated city-wide organics recycling effort. Though the actual waste and recycling pickups are done by seven different companies, residents pay their bills directly to the city and have the same services available, regardless of the hauler. This makes it easier to integrate organics recycling service into the contracts than if residents each chose their hauler privately.

Providing city-wide organics recycling through these haulers would require the expansion of the services offered to residents in Bloomington. Other cities in the metro area set good examples of how to do this. Minneapolis, for example, both offers curbside pickup for organics and is home to seven drop-off sites which will take organics. Even smaller communities, such as St. Louis Park, offer curbside organics recycling to all residents, while others like Edina offer this service through specific haulers.

Emerging Opportunities

Possible opportunities for Bloomington to address organics recycling include:

- Involve Bloomington Sustainability Commission in developing comprehensive plan language to address expanded waste reduction strategies and organics recycling.
- Include recommendation in comprehensive plan to identify opportunities to expand organics recycling for city services and facilities and single and multi-family residential buildings.
- Include strategy for Bloomington to meet the 2030 state and county goals for waste reduction in 2018 comprehensive plan update.
- Coordinate with Hennepin County to provide incentives/technical assistance to local businesses for organics recycling.
- Ensure government agencies and public settings provide organics recycling.
- Ensure that organic recycling is available to Bloomington residents (single and multiple family dwellings), institutions, and businesses.

- Allow composting in non-residential zones under certain conditions that limit any negative impacts of composting.
- Amend Bloomington’s contracts with solid waste pickup companies to include organics pickups for single family residences, multi-family residences, businesses, non-profits, city buildings, schools, and other locations handling organic matter.
- Educate Bloomington’s residents, businesses, schools, and non-profits on how to separate organics from trash for pickup.
- Set up drop-off locations for organics in Bloomington.
 - Allow for organics drop-off at South Hennepin Recycling and Problem Waste Drop-Off Center in Bloomington.
 - Establish alternative/ additional drop-off locations.

To Go Containers, Plastic Bags and Other Food Packaging Waste

Food packaging makes up a considerable amount of food system waste, and has become a concern for some municipalities. In Minnesota, Minneapolis has worked to address this issue through several initiatives, and other municipalities are actively working on efforts to reduce food packaging waste. Minneapolis developed an Environmentally Acceptable Packaging Ordinance⁴⁵ (also known as “Green to Go”). This ordinance requires “food and beverages prepared for immediate consumption and to-go must be placed in environmentally acceptable packaging.” Allowed packaging includes compostable and recyclable materials.

Minneapolis also has restrictions on non-compostable carryout bags, including both paper and plastic bags. Non-recyclable paper bags are prohibited, and there is a 5 cent charge for each bag. Recently, a ban on plastic bags was included in Minneapolis’s ordinances, but was blocked by the Minnesota legislature. A follow up on this initiative, which would have required a charge for plastic bags, has also yet to be implemented, as the vote has been delayed.

Minnesota Law

Minn. Stat. § 471.9998 MERCHANT BAGS.

Subdivision 1. Merchant option.

All merchants, itinerant vendors, and peddlers doing business in this state shall have the option to provide customers a paper, plastic, or reusable bag for the packaging of any item or good purchased, provided such purchase is of a size and manner commensurate with the use of paper, plastic, or reusable bags.

Subd. 2. Prohibition; bag ban.

Notwithstanding any other provision of law, no political subdivision shall impose any ban upon the use of paper, plastic, or reusable bags for packaging of any item or good purchased from a merchant, itinerant vendor, or peddler.

Bloomington Ordinances⁴⁶

Bloomington currently does not restrict or regulate food containers or carryout bags.

Emerging Opportunities

- Evaluate opportunities to regulate take-out containers from food establishments.⁴⁷
- Explore possibility of imposing fee on single-use bags or incentivizing use of reusable bags.

Promising Practices

Minneapolis adopted the [Green to Go: Environmentally Acceptable Packaging Ordinance](#) in 2017. This ordinance requires food and beverages prepared for immediate consumption and to-go use reusable, recyclable, or compostable packaging. This type of packaging makes up a significant portion of the waste in Minneapolis.

THE ACTIVE TRANSPORTATION SYSTEM

Active transportation includes a range of different modes of travel, such as bicycles, traveling by foot, wheelchairs, and other types of non-motorized vehicles, and users. This project focuses on the most common forms of non-motorized transportation by pedestrians (including individuals using assistive devices such as wheelchairs) and bicyclists. This document aims to identify barriers and opportunities for pedestrians and bicyclists in the following areas:

- **Accessibility**: The ease and convenience of travel for people of varying ages, abilities, health, and mode choice.
- **Built Environment**: The physical land use and transportation facilities and elements that either used by or impact the pedestrian and bicycle experience. These elements and facilities include streets, sidewalks, trails, buildings, signage, lighting, driveways and alleys, vegetation, destinations, curb cuts, and other land use.
- **Connectivity**: Pedestrian- and bicycle accessible links between destinations and gaps in the active transportation system used by bicyclists and pedestrians to safely and efficiently move between different destinations, including workplaces, recreation, healthcare, food retail, educational institutions, and other key destinations.
- **Modes and Users**: A mode of transportation is the way in which an individual moves through the transportation system – such as by foot, on a bicycle, or in a motorized vehicle. A user is the individual who uses a mode of transportation – such as a bicyclist, driver, or pedestrian.
- **Safety**: The ability of pedestrians and bicyclists to travel and visit local destinations without fear of risk or harm. Safety considerations include speed limits, traffic calming, lighting, maintenance of sidewalks and other facilities, vegetation, and education.

When considering the impact that different local policies have on each of these areas, it is also important to consider the extent to which local ordinances may have unintended impacts on different populations of the community and affect the ability of different populations or members of the community to equitably participate in bicycling and walking activities in Bloomington.

While the scope and implications of the elements of the active transportation system often overlap with each other, each one is useful as a lens to view the active transportation system in a distinct way. By examining the transportation system through each of these

perspectives, we can better understand the experiences, choices, and concerns of everyone who uses the active transportation system.

Municipalities can impact each of these aspects of the active transportation system through various policies, plans, and internal practices. As discussed below, Bloomington's policies impact the active transportation system in the following primary ways:

1. Active Transportation Policies and Plans
2. Land Use and Local Zoning Designations
3. Bicycle Policies
4. Traffic Calming
5. Municipal Recognition Programs

Minnesota State Laws Impacting Active Transportation

A number of Minnesota state laws impact active transportation and how bicyclists and pedestrians move throughout the state and the authority municipal governments have to regulate certain areas. Areas impacted by state law include, but are not limited to:

- Signage,
- Funding Transportation Facilities,
- Speed Limits,
- Pedestrian and Bicyclist Rights and Responsibilities,
- Accessibility Standards for Individuals with Disabilities, and
- Design, Construction, and Maintenance.

An in-depth discussion of state laws impacting the transportation system is beyond the scope of this project. Additional information on state laws impacting the local and regional active transportation system can be obtained at:

- A Review of Federal and Minnesota Laws on Pedestrian, Bicycle, and Non-Motorized Transportation, Public Health Law Center (2013), <http://www.publichealthlawcenter.org/sites/default/files/MN%20Bike%20Ped%20Law%20Review%20MnDOT%202013.pdf>
- Active Transportation in Minnesota: Resources Dedicated to Pedestrian, Bicycle, and Non-Motorized Transportation, Public Health Law Center, <http://www.publichealthlawcenter.org/resources/active-transportation-minnesota-resources-dedicated-pedestrian-bicycle-and-non-motorized-t>

Minnesota Local Governments Walking and Bicycling Policy Options

While state law governs a wide range of transportation issues impacting bicyclists and pedestrians, local Minnesota governments can also support increased walking and bicycling in their communities through different local policy options. A review of some of these options for Minnesota local governments is available at:

- Promoting an Active Minnesota: Local Policy Options to Support Walking and Bicycling in Minnesota, Public Health Law Center (2017), <http://www.publichealthlawcenter.org/sites/default/files/resources/FGM-PolicyGuide-ActiveLiving-2017.pdf>.

ACTIVE TRANSPORTATION: BLOOMINGTON POLICIES AND OPPORTUNITIES

I. Active Transportation Policies and Plans

Many suburban municipalities, like Bloomington, initially developed without a comprehensive requirement to prioritize or require sidewalks throughout the city. As a result, suburbs interested in developing an integrated multi-modal transportation network for all types of users are now faced with the challenge of building and retrofitting streets to accommodate pedestrians and bicyclists. Bloomington's experience in planning and implementing its citywide alternative transportation network reflects this situation.

Fortunately, multiple organizations support city efforts to develop more complete and accessible transportation systems. At the national level, Smart Growth America and the National Complete Streets Coalition evaluated and ranked all available municipal complete streets policies in their 2017 report.⁴⁸ At the state level, MnDOT's Minnesota Walks plan provides goals, guidelines, and strategies for local governments as well as regional and state entities.⁴⁹ Finally, the Hennepin County Pedestrian Plan provides specific performance measures for pedestrian safety, which may serve as a helpful model for municipal plans.

Bloomington Policies

Bloomington has taken a number of positive steps to maintain and expand a citywide network of sidewalks and trails: The city council adopted an official Complete Streets

Policy in 2012, and the 2016 Alternative Transportation Plan (ATP) update prescribes future pedestrian and bicycle improvements focused on short and medium term goals for collector and arterial streets.⁵⁰ ** The City of Bloomington also maintains sidewalk accessibility throughout the year by snow plowing sidewalks along with city streets, and applying vegetable slurry or beet juice as an environmentally friendly alternative to road salt.

The review of Bloomington’s plans and policies identified the following areas that could provide opportunities to improve walkability and promote complete street design:

Sidewalk Construction Requirement

All new developments, plats, and significant redevelopments must provide easements for existing and future sidewalks and bikeways, and with certain exceptions, must construct public sidewalks. However, the Council may waive the sidewalk construction requirement on sites with no pre-existing sidewalk and/or no connection to an existing network of sidewalks.

“§21.301.04 Sidewalks

....

(b) Where required.

(1) Public sidewalks. All new development or significant redevelopment must construct public sidewalks and provide sidewalk easements conforming to the standards of this section and approved by the city parallel and adjacent to any public street abutting the development site and where otherwise specified on the sidewalk plan of the city or through condition of approval. The following exceptions apply.

(A) Individual single- and two-family dwellings. Construction of a streetside public sidewalk is not required for redevelopment or expansion of an individual single- or two-family dwelling where no sidewalk was previously present; however a sidewalk easement, petition and waiver of assessment hearing for potential future construction must be provided for construction of new two-family dwellings.

** According to the Minnesota Department of Transportation:

- Arterials provide direct, relatively high speed service for longer trips and large traffic volumes. Mobility is emphasized, and access is limited.
- Collectors provide a bridge between arterials and local roads. Collectors link small towns to arterials as well as collect traffic from local roads.
- Local roads provide direct access to individual homes and farms.

See:

<http://www.dot.state.mn.us/planning/program/pdf/Summary%20of%20Functional%20Classification%20Guidelines.pdf>

(B) Residential subdivisions. The City Council has the authority to waive the streetside public sidewalk requirement for single- and two-family residential subdivisions where the proposed sidewalks would not connect with an existing network of sidewalks, although a sidewalk easement, petition and waiver of assessment hearing for potential future construction must be provided despite the waiver.

(C) Nonresidential development. The City Council has the authority to defer the construction of public sidewalks for nonresidential development provided:

(i) The proposed sidewalks would not connect with an existing network of sidewalks;

(ii) A sidewalk easement is provided for future sidewalk construction;

(iii) The Council finds a sidewalk along the development site to have little or no short term public benefit given the characteristics of the site and surrounding neighborhood; and

(iv) The landowner completes an agreement with the city that commits the landowner and all future landowners to accept assessment against the property of potential future sidewalk construction costs.⁵¹

As a result, the City's ability to construct new sidewalks and improve pedestrian accessibility depends largely on how the Council chooses to apply these exemptions.

Funding Structure for Sidewalk Construction/Maintenance

Bloomington's municipal code establishes the City's authority to levy special assessments against any property owner benefited by an improvement. In practice, however, the City does not assess for sidewalk construction or maintenance, or for any bicycle/pedestrian improvements initiated by the City.⁵²

"§8.01 Power to Make Improvements and Levy Assessments.

The city can make any type of public improvement not forbidden by state laws and has the power to levy special assessments for all or part of the cost of improvements of a local character, pursuant to the laws of the State of Minnesota.

(Section 8.01 amended by Ord. 2004-8, passed 4-5-2004)

§8.02: Assessments for Services.

The council can provide by ordinance that the cost of sprinkling, snow or rubbish removal, or of any other service to streets, sidewalks, or other public

property, or the cost of any service the city undertakes to other property, can be assessed against the property benefited, and amounts associated will be collected in the same way as special assessments.

(Section 8.02 amended by Ord. 2004-8, passed 4-5-2004)”⁵³

Bloomington’s practice of not levying assessments for sidewalks ultimately benefits residents by avoiding the inequities that can result from property-value-based funding structures. Assessments can impose substantial financial costs on homeowners, making them an unpopular political choice for council members. In addition, lower-value properties are frequently assessed at a higher proportion of their market value than higher-value properties, placing a disproportionate burden on lower-income residents.⁵⁴

Complete Streets Policy

In Smart Growth America’s 2016 ranking of complete streets policies, Bloomington scored highly in 8 out of 10 categories, but received 0 points in two categories: Performance Measures and Implementation Steps. Smart Growth America defines these elements in the ranking methodology as follows:

“9. Performance measures

Communities with Complete Streets policies can measure success a number of different ways, from miles of bike lanes to percentage of the sidewalk network completed to the number of people who choose to ride public transportation.

- *5 points: Policy includes at least one performance measure. A direction to create measures without naming any is credited in the next element, “Implementation steps.”*
- *0 points: Policy does not include any performance measures.*

....

10. Implementation steps

.... The Coalition has identified four key steps to take for successful implementation of a policy:

- 1. Restructure or revise related procedures, plans, regulations, and other processes to accommodate all users on every project.*
- 2. Develop new design policies and guides or revise existing to reflect the current state of best practices in transportation design. Communities may also elect to adopt national or state level recognized design guidance.*

3. *Offer workshops and other training opportunities to transportation staff, community leaders, and the general public so that everyone understands the importance of the Complete Streets vision.*
4. *Develop and institute better ways to measure performance and collect data on how well the streets are serving all users.*

Assigning oversight of implementation or requiring progress reports is a critical accountability measure, ensuring the policy becomes practice.

