

ORDINANCE NO. 2026-03

AN ORDINANCE ESTABLISHING A DEFINITION FOR ART STRUCTURE, ALLOWING ART STRUCTURES TO ENCROACH INTO SETBACKS IN RESIDENTIAL AND NONRESIDENTIAL ZONING DISTRICTS, ALLOWING FOR A LANDSCAPE REQUIREMENT REDUCTION FOR INSTALLATION OF ART STRUCTURES, PROVIDING A PARKING REQUIREMENT INCENTIVE FOR INSTALLATION OF ART STRUCTURES, AND ADDING MURALS AS AN EXCEPTION TO THE WINDOW REQUIREMENT IN MIXED USE DISTRICTS, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

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

Section 1. That Chapter 21 of the City Code is hereby amended by deleting those words within brackets and ~~stricken through~~ and adding those words that are underlined, to read as follows:

CHAPTER 21: ZONING AND LAND DEVELOPMENT

ARTICLE III: DEVELOPMENT STANDARDS

DIVISION A: GENERAL STANDARDS

§ 21.301.02 STRUCTURE PLACEMENT.

(g) *Encroachments.* Selected site features and equipment are allowed to encroach into the required setback area to the extent specified below.

(4) *In residential zoning districts (R-1A, R-1, RS-1, R-4, RM-12, RM-24, RM-50, and RM-100).*

(O) Art structures 15 feet or less in height may encroach into a required front setback and into a required side or rear yard setback provided a minimum front setback of 10 feet and rear and side setbacks of 5 feet are provided. Art structures must be maintained in good repair and appearance by the property owner and must not be installed or maintained in such a fashion so as to constitute a dangerous or hazardous condition.

(5) *In nonresidential zoning districts.*

(G) Art structures 30 feet or less in height may encroach into a required front setback and into a required side or rear yard setback provided a minimum front setback of 10 feet and rear and side setbacks of 5 feet are provided. Art structures must be maintained in good repair and appearance by the property owner and must not be installed or maintained in such a fashion so as to constitute a dangerous or hazardous condition.

§ 21.301.03 STRUCTURE DESIGN.

(b) *Additional structure design standards for Mixed Use Districts.* To provide an attractive street-level environment that promotes pedestrian activity, comfort and public safety in the B-4, C-5 and LX zoning districts, buildings fronting on a public or private street must meet additional design standards as described below. The highest design standards must be provided on the street front intended for the highest pedestrian-orientation; this is the primary façade. The Issuing Authority will determine which elevation is considered to be the primary façade. All other street frontages are considered to be secondary facades.

(1) *Windows.* The ground level portion of a building façade between two feet and ten feet above grade must consist of:

(D) *Exceptions.* Where the Issuing Authority determines that meeting the minimum window requirement is not practical due to location of loading, storage, “back of house” operations, or other structural impediments, the area of windows required in this section may be substituted with an equivalent area comprised of at least two of the following enhancements to the ground level portion of a building façade between two feet and ten feet above grade:

(iii) *Permanent art.* Originally designed and constructed~~[Non-commercial art]~~ mural or art structure~~[graphic design]~~ that complies with the following standards:

- (aa) Is of sufficient scale and orientation to be perceived from the public right-of-way;
- (bb) Is rendered in materials or media appropriate to an exterior, urban environment;
- (cc) Is permanently integrated into or immediately adjacent to the building wall; and
- (dd) Complies with all applicable safety and maintenance requirements.

§ 21.301.06 PARKING AND LOADING.

(e) *Parking reduction flexibility measures.* The number of required off-street parking spaces, as specified in subsection (d) above, except for single-family and two-family residential off-street parking, may be reduced through the following flexibility measures when the applicant demonstrates in documented form that parking demand will likely be less than required by this chapter. The City entity empowered to approve each parking flexibility measure is noted below.

(8) *Permanent art.* To support the City's creative placemaking efforts, the issuing authority may grant a reduction of up to ten percent or ten parking spaces, whichever is less, in the number of off-street parking spaces required in subsection (d) for multifamily residential buildings or nonresidential buildings that provide an art structure on their property, provided:

- (A) The art structure is of sufficient scale and orientation to be perceived from the public right-of-way, as determined by the Planning Manager;
- (B) The art structure is rendered in materials or media appropriate to an exterior, urban environment; and
- (C) The art structure complies with all applicable safety and maintenance requirements.

§ 21.301.15 LANDSCAPING AND SCREENING.

(c) *Landscaping standards.*

(2) *Minimum number of trees and shrubs.*

(E) *Exceptions:*

(iii) In mixed use districts (B-4, C-5, LX) the number of trees and shrubs required in this section may be reduced by up to 25 percent; [and]

(iv) *Fee in lieu of planting.* If landscape planting at required levels results in overcrowding of vegetation due to site constraints, the property owner may reduce the number of proposed trees and/or shrubs on the site at the sole discretion of the City Council; provided a cash fee is deposited into a city designated fund that matches the cost differential between the planting required by this provision and the vegetation actually planted on the site as specified in the *Landscaping and Screening Policies and Procedures* document^[-]; and

(v) Art structures as defined in §21.601 that are located within the developable landscaping area and visible from the public right-of-way are eligible for a reduction of up to 25 percent of the minimum shrub planting requirement. The amount of the shrub planting reduction must be proportional to the scale or value of the art structure(s), as determined by the issuing authority.

(4) *Minimum landscape yard.* An area for landscaping, kept free of parking, storage or storm water ponds, must be provided around the perimeter of a site.

(B) Elements permitted in landscape yard:

- (i) Rain gardens included in an approved landscape plan;
- (ii) Sidewalks, bus shelters and entrance drives;[~~and~~]
- (iii) Buildings when otherwise allowed by the city code[~~;~~]; and
- (iv) Art structures.

ARTICLE VI: DEFINITIONS

§ 21.601 DEFINITIONS.

ARCHITECTURAL METAL PANEL SYSTEMS. A set of metal panels working together to create a building's exterior wall as part of the building envelope. Metal panels used in an ***ARCHITECTURAL METAL PANEL SYSTEM*** can include single skin metal panels, metal composite material (MCM) metal panels and insulated metal panels. All panels must have a minimum 30-year manufacturer's warranty and an appropriate gauge as approved by the Planning Manager.

ART STRUCTURE. A three-dimensional freestanding structure of original design and construction that is primarily intended for artistic, cultural, or symbolic expression rather than functional use or commercial use or expression. An art structure may include, but is not limited to, permanent sculptures or other three-dimensional forms.

ARTIFICIAL ILLUMINATION. Any light which is produced by a mechanical means.

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

Passed and adopted this 2nd day of February, 2026.

/s/ Tim Busse

Mayor

ATTEST:

/s/ Priyanka Rai

Secretary to the Council

APPROVED:

/s/ Melissa Manderschied

City Attorney