- *3 points: Policy specifies the need to take action on at least two of the four steps identified above.*
- *1 point: Policy includes at least one of the above four implementation steps.*
- *0 points: Policy does not include any implementation or accountability measures.*
- *1 additional point available: Policy identifies a specific person or advisory board to oversee and help drive implementation, or establishes a reporting requirement.*
- *1 additional point available: Policy changes the way transportation projects are prioritized.”⁵⁵*

It should be noted that Bloomington’s Complete Streets Policy defers to the Alternative Transportation Plan for implementation, and the ATP includes implementation strategies and best practices which support the city’s Complete Streets Vision. Smart Growth America’s ranking system simply didn’t capture the ATP’s implementation measures because it evaluates city policies alone, and not city plans.⁵⁶

In terms of performance measures, the Complete Streets policy creates the framework for the ATP, though it does not direct the ATP to measure or evaluate progress toward the ATP’s stated vision, values, or Complete Streets policy goals.⁵⁷

Nonetheless, Bloomington has already completed the first step of performance measurement by creating an inventory of existing sidewalks and bituminous trails.⁵⁸ This inventory, combined with the regular evaluation of the PMP, creates a strong foundation for monitoring and evaluating the performance of Bloomington’s Complete Streets policy, Alternative Transportation Plan, and sidewalk and trail construction over time. However, the existing sidewalk inventory is in need of additional updates and maintenance, as it is currently limited to arterial and collector streets, and does not include all existing residential sidewalks.⁵⁹

Without clearly defined metrics for measuring progress, such as total miles of bikeways or percentage of homes with adjacent sidewalks, Bloomington has no way to quantify the

positive impact that the ATP and Complete Streets policy have had on residents. Including better performance measures in Bloomington's plans and policies can help to ensure that sidewalks are built in areas with the greatest need, and enables the city to assess active transportation projects and improve outcomes over time.

2016 Alternative Transportation Plan (ATP)

Bloomington's 2016 update to the Alternative Transportation Plan (ATP) focuses on a core network of active transportation connections, with the long-term goal of incrementally filling gaps over time to sustainably build a high-quality network.

"Four Guiding Principles....

»» Principle #1: Develop an initial or core system of interconnected, high value trails, pedestrian-ways, and bikeways to form the backbone of an alternative transportation system that will evolve over time and complement the existing vehicular-oriented system.

»» Principle #2: Incrementally fill in gaps and otherwise improve the pedestrian and bicycle public infrastructure to enhance safety and encourage the use of alternative forms of transportation within neighborhoods and along routes to school.

»» Principle #3: Include alternative transportation features into public and private built infrastructure as new development or redevelopment occurs over time.

»» Principle #4: Consider ongoing maintenance costs and funding opportunities in planning for future alternative transportation improvements to ensure that the system is sustainable and can be maintained over the long-term".⁶⁰

As shown in the ATP System maps in Appendix L ([web link](#)), this core network is mostly comprised of routes along arterial and collector streets.^{††} While the plan proposes relatively few routes on local streets, its planned core network serves as a critical first step to make future local improvements more feasible.⁶¹

Emerging Opportunities

The upcoming comprehensive plan revision presents a number of opportunities to evaluate and potentially improve Bloomington's process for prioritizing and implementing pedestrian/bicycle improvements:

^{††} Arterial roads (such as Nicollet Ave. in Bloomington) provide direct, relatively high speed service for longer trips and large traffic volumes. Collectors (such as 90th St. and 86th St. in Bloomington) provide a bridge between arterials and local streets.

Performance Evaluation

Evaluating performance of the sidewalk construction requirement, Complete Streets Policy, and Alternative Transportation Plan can help Bloomington improve existing policies and inform future planning efforts.

Example performance measures include:

- Total length of new sidewalks constructed per year.
- Number of sidewalk construction waivers granted per year.
- Number and location of traffic collisions involving pedestrians or cyclists.
- Location and land use type where sidewalk construction waivers were granted.
- Number of Pavement Management Program projects that do or do not fully comply with the Alternative Transportation Plan and Complete Streets Policy.

Many of these performance measures may already be available from the City's annual Engineering reports. Analysis of performance measures such as these can help to systematically identify any problem areas or barriers to the "Complete Streets Vision" established in the Complete Streets Policy and Alternative Transportation Plan.⁶²

Comprehensive Plan and Pavement Management Program

The Comprehensive Plan and Pavement Management Program both present opportunities to expand and improve implementation of active transportation infrastructure. These opportunities include:

- Include language in the Comprehensive Plan recommending expanding the Pavement Management Plan to include new sidewalks in addition to sidewalk repair. As noted in the ATP, the "...implementation strategy for neighborhood pedestrian/safe routes to school... is expansion of the City's successful Pavement Management Program (PMP)".⁶³
- Designate local streets for sidewalk additions, provide specific design guidelines, and designate areas for bicycle/pedestrian-friendly redesigns in future revisions of the Alternative Transportation Plan. (The Complete Streets Policy refers to the Alternative Transportation Plan for implementation and design guidelines).⁶⁴

Internal City Policies

Opportunities to promote active transportation through Bloomington's internal policies and activities include:

- Maintain a complete GIS inventory of citywide bicycle and pedestrian infrastructure.

Ideally, city staff should be able to easily view this inventory as a web map through ArcGIS online or a similar service. City staff could use this inventory to determine how the existing network and any gaps affect local residents, particularly those who regularly travel without a car, such as seniors, children, persons with disabilities, and transit riders.

- Explore additional funding sources for active transportation improvements, such as a Pedestrian and Cyclist Safety Fund or grant funding opportunities.

For example, the City of Edina’s Pedestrian and Cyclist Safety Fund is funded by a \$1.45 monthly franchise fee paid by residential customers of Xcel and CenterPoint.⁶⁵ While this particular program may not be the best option for Bloomington or other municipalities, there may be opportunities to implement a similar program, tailored to fit Bloomington.

- Coordinate land use planning with new and planned active transportation improvements.

According to discussions with city staff, Nice Ride cited a lack of bikeable connections to destinations as one of the main reasons for not expanding their service to Bloomington. While the ATP addresses this issue by planning pedestrian and bicycle connections along arterial and collector streets, it does little to address the built environment surrounding those connections. Coordinated land use planning and development of neighborhood destinations are both needed to increase the number of residents that can utilize a new trail, and provide a wider variety of accessible destinations. (See Appendix H for definitions of different facilities impacting pedestrians and bicyclists).

- Incentivize or require end of trip facilities or bike/pedestrian-friendly design standards for developments near planned or existing active transportation infrastructure improvements.

The ATP lists “Lack of end of trip facilities – such as well-placed bicycle parking racks or lockers, showers/changing space for commuters, etc.” as a barrier for bicycle and pedestrian infrastructure.⁶⁶ This barrier could be addressed by Bloomington code amendments incentivizing or requiring these types of facilities in new developments and redevelopments. (See discussion of bike parking issue, below.)

2. Land Use and Local Zoning Designations

Bloomington's Alternative Transportation Plan (ATP) provides a robust framework for building critical infrastructure connections in the city's network of sidewalks and trails. However, residents' travel choices depend on more than infrastructure alone. For residents to walk or bike on a regular basis, their daily destinations must be close by and easily accessible by foot and bike, with a safe and unobstructed path from doorway to doorway. (See Appendix H for list of defined terms from ATP. See Appendix M for map of zoning districts, also available at [Bloomington Zoning Map](#).)

This issue primarily impacts two components of the active transportation system: connectivity and the built environment. Land use and zoning determine the type of built environment through which pedestrians and cyclists travel, as well as the distance between destinations, and the number of destinations that can be reached in a reasonable amount of time. Land use patterns often make the difference between a walkable neighborhood and a neighborhood where every trip requires a car.

Bloomington Policies

The review of Bloomington's ordinances and plans identified two main policy areas impacting the intersection of land use and active transportation: The Alternative Transportation Plan (ATP) and zoning districts.

Zoning Districts

This research identified six zoning districts that currently include provisions promoting a bike- and pedestrian-friendly environment, either by requiring certain site design standards, offering incentives to developers, or by allowing a mix of medium or high-density residential and commercial uses:

- Freeway Mixed Use (C-5)⁶⁷
- High Intensity Mixed Use with Residential (HX-R)⁶⁸
- Lindau Mixed Use (LX)⁶⁹
- Mixed Use (CX-2)⁷⁰
- Neighborhood Commercial Center (B-4)⁷¹
- Residential Office (RO-24)⁷²

In three of these mixed-use districts, Bloomington's Code provides an additional requirement that encourages a more bike and pedestrian-friendly streetscape: Parking for commercial buildings in B-4, C-5, and LX districts must be located to the side or rear of the building.

“21.301.02: Structure Placement.

....

(f) Mixed Use District standards. To promote the intended character and pedestrian orientation, commercial structures in the mixed use districts (B-4, C-5, LX) must generally be located near the street with parking to the side or rear subject to the following requirements:

....”⁷³

However, these zones make up a very small proportion of the city’s land area. Furthermore, provisions regarding the need or desire to accommodate or address the needs of bicyclists specifically are somewhat limited in scope. This research identified three zoning districts that require or incentivize bicycle-friendly design features. While these districts also recognize the need to accommodate pedestrian access, pedestrian needs were included in additional zoning districts, while the needs of bicyclists were not:

- Neighborhood Commercial Center (B-4)

“(a) Intent.... The B-4 District provisions are intended to:

....

(3) Ensure development is easily accessible by foot or bicycle;”⁷⁴

- High Intensity Mixed Use with Residential (HX-R)

“(k) Pedestrians and bicycles. Achieving the intent of the HX-R Zoning District will require high quality, linked sidewalks and bikeways

....

(3) Development must provide sidewalks and, where appropriate, bikeways along all public and private streets unless the City Council determines that an alternative sidewalk or bikeway location better serves the development and surrounding area....”⁷⁵

- Multiple-family Residential (RM-100)

“(d) Exemptions for sites with multiple street frontages.... When a site fronts on multiple public streets in a corner or through-lot configuration, the City Council may exempt through the planned development process all but one of the street frontages from complying with the RM-100 building or parking requirements provided the City Council determines that:

....

(D) The proposed structure and parking configuration will facilitate pedestrian and bicycle access;”⁷⁶

Rezoning additional areas in coordination with planned infrastructure improvements could make active transportation a more feasible and attractive option for residents. Other zoning districts could also be amended to implement similar bike/pedestrian-friendly provisions. Some specific examples from the ordinance review are provided, below:

High Intensity Mixed Use with Residential District (HX-R)

The HX-R (High Intensity Mixed Use with Residential) district directs pedestrian-friendly development using a combination of high density, mixed use, restrictions on drive-through businesses and surface parking lots, and transit-oriented incentives (described in further detail, below). However, this and the city's other mixed-use districts are currently located only in the South Loop neighborhood.

“(a) Intent. It is the purpose of this district to provide for high intensity employment-oriented, tourist-oriented and residential uses in areas close to frequent transit service. The provisions of this district are intended to:

- (1) Promote high intensity development;*
- (2) Avoid under-utilization of the small supply of land in the city that lies within one-half mile of high frequency mass transit service;*
- (3) Require the creation of a significant high density residential node to diversify housing options available in the city and create a live-work-recreation environment;*
- (4) Reduce vehicle trips and vehicle miles traveled relative to the same level of development in other areas by allowing residences in close proximity to employment and services, by allowing intense development in close proximity to high frequency transit service, and by encouraging multi-purpose trips, walking trips, carpool trips and transit trips;*
- (5) Reduce overall costs and impacts of parking by making shared parking feasible where peak parking demand times vary among uses;*

....

- (9) Provide a pedestrian oriented environment...”⁷⁷*

The HX-R district provides floor area ratio bonuses to developments that include below-grade parking, plazas, or parks. Below-grade parking encourages active transportation by reducing the space between destinations, while plazas and parks provide gathering spaces and attract pedestrian activity.

(g) Floor area ratio.

....

(4) The maximum floor area ratio for development within the HX-R Zoning District is 2.0, but may be increased through the following bonus provisions.

....

(B) Below grade parking bonus. Developments including below grade parking are eligible for bonus floor area....

(C) Plaza or park bonus. Developments not subject to park donation requirements as specified in § 22.10 that include publicly accessible plaza or park areas are eligible for bonus floor area....

....⁷⁸

The HX-R district requires bicycle parking facilities commensurate with anticipated demand for all developments.

“(i) Parking.

....

(3) Bicycle parking. Bicycle parking facilities commensurate with anticipated demand must be provided near building entrances.”⁷⁹

This district includes building design requirements to promote a visually interesting, pedestrian oriented streetscape.

“(j) Building design.

....

(2) Windows. First floor building facades facing and within 100 feet of public or private streets or major pedestrian corridors must meet the following window standards on those facades in order to promote a pedestrian oriented environment and add visual interest.”⁸⁰

The HX-R district includes firm and specific requirements for sidewalks and bikeways. The provision encouraging at-grade pedestrian connections rather than skyways or tunnels also helps to improve active transportation accessibility by promoting a more open streetscape that accommodates bicycles, wheelchairs, and assistive devices as well as foot travel.

“(k) Pedestrians and bicycles. Achieving the intent of the HX-R Zoning District will require high quality, linked sidewalks and bikeways.

....

(3) Development must provide sidewalks and, where appropriate, bikeways along all public and private streets unless the City Council

determines that an alternative sidewalk or bikeway location better serves the development and surrounding area.

....

(7) To support street level retail uses, pedestrian movement between adjacent buildings and sites is encouraged to take place at grade rather than through skyways or tunnels. Grade separated pedestrian crossings over arterial and collector streets are encouraged.”⁸¹

Mixed-Use (CX-2) District

Bloomington’s four mixed use districts (CX-2, LX, B-4, and C-5) encourage a wide variety of pedestrian-accessible destinations by allowing mixed use, and promote a pedestrian-friendly streetscape along clearly defined street edges.

The CX-2 Mixed-Use district is intended to support high intensity mixed use while balancing demand on traffic and parking.

“21.207.01: Mixed-Use (CX-2) District.

(a) Intent. Within the Mixed-Use District, the most intense utilization of land in the city will take place supported by existing and future investment in public infrastructure. The CX-2 District provisions are intended to:

- (1) Allow a broad range of uses;*
- (2) Ensure that new development is of significant size and intensity; and*
- (3) Provide a mix of uses that balance the demand on traffic and parking.”⁸²*

Lindau Mixed Use (LX) District

The Lindau Mixed Use District is intended to encourage active use and promote an attractive streetscape for pedestrians, and requires parking facilities to be located in the side or rear of buildings.⁸³

“21.207.02: Lindau Mixed Use (LX) District

(a) Intent. The Lindau Mixed-Use District, is intended for a dense mix of commercial, hospitality and office uses in a compact area with excellent accessibility to transit service and a high level of amenities. The LX District provisions are intended to:

- (1) Allow a broad mix of uses to create a vibrant, walkable and transit-supportive district;*

(2) Encourage active uses along the street to create a safe and inviting pedestrian environment;

(3) Promote an attractive streetscape through building placement and design;

(4) Encourage sustainable best practices in building, site and infrastructure design;

(5) Reduce the visual impact of parked vehicles by requiring the placement of vehicle parking areas to the side or rear of buildings; and

(6) Maximize utilization of the small supply of land in the city that lies within one-half mile of high frequency mass transit service.”⁸⁴

The LX district also provides floor area ratio bonuses for developments that do not exceed the minimum requirements for setback distance and number of off-street parking spaces.

“(c) Standards....

(1) Floor area ratio, building floor area, impervious surface area, site width and site area must comply with the applicable requirements of § 21.301.01 as well as the following.

(A) Floor area ratio; minimum. The minimum floor area ratio on sites in the LX District may be decreased to 0.50 provided that:

(i) At least 50% of building frontages along a public street are located at the minimum setback required;

(ii) At least 60% of the primary building facade along a public street is at least three stories or 50 feet in height;

(iii) Buildings facing onto Lindau Lane meet or exceeds the ground level building design requirements in §§ 21.301.03(b); and

(iv) On-site parking supply does not exceed code requirements.”⁸⁵

Neighborhood Commercial Center (B-4) District

The B-4 district is intended to provide pedestrian and bicycle friendly development by promoting attractive streetscapes and building designs, restricting auto-oriented uses, ensuring easy access by foot or bicycle, and allowing a mix of residential and neighborhood commercial uses. In addition, commercial structures must generally be located near the street for pedestrian access, with parking located to the side or rear of the building.⁸⁶

“(a) Intent. The Neighborhood Commercial Center (B-4) District is designed to provide for neighborhood scale commercial and residential mixed uses

configured in a pedestrian friendly manner. The B-4 District provisions are intended to:

- (1) Promote an attractive streetscape through building placement and design;*
- (2) Restrict incompatible uses including gas stations, auto repair and car washes;*
- (3) Ensure development is easily accessible by foot or bicycle;*
- (4) Reduce the visual impact of parked vehicles by requiring the placement of vehicle parking areas to the side or rear of buildings;*
- (5) Create opportunities for residential uses when mixed with commercial uses; and*
- (6) Promote a balance of retail, service, dining, medical office and residential uses which serve and complement surrounding neighborhoods.”⁸⁷*

Residential Office (RO-24) District

The RO-24 district encourages offices in close proximity to residential areas (enabling residents to work within walking or biking distance of home) and offer a floor area ratio bonus as an incentive for indoor/underground parking.

“19.40.09: Residential Office Districts RO-24 and RO-50.

(h) Special provisions.

....

(7) In the RO-24 District, the maximum structure floor area ratio for nonresidential uses may be increased to 0.50 FAR when the majority of the parking is located in the building or within a multi-level structure.”⁸⁸

Freeway Mixed Use (C-5) Districts

The C-5 district is designed for mixed uses and transit-oriented development. Minimum parking requirements are slightly lower than in other commercial districts, parking lots must be located in the side or rear of the property, and commercial developers are offered incentives to include residential uses in their developments, such as FAR bonuses, height bonuses, and slight parking minimum reductions.⁸⁹

“(a) Intent. The Freeway Mixed Use (C-5) District is designed to provide for high intensity mixed residential and commercial land uses in locations where excellent, accessible transit service is anticipated to be available....

....

(c) *Standards....*

(1) *Residential uses encouraged. To promote the inclusion of residential uses within the C-5 District, the following incentives are available to development that includes residential uses.*

(A) *Floor area ratio bonus....*

(B) *Minimum floor area ratio reduction....*

(C) *Height bonus....*

(D) *Parking reduction. The requirements for number of parking spaces for residential uses in the C-5 District are 95% of the requirements in §21.301.06 of this code.*⁹⁰

Drive Through Restaurants

Given that drive through restaurants have the unintended impact of incentivizing driving over active transportation options, there may be opportunities to reduce prevalence of drive-through restaurants using code amendments. Restaurants with drive through windows are a conditional use in all commercial zoning districts except B-1 (meaning that the council must approve a Conditional Use Permit before construction is permitted). For approval, the CUP must show that the proposal does not conflict with the comp plan, adopted district plans, or code provisions, and that the proposal will not create an excessive burden on public facilities or cause harm to the public health/safety/welfare.⁹¹

Bloomington's code also specifies design standards for drive through facilities, and requires that drive through lanes not interfere with pedestrian movement.

“§ 21.301.05 DRIVE THROUGH FACILITIES.

Drive through facilities must comply with the following standards....

(c) *Design. Each drive through lane must be clearly defined and designed so as not to conflict or interfere with pedestrian movement or other vehicular traffic using the site and not to conflict with access for drive aisles, fire lanes or street ingress/egress....*⁹²

Emerging Opportunities

Zoning Districts and Comprehensive Plan

The current comprehensive planning efforts provide an opportunity to build off of the foundation provided in the ATP focused on infrastructure development and incorporate additional bicycle and pedestrian components in the Comprehensive Plan which coordinates land use strategies (in the form of rezoning, possible ordinance revisions, and

pedestrian and bicycle features within neighborhoods) with infrastructure improvements (as prescribed by the Alternative Transportation Plan) to better guide bicycle and pedestrian-friendly development.

Potential zoning provisions that would support and encourage active transportation include:

- Rezoning for medium or high density mixed use.
- Reducing restrictions on duplexes and accessory dwelling units in low-density residential districts.
- Amend current pedestrian-friendly zoning districts (CX-2, LX, B-4, C-5, etc.) to incorporate bicycle friendly features and infrastructure as well.
- Implementing a Pedestrian Oriented Overlay District, with design standards to improve bike and pedestrian accessibility. Example design standards include street-fronting entrances, pedestrian walkways, and rear/indoor/underground parking. An example of the Pedestrian Oriented Overlay District can be found in the Minneapolis City Code.⁹³
- Reducing minimum parking requirements and implementing parking maximums where appropriate.
- Providing incentives for office developments that provide changing space and showers for bicycle commuters.
- Develop evaluation process to assess progress on stated goals of alternative transportation plan and other Bloomington planning efforts and policies impacting bicyclists and pedestrians.

Drive Through Restaurants

The City of Bloomington has a variety of opportunities to improve safety and accessibility for cyclists and pedestrians by regulating drive-through uses. Some potential approaches include:

- Examine existing drive through facilities for any interference or conflict with pedestrian or bicycle movement. If conflicts are found, develop more specific design standards or criteria for CUP approval.
- Include language in the 2018 Comprehensive Plan or district plans indicating a preference for discouraging drive-through restaurants in certain areas in order to mitigate impacts on pedestrians/cyclists and other public health considerations, such as healthy food access and environmental impacts.
- Establish outreach and partnership with neighborhood stakeholders to encourage district plan amendments.

3. Bicycle Policies

Bloomington Policies

Bicycle Parking

Bicycle parking facilities are a much-needed amenity for residents considering biking as an alternative to driving. As noted in the Hennepin County 2040 Bicycle Transportation Plan:

“Bicycle parking encourages people to ride to their destination knowing that they will have a safe and convenient place to lock their bike. Providing adequate prominent bicycle parking at businesses, schools, libraries, and other destinations sends a message that bicycling is an accepted and encouraged transportation option.”⁹⁴

Bloomington’s Alternative Transportation Plan discusses the current lack of established standards for the number of bicycle parking spaces to be provided at a development, stating:

“Currently, there are no established standards for a specific number of bicycle parking spaces at a given type of destination in Bloomington. See also Hennepin County’s 2040 Bicycle Transportation Plan for sample bicycle parking requirements and best practices.”⁹⁵

The review of Bloomington ordinances identified three existing ordinances impacting bicycle parking:

HX-R District Bicycle Parking Requirements

The High Intensity Mixed Use with Residential (HX-R) zoning district is currently the only district in Bloomington ordinances that addresses bicycle parking requirements. As indicated by the ordinance, bicycle parking is required based on a showing of anticipated demand. However, the ordinance does not specify how anticipated demand for bicycle parking is calculated.⁹⁶

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

(i) Parking.

....

(3) Bicycle parking. Bicycle parking facilities commensurate with anticipated demand must be provided near building entrances.

....

Zoning Ordinances Referring to Bicycle Parking Standards

Bloomington's ordinances regarding bicycle parking standards are incomplete. Two current ordinances include references to a non-existent provision establishing bike parking requirements:

§ 21.302.02 RESIDENTIAL USES IN COMMERCIAL ZONING DISTRICTS.

....

(e) Site and building design.

....

(6) Storage space. A fully enclosed, lockable storage space, located outside the unit (excluding accessibility and senior citizen housing), must be provided for each dwelling unit.

(A) No dedicated bicycle storage. If the storage space is used to meet the long-term bicycle parking requirements of § 21.301.06, the storage space must have a minimum of a four foot horizontal dimension and a minimum of a four foot vertical dimension and be at least 175 cubic feet.

(B) Dedicated bicycle storage. If long-term bicycle parking requirements of § 21.301.06 are being met outside of the storage space, the storage space must have a minimum of a three foot horizontal dimension and a minimum of a four foot vertical dimension and be at least 96 cubic feet.

....

§ 21.302.09 MULTIPLE-FAMILY DWELLING DESIGN AND PERFORMANCE STANDARDS.

....

(d) Performance standards.

....

(7) Storage space. A fully enclosed, lockable storage space, located outside the unit (excluding accessibility and senior citizen housing), must be provided for each dwelling unit.

(A) No dedicated bicycle storage. If the storage space is used to meet the long term bicycle parking requirements of § 21.301.06, the storage space must have at least four feet horizontal dimensions and a four foot vertical dimension and be at least 175 cubic feet.

(B) Dedicated bicycle storage. If long term bicycle parking requirements of § 21.301.06 are being met outside of the storage space, the storage space must have at least three feet horizontal dimensions and a four foot vertical dimension and be at least 96 cubic feet.

Bloomington Bicycle Parking Ordinance

Bloomington's ordinance referencing "long term bicycle parking requirements", §21.301.06 *Parking and Loading*, does not currently include any such requirements.⁹⁷

According to discussions with city staff, §21.302.03 and §21.302.09 were likely written with the expectation that the Council would approve a bicycle parking ordinance and amend §21.301.06 accordingly. Staff have indicated that a draft bicycle parking ordinance is currently being considered, but has not yet been passed by City Council as of November 2017.

Bicycle Registration

Bloomington ordinances require bicycle owners to register and receive a license from the State before riding on any streets, sidewalks, or public property in the city. The intent of mandatory bicycle registration is to mitigate bike theft and protect residents' investment in bicycle ownership. However, the state bicycle registration program was repealed in 2005.⁹⁸

Bloomington's city code currently requires state registration of all bicycles used within city boundaries, as outlined in the Bloomington ordinance below.

§ 14.28 STATE REGISTRATION REQUIRED.

All bicycles used or ridden upon any highway, street, alley, sidewalk or other public property within the boundaries of the city shall be registered.

§14.32 of the Bloomington city code indicates that the police department can impound any bicycle in a public space that is not properly licensed. The owner must then pay an impoundment fee and obtain a license to regain possession of his or her bicycle. According to §14.34, violation of the bicycle registration requirement is considered a misdemeanor under state law.

§ 14.32 IMPOUNDMENT OF UNREGISTERED BICYCLES.

Any bicycle operated or found on any public place within the city which is not licensed as required by this Division B shall be impounded by the Police Department and held by the Police Department until the license required herein is obtained and, in addition, an impoundment fee of \$7.50 is paid to the Police Department of the city. In the event that a license for said bicycle is not secured and the bicycle is not claimed within three months from the date of such impounding by the Police Department, the bicycle shall be disposed of by the city in accordance with this Division B.

§ 14.34 PENALTY.

Violation of this Division B shall be a misdemeanor under state law.

Emerging Opportunities

Bicycle Parking

The current need to establish bicycle parking standards presents a number of potential opportunities for Bloomington to promote a highly accessible and bike-friendly environment, such as:

- Adopt draft bike parking ordinance requiring bike parking in all districts.
- Designate a responsible party and timeframe to develop appropriate standards for calculating anticipated bicycle parking demand in the HX-R zoning district.
- Include a provision in the 2018 Comprehensive Plan directing the planning department (or other city office) to develop appropriate standards and minimum requirements for bicycle parking in specific zoning districts.
- Refer to sample bicycle parking requirements in the Hennepin County 2040 Bicycle Transportation Plan to inform Bloomington's new or amended bicycle parking policies.
- Include a provision in the 2018 Comprehensive Plan to assess the current supply of bicycle parking and anticipated demand at existing developments in Bloomington.
- Evaluate impact of bicycle parking ordinance after adoption to assess implementation of standards and determine if enough bike parking is provided to meet demand in all areas.
- Assess need for short-term and long-term (overnight) parking.

Bicycle Registration

Since the state licensing program is no longer in effect, it appears to be technically illegal to ride a bike in Bloomington even without the state registration law. While there is no evidence that these ordinances have been enforced since the repeal of the state registration program. Nonetheless, these ordinances raise a few questions to consider:

- Assess impact of bicycle registration requirement and any enforcement efforts on bicycling in Bloomington.
- Consider amending or repealing Bloomington bicycle registration ordinance to reflect changes in state statute.

4. Traffic Calming

Suburban and urban neighborhoods of all types often experience challenges in areas where traffic speeds are too high for the surrounding context. Residential areas and near senior facilities and schools can be especially dangerous to pedestrians, bicyclists, and those using assistive devices. Municipal governments have two primary tools available to address these

challenges: Either redesign the street segment (which often requires waiting a number of years for scheduled maintenance), or install less costly traffic calming devices such as speed tables, bulb-outs, or traffic circles.

Bloomington Policies

Bloomington currently evaluates traffic conditions, identifies areas in need of traffic calming, and includes traffic calming elements as part of the city's regularly scheduled street reconstruction. In these cases, all associated project costs are included in the street reconstruction budget, and no assessment is levied on the benefitting property owners.⁹⁹

Residents are asked to contact city staff if they are concerned about traffic on a city street. Staff may be able to solve the issue with neighborhood education, police enforcement, or minor engineering modifications where appropriate. However, if these methods are insufficient to solve the concern, residents can request the area to be included in the City's Local Street Traffic Management Program.¹⁰⁰

Collector Street Traffic Calming Policy (2009)

Bloomington's Collector Street Traffic Calming program addresses traffic speed concerns on collector streets through a process initiated by city staff and the council. With this program, Bloomington has reduced the number of traffic lanes on more than 25 miles of roadways to reduce vehicle speeds, separate pedestrians from vehicle traffic, and add bike lanes and bikeable shoulders.¹⁰¹

Neighborhood Traffic Calming Policy (2009)

Bloomington provides a procedure for traffic calming measures in its Neighborhood Traffic Calming Policy. The Local Street Traffic Management Program is guided by the Neighborhood Traffic Calming Policy (adopted in 2004, last revised in 2009), which establishes a resident-driven process for siting, evaluating, prioritizing, and constructing traffic calming devices (such as speed tables, bump-outs, or traffic circles) on local streets.¹⁰² Any Bloomington resident may initiate this process by submitting a formal Request for Consideration. The City reviews these requests on a yearly basis, assigns scores and rankings, and selects projects for study and trial implementation.

As noted in the text, *"This policy is designed to assure fair and effective consideration of all proposals from neighborhoods at a minimum of administration expense."*¹⁰³ The individual costs borne by the City and participating residents are summarized below.

The City of Bloomington provides:

- Traffic calming information packets
- Soft costs paid by the general fund:
 - Trial device installation
 - Feasibility study
 - Design and construction engineering
 - Project administration
 - Any remaining construction costs ¹⁰⁴

Participating residents provide:

- \$335 application fee
- Completed Traffic Calming Project Application Petition Form
- Signatures of the owners of at least 60% of properties in the benefited area
- Property owners in the benefited area may be assessed for part of the cost for the traffic calming device (detailed in the table below).¹⁰⁵

The amount assessed to the property owners who benefit from a given traffic calming device varies by the type of device installed.¹⁰⁶ Senior citizens may have the option to defer assessment if payment would constitute a hardship:

“Senior citizens have the option of participating in the assessment or using the senior citizen hardship assessment deferral: Pursuant to MSA 435.193 - .195 and resolution of the City Council, deferral of special assessments may occur under certain conditions for homestead property to persons 65 years of age or older (or retired by virtue of a permanent and total disability) for whom it would be a hardship to make the payments.”¹⁰⁷

Requests for Consideration are scored and ranked by the Engineering Division, with the goal of prioritizing projects that provide the greatest benefit to resident safety. Higher scores are awarded to project areas with:

- Few or no adjacent sidewalks
- Adjacent public school yards or playgrounds
- Adjacent residential development
- Greater number of reported correctable crashes in the past 5 years
- Petition signed by a higher percentage of potential assessment property owners
- Higher average residential density¹⁰⁸

Selected projects then go through a detailed process including public meetings, Council review, and traffic data collection. Approved projects are then constructed, and traffic data is collected again to measure and evaluate project performance.¹⁰⁹

Since the program’s adoption in 2004, Bloomington has worked with roughly 50 neighborhoods to collect traffic data and discuss traffic calming options. These projects can be initiated in different ways, from formal applications, to resident complaints, to city-

initiated data collection that identifies safety concerns. Of the traffic calming projects completed since 2004, two were based on formal applications and completed the process, while others involved data collection and resident complaints. (Stanley Avenue/Nine Mile Creek Parkway neighborhood and Rich Road neighborhood). Neighborhoods with traffic calming needs can be a result of problems with cut-through traffic caused by low-connectivity street networks. (Low-connectivity streets are those with few intersections, such as curvilinear streets or cul-de-sacs, whereas a gridded street network has high connectivity). With fewer intersections to slow traffic, motorists are able to drive through these neighborhoods at higher speed.¹¹⁰

An off-shoot of the Local Street Traffic Calming program is Bloomington's Speed Radar program. When residents contact city staff with speeding concerns and the data reveals there is speeding occurring, Bloomington has an inventory of speed radar signs that can be placed in selected locations for 1 to 2 years.

Emerging Opportunities

As the policy currently stands, Bloomington takes primary responsibility for evaluating and addressing traffic calming needs, and provides a resident-driven process to address any problem areas that the City may have missed. Bloomington now has the opportunity to improve the policy by evaluating the performance of its traffic calming policies over time, by making the application process more accessible for residents, and by seeking alternative funding sources.

Opportunities to improve Bloomington's traffic calming policies include:

- Reduce or mitigate property assessment costs in cases of resident financial hardship (similarly to the existing hardship exemption for senior citizens).

Alternative funding sources such as grants could also be used to mitigate resident costs, particularly in cases where the project coincides with MnDOT's Safe Routes to School program, the Metropolitan Council's Regional Bicycle Transportation Network, or State Health Improvement Partnership goals.

- Evaluate performance of the Neighborhood Traffic Calming Policy.

This evaluation should also take into account the varying attitudes, resources, and cultural norms among resident communities, which can make some residents more or less likely to communicate with city staff, complete a formal application, organize with neighbors, or pay the \$335 application fee. While Bloomington currently takes a proactive approach to traffic calming, with the resident-driven process serving as a backup measure, this approach could potentially shift with future changes in the City's administration, budget, or political priorities.

- Explore additional opportunities for reducing traffic speed, such as narrower lane widths, roadside trees, and reducing the speed limit to 25 mph for eligible streets.

While Minnesota state law sets the speed limit for urban local streets at 30mph, the City Council may by resolution reduce the speed limit to 25mph for residential streets less than one-half mile in total length, and for streets with a marked bicycle lane.¹¹¹ Aspects of street design can substantially reduce traffic speeds as well. Design elements such as narrower lane widths, roadside landscaping, and curb extensions all serve to slow and stabilize traffic speeds.¹¹²

5. Municipal Recognition Programs

Various nonprofit and governmental organizations offer recognition programs to municipalities as a way to incentivize progress and recognize achievements in specific subject areas such as bicycle/pedestrian-friendly design, aging in place, or environmental sustainability. These programs typically review applications submitted by municipal staff. A scoring system or set of criteria is then used to evaluate relevant policies and practices, and provide feedback to the applicant in the form of an award or ranking, along with information on how the city could improve in the subject area.

Recognition programs provide external incentives for improvement, accessible metrics for measuring and evaluating progress, and guidance from subject matter experts, which can ultimately help cities create more effective policies and improved resident outcomes.

For example, the *Bicycle Friendly Communities* program offered by the *League of American Bicyclists* incentivizes cities to improve their bicycle infrastructure and policies by awarding Platinum/Gold/Silver/Bronze and honorable mention designations, encouraging constructive competition between cities. These awards also act as a metric for tracking improvement over time and demonstrating progress to residents. Finally, the report card includes key steps to the next award level, suggesting individual steps that the city can take to work toward a more bicycle-friendly environment.¹¹³

Current Participation in Bloomington

Bicycle Friendly Communities

The City of Bloomington participated in the *Bicycle Friendly Communities* program in 2014 and 2016, and received an honorable mention both years. The program's evaluation criteria were changed significantly after 2014 to provide more detailed feedback, and may change year-to-year as the League of American Bicyclists continues to improve their evaluation process.¹¹⁴

Creative Placemaking

Bloomington's Plan for Creative Placemaking in the South Loop received the Planning in Context Award from the American Planning Association (Minnesota Chapter) in 2016. The award recognized the Plan's sensitivity to the South Loop's physical surroundings and temporal context, noting how the Plan embraces the past, present, and predicted future aspects of the project. The South Loop is slated for mixed use transit-oriented development, and its planned public art and outdoor public spaces make it a highly attractive area for pedestrian activity.¹¹⁵

Best Complete Streets Policies

Bloomington was recognized by Smart Growth America in The Best Complete Streets Policies of 2016, a comprehensive ranking of all municipal and state complete streets policies in the United States. The report evaluates policies according to a comprehensive policy model with ten ideal elements. Bloomington's complete streets policy received 72.8 points out of 100, with high scores in eight out of ten elements, but zero points in two elements: Performance Measures and Implementation Steps.¹¹⁶ Recommendations for improving both the effectiveness and the ranking of this policy are provided in the Emerging Opportunities section below.

Minnesota GreenStep Cities

This program administered by the Minnesota Pollution Control Agency provides a step-by-step framework that participating cities can follow to improve their environmental sustainability. Bloomington has completed a number of GreenStep Best Practice Actions that support and encourage active transportation, including:¹¹⁷

- Modify a street in compliance with the city's complete streets policy.
- Implement traffic calming measures in at least one street development project.
- Produced the Bloomington Active Living Biking and Hiking Guide (available on the City of Bloomington Website, print copies available from Parks and Recreation and Engineering Departments).

Emerging Opportunities

Bloomington may want to consider participating in other recognition programs that include elements supporting walking and bicycling, such as:

Walk Friendly Communities

The University of North Carolina Highway Safety Research Center administers this program and awards bronze/silver/gold/platinum designations to communities that show

“...a commitment to improving and sustaining walkability and pedestrian safety through comprehensive programs, plans, and policies”.¹¹⁸

Network of Age Friendly Cities

The Network provides a step-by-step framework, timeline, and information resources to help cities assess community needs, compose an action plan, implement the plan, evaluate performance, and connect with other network members. This program is administered by AARP as the US affiliate of the World Health Organization’s Age-Friendly Cities and Communities program. Membership is not an endorsement as a currently age-friendly place, but instead is an official commitment to actively making the city a great place for people of all ages.¹¹⁹

Smart Growth America – Best Complete Streets Policy

Bloomington has the opportunity to improve its complete streets policy by addressing the gaps identified in the Best Complete Streets of 2016 report. The most significant of these gaps are the lack of performance measures and implementation steps in the policy document. (See Appendix K for Smart Growth America’s definition for performance measures and implementation steps.)

Bloomington’s Complete Streets Policy defers to the ATP for implementation, and the ATP includes implementation strategies and best practices which support the city’s Complete Streets Vision. The gaps identified by Smart Growth America’s ranking system appears to be based on the failure of Smart Growth America to capture Bloomington’s ATP’s implementation measures because it evaluates city policies alone, and not city plans.¹²⁰

In terms of performance measures, the Complete Streets policy creates the framework for the ATP, though it does not direct the ATP to measure or evaluate progress toward the ATP’s stated vision, values, or Complete Streets policy goals.¹²¹

Bloomington has already completed the first step of performance measurement by creating an inventory of existing sidewalks and bituminous trails.¹²² This inventory, combined with the regular evaluation of the PMP, creates a strong foundation for monitoring and evaluating the performance of Bloomington’s Complete Streets policy, Alternative Transportation Plan, and sidewalk and trail construction over time.

Without clearly defined metrics for measuring progress, such as total miles of bikeways or percentage of homes with adjacent sidewalks, Bloomington has no way to quantify the positive impact that the ATP and Complete Streets policy have had on residents. Including better performance measures in Bloomington’s plans and policies can help to ensure that sidewalks are built in areas with the greatest need, and enables the city to regularly assess and improve active transportation projects.

APPENDICES

APPENDIX A: REVIEWED BLOOMINGTON PLANS AND POLICIES

1. Bloomington City Ordinances (current as of March 2017)
2. Bloomington Complete Streets Local Toolkit
3. Metropolitan Council 2015 System Statement for City of Bloomington
4. Bloomington Alternative Transportation Plan (2016)
[https://www.bloomingtonmn.gov/cob/alternative-transportation-plan\](https://www.bloomingtonmn.gov/cob/alternative-transportation-plan)
5. City of Bloomington Complete Streets Policy
https://www.bloomingtonmn.gov/sites/default/files/complete_streets.pdf
6. Community Food Assessment for the Cities of Bloomington, Edina, and Richfield
7. 2008 Comprehensive Plan, City of Bloomington
8. Bloomington Neighborhood Traffic Calming Policy for Local Streets (2004, rev. 2009)
https://bloomingtonmn.gov/sites/default/files/media/traffic_calming_policy.pdf
9. Bloomington Collector Streets Program (adopted 2004, rev. 2009)
<https://www.bloomingtonmn.gov/sites/default/files/colpol09.pdf>
10. League of American Bicyclist Report Card – Bloomington (2016)
11. Bloomington Beekeeping Ordinance (2017)
12. Bloomington Farmers' Market Ordinance (2017)

APPENDIX B: SEARCH TERMS

Note: terms listed with a * reflect terms that were not included in the original search term list or additional terms provided by city staff. These terms were identified as relevant based through the research process.

HEALTHY EATING SEARCH TERMS

- Accessory Structure
- Agriculture
- Aquaponic
- Arbor
- Bee/Beekeeping/Beehive
- Chicken/Chicken Coop
- Commercial Agriculture
- Commercial Kitchen
- Cottage Food
- Garden
- Compost
- Farm/ Farm Animal
- Farmer's Market
- Farm Stand
- Farm Poultry
- Fence
- Food Establishment
- Food Service
- Food Truck
- Garden
- Greenhouse
- Grocery Store
- High Tunnel
- Hoop House
- Kitchen*
- Market garden
- Mobile Market/Mobile Food Unit
- Odor*
- Private Food Service
- Raised Plant Bed
- Restaurant
- Retail Food
- Retail Sales (Grocery Stores)
- Root Cellar
- Tool Shed
- Tractor

ACTIVE TRANSPORTATION SEARCH TERMS

- Accessibility
- Bicycles
- By Foot
- Complete Streets
- Crosswalks
- Drive-Through
- Multimodal
- Non-Motorized
- Parking
- Pedestrians
- Road Markings
- Shared-Use Paths and Trails
- Sidewalks
- Signs
- Speed Limit
- Traffic Circulation
- Traffic Flow
- Traffic Signals
- Trails

APPENDIX C: GROWING STRUCTURES – BLOOMINGTON ORDINANCE LANGUAGE

§19.63.08 EXTERIOR MATERIALS AND FINISH

(a) *Purpose. The City Council finds that it is necessary to regulate the exterior finish and appearance of all primary and accessory buildings and structures that are erected in all of the primary nonresidential zoning districts in the city in order to ensure the consistency in quality, compatibility and character of buildings within comparable zoning districts. The regulation of exterior materials and building construction assures consistent provision of both a high level of structural durability relative to impacts from natural and human-made forces over time and a safe environment for those occupants, equipment and goods within the structure. The provision of a quality exterior finish compliments the building construction by reducing maintenance needs, providing a surface more resistant to damage, assisting in maintaining structure and property value over a longer period, contributing substantially to the compatibility and character of its neighborhood. A quality exterior finish also provides for improved health, safety and welfare of occupants and enclosed goods or equipment by providing increased protection through durability, strength, security, damage resistance and stability.*

(b) *The following regulations apply to all nonresidential primary and accessory buildings and their additions in the following zoning districts:*

Single-Family Residential R-1 Districts

Single-Family Residential R-1A Districts

Large Lot Single-Family Residential RS-1 Districts

Townhouse Residential R-3 Districts

Multiple-Family Residential R-4 Districts

Multiple-Family Residential RM-12 Districts

Multiple-Family Residential RM-24 Districts

§21.501.04 CONDITIONAL USE PERMITS

(a) *Purpose. The purpose of the conditional use permit application process is to:*

(1) *Ensure that sufficient information is provided by the applicant;*

- (2) Ensure that conditional uses comply with city code requirements;
 - (3) Ensure that appropriate conditions are attached to enhance compatibility with surrounding uses; and
 - (4) Ensure that conditional use permit applications are processed in a manner consistent with state statutes.
- (b) *Where required.* Conditional use permits are required prior to the establishment of any use listed in any zoning district as a conditional use.
- (c) *Initiation.* A conditional use permit application must be initiated by the owner of land upon which the conditional use is proposed. If originally denied, an applicant may not submit a subsequent conditional use permit application for the same use on the same site until one year has passed since the original denial.
- (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.
- (A) Clubs and lodges;
 - (B) College or university;
 - (C) Convention center;
 - (D) Hospitals, sanitariums and rest homes;
 - (E) Household hazardous waste and recycling collection facilities;
 - (F) Junk car disposal businesses;
 - (G) Open storage as a primary use;
 - (H) Reserved;
 - (I) Pawn shops;
 - (J) Places of assembly;
 - (K) Planned developments;
 - (L) Post-secondary educational institutions;

- (M) School (K-12), public or private;
- (N) Solid waste transfer stations;
- (O) Manufactured home parks;
- (P) Medical marijuana distribution facilities;
- (Q) Public and public utility buildings in the BP-1 and BP-2 Overlay Zoning Districts;
- (R) Firearm sales, primary; and
- (S) Firing range.

(2) *Appeal of Planning Commission decision.* The applicant or a member of the public may appeal the decision of the Planning Commission to the City Council by submitting an appeals request with supporting materials within three business days of the decision. The appellants will be given the opportunity to present their case in front of the City Council.

(3) *Conditions of approval.* The entity empowered to take action on a given conditional use permit application has the authority to attach conditions of approval to that application. Any modifications to conditions of approval must be made by the entity that was originally empowered to act upon the conditional use permit.

(e) *Findings.* The following findings must be made prior to the approval of a conditional use permit:

- (1) The proposed use is not in conflict with the Comprehensive Plan;
- (2) The proposed use is not in conflict with any adopted district plan for the area;
- (3) The proposed use is not in conflict with city code provisions;
- (4) The proposed use will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the planned development; and
- (5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

(f) *Recording.* A certified copy of the resolution approving a conditional use permit must be recorded with the county.

(g) *Expiration.* Conditional use permits expire one year after approval if the proposed use has not commenced or a building permit for a structure to support the conditional use has not been issued. If a building permit has been issued but the use does not commence, the conditional use permit expires one year after issuance of the building permit. A land owner may apply to the Director of Community Development for no more than one-time extension of up to one year. Conditional use permits also expire if the conditional use ceases operation for a continuous period of one year or longer. A conditional use permit for

a nonconforming use expires upon discontinuance of the nonconforming use as described in city code § [21.504](#)(b).

(h) *Suspension or revocation.* The City Council may suspend or revoke a conditional use permit upon the failure of the permittee, owner, operator, tenant or user to comply with the provisions of this code, the laws of the state or any condition established at the time of approval of the conditional use permit. A suspension or revocation of a conditional use permit must be preceded by written notice to the permittee and a hearing. The notice must provide at least ten days' notice of the time and place of the hearing and must state the nature of the charges against the permittee. The notice must be mailed to the permittee at the most recent address listed on the application. The hearing of a contested case may be before the City Council or held in accordance with M.S. §§ 14.57 to 14.60, as they may be amended from time to time, but informal disposition of a contested case by stipulation, pursuant to M.S. § 14.59, as it may be amended from time to time, may provide an adequate basis for imposition of sanctions.

(i) *General standards.* In addition to use specific standards for conditional uses listed elsewhere in the city code, the following general standards also apply to conditional uses.

(1) In the R-1, R1-A and RS-1 zoning districts, except for the uses listed below, a conditional use must be located on a site immediately adjacent to a commercial zoning district, an industrial zoning district, the intersection of two streets classified by the Comprehensive Plan as arterial streets or the intersection of a street classified by the Comprehensive Plan as an arterial street and a railroad. Exceptions include:

(A) Places of assembly and schools;

(B) Licensed congregate living facilities serving five or more persons and licensed residential facilities serving seven or more persons;

(C) Home businesses;

(D) Towers;

(E) Tennis courts accessory to single-family dwellings; and

(F) Private and commercial parks and recreational facilities as a principal use.

(j) *Content.* Conditional use permit applications must include the following information, unless exempted by the Planning Manager:

(1) An application form signed by the property owner(s) or authorized representative;

(2) The required application fee (see city code § [21.502.01](#));

(3) Written documentation that includes:

(A) A complete description of the use;

- (B) Schedule for commencement of the use;
 - (C) Size of the facility accommodating the use including the number of seats, students, customers and the like;
 - (D) Hours and dates of operation; and
 - (E) Anticipated employment.
- (4) Floor plan and/or site plan;
- (5) If applicable due to site or building modifications, a separate but associated final site and building plan application or final development plan application; and
- (6) Any special studies requested. The Director of Public Works or the Director of Community Development may request special studies when there is evidence that the proposed use may negatively impact public infrastructure, the environment or adjacent land uses. Such studies may include but are not limited to traffic, environmental, storm water management, wetland, and utility studies.
- (Ord. 2009-34, passed 11-2-2009; Ord. 2013-2, passed 2-25-2013; Ord. 2013-29, passed 11-18-2013; Ord. 2015-5, passed 1-26-2015; Ord. 2015-27, passed 10-19-2015; Ord. [2015-28](#), passed 11-2-2015; Ord. [2015-33](#), passed 11-16-2015; Ord. [2016-6](#), passed 4-18-2016; Ord. [2016-16](#), passed 8-15-2016; Ord. [2016-28](#), passed 11-21-2016; Ord. [2017-13](#), passed 5-22-2017)

§21.301.19 ACCESSORY BUILDINGS

(b) *Number.*

Zoning District	Number Allowed
Single-Family Districts R-1, R-1A, RS-1	2 detached structures on any lot. In addition, 1 structure not exceeding 50 square feet in area nor five feet in height is permitted solely for pool equipment, subject to the setback requirements of § 19.42(f) .
All other districts	1 detached structure per principal building, plus one guard, dispatch, security or gate house per site or development.

(c) *Location.*

Zoning District	Minimum Setback in Front and Side Yards Along Streets	Minimum Setback in Rear Yards Along Streets	Minimum Rear Setback Not Along Streets	Minimum Rear Setback Along Alleys	Minimum Side Setback Not Along Streets
<p>Single-Family Districts R-1, R-1A, RS-1</p>	<p>Same as principal structures in the zoning district; however, detached structures are not permitted to be located closer to the property line along a street than the principal structure.</p>	<p>Same as principal structures in the zoning district.</p>	<p>5 feet 10 feet if connected to water or sanitary sewer service</p>	<p>5 feet</p>	<p>5 feet 10 feet if connected to water or sanitary sewer service</p>
<p>All other districts</p>	<p>Same as principal structures in the zoning district; however, detached structures are not permitted to be located closer to the property line along a public street than the principal structure.</p>	<p>Same as principal structures in the zoning district.</p>	<p>Same as principal structures in the zoning district</p>	<p>Same as principal structures in the zoning district.</p>	<p>10 feet</p>

APPENDIX D: GENERAL MUNICIPAL FOOD SYSTEM RESOURCES

- [Baltimore City, MA: Zoning Applications to Create Healthy Food Environments](#)
- [Best Practices of the Regional Food Systems Working Group](#)
- [Iowa Local Food and Farm Plan](#)
- [Municipal Zoning for Local Foods in Iowa: A Guidebook for Reducing Local Regulatory Barriers to Local Foods](#)
- [Good Food Procurement Resolution 2014](#)
- [Good Food Purchasing Policy: Center for Good Food Purchasing](#)
- [Healthy Corner Store Initiatives](#)
- [Healthy Corner Stores: Minneapolis](#)
- [Minneapolis Food System: An Overview](#)
- [Minneapolis Food System: Food Production](#)
- [Model Community Agriculture and Forest Protection District: Model Ordinances for Sustainable Development](#)
- [NYC Food Policy and Procurement](#)
- [NYC Green Cart Mobile Food Vendors](#)
- [Organizing Steps to be Recognized as a Green Step City](#)
- [University of Missouri Extension: Urban Agriculture Best Practices and Possibilities](#)
- [USDA Calorie Labeling on Restaurant Menus and Vending Machines](#)

APPENDIX E: MUNICIPAL FOOD PRODUCTION RESOURCES

HOOP HOUSE, GREENHOUSE, AND URBAN AGRICULTURE MUNICIPAL EXAMPLES

Other cities have created ordinances to address the types of structures that are used to extend the growing season.

- [Cleveland, Ohio](#)

The City of Cleveland, Ohio has developed a rather comprehensive list of policies and ordinances to address the growth of urban agriculture and local food production. Below is an example for local food production activities and structures:

Permitting Process for High Tunnels and Hoop Houses: Due to the increasing number of high tunnels being constructed on urban farms in Cleveland as a result of the " [USDA EQIP Seasonal High Tunnel Initiative](#), the [City of Cleveland's Department of Building and Housing](#) issued a clarification of the permitting process and fee schedule for these types of structures in December 2012. Link to [Hoop House Permit Process](#)

Urban Garden District: Established as part of the zoning code to ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community.¹²³ Link to: [Urban Garden District Ordinance](#)

Urban Agriculture Overlay District (DRAFT): Introduced to Cleveland City Council as a measure that would allow for more intensive uses of urban agriculture in certain areas designated by the city. The legislation is currently pending before Cleveland City.¹²⁴ Council. Link to: [Urban Agriculture Overlay District](#)

Agriculture in Residential Districts: Amendments to the zoning regulations for residential districts that permit farm stands, different design guidelines for fencing, and allow agriculture as a principal use on vacant lots.¹²⁵ Link to: [Agriculture in Residential Districts](#)

- [Minneapolis, MN](#)

The City of Minneapolis, MN adopted regulations for greenhouses, cold frames, and hoop houses in March of 2012 as part of their Urban Agriculture Policy Plan.

Cold frames or other structures used to cover food or ornamental crops to protect from cold weather: Cold frames or other structures used to cover food or

ornamental crops and provide protection from cold weather shall be allowed as an accessory use subject to the following:

- The use shall not exceed four (4) feet in height.
- (2) The use shall not be located in a required interior side yard.¹²⁶

Hoop houses or other structures used solely to extend the growing season for food or ornamental crops: Hoop houses or other structures used solely to extend the growing season for food or ornamental crops shall be allowed as an accessory use subject to the applicable district regulations and subject to the following:

- (1) In the residence and OR1 districts the use must be located in the rear fifty (50) feet of the lot.
- (2) The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.
- (3) The use shall not be located in a required interior side yard.
- (4) Notwithstanding the provisions of this chapter, hoop houses, cold frames or other temporary structures used solely to extend the growing season for food or ornamental crops that are accessory to a community garden, market garden or urban farm, shall be exempt from the maximum floor area of all accessory structures, provided that the total size of such temporary structures shall not exceed one thousand (1,000) square feet or fifteen (15) percent of the lot area, whichever is greater, and shall not exceed a duration of one hundred eighty (180) days in a calendar year.
- (5) The use shall comply with all applicable requirements of the Minnesota State Fire Code and Minneapolis Fire Department and obtain any required permits.
- (6) Notwithstanding the provisions of section 537.50, the maximum height of a hoop house or other structure used solely to extend the growing season for food or ornamental crops shall not exceed six and one-half (6½) feet accessory to single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units and twelve (12) feet accessory to all other uses. The use shall not exceed the maximum height for any accessory structure as specified in section 537.50

Link to full City Ordinance: [537.110 Allowed Accessory Uses and Structures](#)

URBAN AGRICULTURE RESOURCES

Urban agriculture is becoming more prominent, at the local, state, regional and national level. The following resources provide an expanded discussion of urban agriculture as well as regional food systems:

- Municipal Zoning for Local Foods in Iowa: A Guidebook for Reducing Local Regulatory Barriers to Local Foods:
<https://blogs.extension.iastate.edu/planningBLUZ/files/2012/01/ZONING-FOR-LOCAL-FOODS-GUIDEBOOK.pdf>

- Minnesota Department of Agriculture, Urban Agriculture in Minnesota, A Report to the Minnesota Legislature:
<http://www.mda.state.mn.us/news/~media/Files/news/govrelations/legrpt-urbanag2016.pdf>
- Iowa Local Food and Farm Plan, Report to the Iowa Legislature from the Leopold Center for Sustainable Agriculture:
http://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1093&context=leopold_publications
- The Minnesota Food Charter's, Food Access Planning Guide:
<http://mnfoodcharter.com/planningguide/>
- [City of Cleveland: Urban Agriculture Ordinances](#)
- [Minnesota Department of Agriculture: Urban Agriculture in Minnesota, a Report to the Minnesota Legislature](#)

POLLINATOR AND BEEKEEPING RESOURCES

- Pollinate Minnesota, <http://www.pollinatemn.org/pollinator-friendly-twin-cities/>.
- Xerces Society for Invertebrate Conservation
 - <https://xerces.org/>
 - http://www.xerces.org/wp-content/uploads/2010/11/pollinator-three-steps_fact_sheet2.pdf
 - <http://xerces.org/pesticides/>
- *Pollinator Conservation*, Vera Krischik and Emily Tenczar, University of Minnesota for Center for Urban Ecology and Sustainability,
<http://www.extension.umn.edu/garden/plant-nursery-health/docs/2014-Krischik-pollinator-conservation.pdf>
- [Cass Clay Blueprint for Urban Agriculture and Backyard Beekeeping: Developed by the Cass Clay Food Systems Initiative](#)
- [Minneapolis Beekeeping Ordinance](#)
- [Plants For Minnesota Bees: UMN Bee Lab](#)
- [Policies to Protect Pollinators, Berkeley Food Institute, UC Berkeley](#)
- [Pollinator Protection Task Force Report: City of Madison, WI](#)

- Minnesota DNR Pollinator Best Management Practices and Habitat Restoration Guideline,
http://files.dnr.state.mn.us/natural_resources/npc/2014_draft_pollinator_bmp_guidelines.pdf

POULTRY, CHICKEN, AND SALE OF EGGS RESOURCES

Slaughtering Backyard Poultry

Some examples were found for slaughter options for backyard chicken owners. The City of Chicago, in partnership with the Illinois Department of Agriculture, established that chicken owners could take their chickens to a type 2 establishment for slaughter, which are “licensed to receive live animals and provide slaughter and processing as a service, but not to sell the meat. The meat has to be for the owner’s personal use.”¹²⁷ Similarly to Chicago, the Minnesota Department of Agriculture provides a list of plants that slaughter and process meat and poultry, but there are no nearby slaughter options for residents of Bloomington.¹²⁸

It seems that the MDA refers to these types of slaughter operations as Custom Meat Processors, which process meat as a service to the owner of the animal and the meat or poultry can’t be sold and must be consumed by the owner, the owner’s immediate family, and non-paying guests.¹²⁹

- The following reference guides provide samples of chicken ordinance language and a comparison of other municipal approaches to regulating local poultry efforts:
 - The Cass Clay Chicken Keeping Blueprint as part of the Cass Clay Food Systems Initiative with the University of Minnesota Extension Regional Sustainable Development Partnerships:
<https://www.extension.umn.edu/rsdp/northwest/sustainable-agriculture-and-food-systems/docs/Cass-Clay-Blueprint-Chicken-Keeping.pdf>
 - Municipal Zoning for Local Foods in Iowa: A Guidebook for Reducing Local Regulatory Barriers to Local Foods:
<https://blogs.extension.iastate.edu/planningBLUZ/files/2012/01/ZONING-FOR-LOCAL-FOODS-GUIDEBOOK.pdf>

General Resources

- [Cass Clay Blueprint Chicken Keeping, University of Minnesota Extension](#)
- [Minnesota Department of Agriculture Egg Grading and Sales for Small Producers Exempt from Licensing Poultry Slaughter and Sales Direct to Consumers Exemption](#)
- [Minnesota Department of Agriculture Sale of Locally Home or Farm Raised Poultry](#)
- [Minnesota Department of Agriculture Sale of Locally Raised Eggs to Food Facilities](#)
- [Selling Your Minnesota Shell Eggs, MISA, MFMA](#)

APPENDIX F: MINNESOTA COTTAGE FOOD LAW

COTTAGE FOODS EXEMPTION, Minn. Stat. § 28A.152.

Subdivision 1. Licensing provisions applicability.

(a) The licensing provisions of sections 28A.01 to 28A.16 do not apply to the following:

(1) an individual who prepares and sells food that is not potentially hazardous food, as defined in Minnesota Rules, part 4626.0020, subpart 62, if the following requirements are met:

(i) the prepared food offered for sale under this clause is labeled to accurately reflect the name and address of the individual preparing and selling the food, the date on which the food was prepared, and the ingredients and any possible allergens; and

(ii) the individual displays at the point of sale a clearly legible sign or placard stating: "These products are homemade and not subject to state inspection."; and

(2) an individual who prepares and sells home-processed and home-canned food products if the following requirements are met:

(i) the products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower;

(ii) the products are home-processed and home-canned in Minnesota;

(iii) the individual displays at the point of sale a clearly legible sign or placard stating: "These canned goods are homemade and not subject to state inspection."; and

(iv) each container of the product sold or offered for sale under this clause is accurately labeled to provide the name and address of the individual who processed and canned the goods, the date on which the goods were processed and canned, and ingredients and any possible allergens.

(b) An individual who qualifies for an exemption under paragraph (a), clause (2), is also exempt from the provisions of sections 31.31 and 31.392.

Subd. 2. Direct sales to consumers.

(a) An individual qualifying for an exemption under subdivision 1 may sell the exempt food:

(1) directly to the ultimate consumer at a community event or farmers' market;

(2) directly from the individual's home to the ultimate consumer, to the extent allowed by local ordinance; or

(3) through donation to a community event with the purpose of fund-raising for an individual, or fund-raising for an educational, charitable, or religious organization.

(b) If an exempt food product will be delivered to the ultimate consumer upon sale of the food product, the individual who prepared the food product must be the person who delivers the food product to the ultimate consumer.

(c) Food products exempt under subdivision 1, paragraph (a), clause (2), may not be sold outside of Minnesota.

(d) Food products exempt under subdivision 1 may be sold over the Internet but must be delivered directly to the ultimate consumer by the individual who prepared the food product. The statement "These products are homemade and not subject to state inspection." must be displayed on the Web site that offers the exempt foods for purchase.

Subd. 3. Limitation on sales.

An individual selling exempt foods under this section is limited to total sales with gross receipts of \$18,000 or less in a calendar year.

Subd. 4. Registration.

An individual who prepares and sells exempt food under subdivision 1 must register annually with the commissioner. The annual registration fee is \$50. An individual with \$5,000 or less in annual gross receipts from the sale of exempt food under this section is not required to pay the registration fee.

Subd. 5. Training.

(a) An individual with gross receipts between \$5,000 and \$18,000 in a calendar year from the sale of exempt food under this section must complete a safe food handling training course that is approved by the commissioner before registering under subdivision 4. The training shall not exceed eight hours and must be completed every three years while the individual is registered under subdivision 4.

(b) An individual with gross receipts of less than \$5,000 in a calendar year from the sale of exempt food under this section must satisfactorily complete an online course and exam as approved by the commissioner before registering under subdivision 4. The commissioner shall offer the online course and exam under this paragraph at no cost to the individual.

Subd. 6. Local ordinances.

This section does not preempt the application of any business licensing requirement or sanitation, public health, or zoning ordinance of a political subdivision.

Subd. 7. Account established.

A cottage foods account is created as a separate account in the agricultural fund in the state treasury for depositing money received by the commissioner under this section. Money in the account, including interest, is appropriated to the commissioner for purposes of this section.

POTENTIALLY HAZARDOUS FOOD, MINN. RULES 4626.0020, SUBP. 62.

A. "Potentially hazardous food" means a food that is natural or synthetic and is in a form capable of supporting:

- (1) the rapid and progressive growth of infectious or toxigenic microorganisms;
- (2) the growth and toxic production of *Clostridium botulinum*; or
- (3) in raw shell eggs, the growth of *Salmonella enteritidis*.

B. Potentially hazardous food includes a food of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified in item A.

C. Potentially hazardous food does not include:

- (1) an air-cooled hard-boiled egg with shell intact;
- (2) a food with an a_w value of 0.85 or less;
- (3) a food with a pH level of 4.6 or below when measured at 24 degrees C (75 degrees F);
- (4) a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;
- (5) a food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious and toxigenic microorganisms or the growth of *Salmonella enteritidis* in eggs or *Clostridium botulinum* cannot occur, including a food that has an a_w and a pH that are above the levels specified in subitem (2) or (3) and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or
- (6) a food that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified in item A.

APPENDIX G: MUNICIPAL FOOD WASTE MANAGEMENT RESOURCES

PLASTIC BAG BAN

Minneapolis Ordinance (Repealed)

225.920 Single-use plastic carryout bags prohibited. No retail establishment shall provide a single-use plastic carryout bag to a customer.¹³⁰

225.930 Carryout bag restrictions and requirements. (a) No retail establishment shall provide a paper carryout bag that is not a recyclable paper bag, and retail establishments shall collect a pass-through charge of not less than five center for each paper carryout bag, compostable carryout bag or reusable bag provided to customers. It shall be a violation of this section for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge. All retail establishments shall indicate on the customer transaction receipt the number of paper carryout bags, compostable carryout bags and/or reusable bags provided and the total amount of the pass-through charge.¹³¹

Minnesota Legislature Bill

Sec. 9. [471.9998] MERCHANT BAGS.

Subdivision 1. Merchant option. All merchants, itinerant vendors, and peddlers doing business in this state shall have the option to provide customers a paper, plastic, or reusable bag for the packaging of any item or good purchased, provided such purchase is of a size and manner commensurate with the use of paper, plastic, or reusable bags.

Subd. 2. Prohibition; bag ban. Notwithstanding any other provision of law, no political subdivision shall impose any ban upon the use of paper, plastic, or reusable bags for packaging of any item or good purchased from a merchant, itinerant vendor, or peddler.

EFFECTIVE DATE. This section is effective May 31, 2017. Ordinances existing on the effective date of this section that would be prohibited under this section are invalid as of the effective date of this section.¹³²

MINNESOTA STATE AND HENNEPIN COUNTY RESOURCES

- *Solid Waste Management Master Plan Briefing* from Hennepin County Environment and Energy, <http://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/documents/solid-waste-management-master-plan-board-briefing-july-2017.pdf?la=en>
- *Organics Recycling for Residents*, Hennepin County, <http://www.hennepin.us/residents/recycling-hazardous-waste/organics-recycling>
- *Report on 2015 SCORE Programs*, Minnesota Pollution Control Agency, <https://www.pca.state.mn.us/sites/default/files/w-sw-1-33.pdf>

APPENDIX H: ALTERNATIVE TRANSPORTATION FACILITY DEFINITIONS

*As defined in Bloomington Alternative Transportation Plan (2016)

ON-STREET FACILITIES

1. Signed Bike Route



- Bicycles and vehicles share a lane of travel
- Routes are marked with signage, may include pavement markings to increase motorist awareness

2. Bike Boulevard



- Bicycles and vehicles share a lane of travel
- Suitable for a local street with low speed and low traffic volumes

- Routes marked with enhanced signage and pavement markings to increase motorist awareness
- Emphasis on traffic calming techniques such as bump outs, median islands, vehicle diverters, roundabouts, and landscaping

3. Shoulder



- Cyclists ride on paved shoulder alongside motor vehicle traffic
- Suitable for moderate-to-high traffic volume roadways
- More suited to cyclists who are confident and comfortable biking alongside moderate-to-high speed traffic (typically recreational and commuters)

4. Bike Lane



- Cyclists ride in a dedicated lane alongside motor vehicle traffic
- Bike lane is striped and includes pavement markings and signage to increase motorist awareness

5. Protected Bike Lane



- Cyclists are separated from motor vehicle traffic by a physical barrier such as bollards, parked vehicles, or a concrete median
- Suitable for high traffic volume roadways
- More comfortable on-street option for less experienced cyclists

OFF-STREET FACILITIES

1. Sidewalk



2. Multi-Use Trail



Multi-Use Trail

- Shared by cyclists, pedestrians, and other non-vehicular users
- Provides an off-street biking option in areas where motor vehicle speeds and volumes make on-street bikeways less appropriate

3. Natural-Surfaced Trail



Natural-Surfaced Trail

- Recreational trails surfaced with woodchips, gravel, or similar

4. Pedestrian Only Path



Pedestrian Only Path

- Dedicated off-street path for pedestrian use
- Can be located outside of the street right-of-way, often sited along rail corridors, waterways, or through parks
- Can be applied to areas unsuitable for cyclists due to grade or potential conflict with other users

APPENDIX I: ACTIVE TRANSPORTATION RESOURCES

Local

- Brockton MA Complete Streets Ordinance (top scoring example from SGA)
<https://drive.google.com/file/d/0B2sMN8qiyoYEaWVGX3Bfd2t0UHM/view>
<http://www.webcitation.org/6sn88DQRu>

County and Regional

- Metropolitan Council, Thrive MSP 2040, Transportation Policy Plan Ch. 7: Bicycle and Pedestrian Investment Direction
[https://metro council.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-\(1\)/The-Adopted-2040-TPP-\(1\)/Final-2040-Transportation-Policy-Plan/2040-TPP-Chapter-7-Bike-and-Pedestrian-Investment.aspx](https://metro council.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-(1)/The-Adopted-2040-TPP-(1)/Final-2040-Transportation-Policy-Plan/2040-TPP-Chapter-7-Bike-and-Pedestrian-Investment.aspx)
- Hennepin County 2040 Bicycle Transportation Plan, <http://www.hennepin.us/-/media/hennepinus/residents/transportation/documents/bicycle-transportation-plan.pdf?la=en>

State

- Minnesota Walks (2016) <http://www.dot.state.mn.us/peds/plan/pdf/minnesota-walks-2017-final.pdf>
- MnDOT Complete Streets Policy
<http://www.dot.state.mn.us/policy/operations/op004.html>

National

- SmartCode: <https://transect.org/codes.html>
 - Modules: <https://transect.org/modules.html>
 - Sprawl Repair Module: https://transect.org/docs/sprawl_pdfs.zip
- Retrofitting the Suburbs to Increase Walking (Access Magazine):
<https://www.accessmagazine.org/fall-2011/retrofitting-suburbs-increase-walking-2>
- Retrofitting the suburbs to increase walking: Evidence from a Land-use-Travel Study: <http://journals.sagepub.com/doi/abs/10.1177/0042098010364859>

- The Best Complete Streets Policies of 2016, Smart Growth America, <https://smartgrowthamerica.org/app/uploads/2017/06/best-complete-streets-policies-of-2016-1.pdf>

APPENDIX J: SAMPLE COMPREHENSIVE PLAN LANGUAGE

Food Production

[Food Access Planning Guide: Food Production, page 30](#)

URBAN FARMS SAMPLE PLAN LANGUAGE

POLICY I
[Local government] supports the establishment of urban farms in appropriate areas and will promote and expand the range of urban farming activities that are allowed.

- 📍 Review city land use regulations to evaluate how they may restrict urban farms from locating in the community.
- 📍 Consider expanding types of structures allowed as part of urban farming enterprises in appropriate locations to allow urban farms to extend the growing season.
- 📍 Consider adopting a policy that provides concrete support to urban farming enterprises, using mechanisms such as business finance tools, property tax relief, or low-cost water access.
- 📍 Consider allowing agricultural projects as an appropriate use for land in the local park system.
- 📍 Follow the emergence of new forms of food production that are occurring on public lands, including food forests and planting for foraging.
- 📍 Encourage urban farms to take on outreach and education related to growing healthy food, and to partner with schools, nursing homes, food shelves, local restaurants, and nurseries as outlets for produce.

POLICY II
[Local government] will adopt regulations that establish standards for urban farming, improve compatibility with neighboring properties, and promote public health.

- 📍 Take steps to establish a stable regulatory structure for urban farms—such as an Urban Agriculture Zoning Ordinance and/or Comprehensive Farm Review—to clarify the locations that are allowed and the physical and operational conditions that must be maintained.

THINGS TO CONSIDER

- Our Minnesota climate means that season-extending options, such as indoor production, greenhouses, and high tunnels, are very important.
- Even structures with significant visual impact may be appropriate in certain zoning districts.
- An analysis of financial feasibility can be an important element in considering support for an urban farming initiative.
- Urban farms may need indoor space for food cleaning, sorting, packaging, and processing as well as staff bathrooms and break rooms.

COMMUNITY GARDENS SAMPLE PLAN LANGUAGE

POLICY III

[Local government] will support the establishment and maintenance of community gardens throughout the community to provide residents with easy access to healthy food.

- Review and clarify standards for boulevard gardens.
- Establish clear policy support for community gardens, while determining the appropriate balance between community gardens and land redevelopment.
- Ensure permanent sites and a “no net loss” policy for community gardening space in underserved areas. Where relocation is necessary, provide clear and early disclosure, and help gardens get established in new locations.
- Provide for community gardens in zoning regulations by defining it as an allowed use in residential zoning districts, with clear site and operational standards.
- Provide proactive support for community gardens through soil testing, water provision, or leasing publicly owned property to gardens.
- Encourage community gardens to take on outreach and education related to growing healthy food, and to partner with schools, nursing homes, food shelves, local restaurants, and nurseries as outlets for produce.



READ MORE ABOUT THE TOPIC

Community Garden Policy Reference Guide
(Public Health Law Center, 2012)
publichealthlawcenter.org/sites/default/files/resources/PHLC%20Community%20Garden%20Policy%20Guide%202012_0.pdf

THINGS TO CONSIDER

- Community gardens need a long-term site, with access to water and tool storage, in order to reach their potential with respect to food production and community building.
- Balanced policies around community gardens demonstrate appreciation for the benefits of community gardening and the benefits of land development.
- Community gardens are often embedded in residential neighborhoods, making their responsible management more important.
- Requiring a responsible party, and adopting site and operational standards for community gardens, builds support for community gardens from neighbors, mitigates impacts, and promotes public health.
- More park and recreation departments are recognizing that community gardening is an active form of recreation and a valid use of some public park land.

Food Aggregation, Processing and Distribution

Food Access Planning Guide: Food aggregation, Processing and Distribution, Page 33

FOOD INFRASTRUCTURE SAMPLE PLAN LANGUAGE

POLICY I

[Local government] will support the development of local food-processing businesses.

- Develop or expand business grant and loan programs to help with start-up and capital costs.
- Review local zoning restrictions on food-processing businesses to determine whether additional locational flexibility can be provided under appropriate conditions.
- Work to clarify and streamline business-licensing processes for food-processing businesses.
- Take steps to reduce barriers to business creation by people of color and other low-resourced communities.
- Ensure that there are reliable educational opportunities for food-processing entrepreneurs to learn about food safety.

THINGS TO CONSIDER

- Because start-up costs can be high and profit margins slim for food processing entrepreneurs, business development support is critical.
- University Extension services can be a good resource for food processing businesses.
- Processing food involves food safety regulation at the federal, state, and local levels. Both business owners and local health departments must learn about safety requirements and work together to facilitate safe food production.
- Often zoning codes confine food processing uses to industrial districts. However, small-scale facilities can be compatible in neighborhood commercial districts, particularly when they offer some product for sale at the front of the store.
- Many food-processing entrepreneurs are members of immigrant groups, such as halal meat producers. Relationships between these businesses, local governments, and community members, as well as a mutual willingness to learn, need to be nurtured in order to promote success.
- Local government actions related to business development and support may be carried out through a city or county department, or a public authority such as a Community Development Authority, Economic Development Authority, or Port Authority.
- Given our state's short growing season, frozen and canned foods are an important component of the local food system and food economy.

Healthy Retail

Food Access Planning Guide: Healthy Retail, Page 35

GROCERY STORES SAMPLE PLAN LANGUAGE

POLICY I

[Local government] will partner in efforts to bring a new grocery store business to the community/underserved location.

- Play an active role in a coalition that includes community, health, economic development, community financing, and/or food organizations who share the goal of this policy, with a focus on building community awareness and taking collaborative action on a well-informed strategy.
- With the coalition, devote time to understanding the intricacies and challenges of establishing a grocery store in the target area.
- Contribute to the research needed for establishing realistic expectations and an appropriate strategy.
- Modify zoning codes that may restrict or not permit grocery stores, particularly in neighborhood commercial districts near residential uses.
- Streamline the permitting process for development of grocery stores and other stores selling healthy food in identified high-need areas.
- Consider proactive steps that can build toward attracting a grocery store developer/business owner—such as assessing potential business locations, identifying and building relationships with potential retailers, gathering consumer data that a grocery store operator may need to consider a store opening, and offering public financial support and other incentives.
- Build relationships with people working on this issue at the state-wide level to take advantage of resources they can offer and learn about potential changes and improvements.

POLICY II

[Local government] will identify mechanisms for supporting existing grocery stores, while encouraging upgrades in the prominence and marketing of the healthy foods they offer.

- Consider strategies similar to the Small Food Market strategies (discussed on the next page), to help existing stores upgrade the prominence and attractiveness of their healthy food offerings.
- Consider extending local government financial support for existing store expansion, remodeling, or equipment upgrades.

THINGS TO CONSIDER

- Strong partnerships between local government and other stakeholders and advocates are important for bringing needed energy to the complex issues of attracting a grocery store and make for stronger customer support after opening.
- Because of its many benefits to the public, the development of a grocery store can justify public financial support, but only where the store will generate sufficient sales to cover operating expenses.
- Small towns and rural regions of Minnesota are particularly vulnerable. Many already lack adequate access to grocery stores. Furthermore, many small town grocers will retire in the next five years; over 70% of them report having no succession plan in place.
- Industry-specific market research may be needed to assess the viability of, and need for, a new grocery store in a given location.
- Grocery store experience is hard-won. An experienced owner or manager of a successful store in a comparable location might be a good candidate for opening a store locally.

SMALL FOOD MARKETS SAMPLE PLAN LANGUAGE

POLICY III

[Local government] will play a proactive partnership role in efforts to support the efforts of small food stores to sell more healthy and fresh foods.

- Build constructive relationships with store owners, to foster improvements in healthy food offerings, as well as extending general assistance in business planning and technical support.
- Play a full partnership role in a coalition of civic, health-oriented, community organizations, and individuals who are interested in a small food store initiative.
- With the coalition, devote time to understanding the best practices for healthy food makeovers in small food stores.
- Offer funding to purchase equipment and merchandising options that provide appealing displays of healthy options.
- Consider the provision of financial or technical support to small food store businesses.
- Stay informed on corner store initiatives in peer cities and on emerging statewide initiatives and resources.
- Pursue relationships with small food store owners or convenience store chains outside of the community, who demonstrate a commitment to providing affordable, healthy food, and who may be willing to establish a store in a community.
- Consider a staple foods ordinance, which would require small food stores to sell a certain amount of basic food items including fruits and vegetables, whole grains, eggs, and dairy products.

THINGS TO CONSIDER

- Simply expecting small food stores to start stocking healthy and fresh food products is not effective in the long run. If the new food products don't benefit the business financially, they are not likely to be maintained over time. Step-by-step changes and ongoing support are critical.
- Effective training likely requires the engagement of a knowledgeable and energetic grocery store consultant.
- Fresh foods may require an innovative supply chain. Traditional suppliers for small food stores may require purchases of produce in large quantities that don't work for these stores.

Pollinators

Food Access Planning Guide: Pollinators, Page 39

POLLINATORS SAMPLE PLAN LANGUAGE

POLICY I

[Local government] will support property owners in the establishment and expansion of pollinator-friendly landscapes.

- Use local government communication outlets to educate and encourage city residents and property owners on improving pollinator-supportive practices.
- Take steps to link people to practical how-to resources, such as the best management practices information for yards, gardens and agricultural landscapes published by the Minnesota Department of Agriculture, Department of Natural Resources, and University Extension Services.
- Support the growth of organizations that educate property owners and communities on pollinator-friendly practices and facilitate their adoption.
- Establish or encourage low-cost distribution of pollinator-friendly plant seeds and landscape mixes.
- Review lawn maintenance ordinances to ensure that pollinator-friendly landscapes are not prohibited or overly restricted, while distinguishing between these landscapes and overgrown or unmaintained yards.
- Modify development and subdivision ordinances and review procedures to ensure that new townhome and single-family developments do not include association provisions preventing residents from installing pollinator friendly landscapes.

POLICY II

[Local government] will review management of locally owned public land, and take steps to increase its contribution to pollinator health.

- Inventory municipal land such as parks, rights of ways, municipal facility properties, and drainage ditches to identify existing pollinator-friendly landscapes. Assess their quality for pollinator habitat and identify opportunities for adding new areas of pollinator-friendly landscape. Establish demonstration projects with signage to educate the public.
- Take progressive steps to revise property management practices to increase the land area and improve the quality of landscapes for pollinator habitat.
- Provide staff training in best management practices for the development and maintenance of pollinator-friendly landscapes.
- Adopt city practices that reduce or eliminate the use of systemic pesticides, including neonicotinoids, on publicly owned and managed land.



READ MORE ABOUT THE TOPIC

Pollinator Friendly Parks

www.nrccs.org/wp-content/uploads/2009/05/pollinator_friendly_parks_21ed_nrccs_society.pdf

THINGS TO CONSIDER

- Residents will need to adopt to new aesthetic approaches to landscaping, which may require a period of communication and education.
- Cities and counties can create new pollinator habitats by establishing new landscapes along roads and utilities easements they own and manage. Government maintenance staff will require training to manage these landscapes.
- New roadside landscapes must address important considerations related to maintaining driver sightlines and the accumulation of blowing trash.
- The time required to manage new landscapes matters.
- Reductions in pesticide use must be balanced against the risks to crop health from insect infestation.

APPENDIX K: SMART GROWTH AMERICA RANKING METHODOLOGY

Smart Growth America defines these two elements in the ranking methodology:

“9. Performance measures

Communities with Complete Streets policies can measure success a number of different ways, from miles of bike lanes to percentage of the sidewalk network completed to the number of people who choose to ride public transportation.

- *5 points: Policy includes at least one performance measure. A direction to create measures without naming any is credited in the next element, “Implementation steps.”*
- *0 points: Policy does not include any performance measures.*

....

10. Implementation steps

.... The Coalition has identified four key steps to take for successful implementation of a policy:

- 1. Restructure or revise related procedures, plans, regulations, and other processes to accommodate all users on every project.*
- 2. Develop new design policies and guides or revise existing to reflect the current state of best practices in transportation design. Communities may also elect to adopt national or state level recognized design guidance.*
- 3. Offer workshops and other training opportunities to transportation staff, community leaders, and the general public so that everyone understands the importance of the Complete Streets vision.*
- 4. Develop and institute better ways to measure performance and collect data on how well the streets are serving all users.*

Assigning oversight of implementation or requiring progress reports is a critical accountability measure, ensuring the policy becomes practice.

- *3 points: Policy specifies the need to take action on at least two of the four steps identified above.*
- *1 point: Policy includes at least one of the above four implementation steps.*
- *0 points: Policy does not include any implementation or accountability measures.*
- *1 additional point available: Policy identifies a specific person or advisory board to oversee and help drive implementation, or establishes a reporting requirement.*
- *1 additional point available: Policy changes the way transportation projects are prioritized.”¹³³*

APPENDIX L: BLOOMINGTON ALTERNATIVE TRANSPORTATION PLAN MAPS

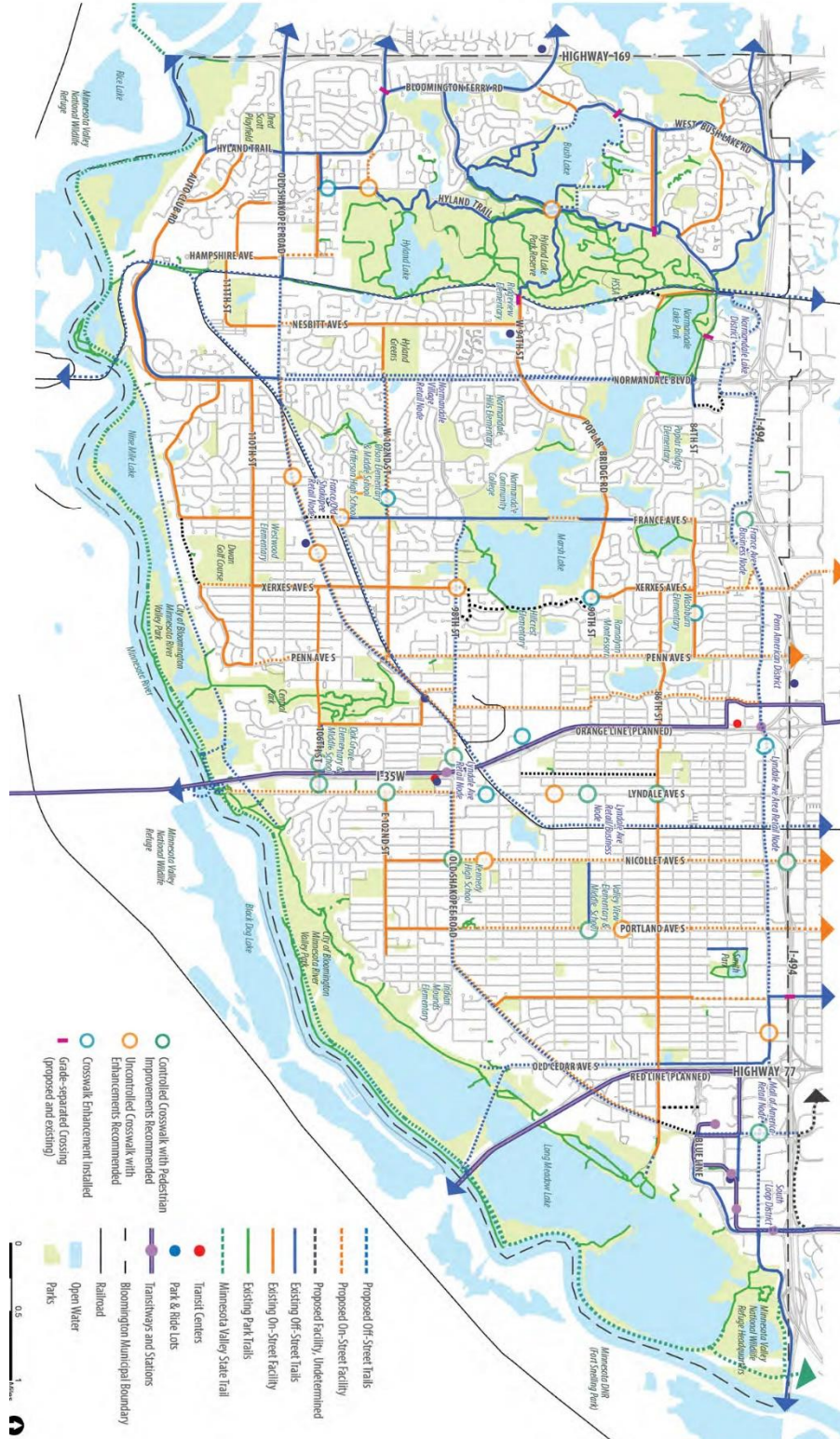


Figure 3-4: ATP System - By Facility Type



The ATP System defines the core network of regional trails, corridors, and local connections that will connect residents to key destinations in the City and adjoining communities. The destinations and key alternative transportation routes identified in



CITATIONS

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- ¹ MINN. STAT. § 28A.075.
- ² MINN. STAT. § 145A.07.
- ³ Minnesota Food Charter. Food Access Planning Guide, p. 6.
- ⁴ About, <http://mnfoodcharter.com/about/> (last visited May 14, 2015).
- ⁵ This analysis does not include the category of “eating” as local governments do not regulate this area as directly as the other areas identified.
- ⁶ Caitlin E. Caspi et al., The Local Food Environment and Diet: A Systematic Review, 18 Health Place 1172 (Sept. 2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3684395/>.
- ⁷ MINN. STAT. §§ 326B.101, 326B.41.
- ⁸ MINN. CONST., art. 13, § 7.
- ⁹ MINN. STAT. §§ 157.16, 28A.04; MINN. R. CH. 4626.
- ¹⁰ MINN. RULES CH. 4626.
- ¹¹ MINN. STAT. § 28A.152 (2015).
- ¹² MINN. STAT. § 28A.151 (2014).
- ¹³ MINN. STAT. § 326B (2016); MINN. R. 1303 (2015).
- ¹⁴ See Appendix C for specific ordinance language identified through key word research process.
- ¹⁵ See Appendix C for specific ordinance language identified through key word research process.
- ¹⁶ https://mn.gov/governor/assets/2016_08_25_EO_16-07_tcm1055-253931.pdf
- ¹⁷ Bloomington Municipal Code §12.91.
- ¹⁸ Bloomington Municipal Code § 10.38 a.
- ¹⁹ Bloomington Municipal Code § 10.38 a 2 A.
- ²⁰ Bloomington Municipal Code § 19.52.
- ²¹ <http://www.pollinatemn.org/pollinator-friendly-twin-cities/>
- ²² Fong, W., Weber, S. (September 4, 2016). Why urban beekeeping is a rising trend in major cities. PBS News Hour. Retrieved on 9/21/17 from online source: <http://www.pbs.org/newshour/bb/urban-beekeeping-rising-trend-major-cities/>.
- ²³ Bloomington, Minn., Zoning Code ch. 12, art. IV, § 12.116.01 (2017).
- ²⁴ Nolden, N., Wieland, B. (2017). Backyard Chicken Basics. Small Farms, University of Minnesota Extension. Retrieved on 9/21/17 from online source: <http://www.extension.umn.edu/food/small-farms/livestock/poultry/backyard-chicken-basics/>
- ²⁵ MRSC, (2015). Livestock and Other Farm Animals; Regulating Farm Animals in Residential Districts. Retrieved on 9/21/17 from online source: <http://mrsc.org/Home/Explore-Topics/Public-Safety/Licensing-and-Regulation/Animal-Control/Livestock-and-Other-Farm-Animals.aspx>
- ²⁶ Bloomington, Minn., Zoning Code ch. 21, art. III, § 21.302.05 (2015).
- ²⁷ MN Department of Agriculture, University of Minnesota Extension, (August, 2011). Sale of Locally Home or Farm Raised Poultry. Retrieved 5/30/17 from online source: <http://www.mda.state.mn.us/licensing/inspections/~media/Files/food/foodsafety/poulttrysales.ashx>
- ²⁸ Long Cheng-Hmong Livestock, <https://www.yellowpages.com/south-saint-paul-mn/mip/long-cheng-hmong-livestock-454421796>
- ²⁹ MN Department of Agriculture, (April, 2017). Minnesota State “Equal To” Plants. Retrieved from online source on 5/30/17 from <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg/state-inspection/equal2plants.aspx>
- ³⁰ MINN. STAT. §§28A, 157; MINN. R. 4626.0020.
- ³¹ MINN. R. 4626.0020.
- ³² MINN. STAT. §28A.152.
- ³³ MINN. STAT. §§28A, 157; MINN. R. 4626.0020.
- ³⁴ MINN. R. 4626.0020.
- ³⁵ MINN. CONST., art. XIII, § 7; *Minnesota v. Hartmann*, 700 N.W.2d 449 (2005).
- ³⁶ Local Foods Advisory Committee, (March 2017). Selling Produce in Minnesota. Obtained on 10/31/2017 from online source: http://misadocuments.info/LFAC_local_produce.pdf.
- ³⁷ MINN. STAT. §28A.151.

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- ³⁸ United States Department of Agriculture. <https://www.usda.gov/oce/foodwaste/faqs.htm>
- ³⁹ Minnesota Pollution Control Agency. 2013 Statewide Waste Characterization. <https://www.pca.state.mn.us/sites/default/files/w-sw1-60.pdf>
- ⁴⁰ <http://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/documents/solid-waste-management-master-plan-board-briefing-july-2017.pdf?la=en>
- ⁴¹ <http://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/documents/solid-waste-management-master-plan-board-briefing-july-2017.pdf?la=en>
- ⁴² <http://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/documents/solid-waste-management-master-plan-board-briefing-july-2017.pdf?la=en>
- ⁴³ <http://www.hennepin.us/business/recycling-hazardous-waste/organics-recycling>
- ⁴⁴ <http://www.hennepin.us/residents/recycling-hazardous-waste/organics-recycling>
- ⁴⁵ <http://www.minneapolismn.gov/health/inspections/greentogo>
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- ⁴⁷ Minneapolis, Minn., Code § 204.30 (2017).
- ⁴⁸ Smart Growth America. (2017). *The Best Complete Streets Policies of 2016*.
- ⁴⁹ Minnesota Department of Transportation. (2016) *Minnesota Walks*.
- ⁵⁰ City of Bloomington Complete Streets Policy. Approved by City Council February 27, 2012.
- ⁵¹ Bloomington, Minnesota, Code of Ordinances §21.301.04
- ⁵² Meeting with Bloomington City Staff, 10/23/17.
- ⁵³ Bloomington, Minnesota, Code of Ordinances §8.01-02
- ⁵⁴ Allen, M., Measuring Vertical Property Tax Equity in Multifamily Property Markets, *Journal of Real Estate Research*, 2003, 25:2, 171-184. http://pages.jh.edu/jrer/papers/pdf/past/vol25n02/06.171_184.pdf.
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- ⁵⁶ Smart Growth America. (2017). *The Best Complete Streets Policies of 2016*.
- ⁵⁷ City of Bloomington Complete Streets Policy (2012).
- ⁵⁸ *Alternative Transportation Plan*. Sec. 4 p. 17
- ⁵⁹ Meeting with Bloomington City Staff 10/23/17
- ⁶⁰ Bloomington Alternative Transportation Plan, sec. 2 p. 13
- ⁶¹ City of Bloomington, Minnesota. (2016). *Alternative Transportation Plan*. Sec. 3 p. 4-5
- ⁶² City of Bloomington Complete Streets Policy (2012).
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- ⁶⁴ City of Bloomington Complete Streets Policy (2012).
- ⁶⁵ City of Edina. Pedestrian and Cyclist Safety (PACS Fund). <https://www.edinamn.gov/496/Pedestrian-Cyclist-Safety-PACS-Fund>
- ⁶⁶ *Alternative Transportation Plan*. Sec. 4 p. 17
- ⁶⁷ Bloomington Municipal Code §21.205.05
- ⁶⁸ Bloomington Municipal Code §19.29.
- ⁶⁹ Bloomington Municipal Code §21.207.02
- ⁷⁰ Bloomington Municipal Code §21.207.01
- ⁷¹ Bloomington Municipal Code §21.204.03
- ⁷² Bloomington Municipal Code §19.40.09
- ⁷³ Bloomington Municipal Code §21.301.02: Structure Placement
- ⁷⁴ Bloomington Municipal Code §21.204.03
- ⁷⁵ Bloomington Municipal Code §19.29.
- ⁷⁶ Bloomington Municipal Code §21.203.09
- ⁷⁷ Bloomington Municipal Code §19.29.
- ⁷⁸ Bloomington Municipal Code §19.29.
- ⁷⁹ Bloomington Municipal Code §19.29.
- ⁸⁰ Bloomington Municipal Code §19.29.
- ⁸¹ Bloomington Municipal Code §19.29.
- ⁸² Bloomington Municipal Code §21.207.01.
- ⁸³ Bloomington Municipal Code §21.301.02: Structure Placement
- ⁸⁴ Bloomington Municipal Code §21.207.02
- ⁸⁵ Bloomington Municipal Code §21.207.02
- ⁸⁶ Bloomington Municipal Code §21.301.02: Structure Placement

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- ⁸⁷ Bloomington Municipal Code §21.204.03: Neighborhood Commercial Center (B-4) District
- ⁸⁸ Bloomington Municipal Code §19.40.09.
- ⁸⁹ Bloomington Municipal Code §§21.205.05; 21.301.02: Structure Placement.
- ⁹⁰ Bloomington Municipal Code §21.205.05
- ⁹¹ Bloomington Municipal Code §21.501.04 Conditional Use Permits.
- ⁹² Bloomington Municipal Code §21.301.05
- ⁹³ Minneapolis Code of Ordinances Ch. 551, Art. II: Pedestrian Oriented Overlay District.
- ⁹⁴ Hennepin County 2040 Bicycle Transportation Plan (2015), pg. 14
- ⁹⁵ Bloomington Alternative Transportation Plan, sec. 3 p. 21
- ⁹⁶ Bloomington Municipal Code §19.29
- ⁹⁷ Bloomington Municipal Code §21.302.02, §21.302.09, §21.301.06
- ⁹⁸ MINN. STAT. Chapter 168C. Bicycle Registration <https://www.revisor.mn.gov/statutes/?id=168C&view=chapter>
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- ¹⁰¹ Information from Amy Marohn, Bloomington Civil Engineer, December 2017.
- ¹⁰² City of Bloomington, Traffic Calming for Bloomington Neighborhoods Local Streets. 2009. https://bloomingtonmn.gov/sites/default/files/media/traffic_calming_policy.pdf.
- ¹⁰³ City of Bloomington, Traffic Calming for Bloomington Neighborhoods Local Streets p. 6. 2009.
- ¹⁰⁴ City of Bloomington, Traffic Calming for Bloomington Neighborhoods Local Streets p. 10. 2009.
- ¹⁰⁵ City of Bloomington, Traffic Calming for Bloomington Neighborhoods Local Streets p. 10. 2009.
- ¹⁰⁶ City of Bloomington, Traffic Calming for Bloomington Neighborhoods Local Streets p. 10. 2009.
- ¹⁰⁷ City of Bloomington, Traffic Calming for Bloomington Neighborhoods Local Streets p. 10. 2009.
- ¹⁰⁸ City of Bloomington, Traffic Calming for Bloomington Neighborhoods Local Streets p. 12. 2009.
- ¹⁰⁹ City of Bloomington, Traffic Calming for Bloomington Neighborhoods Local Streets p. 7. 2009.
- ¹¹⁰ Information from Amy Marohn, Bloomington Civil Engineer, December 2017.
- ¹¹¹ MINN. STAT. §§169.14, Subd. 2. Speed Limits; §169.011, Subd. 64. Residential roadway; §160.263, Subd. 4. Speed on street with bicycle lane.
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- ¹¹³ Bicycle Friendly Communities. League of American Bicyclists. <http://bikeleague.org/community>.
- ¹¹⁴ Bicycle Friendly Communities. League of American Bicyclists. <http://bikeleague.org/community>.
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- ¹¹⁶ Smart Growth America. (2017). *The Best Complete Streets Policies of 2016*.
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- ¹²² *Alternative Transportation Plan*. Sec. 4 p. 17.
- ¹²³ National League of Cities Sustainable Cities Institute, (2013). Urban Agriculture Policies: City of Cleveland, Ohio. Retrieved on 8/24/17 from online source: <http://www.sustainablecitiesinstitute.org/topics/food-systems/urban-agriculture/urban-agriculture-policies-city-of-cleveland-ohio>.
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¹²⁹ MN Department of Agriculture, University of Minnesota Extension, (August, 2011). Sale of Locally Home or Farm Raised Poultry. Retrieved 5/30/17 from online source:

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¹³⁰ Minneapolis, Minn., Code §225.920 (2017).

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